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SITTING DAYS—2015

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<td>December</td>
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- MELBOURNE  1026AM
- PERTH  585AM
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FORTY-FOURTH PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

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

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

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

Printed by authority of the Senate
<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
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<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
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<td>30.6.2017</td>
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<td>Back, Christopher John</td>
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<td>Bernardi, Cory</td>
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<td>Colbeck, Hon. Richard Mansell</td>
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<tr>
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<td>McKim, Nicholas James(5)</td>
<td>TAS</td>
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<td>Moore, Claire Mary</td>
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<td>Muir, Ricky Lee</td>
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<td>Nash, Hon. Fiona Joy</td>
<td>NSW</td>
<td>30.6.2017</td>
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Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives

<table>
<thead>
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<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
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<tr>
<td>Gallagher, K.</td>
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<td>Scullion, N. G.</td>
<td>ACT</td>
<td>30.6.2017</td>
<td>LP</td>
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</tbody>
</table>

(1) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr), pursuant to section 15 of the Constitution.

(2) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice J Faulkner), pursuant to section 15 of the Constitution.

(3) Chosen by the Australian Capital Territory Legislative Assembly to fill a casual vacancy (vice K. Lundy), pursuant to section 15 of the Constitution.

(4) Chosen by the Parliament of Queensland to fill a casual vacancy (vice B. Mason), pursuant to section 15 of the Constitution.

(5) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice C. Milne), pursuant to section 15 of the Constitution.

(6) Chosen by the Parliament of South Australia to fill a casual vacancy (vice P Wright), pursuant to section 15 of the Constitution.
PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party;
AMEP—Australian Motoring Enthusiast Party; CLP—Country Liberal Party;
FFP—Family First Party; IND—Independent, LDP—Liberal Democratic Party;
LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; PUP—Palmer United Party

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

<table>
<thead>
<tr>
<th>Title</th>
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<tbody>
<tr>
<td>Prime Minister</td>
<td>Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator Hon Nigel Scullion</td>
</tr>
<tr>
<td>Minister for Women</td>
<td>Senator Hon Arthur Sinodinos AO</td>
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<tr>
<td>Cabinet Secretary</td>
<td>Senator Hon Michaelia Cash</td>
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<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator Hon Michaelia Cash</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Digital Government</td>
<td>Senator Hon Mitch Fifield</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Counter Terrorism</td>
<td>Hon Michael Keenan MP</td>
</tr>
<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>Hon Alan Tudge MP</td>
</tr>
<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>Senator Hon James McGrath</td>
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<tr>
<td>Assistant Minister for Productivity</td>
<td>Hon Dr Peter Hendy MP</td>
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<tr>
<td>Assistant Cabinet Secretary</td>
<td>Senator Hon Scott Ryan</td>
</tr>
<tr>
<td>Minister for Infrastructure and Regional Development</td>
<td>Hon Warren Truss MP</td>
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<tr>
<td>(Deputy Prime Minister)</td>
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<tr>
<td>Minister for Resources, Energy and Northern Australia</td>
<td>Hon Josh Frydenberg MP</td>
</tr>
<tr>
<td>Minister for Territories, Local Government and Major Projects</td>
<td>Hon Paul Fletcher MP</td>
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<tr>
<td>Assistant Minister to the Deputy Prime Minister</td>
<td>Hon Michael McCormack MP</td>
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<tr>
<td>Minister for Trade and Investment</td>
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<tr>
<td>Minister for International Development and the Pacific</td>
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<tr>
<td>Minister for Tourism and International Education</td>
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<tr>
<td>Assistant Minister for Multicultural Affairs</td>
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<tr>
<td>Attorney-General</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<tr>
<td>Minister for Justice</td>
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<tr>
<td>Assistant Minister for Multicultural Affairs</td>
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<tr>
<td>Treasurer</td>
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<td>Minister for Small Business</td>
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<td>Assistant Treasurer</td>
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<tr>
<td>Assistant Minister to the Treasurer</td>
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<tr>
<td>Minister for Finance</td>
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<tr>
<td>(Deputy Leader of Government in the Senate)</td>
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<tr>
<td>Special Minister of State</td>
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<tr>
<td>Minister for Agriculture and Water Resources</td>
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<tr>
<td>Assistant Minister for Agriculture and Water Resources</td>
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<tr>
<td>Minister for Industry, Innovation and Science</td>
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<tr>
<td>(Leader of the House)</td>
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<td>Assistant Minister for Science</td>
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<td>Assistant Minister for Innovation</td>
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Hon Julie Bishop MP
Hon Andrew Robb AO MP
Hon Steven Ciobo MP
Senator Hon Richard Colbeck
Senator Hon Richard Colbeck
Hon Michael Keenan MP
Senator Hon Concetta Fierravanti-Wells
Hon Scott Morrison MP
Hon Kelly O’Dwyer MP
Hon Kelly O’Dwyer MP
Hon Alex Hawke MP
Senator Hon Mathias Cormann
Hon Mal Brough MP
Senator Hon Anne Ruston
Hon Christopher Pyne MP
Hon Josh Frydenberg MP
Hon Karen Andrews MP
Hon Wyatt Roy MP
Senator Hon Concetta Fierravanti-Wells
<table>
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<tr>
<th>Title</th>
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<tr>
<td>Minister for the Environment</td>
<td>Hon Greg Hunt MP</td>
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<tr>
<td>Minister for Cities and the Built Environment</td>
<td>Hon Jamie Briggs MP</td>
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<tr>
<td><strong>Minister for Health</strong></td>
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<tr>
<td>Assistant Minister for Health</td>
<td>Hon Sussan Ley MP</td>
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<tr>
<td><strong>Minister for Sport</strong></td>
<td>Hon Sussan Ley MP</td>
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<tr>
<td>Minister for Rural Health</td>
<td>Senator Hon Fiona Nash</td>
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<tr>
<td><strong>Minister for Defence</strong></td>
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<tr>
<td>Minister for Veterans’ Affairs</td>
<td>Senator Hon Marise Payne</td>
</tr>
<tr>
<td>Assistant Minister for the Centenary of ANZAC</td>
<td>Hon Stuart Robert MP</td>
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<tr>
<td>Minister for Defence Materiel and Science</td>
<td>Hon Mal Brough MP</td>
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<tr>
<td>Assistant Minister for Defence</td>
<td>Hon Darren Chester MP</td>
</tr>
<tr>
<td><strong>Minister for Communications</strong></td>
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<tr>
<td><strong>Minister for the Arts</strong></td>
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<tr>
<td>(Manager of Government Business in the Senate)</td>
<td>Senator Hon Mitch Fifield</td>
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<tr>
<td><strong>Minister for Employment</strong></td>
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<tr>
<td><strong>Minister for Social Services</strong></td>
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<td>Minister for Human Services</td>
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<td><strong>Minister for Education and Training</strong></td>
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<tr>
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<tr>
<td>Minister for Tourism and International Education</td>
<td>Senator Hon Richard Colbeck</td>
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</tbody>
</table>

Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases. Assistant Ministers in italics are designated as Parliamentary Secretaries under the *Ministers of State Act 1952*. 
<table>
<thead>
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<td>Leader of the Opposition</td>
<td>Hon. Bill Shorten MP</td>
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<tr>
<td>Shadow Minister Assisting the Leader for Science</td>
<td>Senator Hon. Kim Carr</td>
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<tr>
<td>Shadow Minister Assisting the Leader for Small Business</td>
<td>Hon. Bernie Ripoll MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Small Business</td>
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<tr>
<td>Shadow Cabinet Secretary</td>
<td>Senator Hon. Jacinta Collins</td>
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<td>Hon. Michael Danby MP</td>
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<tr>
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<td>Shadow Minister for Women</td>
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<td>Senator Hon. Penny Wong</td>
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<tr>
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<td>Hon. David Feeney MP</td>
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<tr>
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<td>Gai Brodman MP</td>
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<tr>
<td>Shadow Minister for Infrastructure and Transport</td>
<td>Hon. Anthony Albanese MP</td>
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<td>Shadow Minister for Cities</td>
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<tr>
<td>Shadow Minister for Tourism</td>
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<tr>
<td>Shadow Minister for Regional Development and Local Government</td>
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<tr>
<td>Shadow Parliamentary Secretary for Regional Development and Infrastructure</td>
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Tuesday, 24 November 2015

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

DOCUMENTS

Tabling

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

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

COMMITTEES

Environment and Communications Legislation Committee

Meeting

The Clerk: A proposal to meet has been lodged as follows:

Environment and Communications Legislation Committee—public meeting during the sitting of the Senate on Monday, 30 November 2015, from 7.30 pm, for the committee’s consideration of the 2015-16 supplementary Budget estimates.

The PRESIDENT (12:31): Does any senator wish to have that question put? There being no-one, we will proceed to business.

BILLS

Corporations Amendment (Streamlining of Future of Financial Advice) Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator DASTYARI (New South Wales) (12:31): The Labor Party will be supporting the passage of the Corporations Amendment (Streamlining of Future of Financial Advice) Bill 2014 through this place. I want to provide a bit of context and background as to how we have come to where we are on this.

In this bill we are looking at a series of well-negotiated, bipartisan suggestions and proposals on how implementation of the FoFA reforms of previous years can be improved in a practical, sensible and reasonable manner. I want to acknowledge the work that the Hon. Kelly O'Dwyer, the Minister for Small Business and Assistant Treasurer, has done in bringing these together in conjunction with Dr Jim Chalmers, the shadow minister from the Labor Party looking after financial services. Together they have been able to craft what is really a bipartisan series of proposals and changes that really clean up some of the more practical components of how this legislation is and has been implemented.

Mr President, as I am sure you no doubt recall, the provision of financial advice and the law surrounding that has been a very contentious issue over recent years. It has been before this chamber several times and, I am sure you recall, there was a very large debate regarding the disallowance of a series of regulations that were implemented by the last government. In
the past year, we have had a series of different government ministers responsible for this area. In particular, when we were having that debate, it was Senator Sinodinos and then Senator Cormann. I note that since that time the Hon. Josh Frydenberg has also had that role, and now it is the Hon. Kelly O'Dwyer.

The industry has been crying out for certainty and it has been crying out to make sure there is one fixed set of rules. Different people in this chamber at different times have had some very different views on what these laws should be, how these laws should be implemented and what the standard for the provision of financial advice should be—particularly the role that the FoFA reforms implemented by the Labor government performed. Following the end of that debate last year, I think there was an acknowledgement from the government—rightly so, I believe—that the biggest mistake we can make now is having a long debate that provides uncertainty to the industry about what the standard is and what the requirements are going to be.

The government, at that point, turned around and said, 'As far as we're concerned, we had a different view than this parliament and certainly a different view than the Senate chamber.' They were looking to make some reforms that were not supported and were disallowed. That being said, there are still some minor reforms that can and should happen to provide practical certainty to the industry, also acknowledging that with any large piece of legislation like FoFA there are going to be implementation challenges.

I have to say the government has been true to its word. I know that, while ideologically there are certain members of the government that have come to the financial advice debate with different views, broadly they accepted that the debate had been settled and this legislation represents a consensus view that, while we may disagree on some of the bigger issues around financial advice, we can work together at a practical level to fix some of the minor challenges and make sure there is a level of certainty there for the industry.

I acknowledge the work that the PJC also has been doing in this space in relation to the provision of financial advice. The committee that I have been involved with, the Senate economics committees—both references and legislation—have also played a fairly sizeable role at different points in this debate.

There are still some challenges within the industry. I note that the PJC is looking at the education standards and has done some amazing work in setting them and working with industry to do that. I note that the Senate Economics References Committee is still going through a process, through the scrutiny of financial advice inquiry, where we are looking at whether or not there should be some kind of a scheme of last resort. They are good debates to have. There is a difference of views in this chamber, and that is all healthy; but what we do not want is to be going right back to the drawing board again for the provision of financial advice.

These are practical, simple, sensible changes to the existing legislation to provide certainty to the industry. That is why the Labor Party will be supporting the bill.

Senator WHISH-WILSON (Tasmania) (12:36): I rise to speak on the Corporations Amendment (Streamlining of Future of Financial Advice) Bill 2014. What a difference a day makes. In the Senate yesterday Senator Wong put on an academy-award-winning performance about the Greens doing a deal with the government over a water register and an
agricultural land register. The Greens have played a very important role in this debate in this country in recent times. I was part of the Senate inquiry into the FoFA changes and played an active role in the allowance motions. But today we have been given 40 minutes notice to look at the detail of what is a very complex subject. We have been given 40 minutes notice to look at a number of changes to the bill. We have seen a number of measures in the bill removed. We have seen amendments to the bill—some minor but some very technical. We have seen a set of legislation that is a totally different from what we have been debating in this parliament in recent months. So Labor are happy to come in here and lambast the Greens and the government for doing a deal, but today they are doing exactly the same thing.

It is disappointing that we were not given more of a heads-up so that we could at least have a closer look at this detail. I do not have anything to speak on because I have not had a chance to look at it—and nor have Senator Xenophon or Senator Madigan; they both had to drop off the speakers list because they have had no time to prepare for this. It is really quite pathetic, considering how important this legislation is. But let me say that Labor have done a lot of work on FoFA in the last three or four years. It is their law and the measures we are debating here today have been put into parliament by the Labor Party over a long period of time. They rightly should play an active role in this legislation and any changes go forward. I recognise that and I want to get that on the record. But it is disrespectful to the rest of us in the Senate that we have had no time to look at this. We have had no time to consider it. We have had no time to speak to stakeholders about it. In my opinion, this is a very direct attempt to cut us out of the debate. On that basis, the Greens do want to participate and we will ask some questions in the committee stage so that we can get some answers on this.

These laws are critically important. We have seen a number of scandals in financial advice in this country in recent years. A lot of things have come to the surface and there has been a lot of murky water. The legislation that we are dealing with today is absolutely crucial to restoring the 'advice' back into the financial advice industry and getting more Australians to seek financial advice. I think that is a good thing. The more Australians educated around the potential risks and opportunities in financial advice the better. We want to see a financial advice industry that transitions to being a lot more professional and accredited with higher standards. And I think that is what the industry wants. This legislation is critically important to restoring faith and confidence in the financial advice industry and helping the industry to prosper and boom.

I have worked with the FoFA committee stage. I have worked with a number of financial planners in my home state of Tasmania. This is something I have taken very seriously. I am really disappointed that we have had 40 minutes notice on what is before us today and we have not had a chance to consider it. The Senate is a house for reviewing legislation, but that is not going to be possible today because we have not had a heads-up.

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (12:41): I thank those senators who have contributed to this debate. I would also like to acknowledge and thank Dr Chalmers, Mr Bowen and Mr Ripoll for working with the government to help facilitate bipartisan support for the government amendments to this bill that will be moved shortly. This bill seeks to deal with a number of minor and uncontentious technical refinements to the FoFA regulatory regime, which is
designed to ensure that we minimise the level of the compliance burden without reducing the important and necessary consumer protections in place in the context of the financial advice industry. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (12:42): I table a supplementary explanatory memorandum relating to government amendments to be moved to this bill.

Senator WHISH-WILSON (Tasmania) (12:43): One of the amendments to the bill is said to be minor and technical but I want an explanation from the minister as to why the time for fee recipients to provide renewal opt-in notices to retail clients is extended from 30 days after the client's renewal notice day to 60 days. Why was that time frame doubled as an amendment in this bill?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (12:44): It is because, in the judgement of the government and this is a position that is supported, I believe, by the opposition in a bipartisan fashion, that is a more appropriate and practically more realistic timetable.

While I am on my feet, I have already flagged in my second reading speech that the government intends to move a series of technical amendments, and Senator Whish-Wilson has already started to debate those amendments, so I seek leave to move together all of the amendments, from (1) to (29) on sheet GU108.

Leave granted.

Senator CORMANN: On behalf of the government, I move amendments (1) to (29) on sheet GU108:


(2) Schedule 1, items 1A to 1J, page 3 (line 4) to page 6 (line 23), to be opposed.

(3) Schedule 1, items 3 to 5, page 7 (lines 1 to 6), to be opposed.

(4) Schedule 1, item 6, page 7 (lines 7 and 8), to be opposed.

(5) Schedule 1, items 7 to 11, page 7 (lines 9 to 21), to be opposed.

(6) Schedule 1, item 12, page 8 (line 13), omit "paragraphs (2)(b), (ba) and (c)", substitute "paragraphs (2)(a), (b) and (c)".

(7) Schedule 1, item 12, page 8 (line 19), omit "paragraphs (2)(b), (ba) and (c)", substitute "paragraphs (2)(a), (b) and (c)".

(8) Schedule 1, items 13 and 14, page 8 (lines 20 to 33), to be opposed.

(9) Schedule 1, item 15, page 9 (lines 3 to 6), to be opposed.

(10) Schedule 1, items 17 to 20, page 9 (line 25) to page 10 (line 5), to be opposed.
(11) Schedule 1, items 21 and 22, page 10 (lines 10 to 13), omit the items, substitute:

21 Subsection 962K(1)

Omit "30 days", substitute "60 days".

22 Subsection 962S(1)

Omit "within a period of 30 days", substitute "before the end of a period of 60 days".

(12) Schedule 1, items 24 to 27, page 10 (line 19) to page 11 (line 2), to be opposed.

(13) Schedule 1, item 28, page 11 (lines 5 to 8), omit the example.

(14) Schedule 1, item 29, page 11 (line 20) to page 13 (line 29), omit the item, substitute:

29 At the end of section 963B (after the note)

Add:

(4) The regulations may prescribe circumstances in which, despite a provision of this section, all or part of a benefit is to be treated as conflicted remuneration.

Note: The expression \textit{intrafund advice} is often used to describe financial product advice given by a trustee (or an employee of, or another person acting under arrangement with, the trustee) of a regulated superannuation fund to its members, where that advice is not of a kind to which the prohibition in section 99F of the \textit{Superannuation Industry (Supervision) Act 1993} applies. (Section 99F of that Act prohibits trustees of regulated superannuation funds from passing on the cost of providing certain kinds of financial product advice in relation to one member of the fund to another.)

(15) Schedule 1, items 30, 31 and 32, page 13 (line 30) to page 14 (line 2), to be opposed.

(16) Schedule 1, item 34, page 14 (lines 7 to 18), omit the item, substitute:

34 Section 963C

Before "Despite", insert "(1)".

34A At the end of section 963C

Add:

(2) The regulations may prescribe circumstances in which, despite subsection (1), all or part of a benefit is to be treated as conflicted remuneration.

(17) Schedule 1, item 35, page 15 (line 10), omit "personal advice", substitute "financial product advice".

(18) Schedule 1, item 35, page 15 (lines 15 to 24), omit subsections 963D(3) and (4), substitute:

(3) The regulations may prescribe circumstances in which, despite subsection (2), all or part of a benefit is to be treated as conflicted remuneration.

(19) Schedule 1, items 36, 37 and 38, page 15 (line 25) to page 17 (line 12), to be opposed.

(20) Schedule 1, items 39 and 40, page 17 (lines 13 to 16), to be opposed.


(22) Schedule 1, item 43, page 18 (lines 7 and 8), omit "Corporations Amendment (Streamlining of Future of Financial Advice) Act 2014", substitute "Corporations Amendment (Financial Advice Measures) Act 2015".

(23) Schedule 1, item 43, page 18 (lines 9 to 23), section 1531AA to be opposed.
(24) Schedule 1, item 43, page 18 (lines 25 to 27), omit "The amendments made by items 7 to 16 of Schedule 1 to the Corporations Amendment (Streamlining of Future of Financial Advice) Act 2014", substitute "The amendments made by items 12, 14A and 16 of Schedule 1 to the Corporations Amendment (Financial Advice Measures) Act 2015".

(25) Schedule 1, item 43, page 19 (lines 2 to 4), omit "The amendments made by items 17 to 21 and items 39 and 40 of Schedule 1 to the Corporations Amendment (Streamlining of Future of Financial Advice) Act 2014 apply", substitute "The amendment made by item 21 of Schedule 1 to the Corporations Amendment (Financial Advice Measures) Act 2015 applies".

(26) Schedule 1, item 43, page 19 (line 11), omit "for pre-existing clients".

(27) Schedule 1, item 43, page 19 (lines 12 to 14), omit "The amendment made by item 22 of Schedule 1 to the Corporations Amendment (Streamlining of Future of Financial Advice) Act 2014 applies", substitute "The amendments made by items 20A, 20B and 22 of Schedule 1 to the Corporations Amendment (Financial Advice Measures) Act 2015 apply".


(29) Schedule 1, item 43, page 19 (lines 24 to 30), section 1531F to be opposed.

These are agreed refinements aimed at improving the operations of FoFA and alleviating a number of unintended consequences that have arisen since the FoFA laws were legislated.

Senator Dastyari and Senator Whish-Wilson would well know that this piece of legislation, the broader FoFA regulatory arrangements, have a long history, particularly in the Senate. Both senators have been in much of that, along the way. As a result of the disallowance of a previous set of FoFA related regulations some further regulations were made, on a bipartisan basis, to deal with some of the necessary improvements, which have bipartisan support.

This bill now enshrines these things as appropriate into legislation. These amendments remove measures in the 2014 bill that do not have broader parliamentary support. These amendments include an extension of the time frame for advisers to send renewal opt-in notices to retail clients and fee-disclosure statements to pre-1 July 2013 clients from 30 to 60 days. The bill already extends the time frame for financial advisers to deliver fee-disclosure statements to their post-1 July 2013 clients. The amendments bring the time frames for providing these documents in line with each other.

During consultation, a number of stakeholders supported the extension of the time frames for fee recipients to provide their statements. I noted that the 30-day time frame was not long enough to properly prepare and quality-assure these documents, particularly as information is usually needed to be sourced from third parties. The extension of the time frame will also be beneficial for consumers in ensuring they receive documentation that contains accurate information.

The amendments also amend the short title of the act—to the bill, at the moment, which hopefully will become the act, to the Corporations Amendment (Financial Advice) Measures Bill 2015. This change is reflective of the fact that the proposed amendments have substantially changed. They are, primarily, minor and technical in nature. The government is committed to ensuring that FoFA operates efficiently and effectively for all consumers and industry participants and, as I indicated in my summing-up speech, we particularly thank Dr
Jim Chalmers for his assistance in progressing these bipartisan refinements to FoFA in an efficient manner. With these few words, I commend these amendments to the committee.

Senator DASTYARI (New South Wales) (12:48): I just want to confirm that this correlates with my understanding that the amendments being proposed are only the amendments that were discussed in correspondence between the Hon. Kelly O'Dwyer and Dr Jim Chalmers. I have a letter in front of me that you may or may not have, referring to a letter on the 13th, saying that the government intends to table parliamentary amendments to the Senate in the week beginning 23 November and that they reflect the bipartisan agreement reached and there is nothing in these amendments outside of that. That is my understanding. I would like to get your confirmation.

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (12:49): Yes and no. Senator Dastyari asked me two questions. Yes, this reflects the agreement and no, there is nothing else in there.

Senator WHISH-WILSON (Tasmania) (12:49): Senator Cormann, you talked about alleviating a number of unintended consequences that have arisen since the original laws were legislated. Could you go into some more detail about what those unintended consequences are?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (12:51): Unless you have a specific inquiry, there were many unintended consequences. I will give you one example. It relates to things around catch-all phrases and best-interest duties, which have been removed from this bill and which I am quite glad about. I was just wondering if there was anything more specific that you could point to, in relation to the unintended consequences, in your statement.

Senator WHISH-WILSON (Tasmania) (12:51): You are absolutely right, Minister, I do remember the long and lengthy debates and conversations we had, in here, around this. The unintended consequences we talked about related to things I cannot see in this bill. In fact, they may relate to things around catch-all phrases and best-interest duties, which have been removed from this bill and which I am quite glad about. I was just wondering if there was anything more specific that you could point to, in relation to the unintended consequences, in your statement.

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (12:51): Unless you have a specific inquiry, there were many unintended consequences. I will give you one example. It relates to the way FoFA treats basic...
insurance products and non-cash payments. Essentially what we are proposing to do here is ensure that FoFA treats basic insurance products and non-cash payments consistently with other simple and well-understood financial products. There was an unintended consequence that the application of the previous FoFA regime went too far, and that is now widely accepted.

It also clarifies the intrafund advice provision to ensure it operates as originally intended and not in the broader way, essentially to avoid unintended consequences here too. It makes clear that the client pays exemption; it also applies in circumstances where benefit is paid by another party, as long as the payment is made out of the client's funds and the benefit is given at the direction of the client and with the client's clear consent.

So this is essentially a tidy-up bill, which I would have thought was pretty uncontentious.

The TEMPORARY CHAIRMAN (Senator Ketter): The question is that the following amendments be agreed to: (1), (6) and (7), (11), (13) and (14), (16) to (18), (21) and (22), and (24) to (28) on sheet GU108.

Question agreed to.

The TEMPORARY CHAIRMAN: The next question to be considered is that items 1A to 1J, 3 to 11, 13 to 15, 17 to 20, 24 to 27, 30 to 32, 36 to 40, and sections 1531AA and 1531F in item 43 of schedule 1 stand as printed.

Question negatived.

The TEMPORARY CHAIRMAN: Are there any other amendments to consider? As there appear to be none, the question now is that the bill, as amended, be agreed to. Senator Whish-Wilson?

Senator WHISH-WILSON (Tasmania) (12:56): Just before you move on, let me get on record that there very well may have been amendments that the Australian Greens would have put up to this, including the extension of 30 days to 60 days for opt-in. we did hear a lot of evidence during the inquiry that 30 days was sufficient time. Most financial planners and most financial advisers, have good databases; the information systems where their clients would well and truly have advance notice of the requirement for an opt-in and that still gives them a month to do follow-up work on those clients. So that is an example of something we very well might have put an amendment up for. But let me get on record here today that we have not had time to consider amendments. We have not had time to even consider the amendments in front of us and we are very disappointed that we have not had the opportunity to do our job in the Senate, which is to scrutinise this and actually see if we can improve the legislation.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (12:58): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
Higher Education Legislation Amendment (Miscellaneous Measures) Bill 2015

First Reading

Bill received from the House of Representatives.

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (12:59): I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (12:59): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

Today I introduce the Higher Education Legislation Amendment (Miscellaneous Measures) Bill 2015.

This bill combines six routine, noncontroversial measures. As such, there are six schedules that amend three acts.

Each of the measures achieves a noncontroversial but nonetheless significant, welcome and—in some cases—long awaited change.

Turning to the specific measures in the bill:

Schedule 1 of the bill amends the Higher Education Support Act 2003 to allow certain New Zealand Special Category Visa holders to access the HELP scheme from 1 January 2016.

It will assist New Zealand citizens who first came to Australia as children, who have lived here for at least 10 years and who deserve the same support as Australian students to go to university, TAFE or study at one of Australia’s high quality private higher education or training providers.

While these New Zealand citizens have access to Commonwealth-supported places in higher education, they have been denied the option of deferring their tuition fees through HECS-HELP and similar schemes.

Tertiary education plays a crucial role in creating opportunities for individuals—it enriches their lives and careers.

It also provides the skills needed to boost productivity and improve Australia’s economic competitiveness.

The HECS-HELP schemes ensure that eligible students do not miss out on these benefits because they cannot afford up-front fees.

As the Prime Minister, Malcolm Turnbull, announced during his visit to New Zealand last weekend, this bill honours a long-standing commitment by Australia to our Kiwi family.

It provides opportunities for New Zealanders who have long called Australia home.
And it provides fairness, given Australians on certain visa categories have long had access to New Zealand's student loan scheme.

If the bill is passed this year, around 2,600 New Zealanders are expected to be eligible for loans to help them study in 2016.

Australia and New Zealand have begun cooperating on ways to share data that will help overseas student loan debt recovery efforts.

These efforts are being supported by legislation that is currently before this Parliament that will require anyone living overseas to repay their Australian student loans.

The extension of student loans to young New Zealanders who have grown up here and think of Australia as their permanent home has been on the government's agenda for some time.

In fact, this is the third time we have brought this measure to the Parliament.

We look forward to the opposition's support for this bill, to ensure that it can be in place in time for 1 January 2016.

Schedule 2 of the bill amends the Higher Education Support Act 2013 to add Torrens University Australia to the list of 'table B' providers.

Torrens is a new Australian university.

It was registered by the Tertiary Education Quality and Standards Agency (or TEQSA) in 2012, and commenced operations in January 2014.

However, because it is not currently listed on table B, it is not eligible for the same research funding support as other private Australian universities.

Adding Torrens to table B will address this inequity.

It will mean this promising university is eligible to receive research block grant funding, which includes tuition fee support for PhD and Masters by research students, and funding for research scholarships including the Australian Postgraduate Awards.

This measure advances a fair and competitive university research system and supports greater access and opportunity for students.

Like the previous measure to extend access to HELP for certain New Zealand citizens, this measure is only necessary because the opposition failed to support the government's higher education reforms.

Those reforms contained measures to enable the minister to extend access to such programmes beyond those institutions listed on table A and B, which would have made it possible to extend research funding eligibility to Torrens.

In another measure previously presented to this parliament but rejected by the opposition, Schedule 3 amends the Higher Education Support Act 2013 to reflect the change of the name of the University of Ballarat to the Federation University Australia.

This name change took place in mid-2013 and the new name took effect from 1 January 2014.

This amendment to the act serves simply to update the list of 'table A' providers to reflect the new name.

Schedule 4 inserts a provision that confirms the relevant heads of constitutional power that part 2-3 (other grants) of the Higher Education Support Act 2013 relies upon, in addition to the effect that part 2-3 otherwise has.

This measure makes the constitutional head of power for these grants clear and provides the confidence and assurance to our universities and their students that Commonwealth support for university research can be maintained.
Schedule 5 amends the Tertiary Education Quality and Standards Agency Act 2011 to streamline and clarify the reporting responsibilities of TEQSA following the passage of the Public Governance, Performance and Accountability Act 2013.

It removes the requirement for the commissioner of TEQSA to prepare annual operational plans, as the PGPA Act now requires commissioners to prepare and publish a corporate plan.

As the annual and corporate plans cover the same material, this measure removes duplication and reduces regulatory burden, in line with the government's broader agenda to cut unnecessary red tape.

Importantly, it means TEQSA is able to direct more of its resources to supporting high quality higher education, and less on unnecessary paperwork.

Further, revising the day by which TEQSA must provide its corporate plan from 31 January to 30 April provides commissioners sufficient time to prepare the plan in alignment with the relevant Portfolio Budget Statements, whilst ensuring the minister may properly consider the plan prior to its commencement on 1 July each year.

Schedule 6 increases the funding caps in the Australian Research Council Act 2001 in line with inflation and ensures that the government can continue to provide support for thousands of research projects.

The Australian Research Council (or ARC) invests in excellent fundamental and applied research that helps improve the quality of people's lives, that supports Australian businesses, and that ensures our nation remains at the cutting of research, innovation and global competitiveness.

For example, earlier this week, the Minister for Education and Training, Senator Birmingham, and the Minister for Health and Aged Care, Sussan Ley, announced 76 researchers would share in $43 million in joint ARC and National Health and Medical Research Council funding to tackle the impacts of, and to find ways of preventing and curing, dementia.

This is part of the Coalition government's $200 million election commitment to dementia research.

The ARC is the most significant single source of competitive funding in Australia for research across all disciplines.

The amendments in this bill to extend funding through to 2018-19 provide certainty that Australian researchers will continue to have access to critically important taxpayer funding for their work.

The bill will also remove the specific provisions contained in the act requiring the development of an annual corporate plan.

As with the TEQSA amendment, this will reduce duplication of effort and resources, whilst ensuring the ARC, like all other Commonwealth departments and agencies, remains accountable through the PGPA Act, which requires the development of an annual corporate plan.

Conclusion

Each of these measures makes an important change to Australia's higher education system. Australia has one of the world's best higher education systems, with some of the world's best universities.

This higher education system, along with our world-class vocational education and training system, will help ensure Australia has the workforce it needs to grow, to be innovative and to remain globally competitive in the future.

Senator DASTYARI (New South Wales) (13:00): I rise to speak on the Higher Education Legislation Amendment (Miscellaneous Measures) Bill 2015. Labor supports this bill which implements six unrelated measures. Several of them do, however, have this in common: they are overdue. They are mostly minor reforms that the government could and should have acted on earlier. When the Minister for Vocational Education and Skills introduced this bill in the
other place he sought to blame Labor for the delay. These reforms could have come sooner, he said, if Labor had not insisted on opposing the government's higher education reforms. Not everyone who heard that speech would have understood what the minister was saying, because his tongue must have been wedged firmly in his cheek.

It is the government not Labor that is responsible for the delay in introducing these reforms. There was never any justification for making the extension of HECS-HELP access to long-term New Zealand residents of Australia dependent on fee deregulation and cuts to Commonwealth supported places. The government wanted to make the rectification of a small injustice conditional on the perpetration of a much greater one. It wanted to make 2,600 New Zealand students hostages to its plan for $100,000 degrees and the Americanisation of Australia's university system. The opening up of HECS-HELP to long-term New Zealand residents never should have been bundled with the government's agenda for deregulation of university fees. Labor could never support such a fundamentally unfair agenda. As the previous minister for education twice found to his cost, that agenda was never going to be accepted by a Senate responsive to the wishes of the Australian people. So I am pleased that his successor has seen sense in reintroducing this reform with other measures that will also receive bipartisan support.

But let us be clear about how we got to where we are now. This is a mess of the government's making. Labor was never going to acquiesce in the previous minister's stubborn refusal to act in a bipartisan matter on what surely should have been a noncontroversial matter. As senators will be aware, senators including Senator Carr sought to resolve the problem earlier by introducing a private senator's bill to extend HELP access to long-term New Zealand residents in Australia. There is nothing in this bill now before the Senate that was not in the private member's bill introduced by Senator Carr. If the government had supported Senator Carr's bill, the issue would have already been resolved. But it did not. Labor is supporting this bill so that the eligible New Zealand students will not have to wait any longer. They have waited far too long already.

It is a long accepted principle that the recipients of the various HELP schemes should be people who will be able to repay the loan because they will be paying Australian taxes. The operation of that principle has been slightly modified by the recent bill—which Labor also supported—to recover HELP debts from Australians working overseas. It has become possible to do that because other jurisdictions in which a significant number of Australians work, such as the UK and New Zealand, also have income-contingent loans for higher education. The principle remains intact. In any case, it was never going to be undermined by the opening up of HELP to long-term New Zealand residents in this country. 'Long term', in this context, means people who reside here for at least 10 years. As Dr Andrew Norton of the Grattan Institute, a former adviser to the present government, has said, most of these people:

... have been in Australia for much of their lives, went to Australian schools, talk with Australian accents, and consider themselves Australian for most purposes ...

It was always normless and unfair that people who could be so described should be excluded from HELP because they happened to have New Zealand passports. Australians in the equivalent position in New Zealand have access to the Student Loan Scheme. This bill fulfils a longstanding commitment on both sides of politics to balance the Australian side of the ledger.
Another noncontroversial matter that the government has bizarrely bundled with its two failed deregulation bills was formal recognition of the name change of the University of Ballarat to Federation University. The new name was the choice of the university's council and has been implemented by the recent state legislation in Victoria. It is a necessary formality that the Commonwealth also adopt the change by amending the Higher Education Support Act, HESA. And we are, at last, doing so through this bill. This bill also clarifies the constitutional head of powers that HESA relies upon to assure universities and their students that the Commonwealth will continue to be able to provide financial support. The bill further amends the Higher Education Support Act to include Torrens University on the list of table B providers. Torrens University, which was registered by the Tertiary Education Quality and Standards Agency, TEQSA, in 2012 and began operations last year, is at present not eligible for the same research funding support as other private universities. Its inclusion on table B means that it will now be able to obtain research block funding, including fee support for postgraduate students and research scholarships, including postgraduate awards.

Labor takes the position that on the issue of inclusion of private universities among table B institutions, the horse has already bolted, as other private universities have already achieved inclusion. Further extensions of this kind of support should remain the preserve of the parliament on a case-by-case basis. This should not be taken as an indication that we are open to further privatisation though. Labor, most certainly, will not support the inclusion of private higher education providers, be they domestic or international, as table A institutions and eligible for base funding support to the Commonwealth Grant Scheme.

This bill also implements a change affecting TEQSA itself. The TEQSA Act is amended to clarify the agency's reporting responsibilities after passage of the Public Governance, Performance and Accountability Act. The bill removes the requirement for the TEQSA commissioner to prepare annual operational plans, as the PGPA Act now requires publishing of a corporate plan. Since the annual and corporate plans cover the same matters, this change removes what has become an unnecessary duplication.

Finally, the government has at last moved to give the higher education sector greater certainty by increasing the funding caps in the Australian Research Council Act 2001 in line with inflation. This means that thousands of research projects can continue to receive government funding through to the 2018-19 financial year. As senators will be aware, the ARC is the most significant distributor of competitive funding in Australia for research in all disciplines. The bill also removes specific provisions in the act requiring the development of an annual corporate plan. As with the TEQSA change, this also removes the duplication while ensuring that the ARC continues to remain accountable under the provisions of the PGPA Act.

These six measures will together—as the government acknowledged when introducing the bill—help to maintain Australia's world-class university system. It remains a matter of deep concern and regret, however, that the government continues to be intent on degrading that system through its proposals for deregulated fees, cuts to the Commonwealth-supported places and extension of the Commonwealth Grants Scheme to private providers. If that agenda is never implemented, the cost burden on universities, their students and taxpayers will spiral upwards while the quality of the system declines. And the government is now hinting that it wishes to impose a further cost hike through increasing the GST and extending
it to educational services. Australia's students do not need a system that will burden them with a lifetime of debt. Even less do they need a 15 per cent GST on top of that, which will mean paying even more. Once again, I urge the government to abandon its unfair and unnecessary higher agenda, to consult the sector and to start again.

Senator SIMMS (South Australia) (13:08): I rise today to speak to the Higher Education Legislation Amendment (Miscellaneous Measures) Bill 2015. I say from the outset that there is much in this bill that we believe to be good. As Senator Dastyari has said, the bill would extend HELP loans to a subset of New Zealand citizens who have been long-term residents here in Australia since they were children, providing pathways to an affordable qualification in the Australian tertiary education system for thousands. This is a welcome change from the government, who only months ago was mute on the bill which Senator Carr put forward and which would have achieved exactly the same objective. My Greens colleague Lee Rhiannon at that time spoke in support of that bill, and the Greens are in support of that change. The bill would also end duplication in the reporting requirements that now exist in both TEQSA and the PGPA Act. Although the Greens are often accused of adding so-called red or green tape, it has always been the policy of our party that we support only necessary regulation, and in the case before us today the regulation is no longer necessary, so we support schedule 5.

Perhaps one of the nicest surprises is the increase in indexation for the Australian Research Council, which would not only see an increase in funding for the 2015-16 and 2016-17 financial years but also see funding extended out into the forward estimates. That is a welcome development. It is pleasing to see the government slowly accepting the reality that you need a well-funded university research sector to power a modern knowledge economy. Indeed, the Greens have been calling for such an investment in universities for many years, because we know that if our economy is to transition away from the 19th-century industries of coal and carbon and move into a new era of advanced manufacturing, information technology and renewable energy then we will need to put a robust public research program at its core.

We need to unwind the series of cuts into the research sector, which go back as far back as the Gillard Labor government in 2012, when the Sustainable Research Excellence grants were slashed during the MYEFO process. That was certainly a dark day for the education sector in this country, when the Gillard government came out swinging the budget axe. We need to ensure that both our research block grants and our competitive grants see an increase in overall funding. We need to stop hacking into research organisations like the CSIRO and ensure that programs like the National Collaborative Research Infrastructure Strategy are not held hostage by government, so that scientists and researchers have the program stability they need to do their jobs with confidence. And we need to ensure that thought bubbles and captain's picks like the Lomborg Consensus Centre, which went over like a lead balloon, in my home state of South Australia, are off the table and never see the light of day again.

So, while I commend the government's actions today—and the Greens do support increases in funding for the ARC—it is insufficient to the task that confronts us. We hope the government will come back with a far more comprehensive program to back up its innovation nation rhetoric. And what better way to be innovative, what better way to be flexible and agile, than to actually listen to the community and provide appropriate funding for research? It is something for the government to think about.
However, despite all the benefits that have been identified, the Greens have some reservations with this bill. It is disappointing to see the inclusion of Torrens University as a table B provider. That is a new development in education. Torrens University, as many in the chamber may know, is a part of Laureate International Universities and a private for-profit institution. That is a rare thing in our country. We do have private universities, but we do not have ones that operate purely for profit, and Torrens University is one of those. As a table B provider, Torrens would be eligible for research block grants, postgraduate scholarships and a range of other forms of public funding, and that is concerning. One has to ask, when looking at an idea like this being put on the table, whether the government has learnt nothing from the complete debacle of the VET sector.

Public funding and for-profit education simply do not mix. The evidence is in, and we know that the situation within the VET sector is not working. The incentives do not line up. The chief outcomes of the higher education sector—qualifications, training, research and teaching—are so difficult to quantify and so diverse in their qualities that the profit incentive, even with regulation, almost invariably leads to rorting. That has been the experience in the VET sector. Now we are potentially talking about opening up Pandora's box and going down this pathway in our university sector. Look at how the dodgy RTOs in the VET sector have cut every corner to maximise profit at the expense of education outcomes. What confidence does the government have that this will not happen within our university sector once we open that door and start going down that path?

The inquiry into the for-profit VET sector by the Education and Employment References Committee found that:

… expanding a demand driven entitlement to the private sector to access Commonwealth subsidies for sub-bachelor and bachelor degree programs entails unacceptable risk to the reputation of Australian higher education.

Again, if one considers what has been unfolding within the VET sector, one has to wonder why the government is contemplating going down this path. I am referring to a system that Prime Minister Malcolm Turnbull has described as 'absolutely scandalous'. This is potentially going to be opened up to our university sector as well, if we open this Pandora's box and if we go down this path. While we acknowledge that the bill does not yet expand access to HELP loans for Torrens students, and we are not suggesting Torrens University be classed as a table A provider, has the minister actually considered the evidence as to what effect for-profit entities receiving public grants will have on the integrity of our research sector? I know Senator Dastyari says the Labor Party do not support going down that path. But the worry is that, once we open the door to this, we are on that trajectory. That is a worrying thing for the higher education sector within this country.

The question must also be asked: if the money is available to expand grants to for-profit providers, why not instead put this money back into the public system? We know our public universities have a world-class research reputation, we know they have multiple safeguards that protect the integrity of research and we know that, unlike for-profit providers, they will spend all their money on research instead of skimming stuff off to try to make private profits. Why wouldn't we be giving the money to them? We know there is quality control in place. Putting public revenue into an established public university system is a smarter and safer way to spend taxpayer money and to avoid the kind of scandal, waste and exploitation that has
characterised the VET sector that was initiated by the Labor Party and continued by the Liberal Party. We need to avoid having that system expand into our universities.

If we could go back in time to before the national partnership agreement that locked in the contestability model for VET and TAFE, to before the rollout of the VET fee help to for-profit providers, and put a stop to the appalling RTO behaviour that is plaguing the VET sector, then of course we would do that. I am sure most people in this place would recognise that, if they had the time again, maybe they would not have gone down that path. Today we have an opportunity to take a different path when it comes to higher education. Today we have an opportunity to prevent that first encroachment of the private contestability logic onto our university system. We do not want to bring that kind of modus operandi into our universities. As I said from the outset, there are many things that the Greens like about this bill. We support the expansion of HELP to select New Zealand citizens, we support the regulatory adjustment to TEQSA and we support the increased funding for the ARC. But as long as this bill sets the precedent for public funding of the for-profit business model in the university sector, then we do have some concerns. I call on this chamber to support the Greens amendment to remove schedule 2.

**Senator POLLEY** (Tasmania) (13:19): I rise today in support of the Higher Education Legislation Amendment (Miscellaneous Measures) Bill 2015 and the many individual measures contained within. These are measures that, up until now, have been hijacked by the Abbott-Turnbull government in their ideological mission to deregulate Australian universities and to create $100,000 degrees. This crusade has not been abandoned. It has only been delayed—hidden and put away in the bottom drawer, out of sight until after the next election. For nearly two years Labor has been calling for these measures to be uncoupled from the Abbott-Turnbull plan to deregulate universities, to allow the higher education sector to continue to function as effectively as possible despite the prolonged uncertainty surrounding the government's deregulation agenda. Australian universities, researchers and students have had their futures put on hold while the Abbott-Turnbull government has zeroed in on its ideological crusade.

After going out of their way to derail the normal operations of our entire higher education sector, it appears the Abbott-Turnbull government is, in this small part, prepared to proceed with these important changes. Now that the government has delayed—not abandoned—its higher education package, it is good to see they have finally followed Labor's lead to see reason and to propose these measures in a separate piece of legislation. But it does beggar belief that we have had to bring it kicking and screaming into this chamber to ensure that this legislation, which is important to the higher education sector, will be debated and supported in this chamber.

This legislation is important, and Labor will be supporting it. However, it should be noted by those on the other side that we are vehemently opposed to any delay or any further attempts to ensure that university degrees in this country would have a price tag of $100,000-plus. That is not in the best interests of the higher education sector, and it is certainly not in the best interests of the community. In my home state of Tasmania it will certainly go no way towards ensuring that more of our young people and mature-aged people take the opportunity to experience the opportunities a tertiary education can offer you.
I must say, though, that Labor foreshadowed such a bill when we were in government, and we were prepared to work with this government to bring about this reform much more quickly. But, as I said, we had to bring them kicking and screaming to the table.

I would like to briefly touch on the individual measures contained within the bill. The bill expands access to the Higher Education Loan Program, HELP, to New Zealand citizens who have been in Australia since childhood. This is an anomaly that needs to be fixed and could have been fixed well over a year ago if it were not for the Liberal government's pig-headedness. I know many in my community, in this place and around the country are very much in support of this particular measure.

The bill adds Torrens University Australia to the list of table B universities under the Higher Education Support Act, making it eligible for the same funding support enjoyed by other private Australian universities. The bill will also update the name of the University of Ballarat to the Federation University in the Higher Education Support Act. It also clarifies the constitutional power that other grants under the Higher Education Support Act rely on.

Labor are pleased to see this bill streamlines the reporting requirements for the Australian Research Council and the Tertiary Education and Quality Standards Agency. We are also pleased that it gives certainty to Australian researchers and universities by guaranteeing appropriations for the Australian Research Council. Labor support this sensible measure and would have done so sooner if the government had ditched its plan for university deregulation and, instead, focused on achieving meaningful reform that has a positive impact on students and universities which, in the long term, benefits all Australians and our local communities.

In summary, Labor are pleased with the individual components of this bill, pleased that the government has now, belatedly, come to the party and pleased to support its passage through parliament. It is disappointing that it has taken so long to get to this point, and that the Abbott Turnbull government is continuing to pursue its $100,000 university degree agenda. But, as I said, it is good that those on the other side of the chamber have come to the table, though belatedly, and decided to use some common sense and ensure that these sensible measures in this bill are passed.

Government senators interjecting—

Senator POLLEY: Those on the other side can yawn but that is what the Australian people do every single day when they wake up to find this out of touch government is still in office.

Labor will never support the government's agenda. Labor will never support an attack on the universities in this country. We will never support $100,000 university degrees being the only options for Australian students and those mature-age students who want to have the benefit of a tertiary education. We know that this government are sneaky. They try to say that they are nimble and that they are the government of the 21st century. What they are is a government that is hell-bent on ensuring that fewer Australians have the opportunity to go on to university. If they were serious, they would have brought this piece of legislation in more than 12 months ago and that would have then shown some credibility that they have an interest in higher education in this country. Unfortunately, as with so many other tests that have been put before them, they failed the test. They have failed the Australian people. They have failed the university sector. I am sure the university sector have, on many occasions,
advised the government of their displeasure at the course of action that the government were trying to impose. But with the crossbenchers and the Labor Party on this side, we were able to stop that. We will always stand up for the universities in this country.

Senator BIRMINGHAM (South Australia—Minister for Education and Training): I thank the Senate for the debate on the Higher Education Legislation Amendment (Miscellaneous Measures) Bill 2015. It is not my intention to take a long time in the summing-up speech, prosecuting arguments, as Senator Polley was just doing, on measures that are not actually relevant to this bill nor reflected in this bill. But, at the outset, I will make very clear that the government's commitment is to a strong higher education system in Australia, one where access is equitable and fair, and one in which we are providing the type of higher education system that skills Australians for the jobs of the future and supports research and development and the knowledge that can facilitate Australia's success into the future.

This measure amends three pieces of education legislation to achieve important and worthwhile changes but, largely, are minor and modest in nature. The government has chosen to group together a suite of six education legislation amendments that expand eligibility for funding support, resolve uncertainty in some places, streamline requirements and secure funding.

The passage of this bill, to go through those six measures, will amend the Higher Education Support Act 2003 to allow certain New Zealand special category visa holders to access the Higher Education Loan Program scheme from 1 January 2016. This will assist a number of New Zealand citizens who moved here as children and provide the same support as Australian students to undertake higher education. This has been the subject of discussions between the current Prime Minister, Mr Turnbull, and the New Zealand Prime Minister, as indeed it has been for some period of time, including under the previous government, who never moved to legislate this measure.

The second area of amendment in this bill is to add Torrens University to the list of table B providers in the Higher Education Support Act. This will enable Torrens University Australia to be eligible to apply for the same funding support as other private Australian universities, including for research block grant funding.

The third measure will ensure that the Higher Education Support Act reflects the change of the name of the University of Ballarat to the Federation University Australia. The fourth measure confirms the relevant heads of constitutional power that part 2-3 'Other Grants' of the Higher Education Support Act relies upon in addition to the effect that part 2-3 otherwise has.

The fifth measure will amend the Tertiary Education Quality and Standards Agency Act 2011 to streamline and clarify the reporting responsibilities of the Tertiary Education Quality and Standards Authority, following the passage of the Public Governance, Performance and Accountability Act 2013, and indeed applying similar measures, I believe, to other agencies, the ARC.

Finally, it will also provide amendments to the Australian Research Council Act 2001 to add funding for the financial years starting on 1 July 2017 and 1 July 2018, and also to apply indexation against appropriations for existing schemes. This amendment, importantly, will
provide certainty and security of funding for the Australian Research Council through until mid-2019.

The measures in this bill have generally been welcomed by higher education institutions, the Australian Research Council, the Tertiary Education Quality and Standards Agency and other key stakeholders in the higher education sector. I also thank and acknowledge the opposition for their support of this legislation and the support that Senator Kim Carr, as the relevant opposition spokesman, has provided to this legislation, where he has noted that all six measures are 'non-controversial measures that enjoy bipartisan support'. Senator Carr also noted, quite rightly, that the measures would provide certainty to researchers and scientists across the country, which indeed I concur with.

It is important that this bill be passed without further delay, and I am pleased that the Senate has dealt with it so swiftly today. Some of the measures are time critical because they change eligibility for funding support for the 2016 calendar year. This is especially important to those New Zealanders who are expecting additional support for their status. These are people who, because of their visa status, do not currently have a practical pathway to Australian citizenship and therefore are caught, in a sense, out of current arrangements.

The bill will also, as I mentioned, enable Torrens University, which is a successful university in Australia with a proven track record, to be considered for research block grant funding and funding to award Commonwealth postgrad scholarships to its research students. Torrens has established its track record as a quality provider of higher education and will join other successful private institutions, such as Bond University, on table B of the Higher Education Support Act. In listening to Senator Simms, I gathered that the Greens intend to move an amendment to this bill that would remove this particular measure. This amendment is unwarranted. The bill merely extends to Torrens University the same right to bid for research block grant funding that other private universities like Bond University already enjoy. As our smaller, regional and newer universities would attest, research funding should not be reserved for universities with a lengthy track record. It plays an important role in expanding their research capacity. It will also put Torrens University on a level playing field in terms of improving access and choice for PhD and research masters students to have some coverage of tuition fees and/or receive scholarships through, for example the Australian Postgraduate Awards. The passage of the Higher Education Legislation Amendment (Miscellaneous Measures) Bill 2015 will ensure that this promising young university in Australia, a very credible institution, can further develop its research footprint and its postgraduate opportunities.

Finally, as I indicated, the bill provides certainty to the ARC by publishing the funding caps through to the end of the 2018-19 financial year. It allows for a further two years of funding, worth more than $1.5 billion in total. This vital recurrent funding stream supports the council’s highly regarded National Competitive Grants Program, which builds our national research capability, creates and sustains momentum in research partnerships, and enables promising careers to thrive.
Overall, this bill is an important contribution to providing that certainty to our research providers to ensure that our research sector can continue to thrive into the future, and to expanding access to university places in a number of different but important ways. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator SIMMS (South Australia) (13:34): I have a question for the minister. Minister, are you aware of the comments made by Prime Minister Malcolm Turnbull when he referred to the VET sector as being scandalous? In light of the concerns about the scandal that is unfolding within the VET sector, are you concerned that, by making block grants available to private, for-profit universities, you are going to be opening Pandora's box and bringing a similar calamity onto the university sector within this country?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (13:35): No, Senator Simms, I am not concerned, and let me try to calmly talk you through it. I am well aware of the Prime Minister's statements, and indeed I have made similar statements about my concerns with some of the operations in the VET sector and the way in which, in particular, the VET FEE-HELP student loan scheme is working in the VET sector.

It is important to understand that that VET FEE-HELP student loan scheme provides demand-driven funding to students enrolling in vocational education and training courses; that the way that it was established means that institutions are free to set their own prices; that they can enrol as many as they want once they have been approved; and that they get paid, essentially if they so choose, up-front for the entire duration of the course once the student commences their studies. That is profoundly different to what we are talking about in relation to Torrens University Australia being listed as a table B provider in the higher education sector, as distinct from vocational education. There are virtually no analogies that can sensibly be drawn in this regard. Obviously access to ARC block grant funding is not something that is demand driven. In fact, there are clear restrictions around that access that ensure that there can in no way, shape or form be blow-outs, rorting or other problems in this regard.

I would also note that there are, as I said in my summing-up speech, a number of private providers already listed as table B providers: namely, Bond University, who I mentioned; the University of Notre Dame Australia; and the former Melbourne College of Divinity, now the University of Divinity. So it is not unusual to have those private providers.

I did hear you in your speech, Senator Simms, single out Torrens University as being owned by a for-profit company. I would draw your attention to the fact that the parent company of Torrens University Australia, Laureate education, have recently converted from being a traditional corporation in a for-profit sense to being a public-benefit corporation, which requires them to have very clear, positive impacts on society and the environment through a number of legally defined goals. Their structure has in fact changed in that sense as well, which makes them much more analogous with the type of not-for-profit providers that we see already as table B providers in Australia. But, in relation to your specific question
there, in no way could I see the type of behaviour that has occurred in the VET sector being replicated by a university by virtue of their being scheduled on the table B listing.

**Senator SIMMS** (South Australia) (13:38): Thank you to the minister for his reply. In his reply, the minister did note that a different model applies to Torrens University and recognised that there is a distinction between Torrens University and other private providers within this space. Torrens are uniquely a for-profit university. On the basis of that point, Minister, do you not concede that many Australians would be alarmed to see a for-profit institution getting their hands on public funds in this way and that many Australians could perceive that there are going to be consequences that stem from that?

**Senator BIRMINGHAM** (South Australia—Minister for Education and Training) (13:39): Again, no, Senator Simms. I am sure that if you put your mind to it you could create alarm in some quarters, but I think that alarm would be unfounded and misguided were it to be created. Again I would emphasise that this listing relates to access to block grant funding from the ARC, which the ARC has very careful monitoring of. I would note that Torrens has established itself as a very credible and reputable provider in relation to postgraduate student opportunities. Again, in those instances, any support that comes from the Commonwealth is strictly capped and controlled. Really, the safeguards that are in place are extremely clear. And I draw your attention to the point that I made previously, which is that Torrens does not now strictly operate as a for-profit provider with all of the connotations that perhaps has and in fact now has a very clear public-benefit purpose that is much more similar in its nature to the way in which Australian entities have been historically allowed to operate in the not-for-profit type sector.

**Senator SIMMS** (South Australia) (13:40): The Australian Greens oppose schedule 2 in the following terms:

(2) Schedule 2, page 8 (lines 1 to 5), **to be opposed**.

**Senator KIM CARR** (Victoria) (13:41): Can I just indicate the position of the Labor Party on this matter. The proposition we have before us is a simple measure. The government has decided to amend the Higher Education Support Act to include Torrens University on the list of table B providers. Torrens University has been registered with the regulator since 2012. My recollection is that it arose from discussions with the former Premier of South Australia and in Mexico prior to that date, and it was intended that the university establish its operations in 2013, but it did not subsequently do so until last year.

The entity that Torrens University is associated with, as I think the minister has already indicated, is not, strictly speaking, a for-profit entity. It is headed up by an emeritus chancellor, former President Clinton, and has a number of other distinguished academics associated with it, formerly associated with the University of Adelaide. I think that, given that the circumstances are such, this is a credible, authoritative body which is quite distinct from the shonks and shysters we have seen operating within the VET sector. I think TEQSA is in many respects a different organisation to ASQA, which has not been very effective in dealing with some of the abuses that we have seen.

Specifically, this is an issue that goes to the question of attaining research block grant funding, which is subject to a whole series of other regulatory requirements, including through the ARC, which I think has a very, very strong track record of operating with integrity and on the basis of peer review so that there is an outside measure of monitoring. It
also would provide for support for research scholarship and postgraduate awards. I do not expect that a body such as Torrens would actually attract very much additional revenue, given the sheer scale of its operations.

The reality is that there are already existing not-for-profit private entities within the Australian university system—namely, of course, Bond University and the Catholic University of Notre Dame, which of course arose in Western Australia under a similar set of circumstances, I might add, as a result of intervention by state authorities. Whether or not one agrees with the principle of not-for-profit, private entities being within the university system, the reality is they are there. On this issue—the inclusion of private universities as distinct from private companies—the horse has already bolted, and I think there is little that can be said about that, other than drawing attention to that fact this matter has been attended to in this manner. I would like to indicate that, as far as the Labor Party is concerned, we take this view on a case-by-case basis. This is not an invitation for every fly-by-night operator, like Greenwich university or any others, to seek to have entrance into the Australian university system. In fact, we must have the most stringent of standards to ensure that we have due quality assurance and that we can maintain an international reputation in regard to both domestic and international postgraduate students. For those reasons, the Labor Party will not be supporting either of these propositions that are put before the chamber.

I apologise that I was not able to get to the chamber in time to do the second reading on behalf of the Labor Party, but Senator Dastyari did a very admirable job on my behalf. But the central principle here is that this is a bill is made up largely of non-controversial measures, which should have been put to this chamber last year, not this year. In fact I have had to move private senator's bills in regard to one particular matter here—particularly the New Zealanders. It just reflects the fact that these are genuinely non-contentious in most parts, apart from this matter, and ought to have been given swift passage. They should have been put to the chamber 18 months ago for a normal, routine passage, but the government has chosen to act in this belligerent way through the former minister—recognising of course that the Senate had to reject the whole package because it was so closely associated with some unpalatable measures, including the introduction of $100,000 degrees.

But since we now have a debate about the GST we can now see circumstances where this question becomes even more complicated, and I think it would be wise to get these matters out of the way before we have to deal with the unsavoury consequences of increasing university costs because of this government's determination to pursue the GST, which will see a further 15 per cent rise in everything from a textbook through to a university course cost and all of the other matters directly associated with education. So I would urge the chamber to deal with these matters promptly so that we can move on to the next item.

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (13:47): For all the reasons that I outlined previously, some of which were indeed echoed to some part by Senator Carr in the early part of his remarks, the government also opposes the Greens amendment.

The TEMPORARY CHAIRMAN (Senator Ketter): The question is that schedule 2, page 8 (lines 1 to 5) stand as printed.
The committee divided. [13:53]

(The Temporary Chairman—Senator Ketter)

Ayes ......................38
Noes ......................10
Majority .................28

AYES

Abetz, E
Bernardi, C
Birmingham, SJ
Bullock, JW
Cameron, DN
Carr, KJ
Edwards, S
Gallagher, KR
Ketter, CR
Lines, S
McAllister, J
McGrath, J
McLucas, J
Muir, R
O’Neill, DM
Polley, H
Ronaldson, M
Smith, D
Urquhart, AE

Back, CJ
Bilyk, CL
Brown, CL
Bushby, DC
Canavan, MJ
Collins, JMA
Fawcett, DJ (teller)
Johnston, D
Lindgren, JM
Ludwig, JW
McEwen, A
McKenzie, B
Moore, CM
Nash, F
Peris, N
Reynolds, L
Sinodinos, A
Sterle, G
Williams, JR

NOES

Di Natale, R
Ludlam, S
Rhiannon, L
Siewert, R (teller)
Waters, LJ

Hanson-Young, SC
McKim, NJ
Rice, J
Simms, RA
Whish-Wilson, PS

Question agreed to.

Senator SIMMS (South Australia) (13:55): I move Australian Greens amendment (1) on sheet 7805:

1 (1) Clause 2, page 2 (table item 3), omit "Schedules 2 to 6", substitute "Schedules 3 to 6".

The TEMPORARY CHAIRMAN (Senator Ketter): The question is that amendment (1) on sheet 7805 be agreed to.

The committee divided. [13:57]

(The Temporary Chairman—Senator Ketter)

Ayes ......................10
Noes ......................37
Majority .................27

AYES

Di Natale, R

Hanson-Young, SC
AYES

Ludlam, S
Rhiannon, L
Siewert, R (teller)
Waters, LJ
McKim, NJ
Rice, J
Simms, RA
Whish-Wilson, PS

NOES

Abetz, E
Bilyk, CL (teller)
Brown, CL
Canavan, MJ
Collins, JMA
Edwards, S
Gallagher, KR
Lindgren, JM
Ludwig, JW
McGrath, J
McLucas, J
Muir, R
O’Neill, DM
Polley, H
Ruston, A
Seselja, Z
Smith, D
Urquhart, AE
Wong, P

Back, CJ
Birmingham, SJ
Carr, KJ
Dastyari, S
Fawcett, DJ
Ketter, CR
Lines, S
McAllister, J
McKenzie, B
Moore, CM
Nash, F
Peris, N
Ronaldson, M
Ryan, SM
Sinodinos, A
Sterle, G
Williams, JR

Question negatived.
Bill agreed to.
Bill reported without amendment; report adopted.

Third Reading

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:01): I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

QUESTIONS WITHOUT NOTICE

Goods and Services Tax

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:01): My question is to Senator Colbeck, the Minister representing the Minister for Territories, Local Government and Major Projects. Will the minister rule out extending the GST to council rates?

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:01): The ALP seems to be under some misapprehension that we are proposing a change in the GST. There is no proposal
from the government on the table to change the GST. If the Labor Party wants to go through every part of the economy then it is quite welcome to spend their question times doing that, but we have no proposals on the table to change the GST. So the question raised by Senator Wong in respect to council rates is a completely moot one.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:02): The answer went for less than one minute. Mr President, I ask a supplementary question. Will the minister rule out extending the GST to water and sewerage rates?

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:02): I think we could end up having a very efficient question time if the Leader of the Opposition in the Senate wants to go through every element of someone's council rates, or whatever account that she might like to dream up. The answer is the same: we have no proposal to change the GST. So I look forward to Senator Wong's next question, which is no doubt in relation to another part of council rates, that ignores what I have just given to her in the previous questions. There is no proposal on the table to change the GST.

Honourable senators interjecting—

The PRESIDENT: Order on my left and my right!

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:03): Mr President, I ask a further supplementary question. Given the minister has refused to rule out extending the GST to council rates and refused to rule out extending the GST to water and sewerage rates, will he now rule out extending the GST to Meals on Wheels?

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:04): This would be one of the lowest acts that I have seen from the opposition. When I have quite clearly stated twice already that we have no proposal to change the GST, for you, Senator Wong, to try to scare people who depend on Meals on Wheels by running out a question like that is, quite frankly, a disgrace. To try to scare elderly people who rely on Meals on Wheels—

Honourable senators interjecting—

The PRESIDENT: Pause the clock. Order, Minister! Order on both sides!

Senator WONG: I rise on a point of order on relevance. I asked the minister to rule out the proposition. He has not once done so. Everybody knows what your real plan is.

The PRESIDENT: There is no point of order. The minister has been answering the question.

Senator COLBECK: I want to make the point to reassure those people who the Labor Party are trying, disgracefully—shamefully—to scare. There is no proposal by this government to change the GST. They can shout, they can yell, they can be as disorderly as they like from that side and they can try to shamefully scare whoever they like. We have no proposal to change the GST. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT (14:05): Order! I draw to the attention of honourable senators the presence in the gallery of the Australian Political Exchange Council's 10th delegation from

CHAMBER
New Zealand. On behalf of all senators I wish you a warm welcome to Australia and in particular to the Senate.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Competition Policy

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:06): My question is to the Minister for Finance, Senator Cormann, representing the Treasurer. Can the minister detail why competition reform is essential for strong economic growth?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:06): All of us on this side of the chamber are focused on policies that strengthen growth and create more jobs, and of course competition reform is at the heart of our agenda to strengthen growth and create more and better jobs. The Treasurer has this afternoon released the government's response to the Harper review into competition policy. On coming into office the coalition government fulfilled an election commitment by commissioning the first root and branch review of Australia's competition laws in 20 years.

The Harper review was handed down earlier this year. It was a call on Australians to embrace competition and, with it, greater consumer choice, a more productive economy and the higher living standards that come with that. The government has embraced the Harper review recommendations by specifically supporting in whole or in part 44 of the 56 recommendations, and we remain open to the remaining 12 recommendations, depending on the outcome of further review and consultation with the states and territories and with other stakeholders.

To meet the challenges we face and to capitalise on the opportunities we find, we do need to develop a more competitive, a more productive, a more innovative and, indeed, a more agile economy. The competition reforms of the 1990s are credited with raising the level of Australia's GDP by 2½ per cent. They contributed to a productivity surge that drove strong growth in real household incomes, directly reduced the prices of essential goods and services and stimulated business innovation. This will be the next generation of competition reform across Australia which will help us to strengthen economic growth and create more and better jobs into the future. This is a very important part of our agenda.

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:08): Mr President, I ask a supplementary question. Minister, why is it important to undertake micro-economic reform to strengthen the economy and to stimulate jobs growth?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:08): That is a very important question by Senator Bushby. Productivity growth is what will keep wages growing, create new and better jobs and help to improve our living standards moving forward. The Harper review makes it clear that competition is one of the surest ways to lift long-term productivity growth. Competition encourages businesses to pursue efficiencies, rewarding the innovative and dynamic businesses that provide the best services at the lowest cost. It also benefits households by giving them more choice and better value products and services. Reforming competition is one of the best options we have to boost growth and productivity in the years ahead, and this is why it is at the heart of the Turnbull government's economic plan, where, by backing
Australian businesses, we are encouraging them to innovate and to help drive growth in jobs in our economy. Of course, this government already has a very strong record when it comes to creating more jobs, having created more than 360,000 jobs. (Time expired)

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:09): Mr President, I ask a further supplementary question. What else is the government doing to strengthen the economy?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:10): The government's efforts to further reform our competition laws are of course part of a broader plan to deliver stronger growth and more jobs. They are part of the efforts of the government to create an environment in which business can grow and be more successful and drive stronger economic growth into the future. On this side of the parliament, we understand that, for Australia to be the most successful we can be, we need individual Australians and individual Australian businesses to be the most successful they can be. That is why we have cut more than $2 billion in red tape per annum out of the business costs that Australian businesses faced under the previous administration. That is why we got rid of bad taxes like the mining tax and the carbon tax. That is why we reduced company taxes for small business. That is why we are helping exporting businesses in Australia to be more successful in accessing key overseas markets like China, Korea and Japan, through significant free trade agreements, and of course we are pursuing further opportunities around the world. (Time expired)

Goods and Services Tax

Senator GALLAGHER (Australian Capital Territory) (14:11): My question is to the Minister representing the Treasurer, Senator Cormann. Is Mr Graham Wolfe, from the Housing Industry Association, right to say about the GST:

Adding another five per cent, or more, on top of the price of a new home will put housing out of reach of many people that are trying desperately to get into the market.

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:11): As my very good friend and valued colleague Senator Colbeck very eloquently pointed out in his answer to questions by Senator Wong, there is no proposal to increase the rate or broaden the base of the GST. There is no proposal. What the government is doing is: we are focused, as we have been for some time, on policies to strengthen growth and create more jobs. Of course, as part of our dedicated and committed focus on stronger growth and more jobs, we are focusing on how the tax system can be further improved. We want to ensure that we have a growth-friendly tax system. That is why we got rid of the mining tax and the carbon tax. That is why we reduced company taxes for small business. That is why we decided not to proceed with Labor's bank tax. And that is why we are now having a look at how the tax mix in Australia can be improved so that we can facilitate stronger growth and the creation of more and better jobs. I know that the Labor Party is obsessed with trying to get ahead of the process. We understand that Labor had a terrible track record when it came to tax reform. They asked Ken Henry to chair a committee behind closed doors, called the Henry tax review. They received the report—

The PRESIDENT: Order, Minister! Pause the clock. A point of order, Senator Moore?
Senator Moore: Mr President, it is on direct relevance to the particular question, which is about a comment by Mr Wolfe, just asking whether five per cent would have this burden on the industry. It was not anything about the government's policy. It was specifically about Mr Wolfe's comment.

The PRESIDENT: The minister probably negated the question by saying that there was no proposal to have that five per cent increase. The minister is aware of the question. Minister, you have the call.

Senator CORMANN: Thank you very much, Mr President. You are indeed right: the premise of the question was completely false and, as such, I am now just contrasting our approach of engaging in an open-minded and transparent consultation and a conversation with the Australian people and with the states and territories about how our tax system can be improved. This is how Labor approached tax reform: they got Ken Henry to sit behind closed doors and write a report; they received it; they sat on it; and then they tabled it at the same time as whacking a great big new tax on an important industry, spending all the money before they had raised a zack, hitting for six an industry that was already facing enough challenges. That is Labor's way. That is not the way we are doing it. (Time expired)

Senator GALLAGHER (Australian Capital Territory) (14:14): Mr President, I ask a supplementary question. Can the minister confirm analysis by the Housing Industry Association that:

An increase of five per cent in the GST on a typical house and land package in Sydney will increase the cost of a mortgage by around $60,000 over the life of the loan.

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:14): Clearly, like Senator Wong, the good senator lacks the agility to adjust the supplementary question in light of the answer to the primary question. As I have already said, I completely reject the premise of the question. The government does not have in front of it a proposal to increase the GST. We are currently considering how we can strengthen growth and create more jobs by making sure that our tax system is more growth friendly.

Senator Wong interjecting—

Senator CORMANN: Senator Wong says she left it open. That is right. On this side of the parliament we have an open mind. The government has an open mind to look at all of the options to improve our tax system, to look at all the options for how our tax system can be made more growth friendly, how it can raise the necessary revenue for government in a better, more efficient and less distorting way. It is no secret—Senator Wong thinks this is a revelation—we are engaged in a consultation process about how the tax system can be improved. (Time expired)

Senator GALLAGHER (Australian Capital Territory) (14:15): Mr President, I ask a further supplementary question. Will not increasing the GST on new housing push up prices and make it harder for young Australians to enter the housing market?

Senator Wong: Yes.

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:15): Senator Wong is trying to answer the question that she herself presumably wrote and handed over to Senator Gallagher. This is of course a
hypothetical question and I have previously rejected its premise. But let me just entertain what she is trying to suggest here. The answer is that it depends on a whole range of assumptions. I do not know what Labor's assumptions are in terms of their plans to increase the GST. We know they got Treasury to cost increases in the GST when they were in government. We know that Labor modelled increases in the GST when they were in government. But it all depends on the assumptions about what you do with other taxes in that sort of scenario. The truth is that we are engaged in a conversation about how we can improve our tax system, how we can make it more growth friendly. As part of that we are, in good faith, collecting all the necessary information so that, in good time, we can make an informed decision. (Time expired)

**Competition Policy**

**Senator McKIM** (Tasmania) (14:17): My question is to the Minister representing the Treasurer, Minister Cormann. Minister, in your government's response to the Harper review, announced this afternoon by Treasurer Morrison, you have refused to back an effects test as recommended by Professor Harper—instantly totally squibbing it by washing your collective hands of the issue with a proposal to engage in yet more endless review and discussion. Minister, is this not just a transparent attempt to postpone a decision until after the next election? Do you accept, Minister, that the time for a discussion on an effects test is over and that the time for action has arrived?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:18): The answer to the question is no. We have not refused to back anything; we are backing everything. As I said in my response to the question from Senator Bushby, we are specifically supporting, in whole or in part, 44 of the 56 recommendations—and we remain open to the remaining 12 recommendations, on which there will be further consultation. We have not taken anything off the table. We are doing some more work in relation to a particular part of competition policy reform which is particularly contentious, where there is a diversity of views across the broader community and indeed across business. You would have seen Professor Harper earlier today acknowledging that, even in the work that his review did, they changed that recommendation between the draft version of the report and the final version of the report. He supported the proposition that the government outlined, which is that we will do some further work to ensure we get the final approach absolutely right. It is very important to get the final approach to any possible improvements to section 46 of the Trade Practices Act right—and that is something the government is totally committed to.

**Senator McKIM** (Tasmania) (14:19): Mr President, I ask a supplementary question. Why has the government chosen to ignore the views of small businesses in Australia, the ACCC, consumer groups and primary producers? Why does the government not believe in helping all businesses in Australia, big and small, to compete on a level playing field?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:19): Contrary to what Senator McKim appears to suggest, there is not actually a homogenous view. There is a diversity of views. The government, in response to some of the recommendations made by the Harper review, has decided to do some further work. That is because we want all businesses across Australia to have the best possible opportunity to be successful, and we want to ensure that the competition policy framework
that is ultimately implemented will help to strengthen growth and strengthen the opportunities for all businesses to be as successful as they possibly can be.

Senator McKIM (Tasmania) (14:20): Mr President, I ask a further supplementary question. The former small business minister, Bruce Billson, recently said that no change to section 46 would be 'a triumph of lobbying over logic' and 'a triumph of backroom political machinations over good economic policymaking for our country.' Can you confirm that you have turned your back on small business and regional Australia—not to mention your mates here in the National Party?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:21): No, I cannot confirm that. The coalition government, the Liberal-National Party coalition, is of course a strong supporter of small business. Bruce Billson, whom you referenced, was the best small business minister that Australia has had in a very long time. Under Labor I think we had about six small business ministers in six years.

The last budget was a demonstration of how committed this government is to supporting small business. We delivered serious and significant support to help small business to be as successful as it can be. We have not made a final decision in relation to our approach to section 46.

What we have said today—and we believe, responsibly—is that the future approach to section 46 warrants further work. We are committed to doing that work in an orderly and methodical fashion. That will progress in the next few weeks and months. *(Time expired)*

Free Trade Agreements

Senator RONALDSON (Victoria) (14:22): My question is to the Cabinet Secretary, representing the Minister for Trade and Investment. Can the Cabinet Secretary inform the Senate how many Australian jobs will be created following recent free trade agreements?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:22): I thank Senator Ronaldson, a great representative of the state of Victoria in this place. There is no doubt that these agreements will result in the creation of thousands of new jobs for Australians in the years and decades ahead.

*An opposition senator interjecting—*

Senator SINODINOS: Mr President, they obviously do not want to listen to facts and figures. Independent modelling from the Centre for International Economics, released in June this year, show strong benefits to this country from our free trade agreements with China, Japan and Korea. The CIE found that there will be between 5,400 and 14,500 more jobs each year to 2035, with sectors right across the Australian economy set to grow jobs for the future. The Financial Services Council believes these agreements have the potential to create nearly 10,000 new jobs in areas like banking, insurance and funds management by 2030. The dairy industry estimates that, in its first year, the China-Australia Free Trade Agreement will alone generate 600 to 700 new jobs. These figures do not include the jobs set to flow from the unprecedented Trans-Pacific Partnership.

I have to qualify this by saying that modelling cannot forecast the enormous benefits that will flow from the increased opportunities for our service industries or from the new jobs that will be created from the growth in the two-way investment that inevitably follows when you deepen trading relations as well as people-to-people and business-to-business linkages.
These agreements create jobs in Australia and they create jobs overseas, and often those jobs go to people at the lower end of the income spectrum, because it these agreements stimulate activity in basic sectors of those economies. We should be proud of entering into free trade agreements which provide prosperity for those countries and for us.

Senator RONALDSON (Victoria) (14:24): Mr President, I ask a supplementary question. I thank the Cabinet Secretary for his comprehensive answer, and I ask: what will the recent free trade agreements concluded by the government mean for the Australian economy?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:25): Free trade flowing from the free trade agreements with Japan, Korea and China as well as the Trans-Pacific Partnership will boost Australia's GDP, our gross domestic product. Our modelling shows that these agreements will add something like $24.4 billion to Australia's gross domestic product between 2016 and 2035. Australian household consumption will increase by, on average, $4,350 over the same period. Then there are the intangibles, which are impossible to predict. New Zealand's Prime Minister, John Key, has said, for example, that the trade deal that his country did with China produced 11 times the benefits compared to even the most optimistic assumptions.

Thanks to the Prime Minister and the Minister for Trade and Investment, our work on free trade is continuing. Indonesia and Australia have recommenced talks on an Australia-Indonesia comprehensive economic partnership agreement.

Senator RONALDSON (Victoria) (14:26): Mr President, I ask a further supplementary question. I again thank the Cabinet Secretary for that answer. Will he please advise the Senate how businesses in my home state of Victoria are preparing for the benefits of free trade?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:26): The great state of Victoria already benefits from trade and exported more than $20 billion of goods last year alone. This is set to grow, with four free trade agreements coming into force. Thanks to the work of this government and the hardworking, indefatigable Minister for Trade and Investment, around 20 per cent of Victoria's goods exports are sold to China. One of these is MtM Automotives—you will be interested in this, Senator Carr—a 50-year-old medium-sized Australian company based in Melbourne. MtM specialises in the design and manufacture of complex value-added automotive and non-automotive components, employing 100 people in Melbourne. The managing director of the company, Mark Albert, said:

Under ChAFTA, the 10% tariff on the parts we manufacture in Melbourne and sell to China, will be eliminated over 4 years following entry into force of ChAFTA, this is great news for our business.

Child Care

Senator DASTYARI (New South Wales) (14:27): My question is to the Minister for Education and Training. I refer to the Australian Childcare Alliance, who said about short-session billing:

If we were to say to our great educators, 'Here, look, the parents just aren't bringing their kids next Tuesday. We're not going to pay you for next Tuesday,' they will move out of the sector.

Minister, has the government done any analysis of the impact on the workforce of moving to short-session billing?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:28): As I think I explained to Senator Dastyari yesterday, the government has no proposal
to require any childcare or early learning providers to move to short-session billing or to move to hourly rates of pay. That is entirely a commercial business decision for those providers, and it is up to those providers to then of course make decisions—

**Senator Dastyari:** Mr President, I rise on a point of order on relevance. The question specifically asked whether the government has done any analysis of the impact on the workforce of moving to short-session billing.

**The President:** I will let the minister continue his answer. He has only just commenced his answer. He has one minute and 37 seconds.

**Senator BIRMINGHAM:** Thanks, Mr President. To assume the government would have done analysis would be to perhaps assume that the government was going to require somebody to do something. The government is not requiring anybody to do something. Therefore, I am very happy—

*Opposition senators interjecting—

**The President:** Order on my left.

**Senator BIRMINGHAM:** If I can get some quiet from those opposite, who seem to wish to continually rephrase their questions through interjections across the chamber—

**Senator Wong:** Sorry; naughty Penny!

**Senator BIRMINGHAM:** Indeed, Senator Wong. I am very happy to give very clear answers to Senator Dastyari. Implicit in Senator Dastyari's questions is the concept that the government might be requiring short-session billing. The government will not be requiring short-session billing or arrangements. That is a commercial business decision that childcare providers can undertake if they believe that will provide a better service for families. Given the government is not requiring anybody to undertake these types of things, the government has not done such analysis, because there is no reason for the government to undertake analysis for something that we are not proposing or requiring people to do. That is an option that people may choose to do if they believe it will provide enhanced opportunities to families. Ultimately, of course, what I hope providers do is provide the best possible services of early learning and child care to families under the flexible arrangements that this government is providing for them to do so.

**Senator DASTYARI** (New South Wales) (14:30): Mr President, I ask a supplementary question. Minister, Australia's largest not-for-profit early learning provider, Goodstart, has warned that short-session billing would lead to:

… either the increased rate or the compression of availability or both. Either way, those don't work, particularly for working families.

**Senator BIRMINGHAM** (South Australia—Minister for Education and Training) (14:30): Senator Dastyari does not appear to be very good at listening, because I have made it very clear the government is not proposing that anybody be required to offer short-session services. Providers can have their own opinions and they will, of course, make their decisions based upon their opinions. I would, in relation to workforce questions, make the point to Senator Dastyari that, at present, childcare providers and early learning service operators who operate for 10 and 12 hours a day—

**Senator Jacinta Collins:** You mean long day care providers?
Senator BIRMINGHAM: Actually, Senator Collins, they quite like to be called early education or early learning providers. Long day care is another term. They like education and learning to be put into the title as well. They, of course, do provide and do employ people across different shifts throughout the day. They do not employ employees who sit there for 12-hour sessions throughout the day, so shift work is already part of the operation of those businesses— (Time expired)

Senator DASTYARI (New South Wales) (14:32): Mr President, I ask a further supplementary question. The minister brings up the important issue of the workforce. Minister, early childhood educators are some of the hardest working but lowest paid workers in Australia. How can the minister guarantee that short-session billing will not disadvantage any early childhood educator, including by forcing them to work casual jobs with split shifts and fewer hours? How can the minister guarantee that short-session billing will not disadvantage any early childhood educator, including by forcing them to these new types of work arrangements?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:32): Clearly the Labor Party tactic today is one of trying to scare people. Yesterday, they were trying to scare parents about the impact any such changes of the government might gave. Today, they are out to scare the workforce. Let us be very clear: our government's proposals are to put more than $3 billion extra into child care to make it more affordable for Australian families. Our proposals are to lift regulatory impacts on childcare providers to make it more flexible for them to deliver the types of services that Australian families need. This is a generous—

Senator Wong: Mr President, I rise on a point of order on direct relevance. I know the minister wants to talk about the package. The question was not about his package. The question is about—

Honourable senators interjecting—

Senator Wong: Let's move on! Can the minister guarantee that short-session billing will not disadvantage any early childhood educator, including by forcing them to work casual jobs with split shifts and fewer hours? I ask the minister to return to the question. It is not a broad question about funding.

The PRESIDENT: Thank you, Senator Wong. I will remind the minister of the question.

Senator BIRMINGHAM: As I have made clear repeatedly to Senator Dastyari, the government has no proposals to mandate short-session billing. That is an option for commercial providers. The workforce in the childcare sector already includes casual employees, includes part-time employees and includes full-time employees. Those, of course, are again commercial business decisions undertaken by the operators and will continue to be so in the future.

Higher Education

Senator McKENZIE (Victoria) (14:34): My question is to the Minister for Tourism and International Education, Senator Colbeck. Can the minister inform the Senate about the benefits of international education to Australia?
Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:34): I thank Senator McKenzie—

Opposition senators interjecting—

Senator COLBECK: The recreational fishers were in the building this morning and someone has obviously left the lid off the fish and chips after lunch today, I tell you!

Senator Sterle interjecting—

Senator COLBECK: Read the Hansard later, Senator Sterle. International education provides a wealth of opportunities not just for students but also for the society more generally. We understand that international students offer a bridge between nations and we have seen great examples of that. In fact, in the last week when I was in Indonesia I had the opportunity to visit a number of Australian alumni who were—

Senator Jacinta Collins interjecting—

Senator COLBECK: Unfortunately, Senator Collins, I was not in Indonesia the week before the last Senate question time—

The PRESIDENT: Ignore the interjections, Minister.

Senator COLBECK: There was an opportunity for me to meet with alumni from Australia and also a number of representatives from Indonesia who had studied here in Australia, and the relationships that that has built and the opportunities to build that bridge between the two nations has been extremely important—

An honourable senator interjecting—

Senator COLBECK: Senator, if you believe that a business trip taking 54 Australian industry players to Indonesia for Australian Business Week is a joke, you ought to give up. This was a very important delegation taken by the Australian government to Indonesia last week to promote Australian business and education into the Indonesian market— (Time expired)

Senator McKENZIE (Victoria) (14:37): Mr President, I ask a supplementary question. Can the minister update the Senate on the economic contribution that international education makes to Australia?

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:37): Last week we released statistics from the ABS which indicated a value of international education to the Australian economy of $18.8 billion. It is our third largest export and it plays a significant role in the Australian economy. Senator McKenzie, your home state of Victoria actually brought in $5.6 billion for the financial year 2014-15. In addition to the $18.8 billion contribution to the national economy, there are significant other benefits. For every international student who comes to Australia there are 2.3 visitors who come to Australia on an annual basis. This creates an extra 130,000 jobs into the Australian economy and plays an important role in the government's objectives of seeing international education as a key— (Time expired)

Senator McKENZIE (Victoria) (14:38): Mr President, I ask a further supplementary question. What is the government doing to further promote international education is a key export?
Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:38): Earlier in question time my colleague Senator Sinodinos talked about the work we are doing on free trade agreements. In the Chinese free trade agreement one of the things that became available to Australian international education providers was the opportunity to establish in China, to grow that market. Also, we are having with discussions with India. Minister Robb has already said there will be a significant service offering as part of that free trade agreement that we are negotiating with India. That is something we are also pursuing into that market.

We announced last week that we are recommencing our economic partnership arrangements with Indonesia. In Indonesia there is significant demand for education. They have 54 million students in grades K to 12 and there is a huge demand for vocational education and training and that was justified by the people who came in the delegation last week. (Time expired)

Illicit Drugs

Senator LAMBIE (Tasmania) (14:39): My question without notice is directed to the Attorney-General and Leader of the Government in the Senate, Senator Brandis. I refer the senator to a Parliamentary Library brief I commissioned which states, in part:

(a) drug testing for welfare applicants and recipients has been proposed by governments in the UK and Canada.

(b) the idea has been discussed in Australia but so far the current federal government has ruled it out and has put it back in the two-hard basket.

(c) there are no obvious constitutional obstacles to introducing drug testing for income support recipients in Australia.

Will the government support testing for illicit drugs for income support recipients in Australia?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:40): Senator Lambie, thank you for raising the issue. It is an important issue. The government keeps the criteria for eligibility for welfare payments under review at all time, but the government has no present intention to legislate in that respect.

Senator LAMBIE (Tasmania) (14:40): Mr President, I ask a supplementary question. Will the government support testing for illicit drugs or alcohol for members of parliament and public servants?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:41): Senator Lambie, I understand that in certain circumstances there are arrangements, at least in some of the public services in this country, for forms of drug testing. Details of those arrangements in various state public services I am not able to tell you. The government is not proposing to introduce such arrangements for members of parliament.

Senator LAMBIE (Tasmania) (14:41): Mr President, I ask a further supplementary question. I thank the Attorney-General for making it quite clear that he is not going to lead by example in this country. Will the government support testing for illicit drugs or alcohol for members of the parliamentary media gallery?
Honourable senators interjecting—

The PRESIDENT: Order, on both sides!

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:41): Senator Lambie, you sorely tempt me but I am going to resist the temptation to engage in some badinage with you.

Port of Darwin

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:42): My question is to the Minister for Defence, Senator Payne. I refer to comments by the Minister for Foreign Affairs about the lease of the Port of Darwin to Landbridge, a Chinese company with reported links to the People's Liberation Army. The Foreign Minister has said that she and you discussed the issue with her US counterpart at the Australia-United States Ministerial Consultations in Boston last month. Can the minister confirm that she raised the issue with the US Secretary of Defense, Ashton Carter, on 13 October?

Senator PAYNE (New South Wales—Minister for Defence) (14:43): I thank Senator Conroy for the question. I can confirm, as Senator Conroy would know—and I do not know whether or not the briefing which was offered has been received, and Senator Conroy, you might nod either way, no, thank you very much—that there have been quite extensive discussions with the United States, in the first instance, with the Northern Territory government, who had a number of discussions with the United States rotational liaison office about the long-term lease of the commercial Port of Darwin. The Northern Territory government's plan to attract private sector investment in the commercial Port of Darwin itself was a public issue during the second half of 2014 and in 2015, which included both the consideration of the issue in the Northern Territory parliament and the passing of the legislation that underpinned the privatisation process. In terms of the formal aspects of the AUSMIN meeting itself, the timing of that period was that Defence and we learned of the government's awarding of the lease of the commercial Port of Darwin to Landbridge a few hours before the announcement by the Chief Minister of the Northern Territory on 13 October, bearing in mind that we were on the East Coast of the United States at the time. The lease of the commercial Port of Darwin was then discussed by the Secretary of the Department of Defence, Mr Richardson, and the US Deputy Secretary of Defense in a meeting in Washington, face to face, in a personal briefing on 15 October.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:44): Mr President, I ask a supplementary question. Minister, when asked at Senate estimates a week after the AUSMIN discussions if Defence had consulted the United States about the lease, defence secretary Dennis Richardson said: 'No, we did not consult the United States.' Minister, how do you reconcile Mr Richardson's statement with your statements in answer to the last question?

Senator PAYNE (New South Wales—Minister for Defence) (14:45): I can restate what I said, but I began by saying that, because it was the Northern Territory government's proposal, there was a number of discussions with the United States rotational liaison officer about the long-term lease of the commercial port of Darwin. I also referred to the public engagement on that matter, including public reporting in mainstream media and the NT News. I indicated that, because of the timing, the Secretary of Defence raised and briefed the US Deputy Secretary of
Defense, Mr Bob Work, in Washington, face-to-face. I do not think there is anything to reconcile.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:46): Mr President, I ask a further supplementary question. I again repeat that Mr Richardson said a week after AUSMIN, the date on which you claim he briefed the American officials, that we did not consult the United States. Further, he went on to say that 'we did not see a need to'. Given that President Obama has rebuked the Prime Minister for failing to inform the United States about the lease, can you again reconcile why Mr Richardson informed Senate estimates twice that it was not raised, when you are now insisting in this chamber that it was?

Senator PAYNE (New South Wales—Minister for Defence) (14:46): I reject Senator Conroy's characterisation of any discussions between the President and the Prime Minister on this matter. What I said very clearly was that after the announcement was made by the Northern Territory government Mr Richardson then met with the US Deputy Secretary of Defense, Mr Bob Work, in Washington and advised him of the announcement at that point. I think the point of difference is that you have understood me to say 'consulted' when I said 'advised'. That is the point I stand by, and so would Mr Richardson.

Innovation

Senator REYNOLDS (Western Australia) (14:47): My question is to the Minister for Education and Training, Senator Birmingham. Will the minister advise the Senate how the government is working with universities and the private sector to encourage greater innovation and research?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:47): I thank Senator Reynolds for her question and for her continued interest in the university sector and research. I particularly note her involvement as one of the convenors of the Parliamentary Alliance for Research and Innovation, along with Senator Dio Wang. I believe that tomorrow they will be hosting an exciting event for members and senators with the chief scientists of Israel, which I would encourage many of you to get along to.

In relation to Senator Reynolds's question, over the forward estimates the government has committed some $10.7 billion to research in a number of areas. We will be spending some $9.7 billion across government, in 2015-16, on science, research and innovation. As part of our Industry Innovation and Competitiveness Agenda we have outlined the strategy to improve Australia's economic performance, through better translation of research into commercial outcomes, which will be enhanced upon with the release of the innovation strategy later this year. I am proud that our government is investing more than $3 billion over four years in the highest quality research, leading to the discovery of new ideas and knowledge, through the Australian Research Council, and I note and thank the Senate for the passage immediately prior to Senate of the ARC funding caps legislation, thereby providing certainty to the ARC over the next couple of years.

There are some incredibly exciting proposals that the ARC has supported, such as Professor Mark Kendall, an inaugural ARC Future Fellow at the University of Queensland. I am sure children around the country would be delighted to know he is pioneering needle-free immunisation technology that promises to eliminate the need for needles and syringes for vaccine delivery. Another is Professor Veena Sahajwalla, who is turning car tyres into steel. I
had the pleasure of visiting her research facility at the University of New South Wales, where they are delivering incredible progress, having diverted over two million waste tyres from landfill. They are working closely with OneSteel on the commercialisation of their research. 

(Time expired)

Senator REYNOLDS (Western Australia) (14:49): Mr President, I ask a supplementary question. Will the minister also update the Senate on what the government is doing to create more jobs and better research outcomes?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:49): The government is focused on how we translate research effort into economic outcomes, improved policy outcomes, jobs and employment opportunities for Australia. We recognise that research infrastructure is critical to this, and that is why as a government we addressed the funding cliff that was left by the previous government for the National Collaborative Research Infrastructure Strategy, providing $3 million to give certainty of operation to 30 June 2017. Indeed, we are focused on making sure we address that issue for a longer term certainty in relation to NCRIS and other areas of research training.

It is programs like this and other research programs that support new infrastructure such as the exciting new facility at Deakin University in Geelong, the Centre for Advanced Design in Engineering Training, which I had the pleasure of opening just last week. This $55 million facility includes manufacturing technologies, CNC machining centres, 3-D printers, a virtual reality lab, a chemical corrosives and material lab and a high voltage lab, all designed to improve—

(Time expired)

Senator REYNOLDS (Western Australia) (14:50): Mr President, I thank the minister for his answer on those exciting new opportunities, and ask a further supplementary question. Are there any threats to these new innovations and the government’s plans to strengthen our world-leading university sector?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:51): Through the development of our strategies and the upcoming innovation statement, this government has been undertaking a very careful process of building the pieces to make sure that our research infrastructure and our research sector are well placed to help support the Australian economy transform into the future. Back in July of this year I noticed Senator Carr was criticising the number of research reviews being undertaken by the government. But the important thing about these reviews is that they are all feeding into a process that can provide sound policy for the future. Research is an important and complex area, and it should not be run without consultation. It should not be run without analysis, which Senator Carr seems to suggest.

Senator Kim Carr interjecting—

The PRESIDENT: On my left!

Senator BIRMINGHAM: These types of reviews are important inputs into the innovation statement that Prime Minister Turnbull is developing. They will be important informants of how we release and develop the innovation statement to ensure Australia’s economy responds to the opportunities of the future and secures jobs and opportunities for all Australians into the future.
Environment Protection and Biodiversity Conservation Act 1999

Senator STERLE (Western Australia) (14:52): My question is to the Attorney-General, Senator Brandis. I refer to the Turnbull government's decision to shut down the Senate inquiry into watering down the EPBC Act without a single public hearing. How is this consistent with the Prime Minister's promise to be truly consultative with colleagues, members of parliament, senators and the wider public?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:52): Senator Sterle, as you know, the reform of the EPBC Act is a matter that is on the government's agenda and the government has made very clear its intentions in that respect. Senator Sterle, the government respects the parliament, it respects its processes and it respects, in particular, processes of Senate committees. The issues in relation to the reform of the EPBC Act, in particular section 487, are very clear. This is a provision, almost unique in Australian law, which allows for people with no legal standing under ordinary common law principles to take proceedings in which they have no interest other than a philosophical or ideological interest and which may be used as a vehicle for abuse.

You have heard me quote before in the Senate, and I will not be tedious and quote it again, the clear declaration of intent by certain environmental groups to engage in what I have called 'vigilante' litigation, what others have called 'lawfare', in order to misuse the courts, not to achieve justice between parties, which is the reason the courts exist, but rather to use the courts as a weapon to impede, to stop and to interfere with legitimate commercial enterprises and legitimate economic development. We do not think that that is a legitimate use of the courts. We think that standing provisions which create an exception to the existing and very good common law rules are undesirable and we intend to do away with them.

Senator STERLE (Western Australia) (14:54): Mr President, I ask a supplementary question. I refer to one of the nation's largest and most prolific environmental groups, the National Farmers' Federation, and their refusal to support the Turnbull government's amendments to the EPBC Act because its risks 'denying farming groups and individual farmers the right to appeal against government decisions that they believe are going to adversely affect farming communities or individuals operations.' Attorney-General, is the National Farmers' Federation correct?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:55): Once again, Senator Sterle, I have been asked a question about the statement of the National Farmers' Federation, and their refusal to support the Turnbull government's amendments to the EPBC Act because its risks 'denying farming groups and individual farmers the right to appeal against government decisions that they believe are going to adversely affect farming communities or individuals operations.' Attorney-General, do the Turnbull government's proposed changes
to the EPBC Act have the support of all members of the government or would you agree with us that the National Party has, once again, sold its constituency down the road?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:56): Senator Sterle, I have told you what the position of the government is and that is a decision that has been made by the cabinet. It is a decision to which all members of the cabinet adhere. I believe it is a decision supported by backbench members of the government as well. It may be that there are some who have a different view. If there are, I am not aware of it. Nevertheless that is the position of the government to repeal section 487 of the EPBC Act for the very good reasons that I have just explained to you.

Good Sports Program

Senator BERNARDI (South Australia) (14:57): My question is to the Minister for Rural Health, Senator Nash, representing the Minister for Health. Can the minister update the Senate on the work carried out under the Good Sports program?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (14:57): I thank Senator Bernardi for his question. As minister responsible for drug policy, I was recently delighted to be able to attend the Good Sports Awards down in Victoria—actually at the MCG, many would say the home of sport in this country. The Good Sports Awards are much more than just a reflection of the importance of sport; they are a real celebration of community. We see these clubs who are working incredibly hard with local people out in their communities addressing issues like alcohol, obesity, smoking and mental health. It is an absolute testament to those clubs and the great job that they are doing. The job that they are doing is clearly showing that they are reducing harmful drinking cultures. We know this is an issue.

The government is absolutely committed to reducing harmful drinking and we know that these clubs play a vital role in addressing that very significant issue. There are around 7,000 clubs now signed up to the Good Sports program, which is an increase of around a third from 2014—a tremendous achievement. The government is working with the Good Sports clubs and the good work that they have done has resulted in us giving the Good Sports program an extra $19 million over four years to support the very good work that they are doing.

It really does focus more on participation and less on drinking. We know that there is a culture of drinking in this nation; we also know that it is really important for young people to have role models when it comes to the sporting environment who will show them the way forward and provide opportunities for young people to be involved in sport without that harmful drinking culture surrounding them.

Senator BERNARDI (South Australia) (14:59): Mr President, I ask a supplementary question. I would be interested if the minister would be kind enough to inform the Senate in more detail of the difference Good Sports is making in tackling binge drinking and antisocial behaviour.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (14:59): There is no doubt that the Good Sports program, through these clubs, is achieving outstanding results. We have seen that risky drinking has been reduced by 37 per cent as a result of the work that the clubs are doing and that alcohol-related
harm have been reduced by 42 per cent as a result of the work that these clubs are doing. The National Drug Strategy Household Survey is indeed showing that fewer 12- to 17-year-olds are drinking alcohol, with those completely abstaining increasing significantly between 2010 and 2013, from 64 per cent to 72 per cent. While people aged 18 to 24 are still more likely to drink at harmful levels, there was a significant decrease in the very high-risk alcohol use at least monthly, from 24 per cent down to 17 per cent, and a lot of this is attributed in part to the work that those clubs are doing.

Senator BERNARDI (South Australia) (15:00): Mr President, I ask a further supplementary question. Perhaps the minister could advise the Senate of the winners of the Good Sports annual awards.

Opposition senators interjecting—

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (15:00): Can I note the groans from Labor on the other side. This is actually a really important issue, and I think those people in the community would be devastated to hear about the fact that those on the other side do not even care about the great work that these clubs are doing. I would say well done to the Hobart Chargers basketball club, the Redlands Tigers Cricket Club, Bowls South Australia, the Blacktown Spartans PCYC junior Rugby League club, and Matt Burgess from the Knights Cricket Club. I am sure quite a number of those are in the electorates of senators opposite, and I am sure they would be very disappointed to know that they were not engaged.

But I would particularly like to acknowledge the Club of the Year, the Sunshine Heights Cricket Club in Victoria. I particularly want to congratulate two children, 10- and 11-year-old Leo and Nybol. They are the absolute future of those communities of those clubs, and they are so delighted to be working with those clubs in that environment. (Time expired)

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Minister for Trade and Investment

Senator SINODINOS (New South Wales—Cabinet Secretary) (15:02): I would like to add to an answer I gave yesterday. The office of the Minister for Trade and Investment has confirmed that Mr Alastair Furnival was a member of the delegation to China in August this year. Mr Furnival was a member of the delegation to China in his capacity as a director of the global economic group Castalia Advisors, with a particular interest in health care. All participating delegates were required to cover the costs of their own travel and accommodation expenses, and I refer Senator Wong to comments made by Mr Furnival in the media today that he is not a lobbyist. There were two women who were members of the delegation to China.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Goods and Services Tax

Senator STERLE (Western Australia) (15:03): I move:

That the Senate take note of the answers given by the Minister for Tourism and International Education (Senator Colbeck) and the Minister for Finance (Senator Cormann) to questions without
notice asked by the Leader of the Opposition in the Senate (Senator Wong) and Senator Gallagher today relating to the Goods and Services Tax.

I just want to go through a little bit of a history here if I can. We must go back to the 1996 election, when the then Leader of the Liberals, Mr Howard, said that he would 'never, ever' introduce a GST.

Senator Sinodinos: And he took it to an election.

Senator STERLE: And—through you, Mr Deputy President—in 1998 he did, Senator Sinodinos. He took it to an election. So what I want to ask is: how long is 'never, ever' going to last for? In this case it was two years. So you see there is a trend, Mr Deputy President, because on this side they cannot wait to denounce any talk of a GST, although it is probably the most discussed issue in the papers since the change of leadership from Mr Abbott to Mr Turnbull and is ably backed up by the Liberal states.

While we are talking about the Liberal states, I just want to touch on the state of Western Australia, because one of the biggest—and rightfully one of the biggest—whingers about the GST is the Western Australian Premier, Premier Barnett. We could cut through the crocodile tears, because as a Western Australian I reckon West Aussies get ripped off. Do not worry about that. I reckon we are the engine room of the economy, and we have carried along a number of other states for a number of years. I know that I may get some opposition from my colleagues.

Senator Bullock interjecting—

Senator STERLE: Thank you, Senator Bullock. I have one on my side. But one must never forget that Mr Barnett, in his previous life when the GST was introduced, was actually the energy and resources minister and education minister in Western Australia. He is up to his neck in the way it was set up. So it is really disingenuous for him to stand up and start whinging about a process that he was very keen to support, vote for and help get through in the Howard government.

But I want to talk about the distinct possibility of a GST increase—not just in schoolbooks, uniforms and that sort of stuff. I want to talk about something very close to me, the possible impost of a GST increase on Australia's trucking industry. I want to talk about my own experiences, which no-one in this chamber could deny. In fact, no-one could even raise their voice and try to argue against the knowledge and experience I have in long-distance haulage in Australia, particularly pulling road trains between Perth and Darwin, because that was my life.

I did some quick calculations. If there were a GST increase from 10 per cent to 15 per cent, what would it mean to Western Australia's truckies? I took what I used to do, and I took a triple road train operator running from Perth to Kununurra. This is a weekly occurrence, and there are a number of our long-distance subbies and truck drivers who every week run from Perth to Broome, Derby, Fitzroy, Halls Creek or Kununurra or even service the Pilbara, doing two trips a week. But, at the end of the week, you can bet your bottom dollar they will cover around the same number of kilometres if they are a two-up operation and they will cover the same number of kilometres per annum if they are a single operation.

If we put a five-percentage-point increase on GST just on their fuel alone, what would it mean to Australia's truckies and to those communities that our long-distance truckies are
servicing through the Pilbara and the Kimberley? A typical Kimberley runner—and this could, as I said, go for a Pilbara runner as well—would do about 400,000 kilometres per year on a two-up operation. I did two sums, but I will use the lesser one. I used about $1.30 a litre, because FuelWatch at the moment says diesel is about $1.40 in the Kimberley, and I took off the diesel excise rebate. The sums are quite scary. For an average truckie, a two-up operation, the driver's fuel bill would be $520,000 if fuel were to stay at the current rate. Of that, a five per cent GST on our truckie's fuel bill would be no less than $26,000 a year. I am not making this up. So what I am probably suggesting—

Senator Bushby interjecting—

Senator STERLE: before some peanut from the other side who does not know one end of a truck from the other says something; I am not suggesting you at all, but you had your mouth open—is that it will get down to this stage for Western Australia and Australia's truckies. You will get the truck. The best thing you can do is to get the number of your house in big, bold, brass letters, put it on your passenger door and cut a slot in the passenger door. Make it about the same size as your average mail envelope. Park it out the front. Turn it into the best, biggest, brightest letterbox in the street because—I have to tell you—it will be a lot cheaper than running it up and down the road if this mob are ever allowed to increase the GST, let alone the impact on shoppers and the communities in our far north. They will be absolutely screwed. (Time expired)

Senator McKENZIE (Victoria) (15:08): I too rise to take note of answers and to address some of the remarks by fearmongering Senator Sterle. I thought the WA preselection had been done, but clearly it has not. Again he is peddling the 'fact' that this government somehow is asserting that it is going to increase the GST by five per cent. He states that it has discussed the issues in the paper, asserting that it is a big conspiracy of the Liberal states—the Liberal-Nationals states, I might say. The sad fact of it, Senator Sterle—through you, Mr Deputy President—is that it just is not the Liberal states. In my own home state of Victoria, Premier Andrews knows and admitted last week that he has taken his opposition—the 'never, never' opposition—to the GST off the table because he is faced with the reality of running a very, very complex state where the interplay between our taxation system, the GST payment and indeed the cost of running state schools, hospitals, infrastructure et cetera at a state level is incredibly burdensome. He recognises that it is holding us back, and that is exactly what is occurring.

The ALP wanted this year to be the idea of big ideas. I wonder how that is going for you. On this side of the Senate we are not afraid of ideas. In fact, we welcome open debate and discussion around a variety of ideas about how to make our nation the very, very best it can be and how we can ensure that Australia is very well positioned to take advantage of all the opportunities that the 21st century can and will provide us if we rid ourselves of the burden of a complex and outdated taxation system interwoven with the complexities of our federation.

Our government is the best friend that the worker of Australia has ever had. That is because we on this side of the Senate want to grow our economy, to increase job security, to increase job growth. We are backing our potential; we are backing our latent capacity and our creativity, and we are doing it through a variety of means. We have signed off three trade agreements in recent times which mean thousands of jobs for Australians—thousands of jobs, particularly in regional Australia. We are rolling out a $50 billion national infrastructure plan.
We are getting spending under control. And what I think is so exciting is that we are putting innovation at the centre of our economic plan. Science is recognised and encouraged and supported to be all it can be and should be to drive our economy and our nation forward into the 21st century. That is exciting stuff. We have some of the best scientists in the world around our country, and our government is the one that is prepared to back their innovation, back their creativity, put money on the table and support them to give us the technology that we need to go forward.

We do know that we have a bit of a productivity problem going on in this country. It has been masked by fantastic commodity prices over the last 10 years, but the sad fact is that we know it and you know it. We have a productivity problem. If we do not get that under control, we are all going to pay the price. In agriculture, for instance, the only way we are going to get any increase in productivity—it is well recognised—is through transformative technology. That means that we have to back our scientists. We have to back technological rollout and infrastructure in the regions so that our farmers can be as productive as they can. It is our government that by putting science at the heart, by doing a research review so that we can restructure and re-examine the way we fund research going forward in this country, will be backing our intellectual capital and our productive and economic future.

The reality is—and you do not like to admit it—that confidence is up. It is up because, unlike you, we are taking a holistic look at tax reform. Poor Ken Henry, constrained with caveat after caveat on what he could look at and what he could not look at! We understand that the relationship between our federation and tax reform in this country is complex. It is only common sense to look at it holistically, and that is exactly what we are going to do, unlike poor Ken Henry. He made 138 recommendations. Those that were implemented were bungled. It is a very, very sad fact. That is why in March last year he called for tax reform as an imperative, and that is exactly what we are doing.

I wish the Labor Party would back our attempts to do this and not be afraid of ideas. If Bill Shorten wants to put them on the table—and this is supposed to be your year of big ideas—let us have the conversation. We are not afraid of ideas. We are not afraid of putting them on the table. We are not afraid of discussion and debate, because that is what we are good at, and that is what we all should be doing in our national interest. (Time expired)

Senator GALLAGHER (Australian Capital Territory) (15:13): I rise to take note of answers given in question time today, in particular the answers to the questions that I asked Minister Cormann about the impact of the GST on the price of housing. The questions originate from the housing affordability crisis that is underway across our country. In the last two days, two different reports have been released. One, by Moody's, clearly shows that households, particularly in major capital cities, are having to spend more and more of their weekly income on mortgage repayments. The other, by National Shelter, shows the pressure that is on rental accommodation for people. It shows that more people are renting than ever before and that more of those people are experiencing housing stress.

The questions that I put to the minister were not about any particular proposal that they have but about whether the comments from the Housing Industry Association about how a GST would impact on the price of housing were correct. The minister did not answer any of the questions I asked, instead obfuscating around the debate that the Liberal Party has started—let's not pretend anything else—on this campaign around the GST and softening
people up for a GST increase, which was started by the Prime Minister last month, in late October, when he agreed that a GST increase is on the table and is being considered by government. That is well-documented fact. Since then we have had other Liberals enter into the fray. We had the previous Prime Minister expressing his views, and we have also had contributions from Senator Bernardi and from others like Angus Taylor and Senator Canavan, who have all entered the debate with their own views about whether or not the GST should be increased and whether or not that is a good idea and how that should all be used. We have had people deciding that the GST could be used for funding the health and education cuts that have been imposed—the $80 billion that is still on the table for states and territories' health and education budgets.

So it is no surprise we have premiers worried about where the money is going to come from when they are facing running hospitals and schools without the level of Commonwealth funding that they were expecting, to the total of $80 billion over 10 years. We have other contributors from the Liberal Party saying that the GST will help deal with debt. We have others saying that it will pay compensation for those who cannot afford the GST. We have others saying that there cannot be any greater tax burden from this proposal. So let us not pretend there is no proposal being talked about by the government. You have a lot of people talking about the GST—Senator Brandis interjecting—

Senator GALLAGHER: Not in any detail, I agree, and sometimes at cross-purposes. So it is no wonder that the Labor Party is trying to get some understanding of exactly what the government is considering, and is asking sensible questions about how that will impact on everyday households. We can see in the area of housing, an area I am responsible for, that major industry groups are coming and adding their comments, ahead of firm commitments from the government, about their concerns about what a GST would do should it be added to the price of housing, and it is very clear. My question was: is the quote correct that it will increase the price of housing by about $60,000? The data is very clear that it absolutely would. Depending on what capital city you live in, there would be significant costs from raising the GST from 10 to 15 per cent.

At a time when people are already struggling to meet the needs of their mortgages and more people are renting and more of those renting are in housing stress and more of those are in severe housing stress and pressure is on homelessness services that have had their funding cut by this government, that is not a very coherent policy position for the government to be in. We do not have a housing minister. We do not have a housing policy. As far as I can find, in the last couple of years none of the senior members of the Liberal Party has expressed a view on housing. We have an affordability crisis that seems to be growing and absolutely no interest from the government, other than a willingness to look at increasing the GST on the price of housing. I will argue that those things do not add up. If you want to address housing affordability you cannot look to the GST as being the solution to that problem. It will escalate the challenges already being faced by everyday Australians, and it should not be part of any consideration by this government. (Time expired)

Senator SESELJA (Australian Capital Territory) (15:18): I find it highly ironic that Senator Gallagher is talking about housing affordability, given her record and the record of the government that she was part of in squeezing tens of thousands of Canberra families out
of the housing market. It was achieved through deliberate policies, which colleagues like Bob Day have commented on in terms of other states. The ACT was at the forefront of these deliberate policies. They own a lot of land and they deliberately push the price of land up to keep their profits up as a government, forcing families to take on more and more debt just to get into the housing market. Then they put a massive tax on units for those who rent or for those who want to purchase a unit. It is no wonder that Senator Gallagher would not want to stay and defend her record on this, because the government she was part of and then led was just outrageous when it came to forcing Canberra families out of the housing market.

What I want to do now is talk about the debate we are having about the GST or about tax more broadly, I think it is fair to say—

Senator Conroy: You don't want to talk about the GST.

Senator SESELJA: I am happy to talk about it—

Senator Conroy: Good, then do so.

Senator SESELJA: I am very happy to talk about it, but I will not talk about it in the same context as Labor state premiers seem to want to talk about it, which is, 'Raise the GST and give us more of it. Give us more money.' That is what certainly Andrew Barr in the ACT would like. That is what Jay Weatherill would like. It is, 'Yes, please. Go ahead and raise the GST, but give us the money.' I do not think that is the kind of conversation we should be having when it comes to tax reform. When it comes to tax reform we should not be taking the Labor premiers' or Labor chief ministers' way of doing things. What we should be on about, and what this government needs to be on about, is lowering the overall tax burden on Australians. That is the starting point for any conversation about tax reform. It is about lowering the tax burden. It is not about jacking up taxes so we can give more money to state governments, who often spend it in highly inefficient ways, whilst increasing the burden on Australian taxpayers. But let's not be afraid of the conversation, as the Labor Party appears to be. What state Labor premiers are saying as part of the conversation is effectively that we should just jack up taxes and give them more money. Even if I reject that, at least they are engaging in the conversation. At least they are engaging in a conversation about how we best make sure we lower the tax burden—well, they are not in that part of that conversation, but some state premiers are part of a conversation about the future of taxation in Australia.

I disagree with this prescription of higher and higher taxes for more and more spending. That is not the way to prosperity. The way to prosperity is actually to give Australians more of their own money. The GST of course—

Senator Conroy: The 'taxation is theft' plan.

Senator SESELJA: No, but there are levels of taxation that are far too high.

Senator Conroy: You need to give rich people more money because they use it smarter! Give more rich people more money because they use it better!

Senator SESELJA: If Senator Conroy believes there is no level of taxation that is too high for him, that is an opinion he is free to express, but it is an opinion I absolutely reject. Certainly I believe, and the coalition believes, that we should always be looking to keep taxes as low as possible to allow governments to do the things that they need to do and to allow citizens to have more of their money to spend on their priorities.
Senator Conroy: To give rich people more money.

Senator SESELJA: Senator Conroy's position is that if you give a tax cut to someone on $80,000, $100,000 or $150,000 a year then you are giving money to rich people. I reject that. We should be giving those people tax cuts—even if the Labor Party does not want to. We should be giving them tax cuts and we should be giving them more of their own money. Why don't you trust the Australian people to spend their money? Why don't you trust the Australian people? Why do you think you are better at spending their money than they are? This is the fundamental difference: we believe in the freedom of Australians to have as much of their own money as possible so that they can make the best decisions for their families. That should be the framework for any discussion about tax reform, rather than gouging more money out of Australians like Labor premiers and— (Time expired)

Senator BULLOCK (Western Australia) (15:23): It is most disappointing that the GST is once again the subject of debate in this parliament, given the solemn undertakings offered to the Australian people by a previous coalition government that a GST, once introduced, would never, ever be increased. The fact that an increase in the GST is broadly being canvassed suggests that this government is running out of its own promises to break and now has to resort to breaking the promises of previous coalition governments.

For my part, I have always taken a consistent position with respect to the GST. I campaigned against it when it was proposed by John Hewson, when it was proposed by Paul Keating and again when it was proposed by John Howard. I campaigned against the GST on behalf of shop assistants because the GST is a regressive tax measure. It has no regard for capacity to pay. It impacts more severely on those who can least afford it. A poor person or family spends all of their income of necessity. A tax applicable to expenditure, if applied without exemptions, is a tax on all of the income of the poor. In fact, for some working people who are forced for a time to spend more than they earn, a GST is a tax on more than their income. The wealthy, by contrast, have the opportunity to save and invest. While this is a commendable practice, that proportion of their income is unaffected by a GST. As a result, poorer people suffer a proportionately higher level of taxation than wealthy people from the imposition of a GST. This unjust shift in the burden of taxation, away from those with the capacity to pay and onto the shoulders of those who can least afford it, is a measure of which we should be ashamed.

When the GST was first introduced, some of its regressive impact was somewhat ameliorated by the inclusion of exemptions. There are exemptions for fresh food, for health and education expenses. These exemptions make perfect sense. Everyone, even the poor, needs to eat. The poor spend a greater proportion of their income on food than the wealthy, and this exemption directly addresses the GST's regressive nature. Similarly, there is no community benefit in taxing people out of receiving necessary medical treatment. And, in any event, since a large proportion of health expenditure is funded by the taxpayer, the imposition of the GST would largely push up the government's costs.

Education is a less obvious but also important exemption. Many parents struggle to give their children a private school education. Every child educated at a private school saves the government some of the costs associated with public education. Applying the GST to school fees would raise some additional revenue but would force a considerable number of parents to withdraw their children from private schooling and send them to government schools. Given
that the additional cost of publicly educating a child is far greater than the 10 per cent of the
cost of private schooling, the perverse effect of applying the GST to education costs is that the
revenue so raised could be less than the additional government expenditure incurred.

Without these exemptions the truth as to the regressive nature of the GST would be laid
bare and undeniable. Yet the advocates of so-called GST reform set the removal of
exemptions higher on their list of objectives. Indeed, much of the additional revenue proposed
to be raised derives from the removal of exemptions. But what really gets the advocates of
change to the GST excited is increasing the rate by 50 per cent to 15 per cent. There is simply
no excuse for imposing this great big new tax on everything on the people in the small
businesses of Australia, particularly given its regressive impact on the less well-off.

At this time, when real wages are in decline and nominal wage growth is at its lowest level
in decades, how can families afford a five per cent increase in the price of everything and a 15
per cent increase in the cost of fresh food, health and education? How can this huge tax
impost be justified? This is not tax reform; it is simply a huge tax grab, the burden of which
will fall disproportionately on the less well-off.

What happens to the extra revenue raised? The GST was designed to provide a guaranteed
income stream to the states. Don't start me on Western Australia's share. Now, however, the
sales people who would increase it would have us believe in a magic pudding to fix all of our
problems. We can use the GST to give the states money for health and education. We can
eliminate the deficit, pay back the debt, compensate the poor, cut income tax and cut company
tax. This is, of course, nonsense. Money can be spent only once, and I would not hold my
breath if I were a state premier. The extra revenue is likely to be swallowed by the
Commonwealth with the possibility of some token income and company tax cuts. The effect
will be higher GST for workers and lower tax for voters in Wentworth. Malcolm Turnbull's
so-called tax reform is nothing more than a reverse Robin Hood: robbing from the poor to
give to the rich.

Question agreed to.

Illicit Drugs

Senator LAMBIE (Tasmania) (15:28): I move:

That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a
question without notice asked by Senator Lambie today relating to a proposal to drug test income
support recipients.

There may be some Australians who were offended by the suggestion contained in my
questions to the Attorney-General today that dole recipients be tested for illicit drugs. All I
would say to those people is this: if you want to use illicit drugs, then go and get a job.
Receiving government welfare is a privilege given to you by hardworking Australians who
care about the disadvantaged. Dole payments are meant to be a social safety net to protect you
from the hard falls in life—not a jumping castle for you and your mates to party on.

Like the majority of my fellow crossbenchers, I have a record of protecting disadvantaged
Tasmanians and other Australians from the unfair Liberal welfare cuts and the increases to
Medicare payments that they have tried to impose on the poor.

Of course, there are better ways of raising revenue and cutting back on government
spending which do not impact on the poor. A financial transactions tax or FTT which targets
the super-rich and the big end of town is a much better idea than raising the rate of the GST, which will hit poor people's food and living costs. And then of course there was Chris Bowen this morning who came up with something very simple: put tax on cigarettes, which will raise billions. You people must be very embarrassed over there this afternoon that the best thing that you can do is take off the poor by putting up the GST. You have just been trumped.

However, just because I stick up for the underdog, that does not mean I accept that welfare money can be spent lining the pockets of drug dealers. That is why I commissioned a Parliamentary Library study, which, with the permission of the Senate, I seek to table. The key points of the study say that several US states have passed laws that require drug testing of welfare applicants and recipients, these laws generally only require testing where there is reasonable suspicion of drug use, and US courts have found that state laws that require all welfare applicants to pass a drug test or require random testing of existing recipients violate the Constitution's fourth amendment prohibition of unreasonable searches.

New Zealand requires income support recipients with work obligations to take and pass a drug test where an employer or training provider asks for one as part of the application process for a suitable job. Drug testing for welfare applicants and recipients has been proposed by governments in the UK and Canada. However, it has not been implemented. The idea has been discussed in Australia too, but so far the current federal government has ruled it out. There are no obvious constitutional obstacles to introducing drug testing for income support recipients in Australia.

The library study goes on to talk about New Zealand's experience, which I think we should pay attention to. In the lead-up to the 2011 election, the New Zealand National Party announced:

… if a person doesn't apply for a job because a potential employer asks them to take a drug test, or if they fail such a pre-employment drug test, their benefit will be cancelled … those who suffer from drug addiction will be offered help and support to deal with their addiction. If there is doubt about whether a person suffers an addiction or is a recreational drug user, a National Government would be guided by expert professional advice.

This has now become policy. According to Work and Income New Zealand, 'Beneficiaries with work obligations are required to take and pass a drug test where an employer or training provider asks for one as part of the application process for a suitable job.'

In a regulatory impact statement, the New Zealand Treasury noted that the policy was 'potentially inconsistent with the right to be secure against unreasonable search and seizure and the right to refuse medical treatment'. However, the statement also noted:

Officials at MSD consider this is justified, as it is reasonable to have an expectation that people receiving a work-tested benefit not engage in illegal behaviours which limit their ability to secure paid employment.

In Australia, we already have illicit drug and alcohol testing in many workplaces such as in the military, the mines, the building sites—if you are not in Victoria, that is—and heavy industry to increase safety and protect workers' and businesses' health.

It is time we expanded those tests to all workplaces, including Parliament House, and led by example. Why can't we put illicit drug and alcohol testing in our schools? Surely they produce a product that is far more important and valuable than any mineral or metal that a mine will ever produce.
Question agreed to.

PETITIONS

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

Howden, Tasmania: nbn co

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

The petition of the undersigned shows:

The state of telecommunications infrastructure in Howden, Tasmania is abysmal and has left residents either unable to access fixed line Internet, or experiencing the worst fixed-line Internet in Australia.

The current situation has left students unable to do their homework professionals unable to work and businesses unable to operate.

Your petitioners ask the Senate:

Instruct NBN Co to rollout and activate the NB to all residents of Howden, Tasmania without further delay.

by Senator Bilyk (from 364 citizens).

NOTICES

Presentation

Senators Singh and Xenophon to move:

That the Senate—

(a) notes:

(i) that 23 November to 27 November 2015 is Asbestos Awareness Week,

(ii) the success of the Second International Conference on Asbestos Awareness and Management hosted by the Asbestos Safety and Eradication Agency in Brisbane from 22 November to 24 November 2015,

(iii) mesothelioma is a cancer generally caused by exposure to asbestos fibres,

(iv) Australia has one of the highest rates of mesothelioma in the world,

(v) as many as 40 000 Australians will be diagnosed with asbestos-related injuries in the next 20 years, and

(vi) that recently Australians have been exposed to a wide range of imported goods and materials containing asbestos that have not been detected by our customs services, including fibre cement sheets and children's crayons;

(b) supports the Asbestos Awareness Month 2015 national campaign which aims to inform homeowners, renovators, tradespeople and handymen about the dangers of asbestos in and around homes and how to manage it safely; and

(c) urges Australians with questions to visit www.asbestosawareness.com.au.

Senator Day to move:

That the Senate—

(a) acknowledges the Turnbull Government's renewed focus on innovation and improved commercialisation of research;

(b) welcomes the recent Australian delegations to Israel, including a delegation with the Assistant Minister for Innovation (Mr Roy), to support innovation-related trade with Israel;
(c) notes that the 2015 Bloomberg Global Innovation index:
(i) ranked Israel 5th overall ahead of the United States of America (US) in 6th and Australia in 13th place, and
(ii) shows Australia now has free trade agreements with the 1st (Japan), 2nd (South Korea), 6th (US) and 8th (Singapore) ranked nations;
(d) recognises that the European Union, the US, Canada, Mexico, Colombia and Turkey have direct free trade agreements with Israel; and
(e) calls on the Australian Government to initiate negotiations with Israel towards a free trade agreement.

Attorney-General (Senator Brandis) to move:
That the following bill be introduced: A Bill for an Act to amend family law, and for related purposes. Family Law Amendment (Financial Agreements and Other Measures) Bill 2015.

Senator Whish-Wilson to move:
That the following matter be referred to the Economics References Committee for inquiry and report by 27 July 2016:
The inconsistencies and inadequacies of current criminal, civil and administrative penalties for corporate and financial misconduct or white-collar crime, with particular reference to:
(a) evidentiary standards across various acts and instruments;
(b) the use and duration of custodial sentences;
(c) the use and duration of banning orders;
(d) the value of fine and other monetary penalties, particularly in proportion to the amount of wrongful gains;
(e) the availability and use of mechanisms to recover wrongful gains;
(f) penalties used in other countries, particularly members of the Organisation for Economic Co-operation and Development [OECD]; and
(g) any other relevant matters.

Senators Moore and Waters to move:
That the Senate—
(a) notes:
(i) that 8 December 2015 is the 40th anniversary of the first official broadcast of community radio station 4ZZZ-FM from studios at the University of Queensland,
(ii) that 4ZZZ was the first FM stereo radio station in Queensland, the first community broadcaster in Australia with journalists accredited by the then Australian Journalists Association, and the first mass-audience format community broadcaster in Australia,
(iii) that 4ZZZ has provided, and continues to provide, an important means of exposure for many Brisbane musicians and artists and an important independent local outlet for information and news, and
(iv) the opinion of the hugely influential and prolific Brisbane musician, Mr Ed Keupper, that 'the importance of 4ZZZ in the development of an independent music and arts scene in Brisbane cannot be overstated';
(b) congratulates all those involved in establishing and maintaining this pioneering community-based radio station now broadcasting from studios in Fortitude Valley in Brisbane; and
(c) expresses support for the ongoing development of community broadcasting in Australia as an important component in ensuring the community has access to a diverse and adequate range of information and entertainment.

Senator Rhiannon to move:
That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report:
The contamination issues on and around RAAF Base Williamtown, New South Wales, and government responses to that contamination, with particular reference to:
(a) the contamination of water, soil and any other natural or human made structures at RAAF Base Williamtown and the surrounding environs;
(b) responses by both the Department of Defence, RAAF Base Williamtown management and the relevant New South Wales authorities to the contamination, including when base employees, local residents and businesses, Port Stephens and Newcastle City Councils, and the New South Wales Environmental Protection Agency (EPA) were informed of the contamination;
(c) the adequacy of legislation and regulations to deal with this contamination in regard to human health and environmental damage;
(d) compensation for loss of income due to impact on business and property values, impact on property values regardless of any associated income loss, impact on health and wellbeing, and any other matters associated with living in the Red Zone;
(e) adequacy of public disclosure of information about the contamination;
(f) broader issues including the Department of Defence and Port Stephens City Council's willingness to address long-standing surface water issues exacerbated by RAAF Base Williamtown;
(g) a comprehensive historical study of pollution, contamination and unsafe activities at RAAF Base Williamtown;
(h) a study of the health impacts of pollution linked to RAAF Base Williamtown on employees, residents and visitors;
(i) the adequacy of current legislation to enable the New South Wales EPA to respond to and regulate lands controlled and/or owned by a federal entity which would otherwise have the full jurisdiction of the New South Wales EPA if that same pollution event occurred on non-federally owned and controlled land; and
(j) any other related matters.

Senator Bilyk to move:
That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold private meetings otherwise than in accordance with standing order 33(1), during the sittings of the Senate, from 10 am, as follows:
(a) Thursday, 4 February 2016, followed by a public hearing;
(b) Thursday, 25 February 2016; and
(c) Thursday, 17 March 2016.

Senators Madigan, Day, Lazarus, Wang and Leyonhjelm to move:
That the Senate—
(a) notes that
(i) over one million Australian tertiary students are forced to pay up to $286 per year as a Student Services and Amenities Fee (SSAF),
(ii) students at the moment have very little say in how the SSAF monies are spent by their universities and student associations, and

(iii) SSAF is levied regardless of students’ need, willingness and ability to access the services and activities they are paying for; and

(b) calls on the Government to amend the Higher Education Support Act so that the SSAF can only be levied with the support of the majority of students at each university campus in a mandatory ballot conducted once an academic year.

Senator Ludlam to move:

That the Senate—

(a) notes, with deep concern, recent political developments in Cambodia, including:

(i) the issuing of an arrest warrant based on seven-year-old defamation charges against the Opposition Leader, Mr Sam Rainsy, and his subsequent removal from Parliament and the stripping of his parliamentary immunity,

(ii) violent attacks against opposition parliamentarians, and

(iii) the removal of the Opposition Party Deputy Leader, Mr Kem Sokha, from his post as Vice-President of the National Assembly; and

(b) calls on the Cambodian Government to:

(i) revoke the arrest warrant issued against Mr Rainsy, and to allow him and other opposition parliamentarians to return to Cambodia without fear of arrest or persecution,

(ii) protect and uphold the tenets of multi-party democracy, and to take concrete steps to guarantee a free and safe political space, and

(iii) engage with the Opposition in open dialogue on actions to strengthen Cambodia’s democracy.

Minister for Finance (Senator Cormann), and Senators Smith, Back, Johnston and Reynolds to move:

That the Senate—

(a) notes the devastating bushfires that swept through the Salmon Gums, Scadden, Grass Patch, Merivale and Norsemen areas north of Esperance, Western Australia, in the week beginning 15 November 2015, were the State’s worst bushfires in more than 50 years;

(b) acknowledges the determined efforts of the more than 200 volunteer firefighters, Fire and Emergency Services Authority personnel, State Emergency Services volunteers, and pastoralists and farmers who sought to save as many properties as possible;

(c) expresses its sincere regret at:

(i) the tragic death of Scadden farmer, Mr Kym Curnow, who lost his life after bravely making sure homes were being evacuated and turning back vehicles, and

(ii) the tragic deaths of European workers, Ms Anna Winther (29) from Norway, Ms Julia Kohrs-Lichte (19) from Germany, and Mr Thomas Butcher (31) from England, who died trying to flee the fire; and

(d) extends its sympathy to the family and friends of the deceased.

Senators Xenophon, Whish-Wilson, Lambie and Lazarus to move:

That the following matters be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 3 March 2016:

(a) an examination of the powers and processes of the Foreign Investment Review Board (FIRB) in relation to key strategic assets being subject to a take-over by foreign-owned interests, and whether
there ought to be any legislative or regulatory changes to that framework to ensure that Australia’s national interest is being adequately considered;

(b) the current exemption of purchases of state- and territory-owned assets from review by the FIRB;

(c) the recent decision by the Northern Territory Government to grant a 99-year lease over the Port of Darwin to the Chinese-owned company Landbridge Group in exchange for $506 million, with particular reference to:
   (i) the extent, type (written or oral) and duration (timeframe) of consultation between the Northern Territory Government, the Federal Government, the Australian Defence Force, the Department of Defence, businesses and other interested stakeholders in relation to the lease,
   (ii) the strategic importance of the Port of Darwin in terms of our national security, defence and trade capabilities and consultation in relation to same,
   (iii) the impact this lease will have on industry, businesses and jobs in the Port of Darwin and surrounding areas,
   (iv) the pricing regime to be applied to the use of port services under the lease,
   (v) the environmental impact resulting from any expansion of activities in the Port of Darwin, particularly to nearby Aboriginal cultural sites and World War II historic sites, and
   (vi) any other direct or consequential impacts and/or risks associated with the leasing of the Port of Darwin; and

(d) any other related matters.

**Senator Waters** to move:
That the following matters be referred to the Finance and Public Administration References Committee for inquiry and report by 24 August 2016:

(a) the role of gender inequality in all spheres of life in contributing to the prevalence of domestic violence;

(b) the role of gender stereotypes in contributing to cultural conditions which support domestic violence, including, but not limited to, messages conveyed to children and young people in:
   (i) the marketing of toys and other products,
   (ii) education, and
   (iii) entertainment;

(c) the role of government initiatives at every level in addressing the underlying causes of domestic violence, including the commitments under, or related to, the National Plan to Reduce Violence against Women and their Children; and

(d) any other related matters.

**Senator Siewert** to move:
That the Senate—

(a) notes:
   (i) the suggestions by the Treasurer (Mr Morrison) that cuts may have to be made in the welfare system to pay for the National Disability Insurance Scheme, and
   (ii) those on income support have disproportionally borne the burden of two cruel budgets; and

(b) calls on the Government to:
   (i) keep their pre-election commitment to ‘deliver the NDIS’ but not at the expense of people on income support, and
   (ii) cease their relentless attack on our social security safety net.
Senators Cash, Lines, Moore and Waters to move:

That the Senate—

(a) notes that 25 November:
   (i) is the International Day for Elimination of Violence Against Women, which is also White Ribbon Day, and
   (ii) marks the start of the United Nations, 16 Days of Activism against Gender-Based Violence Campaign, a time to galvanize action to end violence against women and girls around the world, leading to 10 December, Human Rights Day;
(b) recognises that the White Ribbon campaign is a national male-led campaign to end men's violence against women and is now active in over 60 countries around the world;
(c) acknowledges that:
   (i) one in three women in Australia have been physically attacked in their lifetimes, and these attacks are most likely to have been in the women's own home,
   (ii) across the world, violence against women and girls remains one of the most serious and the most tolerated human rights violations, both a cause and a consequence of gender inequality and discrimination,
   (iii) prevention strategies have a proven effect on levels of violence and if we engage the whole community in prevention and give them skills for respectful relationships, we will reduce the costs associated with violence, and
   (iv) social policy initiatives and law reform addressing gender inequality are central to reducing attitudes that support violence against women; and
(d) reinforces the need for cross party support at all levels of government in the response to end the scourge of family violence.

Senator Conroy to move:

That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 4 February 2016:

Contamination of Australian Defence Force (ADF) facilities with perfluorooctane sulphonate (PFOS) and perfluorooctanoic acid (PFOA), with particular reference to:

(a) how effective the investigation and assessment of all ADF sites and surrounding areas for contamination with PFOS and PFOA has been;
(b) what defence facilities have been identified as having PFOS or PFOA contamination, and what facilities may still be identified as being contaminated, including the facilities at the Army Aviation Centre Oakey and RAAF Base Williamtown;
(c) the adequacy of consultation and coordination between the Federal Government, state governments, local governments, the Department of Defence and the ADF, affected local communities and businesses, and other interested stakeholders;
(d) whether appropriate measures have been taken to ensure the health, wellbeing and safety of Australian military and civilian personnel at affected ADF facilities;
(e) the adequacy of health advice and testing of defence and civilian personnel and members of the public exposed, or potentially exposed, to the contamination;
(f) what progress has been made on remediation works at affected sites, and the adequacy of measures to control further contamination at affected sites;
(g) what compensation arrangements have been established for affected businesses and individuals; and
(h) any other related matters.
Senator Conroy to move:

That the following matter be referred to the Economics References Committee for inquiry and report by 4 February 2016:

An examination of the foreign investment review framework, including powers and processes of the Foreign Investment Review Board, in relation to Australian assets of strategic or national significance being subject to lease or purchase by foreign owned interests, and whether there ought to be any legislative or regulatory changes to that framework to ensure Australia's national interest is being adequately considered, with particular reference to:

(a) the decision by the Northern Territory Government to grant a 99-year-lease over the Port of Darwin to Landbridge Group;
(b) the planned lease by the New South Wales Government of TransGrid;
(c) the decision by the Treasurer to block the sale of S Kidman and Co on national interest grounds; and
(d) any other related matters.

Postponement

The following items of business were postponed:

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Whish-Wilson for today, proposing the disallowance of the Small Pelagic Fishery (Closures Variation) Direction No. 1 2015, postponed till 25 November 2015.


COMMITTEES

Economics References Committee

Reference

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (15:34): I, and also on behalf of Senators Macdonald and Lindgren, move:

That the following matter be referred to the Economics References Committee for inquiry and report by 31 March 2016:

The development of the bauxite resources near Aurukun in Cape York, with particular reference to:

(a) the economic development of the bauxite resources near Aurukun in Cape York;
(b) any issues relating to native title rights and interests on the land on which these resources are located;
(c) the process for the finalisation of an exclusive Mineral Development Licence Application on this land;
(d) any opportunities for traditional owners to receive ongoing benefit from the resources located on this land; and
(e) any other related matter.

Question agreed to.
BILLS

Interactive Gambling Amendment (Sports Betting Reform) Bill 2015

First Reading

Senator XENOPHON (South Australia) (15:35): I move:

That the following bill be introduced: A Bill for an Act to amend the Interactive Gambling Act 2001, and for related purposes—Interactive Gambling Amendment (Sports Betting Reform) Bill 2015.

Question agreed to.

Senator XENOPHON: 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 XENOPHON (South Australia) (15:36): I move:

That this bill be now read a second time.

I seek leave to table an explanatory memorandum relating to the bill.

Leave granted.

Senator XENOPHON: Finally, I table an explanatory memorandum and seek leave to have the second reading speech incorporated in Hansard and to continue my remarks.

Leave granted.

The speech read as follows—

Online gambling, in particular online sports betting, has grown exponentially over the past 10 years in Australia and with it an exponential increase in the harms associated with problem gambling.

This issue was examined by the former Joint Select Committee on Gambling Reform who made a number of recommendations in the course of its inquiry which were ignored by the then-government.

The Coalition’s policy statement includes tougher restrictions on gambling advertising and improved self-exclusion systems, but even those limited recommendations appear not to have been followed through.

The terms of reference of the review announced by the former Minister for Social Services, the Hon Scott Morrison MP into online gambling are welcome but the terms are quite limited, with a particular focus on illegal offshore online gambling. The terms of the review appear to fail to acknowledge the enormous harm that can arise from authorised operations. I have seen through my office many cases of harm caused by legal online gambling as well as illegal online sites.

The Interactive Gambling Act 2001, whilst only 14 years old may as well be 140 years old in that it has been outdated and outpaced by the explosion in online gambling and aggressive practices of online gambling entities to lure customers.

The Australian community is already seeing the effects of a lax regulatory environment for authorised gambling sites and the absence of a political will to tackle the illegal sites by disrupting financial transactions.

In August 2015, Financial Counselling Australia released its landmark report: ‘Duds, Mugs and the A-List: the impact of uncontrolled sports betting’. This report described the devastating consequences of...
gambling addictions on individuals and families. The report argued that a number of industry practices contributed to a person’s gambling getting out of control. The ability to gamble using credit was identified as one of the biggest contributors to unsafe gambling habits. This Bill tackles this issue by prohibiting websites who offer sports betting from providing credit to individuals for the purpose of gambling. It is a simple yet powerful harm minimisation measure.

There is currently an absence of sensible measures to ensure online sports betting is conducted in a responsible manner. This Bill seeks to fill these gaps in a way that offers protection for those who have difficulty controlling their gambling but will have minimal impact on so-called recreational gamblers.

The measures introduced by this Bill aim to minimise the harm caused by uncontrolled sports betting, and to give problem gamblers more effective tools to manage their gambling.

As the case studies in Financial Counselling Australia’s report demonstrate, the time for reform of the online sports betting industry is past due. Amendments to the Interactive Gambling Act 2001 are essential in order to put an end to dangerous and predatory industry practices and to make an all too often unsafe product much safer for consumers.

If we fail to act now we will see an increase in the number of Australians, particularly young men, who will lose enormous amounts of money and cause irreparable harm.

The time to act is now. The Parliament of Australia must ignore the vested interests of the online gambling industry and unambiguously side with the public interest.

Debate adjourned.

MOTIONS

Grandparent Carers

Senator MOORE (Queensland) (15:37): I, and also on behalf of Senators Carol Brown and Siewert, move:

That the Senate—

(a) notes that:
(i) throughout Australia, there are tens of thousands of children being raised by their grandparents,
(ii) these grandparents play a significant role in the lives of the grandchildren for whom they care,
(iii) the circumstances of these grandparents, as well as the grandchildren, entail significant challenges that are severely affecting the quality of life for grandparent-headed families,
(iv) it has been over a year since the Community Affairs References Committee tabled its report, Grandparents who take primary responsibility for raising their grandchildren, on 29 October 2014, and
(v) the Government is yet to respond to the report; and

(b) calls on the Government to respond to the report and its recommendations.

Question agreed to.

COMMITTEES

Joint Select Committee on Northern Australia

Meeting

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (15:37): At the request of Senator Smith, I move:

That the Joint Select Committee on Northern Australia be authorised to hold private meetings otherwise than in accordance with standing order 33(1), during the sittings of the Senate, as follows:

(a) Tuesday, 2 February 2016;
(b) Tuesday, 23 February 2016;
(c) Tuesday, 1 March 2016; and
(d) Tuesday, 15 March 2016.
Question agreed to.

Joint Select Committee on Trade and Investment Growth
Meeting

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (15:37): At the request of Senator Smith, I move:

That the Joint Select Committee on Trade and Investment Growth be authorised to hold private meetings otherwise than in accordance with standing order 33(1), during the sittings of the Senate, as follows:
(a) Thursday, 4 February 2016;
(b) Thursday, 25 February 2016;
(c) Thursday, 3 March 2016; and
(d) Thursday, 17 March 2016.
Question agreed to.

MOTIONS

World Diabetes Day

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:37): At the request of Senator Singh, I move:

That the Senate—
(a) notes that:
   (i) 14 November was World Diabetes Day,
   (ii) there are 1.1 million diagnosed cases of diabetes in Australia and this is rising by 100 000 a year,
   (iii) Diabetes Australia estimates that:
      (A) diabetes currently costs the Australian economy around $14.6 billion per annum, and
      (B) the cost of diabetes to the Australian economy is forecast to increase to $30 billion by 2025,
   (iv) Australia needs a stronger response to the challenge of diabetes, and
   (v) there is evidence that:
      (A) the onset of type 2 diabetes can be successfully prevented, and
      (B) serious complications and hospitalisations from diabetes can be prevented; and
(b) commits to working towards reducing the impact of diabetes on the lives of Australians.
Question agreed to.

COMMITTEES

Privileges Committee
Reference

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:38): At the request of Senator Collins, I move:
That, for the purposes of its inquiry into the matters referred on 10 November 2015, the Committee of Privileges have power to consider and use the minutes of evidence and records of the Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru appointed on 26 March 2015 and reappointed on 10 August 2015.

Question agreed to.

MOTIONS

Motor Vehicle Theft and Export

Senator MUIR (Victoria) (15:39): I move:

That the Senate—

(a) notes that:

(i) the National Motor Vehicle Theft Reduction Council estimates that 20 passenger and light commercial vehicles are stolen and exported from Australia each week,

(ii) there are media reports that indicate that there has also been a spike in unrecovered, stolen four wheel drive vehicles in recent years,

(iii) terror experts claim that these four wheel drive vehicles are exported to Turkey and then driven across the border into Syria for use as armoured vehicles by terrorist organisations, and

(iv) vehicle exporters are not required to provide a clean Personal Property Securities Register report prior to the vehicle leaving the country; and

(b) calls on the Government to:

(i) require all vehicle exporters to provide to the relevant authorities a clean Personal Property Securities Register report as a mandatory compliance component of the export process, and

(ii) direct the responsible authorities to further investigate this problem in the interests of national security.

I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator MUIR: This motion has attracted some interest from the highly respected publication that is The Courier-Mail, but, more importantly, it did attract some interest from the government. Using national security was a way of attracting attention to this problem. This was the same tactic used by the government at the time I wrote this motion. Although there may be tenuous links with stolen vehicles leaving Australia and ending up in Syria, the real problem is this: approximately 20 passenger and light commercial vehicles are stolen and exported from Australia each week. Putting terrorism aside, I would just like to ask one question: do you think it is okay for a motor vehicle to be exported from this country without any checks at the border to ensure it is not stolen? I do not. If someone wants to personally import a vehicle, a lot of rules, red tape and costs are involved. If someone wants to steal our pride and joy, there are no checks to prevent it from being exported. I would like to take this opportunity to thank the Attorney-General, his staff and the department for listening to my concerns and taking steps to address them. I will continue to talk to the government about this issue, but probably not The Courier-Mail. (Time expired)

Senator RYAN (Victoria—Assistant Cabinet Secretary) (15:40): I seek leave to make a one-minute statement.

The PRESIDENT: Leave is granted for one minute.
Senator RYAN: The government notes Senator Muir's concerns about the theft and export of, in particular, four-wheel-drive vehicles. The government has referred Senator Muir's concerns to the relevant agencies for investigation and comment. We will of course provide Senator Muir with a copy of that advice when it is received. However, until the government is advised of the need for exporters—which will include many, many private individuals—to provide a Personal Property Securities Register report and the additional paperwork contemplated by this motion, the government cannot support the motion.

The PRESIDENT: The question is that motion No. 854, moved by Senator Muir, be agreed to.

The Senate divided. [15:45]

(The President—Senator Parry)

Ayes .................8
Noes .................38
Majority .............30

AYES
Day, RJ
Lazarus, GP
Madigan, JJ
Wang, Z

NOES
Back, CJ
Bilyk, CL
Bullock, JW
Bushby, DC
Canavan, MJ
Collins, JMA
Dastyari, S
Di Natale, R
Edwards, S
Gallagher, KR
Hanson-Young, SC
Ketter, CR
Lindgren, JM
Lines, S
Ludlam, S
Ludwig, JW
Marshall, GM
McAllister, J
McEwen, A (teller)
McGrath, J
McKenzie, B
McKim, NJ
McLucas, J
Moore, CM
O’Neill, DM
Parry, S
Peris, N
Polley, H
Reynolds, L
Rhiannon, L
Rice, J
Ronaldson, M
Ryan, SM
Siewert, R
Simms, RA
Smith, D
Waters, LJ
Xenophon, N

Question negatived.

Donations to Political Parties

Senator RHIANNON (New South Wales) (15:48): I move:

That the Senate—

(a) notes that:
former Newcastle Lord Mayor and developer, Mr Jeff McCloy, lost his High Court case to overturn a New South Wales law banning developers from making political donations,

(ii) in its finding on the case, the High Court identified a more subtle kind of corruption known as clientelism, which is where officeholders will decide issues not on the merits or the desires of their constituencies, but according to the wishes of those who have made large financial contributions valued by the officeholder,

(iii) the High Court also stated that the particular concern is that reliance by political candidates on private patronage may, over time, become so necessary as to sap the vitality, as well as the integrity, of the political branches of government, and

(iv) in dealing with solutions, the High Court found that, unlike straight cash-for-votes transactions, such corruption is neither easily detected nor practical to criminalise, and the best means of prevention is to identify and to remove the temptation; and

(b) calls on the Government to:

(i) ban political donations to parties and candidates from for-profit corporations, and

(ii) establish an independent agency, similar to the New South Wales Independent Commission Against Corruption, which works to expose corruption and enhance integrity at the federal level.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (15:48): Mr President, I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator RYAN: The Australian Greens demonstrate their hypocrisy in this matter. Not only are the Greens the recipients of a $300,000 donation from the ETU and a $125,000 series of donations from the CFMEU; according to their 2013-14 disclosure, the Greens are the recipients of the largest corporate donation in Australian political history—from Wotif founder Graeme Wood, who gave them $1.6 million back in 2010. Mr Wood later said that the Greens' winning the balance of power in the Senate meant that he had received 'a good return on investment'. Given that the Greens went on to advance at every turn his bid for the purchase of the Triabunna woodchip mill, he is probably right. I also note that their website indicates that the Greens hold themselves to a higher standard than other parties, apparently requiring the disclosure—

The PRESIDENT: Pause the clock! Do you have a point of order, Senator Ludlam?

Senator Ludlam: Mr President, I raise a point of order. You know very well, and Senator Ryan knows very well, that it is improper to cast those kinds of imputations on the motives of senators in this case or in any other case. In this case, those ridiculous assertions were tested by this parliament's Privileges Committee and they were thrown out. Through you, Mr President, I ask Senator Ryan to withdraw that imputation.

The PRESIDENT: Senator Ludlam, I do not think there is a point of order. He did not single out a senator; it was a collective of senators. It is a party and, in the past, that has not been ruled as unparliamentary language. The only comment I will make, though, is that these one-minute statements originally were to give some facts, and they should not be part of a political debate. Senator Ryan has 21 seconds in which to continue his remarks, if he wishes to do so.

Senator RYAN: I also note that the Greens' website indicates that they hold themselves to a higher standard than other parties, requiring the disclosure of donations to them every quarter. But their own rules do not apply in all circumstances. The quarterly disclosure rule
was apparently waived for Mr Wood. The then national manager of the Greens, Brett Constable, said in a JSCEM hearing on 8 August 2011 that this rule was waived out of respect, so as not to draw undue attention to the donation. *Time expired*

**The PRESIDENT:** The question is that the motion moved by Senator Rhiannon be agreed to.

The Senate divided. [15:51]

(The President—Senator Parry)

Ayes ......................10
Noes ......................33
Majority.................23

**AYES**

Di Natale, R
Ludlam, S
Rhiannon, L
Siewert, R (teller)
Waters, LJ

**NOES**

Back, CJ
Bilyk, CL
Bullock, JW
Bushby, DC (teller)
Canavan, MJ
Day, RJ
Edwards, S
Gallagher, KR
Ketter, CR
Lambie, J
Lazarus, GP
Leyonhjelm, DE
Lindgren, JM
Lines, S
Ludwig, JW
Madigan, JJ
Marshall, GM
McAllister, J
McEwen, A
McGrath, J
McKenzie, B
McLucas, J
Moore, CM
Muir, R
O’Neill, DM
Parry, S
Peris, N
Polley, H
Reynolds, L
Ronaldson, M
Ryan, SM
Smith, D
Wang, Z

Question negatived.

**Coal Seam Gas**

**Senator WATERS** (Queensland—Co-Deputy Leader of the Australian Greens) (15:53): I move:

That the Senate—

(a) notes:

(i) the Victorian National Party’s announcement in early 2015 that they ‘support landowners having the right to say no to coal seam gas extraction activity on their land’.
(ii) comments by the Leader of the Nationals and Minister for Infrastructure and Regional Development, Mr Truss MP, that farmers should have the right to say yes or no to coal seam gas exploration and extraction on their property;

(iii) comments by:

(A) the Deputy Leader of the Nationals and Minister for Agriculture and Water Resources, Mr Joyce MP, and

(B) the Deputy Leader of the Nationals in the Senate and Minister for Rural Health, Senator Nash, supporting a right for farmers to say no to coal seam gas activity on their land,

(iv) reports that:

(A) the Assistant Minister to the Deputy Prime Minister, Mr McCormack MP, and

(B) Mr Broad MP, and Senators McKenzie, Williams and Canavan,
support the right of farmers to say no to coal seam gas activity on their land; and

(b) agrees that landowners should have the right to say no to coal seam gas activity on their land.


The PRESIDENT: Leave is granted for one minute.

Senator CANAVAN: Thank you, Mr President. We welcome the fact that the Greens are taking such a keen interest in the public statements of the Nationals. The Nationals support giving landowners greater rights. As the motion notes, our state based parties are pushing for, or have implemented when in power, such policies. That is where these issues ultimately have to be resolved—at the state level. Any changes must of course interact with state mining lease conditions, royalties and make-good regulations. We do not support this motion. The Senate has established an inquiry, and we should wait for it to report.

We also welcome the Greens' new-found interest in supporting landowner and farmer rights. But why then did the Greens refuse to preference the Victorian National Party in recent state by-elections even though the Nats had adopted a 'right to say no' policy? Is it because the Greens only support farmers' rights when it suits their inner-urban agenda but, unlike us, do not support farmers when they want to build dams, cut down trees, shoot pests or grow crops?

The PRESIDENT: The question is that the motion moved by Senator Waters be agreed to.

The Senate divided. [15:56]

(The President—Senator Parry)

Ayes .................14
Noes ..................30
Majority .............16

AYES

Di Natale, R
Lambie, J
Ludlam, S
Muir, R
Rice, J
Simms, RA
Whish-Wilson, PS

Hanson-Young, SC
Lazarus, GP
McKim, NJ
Rhiannon, L
Siewert, R (teller)
Waters, LJ
Xenophon, N
Question negatived.

**Samarco Iron Ore Mine**

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (15:58): I move:

That the Senate—

(a) notes:

(i) the disaster at the Samarco iron ore mine, owned by BHP and Vale, which claimed the lives of twelve people with 22 still missing, left thousands homeless, and has left 280,000 without drinking water,

(ii) comments by the Brazilian Minister of the Environment, Ms Izabella Teixeira, describing this as ‘the worst environmental disaster in Brazil’s history’,

(iii) the emergence of an independent report from 2013 warning of major design flaws in the waste stockpile and tailings dam which was not included in the application or the granting of a licence to Samarco,

(iv) that the pollution from the disaster has contaminated one of Brazil’s most important river systems, the Rio Doce, and

(v) that estimates of the cost of the clean-up range from US$1 billion to US$27 billion;

(b) offers its deepest condolences to the people of Bento Rodrigues, neighbouring communities, and downstream communities in Brazil affected by the disaster;

(c) calls on BHP and all Australian corporations active around the world to uphold local environmental laws and respect human rights; and

(d) supports adequate compensation for affected communities which should be paid by the owners of the Samarco mine.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (15:58): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.
Senator RYAN: Thank you, Mr President. The government extends our deepest condolences to those affected by the incident at the Samarco iron ore mine in Brazil. BHP Billiton and Vale have responded quickly and have set up an emergency fund for community support and rebuilding works. They have assisted in evacuating residents and have provided emergency accommodation and supplies. Andrew Mackenzie, CEO of BHP Billiton, has said:

In BHP Billiton, we recognise that we have a responsibility to support Samarco and the local authorities in the response effort, and I assure you I am absolutely determined that we will fully play our part in that response.

Australia has some of the strictest environmental laws and highest environmental standards in the world. BHP Billiton operates in Australia in accordance with these laws and there are strict measures in place to ensure this continues.

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (15:59): I think we are caught in the same place that we were yesterday. Whether or not the government intends to support this motion, I would seek leave to make a brief statement.

Leave granted.

Senator LUDLAM: I thank the Senate for giving formality to this motion. I would also query whether Senator Ryan and the government team intend to vote for it or not. The condolences which are a part of this motion are extended on behalf of everybody in this place. Of course, this mine in Brazil is part owned by the Australian mining giant BHP. This motion calls on BHP and all Australian corporations active around the world to uphold local environmental laws, respect human rights and support adequate compensation for affected communities. This should be paid by the owners of the Samarco mine. I do not think that this is the end of this story and I certainly hope that we have got the unanimous support of this chamber for this important resolution.

Question agreed to.

NOTICES
Withdrawal


MATTERS OF PUBLIC IMPORTANCE
Tax

The PRESIDENT (16:01): A letter has been received from Senator Moore:

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

The importance of tax transparency.

Is the proposal supported?

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

The PRESIDENT: I understand that informal arrangements have been made to allocate specific times to each of the speakers in today's debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.
Senator DASTYARI (New South Wales) (16:01): This is an important debate, and I note that my good friend Senator Edwards will be following me in this debate. I want to begin by talking a bit about the bipartisan nature of a lot of the work that has been done. I note, Senator Edwards, that your party has afforded you 10 minutes in this debate and I have only been afforded five minutes, which clearly makes you twice as popular as I am!

This is a debate that the nation needs to have and is having. I want to start by touching on the work that has been done, in a very bipartisan fashion, through the Senate Economics References Committee, which is chaired by me and the deputy chair of which is Senator Edwards. What we have seen is company after company, sector across sector using what I call some very sharp practices and practices around the edges of what is and is not appropriate in many cases to be able to minimise their tax arrangements and minimise the tax they pay in this country. We have seen it in the tech sector. We have seen it in the mining sector. We have seen it in the LNG sector. We have seen it in the pharmaceutical sector. And we have seen these same practices and types of practices, be it transfer pricing, be it debt loading or be it hybrid structures—simply arrangements that are built for the sole intention of minimising tax liability.

Where we disagree is on how far and how we should address it. I want to say—and, again, I am very conscious of time—that the bill that was introduced by Joe Hockey as one of his last acts as Treasurer of this country is a good bill. It is a bill worthy of being supported but it is not enough. There are more measures. There are more steps. There are ways of improving that legislation, and simply arguing that you can make a bill better does not mean you do not believe there is not something good in that bill to begin with. I want to acknowledge the work of the former Treasurer and I want to acknowledge the work of Senator Edwards in this space.

But there are some disagreements here and that is a healthy part of this debate. Where we disagree is on how far we should go and what needs to be done especially around the issue of transparency.

What we saw overnight was an extraordinary list of 1,498 companies that Lenore Taylor from The Guardian put up on their website which demonstrates who the companies are who have been given a special exemption to allow them not to have to put in ASIC forms and for whom there is no publicly available information. These are the companies whose affairs we have been unaware of and, as a result, the types of companies who if better tax transparency measures were put into place the Australian public would have some information on.

This is a worthy debate for this chamber to have. It is important for us. As we have gone through this debate over the past year—and I think it has been a big and constructive debate this chamber has had—I have remained of the view that shining a light in these corners, greater transparency and more information will not only better inform the Australian public but will actually drive policy change in this area. That is a positive development. That is a development that I support.

In coming days, we are going to have this debate once again. I do not want to pre-empt legislation that is listed on the Notice Paper, but perhaps in coming days we will have a debate more specifically around the Hockey legislation and what we should and should not do with amendments.

I urge the crossbenchers who supported improving the bill last time to maintain the rage, if you will, and to maintain the support of improving this bill. Make sure that we are putting in
as many and as strong transparency measures as possible and do what we can do to make what is a positive and good bill better, because that is the objective of this chamber and that is the role of this Senate. It is to take legislation that has been passed to us by the House and see how we can improve it, and one of the great ways of improving it is through transparency. One of the great ways of improving it is making sure that that Australian public has the information they so want and deserve.

Senator EDWARDS (South Australia) (16:06): I concur with Senator Dastyari's comments about the fact that this committee has been doing work on multijurisdictional tax minimisation avoidance—call it what you like—and transparency. I do reject the contention that we are at the forefront because in his acknowledgement he was quite right to mention former Treasurer Hockey and now Mr Morrison's great work in being at the forefront of the G20. So in fact this committee's work has been valuable in the fact that it has been giving the tax commissioner an opportunity to respond to the concerns of the community has.

The coalition is forcing multinational companies to pay their fair share of tax in the jurisdiction in which they earn their profits. This is not a revelation coming from the benches opposite. That is a simple and important principle encapsulated it in these reforms. This is what we are going to be at debating in the next days. We are implementing on this side the G20-OECD base erosion and profit shifting recommendations on a country by country reporting and harmful tax practices to address multinational tax avoidance and the common reporting standard for automatic exchange of financial account information to address the taxpayer offshore tax evasion. We are stopping the practice of profit shifting, which may have been lawful but was clearly not consistent with the spirit of the law or the public's expectations. Meanwhile, Labor on the other side is seeking to force private companies to publicly reveal their private commercial information with no public benefit—no public benefit!

The ATO has already all of this detail and revealing it publicly achieves nothing in the public interest. It does not provide increased powers to the ATO, it does not increase the amount of tax the ATO raises from those companies, it does not reduce tax minimisation, but it does violate individual privacy and does force companies to reveal their competitors to their suppliers and to reveal to their subcontractors their private financial information, and all for no gain whatsoever to the taxpayer.

Labor and Senator Xenophon plan to block the government's changes and the reforms, which will collect extra taxes which will go a long way to reducing any tax dodging, unless the government accepts the privacy violating amendments, which is certainly not what I think is good policy. They plan to block a government bill that will force multinational corporations to pay their fair share of tax in this country in accordance with the profits they make in this country. Labor and Senator Xenophon have already flagged that they plan to block a government bill that will stop multinational corporations from shifting their earnings overseas into lower tax jurisdictions, rather than paying their tax here. Labor and Senator Xenophon cannot conscionably hold up this legislation for a day longer than it needs to be. I will go some way to explain why they are doing this.

Three weeks ago, these important privacy measures passed the Senate when Labor senators failed to turn up for a vote and when Senator Xenophon did not make it to the chamber for his turn to speak because I understand he was conducting media activity instead and time got...
away from him. The division was called and the division passed. There was much fury and
embarrassment among the aforementioned senators but the bill had passed and that was that—
that was that! That was until a red herring came along in the form of a newspaper story about
Family Office Institute, an organisation formed to represent the interests of private companies
targeted by Labor. The FOI made a submission to the inquiry into the matter by the Senate
Economics Committee. The journalist called my office to test a series of accusations about
that organisation, about its corporate history, about representations to the inquiry and about its
legitimacy. Not one of those accusations withstood basic scrutiny and so not one of those
accusations made it into the story—go figure! It is simply attacked the organisation through
using the word 'institute' in its name without having members behind it. The story asserted
that an institute, because it is an institute, needs to have a substantial membership base,
although that is not a definition in which the Oxford Dictionary concurs. There were nine
assertions made by the FOI in the inquiry and published in its report. Eight of them were
directly supported by submissions by the Law Council of Australia, the Tax Institute of
Australia, PWC or by EY. The ninth cited publicly available data. In other words, Labor and
Senator Xenophon used the testimony of the Family Office Institute to discredit a repor
ted on and a bill they passed in this chamber three weeks ago, without taking issue
with any statement, assertion or word that organisation wrote.

It is a ruse and it is more of the political grandstanding we have come to expect from the
other side of the chamber and from parts of the crossbench. Senator Dastyari—I wish he were
still here to enjoy this—and I have co-chaired the Economics Committee's corporate tax
inquiry and while the purpose of that inquiry has been to uncover certain dealing
that might be hidden from public view in order to improve tax law, it turns out that tax minimisation
arrangements are not the only deals being done behind closed doors.

Labor has long been running a union protection racket throughout the course of the inquiry. The Labor-crossbench-controlled inquiry actually started when tax exempt trade unions
joined forces with the tax exempt 'Tax Justice Network' activist-group to produce a report on
corporate tax which, shall we say, was less analysis and more activism.

The ATO pointed out that it was 'patently false' and 'misleading' and that it made
fundamental errors, such as analysing company accounting profit rather than taxable income,
a fairly fundamental mistake, thereby massively inflating the impression of tax avoidance by
entirely disallowing the notion of legitimate tax deductions. It alleged multinational
companies had not paid tax where they had in fact already paid tax in other countries and
where paying it again in Australia would have been to pay it twice. It singled out 21st Century
Fox, for example, the bulk of whose business is done in the US. The report's authors failed to
realise that trusts are not taxed until they distribute their income, at which point they certainly
are taxed. This is an egregious error. They all are.

Grant Wardell-Jones, a senior tax partner at KPMG, said:
These statistical assertions are clearly misleading and are a misuse of information.
But the facts are not integral when you are running a tax-exempt trade union agenda. Just last
week, Chevron bosses were facing questions before the same inquiry about their tax
compliance. Those questions arose from a newspaper report which mirrored statements made
in a report by the tax-exempt International Transport Workers' Federation, a body funded by
the tax-exempt Maritime Union of Australia. The Australian's Leo Shanahan reported that:
In recent years, the MUA has been attempting to gain control of the supply chain to the Gorgon project, being built on Barrow Island off WA's northwest coast, while pushing for higher wages and the removal of foreign workers. It has staged protests and stormed the offices of Chevron in Perth along with militant union partner the CFMEU.

Surprise, surprise! He goes on to report Chevron CEO, Mr Roy Krzywosinski, as saying the reports painted 'a completely inaccurate picture' of Chevron's tax arrangements, and pointing out that the Gorgon project has yet to create one cent in revenue. Chevron might, I add, be responsible for the biggest single commercial investment in Australian history, and their Gorgon project has yet to make a cent.

The Leader of the Opposition, Mr Shorten, the shadow Treasurer, Mr Bowen, and former Treasurer Mr Swan all understand the importance of taxpayer confidentiality—each is on the record defending it. But I guess that Labor's actual leadership team—the ACTU, the AEU, the NTEU and the Victorian Trades Hall Council—has spoken.

Senator WHISH-WILSON (Tasmania) (16:16): I am not quite sure how this got turned into an anti-union rant by the government, but then again I should not be surprised, because that is going to be one of the key threads in any debate in this chamber. Let's get back to the idea of tax avoidance.

Senator Edwards interjecting—

Senator WHISH-WILSON: Can you protect me, please, Madam Acting Deputy President?

Senator Edwards interjecting—

The ACTING DEPUTY PRESIDENT (Senator Reynolds): Senator Edwards! Order!

Senator WHISH-WILSON: The only thing about Senator Edwards I am impressed with is his moustache. It is for a good cause, I must say. But let's get back to the very important issue of multinational tax avoidance—in fact, to tax avoidance in general in this country.

What Senator Edwards has failed to understand—and I genuinely believe this is an enormous oversight on behalf of the Liberals in this country—is that this is a significant matter of public interest. It has enormous public benefit. The objectives of having transparency in tax are twofold. The most important, and I will go directly to the Bradbury act, which is what introduced these laws in the first place. The first objective of these amendments is to discourage large corporate tax entities from engaging in aggressive tax avoidance practices. The second objective of these amendments is to provide more information to inform public debate about tax policy, particularly in relation to the corporate tax system.

I would like to read a quote from the previous Treasurer, Joe Hockey, who put out a media release on budget night—12 May 2015. In talking about a voluntary code of tax disclosure—not a mandatory code, like the Greens would like to see, but a voluntary code—he said:

The voluntary code will highlight companies that are paying their fair share of tax. It will also discourage companies from engaging in aggressive tax avoidance.

It is very similar to Labor and Bradbury, so far.

The Board of Taxation will provide a business and broader community perspective for the development of a voluntary corporate disclosure code.

But this is the good bit, Senator Edwards:
The government would like more companies, particularly large multinationals operating in Australia, to publicly disclose their tax affairs. In developing the code they will need to consider what information is disclosed and how it is disclosed.

The Liberal Party and the previous Treasurer believed in tax disclosure. The difference was that they wanted a voluntary scheme. Will you tell me which of the 1,400 companies that Senator Dastyari was talking about are actually out there wanting to voluntarily disclose their tax arrangements to the Australian public? How many of them are voluntary tax disclosers? None. That is why we need a mandatory code in this country for tax disclosure. This is a significant matter of public interest.

Most Australians pay their tax, and they expect large corporations to pay their tax. They do not expect to have a government that is essentially prepared to slug them in the hip pocket—where it hurts the most—with cuts to pensions, cuts to a whole range of different things that we have talked about in this chamber in the last two years. Now they are proposing to increase the GST, which will slug the most disadvantaged Australians in the hip pocket, but they will not take on the issue of multinational tax avoidance.

This is a serious test for the Prime Minister. He wants to put up some legislation in the Senate very shortly that will show he is taking action on tax avoidance. But at the end of the day that legislation, while it has some merits, does not go anywhere near far enough. We have a good amendment that was put up in this chamber by Labor, the Greens and the crossbenchers that asked for a simple system of tax avoidance; a simple system that will not cost anything to administer. That is your only criticism I had heard from the government until Senator Edwards got up here and said the government clearly does not believe in multinational tax disclosure. They want to slug you in the hip pocket, but they do not want to take on the big end of town.

They can throw as much spin into this as they like about kidnap bills, but they are happy to put up their rich mates’ amendment bill in this place. It is for their mates, the big end of town, who probably donate to the Liberal Party—a small number of Australians who do not want to disclose their tax. And you have to ask why. Why don't they want to have their tax disclosed? It has nothing to do with kidnapping. It has to do with the fact that they do not want to be part of a public register that can provide incentives and disincentives to avoid tax avoidance.

Senator LINES (Western Australia) (16:22): Australians can smell a rat a mile away and they have well and truly smelt a rat in relation to multinational tax avoidance. Wage earners in Australians cannot avoid their tax; most do not want to as most Australians recognise that tax revenue contributes to hospitals, schools, roads, public transport and so on—the general wellbeing of our community. Why is it that our Prime Minister, Malcolm Turnbull, and his government want to shield multinationals, want to shield private companies when it comes to transparency on tax? This is something the Australian public has called for. Why is it that they want to continue to protect the big end of town?

I do not believe there is any justification for private companies with over $100,000 million in revenue in any given year being shielded by the Turnbull government. Why should these companies not be held to account through proper scrutiny and transparency? How dodgy is this secret list? Surely, one of the companies on the now public list presents a conflict of interest for the whole of the Turnbull government. Turnbull and Partners is one of the companies on the secret list, and the sole directors are listed as Lucy and Malcolm Turnbull.
Then, once the list becomes public, and only then, suddenly the PM says he has requested to come off the list. Good on people like Mr Turnbull making money, but it well and truly smacks of self-interest and a very, very big conflict of interest that Mr Turnbull and his government are hell-bent on protecting the Prime Minister and his partner Lucy Turnbull and others on the list.

Senator Fifield: Acting Deputy President Reynolds, on a point of order, I think Senator Lines was coming precariously close to reflecting on a member from the other place talking about conflicts of interest. It might have got close to crossing the line.

The ACTING DEPUTY PRESIDENT (Senator Reynolds): Minister, I concur. Would you like to rephrase your last comment, Senator Lines.

Senator Moore: Acting Deputy President, on that point of order. We have seen that that is part of the standard debate. It actually came close to a conflict of interest; it was not actually making direct reflection. I make the point that the senator needs to be careful in her statements, but I do not think that she has actually crossed the line at this stage.

The ACTING DEPUTY PRESIDENT: Thank you.

Senator Lines: Today we see that, perhaps, there is another reason why the Turnbull government is so intent on protecting those on that list: many of them are big donors to the Liberal Party. We have Dick Honan, whose Manildra company has contributed to the Liberal and the National parties. We have Michael Crouch's Zip companies, who have contributed to the Liberal Party. We have Mr Crouch himself who has contributed to the Liberal Party. We have the late Paul Ramsay's healthcare company, who has contributed the Liberal Party. We have the late Doug Moran, who has contributed to the Liberal Party. We have the late Richard Pratt who has contributed to the Liberal Party. They are all on the former secret list. That is one of the reasons why these lists need to be transparent so Australian taxpayers and Australian voters can make up their own minds.

Of course there is another company on the list, and I am calling it a secret, dodgy list: 7-Eleven, a truly discredited company. They currently hold the record for making the top of another list, the top of the list for the highest ever record of underpayments to its own staff. To date, the Fels panel has uncovered $2.3 million of underpayments for just 101 workers. They are on the secret list that the government wants to continue to protect. Mr Fels told the Senate inquiry last week that they have written to 15,000 workers. So this is just the tip of the iceberg.

The company 7-Eleven tells us it wants to be accountable, yet fiercely clings and seeks government protection to stay on the secret list. Last week at the Senate inquiry, we discovered a similar fraud to James Hardie. The company 7-Eleven has now set up an independent company called Independent Claims Pty Ltd to which it is going to funnel payments to workers who have been underpaid. That is a company that the government wants to protect and does not think it is okay somehow that the public and Labor demand transparency for companies like that. That is not good enough. Thankfully, that secret list, with all the people on it, is now out there for the public to see, along with the list of donors to the Liberal Party for the Australian voters to make up their own minds about.

Right now, we have a government hell-bent on raising the GST—again, going after the Australian community and Australian workers—to a whopping 15 per cent, but steadfastly
refusing to deal with tax transparency. Boy, have they got it wrong and the Australian public know it right now.

Senator IAN MACDONALD (Queensland) (16:28): Senator Lines, I thought you might have learnt a lesson from your leader's attempt to smear the Prime Minister. Perhaps you should have a look at the opinion polls in recent weeks to see what the Australian public think of these very base attempts to smear people simply because they have been successful. Senator Lines, you talk about dodgy companies. I wonder if you include in that the dodgy operations run by the union movement?

Senator Moore: Acting Deputy President, on a point of order. The comments should not be made directly to Senator Lines; they should be made through you.

The ACTING DEPUTY PRESIDENT: Senator Moore, you are correct. Senator Macdonald, if you could refer comments through the chair.

Senator IAN MACDONALD: I do stand corrected, but I can understand why the Labor Party would take such a trivial point of order. That seems to be the standard of the Labor Party these days. If you say something they do not like, they try to stop you saying it. Perhaps they should have a look at something about freedom of speech in this country and get on with the matter. I can well understand this, because the Labor Party is controlled by the union movement and, whenever you start attacking the unions, their underlings in this place simply try to stop you raising the point. We have all seen example after example of how the unions have ripped off their own members in a disgraceful display, and there is no accountability at all. Where is the legislation to make unions accountable for the money which they steal from their members? We all know about the Health Services Union and the CFMEU. We know all about the union of workers in Sydney that funds the New South Wales Labor Party and the rorts and corruption there. Yet Senator Lines has the hide to abuse parliamentary privilege by naming people in this chamber.

This government has done more for accountability across the board than any government in recent history, and I am pleased that the royal commission into trade unions is providing, at last, some accountability for the hundreds of millions of dollars that go through the hands of dodgy union bosses—and, I might say, some union bosses who are not dodgy. One wonders about the Labor Party's enthusiasm for accountability when it comes to people's private tax issues and not about accountability and transparency where union funds are committed.

I do not have a lot of time, and in answering Senator Lines I have strayed a bit from the subject. But can I just point out that the government maintains the Australian Taxation Office's corporate tax transparency publication except for those companies where the publishing of the information would have put at risk the privacy of owners and the competitiveness of businesses. I might also point out that submissions made to the Labor government before the Labor government introduced some legislation in this area some years ago highlighted the risk that disclosing the tax affairs of closely held companies will effectively disclose the tax affairs of companies' owners, and the risk of making public commercial-in-confidence information for private companies. Those submissions were made to the Labor government, and the Labor government at the time took that into account in the legislation they brought forward. The concerns were also raised when the coalition government consulted on the exposure draft of legislation to exclude Australian-owned private companies from the Australian Taxation Office tax transparency publication. The
exclusion of these companies, however, has absolutely no impact on the comprehensive powers of the Commissioner of Taxation to require companies to produce any information that is relevant to making an assessment of their tax liability. So the tax office already has that power. It is a very strong power, and it is a power which, I am aware, the tax office regularly uses. The exclusion of those companies also has no impact whatsoever on the amount of tax paid by those companies under the law, and the public disclosure will continue to apply to multinational enterprises operating in Australia and to Australian public companies.

In the limited time left to me, can I again pay tribute to the coalition government and particularly the former Treasurer Mr Hockey for his work in having implemented G20 and OECD base erosion and profit shifting recommendations on country-by-country reporting and harmful tax practices to address that multinational tax avoidance, and the Common Reporting Standard for Automatic Exchange of Financial Account Information to address offshore tax evasion. These are real initiatives of the coalition government. The Labor Party were in power for six years. I was going to say they talked a lot about this and did very little, but I do not think they even talked too much about it. It was left to the coalition government to work with countries around the world to try to fix this problem of tax and profit transparency. It is an issue that has been around for a long time, and I am delighted that the government of which I am a member is at last doing something that should have been done decades ago, and that will ensure that companies that operate in Australia pay the right amount of tax in Australia, something Mr Hockey and the whole government were very keen on and something the Labor Party had six years to do something about and did absolutely nothing about. But that work is on the way, and I would urge the Labor Party to get involved in constructive issues like that rather than having these base debates and trying to malign and smear fellow Australians.

Senator LEYONHJELM (New South Wales) (16:35): Today's debate is on the importance of tax transparency. Let me be clear: tax transparency is not important. Government should be transparent about what it does with our tax dollars. Government should not be transparent about the affairs of people who pay that tax. Taxpayers are required to provide private information to the tax commissioner so that he can check whether the taxpayer has paid enough tax. Taxpayers face fines and imprisonment if they do not provide this private information. Such coercion is a necessary evil of government. Traditionally governments have softened this imposition by promising not to share the private information they extract. But we have rejected this tradition. As it stands, the law requires the Tax Commissioner to publish the tax affairs of foreign companies with high turnover. This is an abuse of trust and a violation of privacy, and it adds insult to the injury of taxation.

This parliament is full of politicians who want to change the law so that the tax affairs of more and more taxpayers are published. These politicians who want to publish the private information of taxpayers are either meddlesome, unbalanced or conniving. The meddlesome ones love to pry into other people's business. It is a great shame that these snooping busybodies, who just have to find out other people's business, have found their way into the federal parliament.

The unbalanced politicians are driven by a visceral hate of those with more money than they have, a hate that veils a seething jealousy. Again, it is a great shame that our parliament contains so many people who believe that the wealth of rich people must be ill gotten, rather than the result of hard work, ingenuity or luck.
And the conniving politicians are just pandering to antirich prejudices felt by others in the electorate. We will never get rid of conniving politicians, but we should quell, rather than stir up, the antirich prejudices on which they prey.

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (16:37): At the very least, in this debate it is good to see that some senators on the Labor side are just as agile and nimble as this government. They are showing a level of agility and—I do not know if 'nimbleness' is a word!—nimbleness. That is perhaps a word! We have been asking them to do that. We have been asking them just to be a little bit more open minded and to see the possibilities for this nation. Unfortunately, they have not really applied that agility and that nimbleness to the issues facing the country and the problems and concerns that people have in the real world; they have applied that agility and nimbleness to their arguments that they are bringing to this debate.

I was here only a couple of weeks ago when Senator Dastyari was going around getting the numbers on a particular amendment that the Labor Party had, to do with tax transparency. They were making the argument that it was okay to put this provision in the bill to make everybody with a net worth of more than $100 million be transparent—it was okay to do that—because it is already available. It is already available through ASIC. You can just pay $38, I think it is, and you can get the details. Since then it has become apparent that actually some companies can request not to have that information made public, obviously because they prefer to have their personal tax matters private. And now the Labor Party have a completely different argument: 'We need it because these people are excluded, and there is a list of businesses that are exempt from those ASIC provisions.'

It is, I think, very interesting and very important to recognise that this exemption to ASIC reporting—this is my understanding—was introduced in 1995. Who was in charge in 1995? It was the Labor Party. The Labor Party introduced this particular exemption, and now they are trying to argue against it. They did not even realise it was an exemption a couple of weeks ago, and now they are using it as part of their argument to justify something that they really did not understand. It is clear now that they did not understand, because they did not understand how the law works.

They are being very agile in this debate to change tack on this argument to justify why they need to now continue their position even though the information has changed. Unfortunately, they are not so agile sometimes when it comes to transparency from other organisations. They are very keen here for individual Australians to have to put on the public record their individual tax affairs, even if there is not even a suggestion that they are doing the wrong thing. They might be paying their tax. They might be lodging it on time, doing everything right. They would have to put their personal financial affairs out in the public domain. That is what the Labor Party want to do.

But, even though they believe in transparency in that regard, they completely oppose efforts to improve transparency when it comes to trade unions, or registered organisations. Registered organisations have a very privileged place in our legislative framework. They are protected and exempted from trade practices laws. They have the ability to collectively bargain among their members—much more power than farmers get in that regard—because they are registered organisations under an act. But they currently can hide a lot of
information, including director fees and whether or not they have actually lodged their appropriate statements with Fair Work Australia, the relevant regulatory body.

So, a few years ago, we—actually, it was Mr Tony Abbott, in the other place—put forward a private member's bill to increase transparency of registered organisations, to make it a civil offence for a reporting unit not to lodge a compliant full or concise report with Fair Work Australia. That is right; it was not even an offence, civil or otherwise. It was not even an offence under the Fair Work Act for a trade union not to lodge their proper reports with the appropriate regulatory body. We know from certain scandals in trade unions over the past few years that many organisations had failed to lodge those reports.

Guess what the Labor Party's approach was to that bill? Nothing. They did not want any transparency of organisations that get privileged places in our legislative framework and that should be subject to transparency because the members, ordinary workers, ordinary Australians, pay fees every week to be members of those organisations. They deserve that transparency. They deserve that organisation to be fully compliant, but the Labor Party do not want to apply that in those instances.

They do want to apply it to people who happen to have some wealth in our society. I support the statements of Senator Leyonhjelm. I do not think we should be dividing the country in any way. I do not think we should be dividing the country on race, on creed, on background or on income. We should apply laws to everybody equally. If there are people who are doing the wrong thing who have less than $100 million or people who are doing the wrong thing who have more than $100 million, the law should apply to them equally. I believe that every Australian deserves to be equal before the law. If they have done the wrong thing, the law should absolutely come down on them like a ton of bricks.

But we should not seek to make one set of rules for some Australians and another set of rules for other Australians, because there has been no evidence presented here that somehow there is noncompliance or a culture of nontaxpaying in those people earning above a certain amount of income. There is no evidence. We have had a huge Senate inquiry into this issue. It has had hearings all around the country. While certainly that inquiry exposed issues particularly in regard to multinational tax avoidance, there was absolutely no evidence that individual taxpayers in this country are somehow avoiding large amounts of tax or that there are any deficiencies in the powers and privileges that the Australian Taxation Office has to follow up any issues on individual taxpayers.

Without any of that evidence, why would we impose this unequal burden? Why would we do this? One reason, I think, that this is being raised again is an attempt from the Labor Party to reheat another sequel on an agenda here: trying to bring in the Prime Minister. It failed a few weeks ago. They are now trying for the sequel. I would advise the Labor Party that usually the sequels are worse than the original movie. Usually they are not as good, and this one is certainly a poor man's sequel, relative to their attempt a few weeks ago.

Finally, I am a relatively new senator, and it does frustrate me no end when we in this place seek to place a higher bar or a higher burden or greater compliance on individuals in our country than we would on ourselves. If we in this chamber and in the other place think it is appropriate to make public the tax paid, the personal financial affairs and the tax returns of Australians with a certain amount of income or assets, why would we not impose that same obligation on ourselves? I have not seen anyone in this chamber propose that, and I think it is
deeply hypocritical for people here to try to impose that standard on other Australians, who have not necessarily done anything wrong, when not a lot of people in this place would be too comfortable doing that. I am not proposing it, but I think that if others want to propose a law for certain Australians they should be willing to apply it to themselves as well.

Senator McALLISTER (New South Wales) (16:45): I rise to support the matter under discussion, and in doing so I want to place it in its proper context, which is that the government is most keen to have a debate about taxation and in particular have a debate about the GST and the role that a rise in the GST might play in plugging holes in revenue and in funding a cut to corporate taxes. That is the reality of the debate we are having now. That is the context in which we seek to initiate a discussion about tax transparency. Instead of talking about a GST, people on this side of the chamber believe that the government should first look to the solution that is right under its nose.

There is a problem in this country with corporate tax avoidance. The Senate inquiry into corporate tax avoidance has just been through this, at length, and found disturbing evidence of the practices that are taking place every day in major multinational corporations in this country. There are real problems with transfer pricing. Apple reported a taxable income of only $247 million in Australia from revenue of over $6 billion. Just last week we heard from Chevron, and they talked to us about why it is that they pay significant amounts, a transfer price, to a shipping company headquartered in Bermuda. They provided the laughable response that the reason they locate their shipping company in Bermuda is to take advantage of the world-leading health and safety standards in that jurisdiction. BHP earned profits of $5.7 billion from its Singapore marketing hub, and the tax paid on that amount in Singapore was $121,000. Uber is a company renowned for being disruptive and innovative, and they are certainly disruptive and innovative in the way they approach taxation. Uber requires its drivers to submit 25 per cent of every transaction to its head company in the Netherlands. That profit, made off the backs of ordinary people driving cars for their company, is not recognised in Australia at all. Uber has 100-odd staff in Australia to facilitate its thriving and growing business—and I should say that it is a very important and interesting business, which I think is going to add great value to our country. Nonetheless, the 100 people headquartered here who are driving this business are not considered to be part of the company and not considered to create value for the company. They are simply described as a 'marketing operation'.

The ATO thinks this is a problem. On Wednesday last week at our hearings, Commissioner Chris Jordan explained it this way. He said:

For example, one thing I find odd is when firms are marketing goods and services here in Australia we're told that it's a 'low value add' activity. But when Australian goods and services are marketed to foreign countries through marketing hubs it is suddenly a highly valuable activity. It just doesn't add up. This is a real problem. It is a problem that is recognised by the OECD, and we on this side of the chamber do not assert that transparency is the only solution, but we do say that it is a key part of the solution. Some people want to say that it is not necessary that we should be simply focusing on compliance. Indeed, it is very important that we properly resource the ATO. But the truth is that tax transparency allows us to have a proper conversation as a nation about the kind of tax regime we have in place and whether or not it is fair.
The purpose of a transparency regime is not to drive compliance. I agree that that is the job of the ATO. The purpose of transparency is to ensure that we as a nation can assess whether or not the laws currently in place are operating properly to ensure that everybody pays their fair share. Everyone here understands that the ability to fund the services that Australians expect—good health services, good education services, an aged pension and the kinds of things that make Australia a great place to live—is utterly dependant on a robust, fair and effective tax regime. Tax transparency is part of the process of ensuring that we can secure these into the future.

Senator XENOPHON (South Australia) (16:50): In two minutes or less, I say this: tax transparency is important because without a high level of transparency in our tax system, particularly for large corporate entities, public confidence in our tax system can be undermined and eroded. Parallel to that, having tax transparency can stimulate public discourse and debate as to whether some of our biggest corporations are paying a fair and appropriate level of tax. So it is relevant and important as part of this public discourse to be aware, for instance, that global energy giant Chevron paid just $248 on revenues of $1.73 billion. We need to know what the story is there. That is why I moved those amendments in relation to general purpose accounts in the last session of this parliament. I think it is important that we have that additional layer of information for companies that have a part of a global entity with $1 billion or more in revenue. If you are small or medium company that has $25 million or more in revenue you need to provide details to ASIC, which are public and transparent. There is a grandfather clause of close to 1,500 companies that do not have to provide that. Treasury itself, in its own inquiry back in 2006-07 said, 'We should get rid of that exemption.' That is part of this debate.

Finally, I want to make reference to Senator Edwards, who said that it is all my fault and that I was not part of the debate several weeks ago. I did miss the debate. The speaking list collapsed. I was doing an interview. I have been up-front about it. I have apologised for it but there was no division. Senator Edwards needs to be corrected in relation to that. Unlike Senator Edwards, I am not perfect. I will try to do better next time. That is why I am trying to make amends so that we can have greater levels of tax transparency in this nation. I think it is absolutely imperative that we have a good public debate in a great democracy such as ours.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (16:53): I thank all senators for their contributions. It is always great to see the Liberal Party dragged, kicking and screaming, into a debate about taxation. In case anybody has misunderstood what this is about, it is about the Liberal Party protecting its mates. It is about the Liberal Party protecting its leader, who believes it is okay to run his assets through the Cayman Islands. That is fine, but he says, 'I want to make Australians pay a GST of 15 per cent on food'. This is a party—those opposite—who do not want Australians to understand exactly how much tax is paid or, most importantly, not paid by a select group of companies in this country. Company after company has been dragged to the economics references committee taxation inquiry, and over and over again they have come up with the most pitiful excuses as to why they do not actually pay any tax in Australia.

We have a government pretending that it is going to get some tax revenue from overseas companies or, what has become worse now, we have a trend where Australian companies set up their businesses in a deliberate way to artificially shift their profits to another country.
which has a lower tax regime. That is what is at stake here: the integrity of our tax base. Why don't the Liberal Party want Australians to know why and how much tax some people do or do not pay? Why is that the case? One blog this afternoon went through all the Liberal Party donors that are on a secret list and the hundreds and hundreds of thousands of dollars that the people on this list—who the Liberal Party are trying to protect today—actually donate to the Liberal Party. Is that the reason?

I looked on in amazement as certain big international companies fronted a tax inquiry in the United Kingdom. They were asked, 'Why don't you pay more tax?' Do you know what their simple answer to those British members of parliament was? It was, 'We pay all the tax that your laws require us to.' Those laws are so fraught with loopholes that you could drive trucks through, so set up with vested interests, that these companies say, 'I pay exactly the amount of tax that I am required to. These companies that set up all these tax avoidance mechanisms to make sure they pay as little tax as possible use the defence of, 'I pay all the tax I am required to.' Do you know who else said that recently? Do you know which other prominent Australian said recently, 'I pay every tax dollar that I have to, even though my assets go through the Cayman Islands'? Do you know who that was? It was none other than the Prime Minister of Australia, Mr Turnbull. He chose his words very carefully when he said, 'I pay all the tax that I am required to by law.' That is exactly what all those tax-avoiding companies that turned up in the UK said. That is exactly what they said: 'It's your fault, parliament. You haven't made us pay any more tax.' And now we have Mr Turnbull running the same defence: 'I pay all the tax I am required to by the laws of the country I'm the Prime Minister of.' Prime Minister, you can change that.

Today we have seen that the Prime Minister, when exposed as being one of the people who runs a company that is not required to disclose how much tax it has paid, has now written to ASIC and said, 'Please take me off the list.' If that is not an admission that he knows that this is the wrong thing to do, then why has he written that letter today? If that is not a smoking gun, nothing is. This is a government that wants to protect its mates, wants to protect its Prime Minister and argues that it is okay to run your assets through the Cayman Islands—because it is just a beautiful place. You have got to read some of the reasons that these people have set up in Bermuda and the Cayman Islands. Apparently it is really safe. The Bermuda Triangle is news to them. It is a very safe maritime regime. The Bermuda Triangle does not exist. It is just part of the fiction of the sixties and seventies.

These are companies that have set themselves up with structures that are designed to minimise the amount of tax that they provide to the Commonwealth so that the Commonwealth can provide services to Australians. That is what this debate is about. It is about the Liberal Party wanting to protect its mates, wanting to protect its donors and wanting to protect companies that are ripping off the tax base of this country. These are companies that actually engage in economic activity in Australia, that make sales and purchases here in Australia but manage to transfer their revenue and their profit streams to other countries like, say, Singapore—which has officially half the rate of tax. It is sort of like what they call the 'rack rate' at a hotel. That is if you are dumb enough to pay only the 15 per cent; you can get a much cheaper rate out of the Singapore regime just by asking nicely. Fifteen per cent is just the headline rate to get companies to register and set themselves up there.
I had to stop myself laughing when the chief executive of one of the big Australian international companies said, 'Yes, we do all this work here in Australia. We've got a billion dollars worth of revenue but, do you know what, our base is actually in Singapore.' Senator Xenophon asked him if he had ever been to Singapore. Here we had the chief executive of a company that sends all its revenue to Singapore because that is where they set up their business. How many times do you think he had visited Singapore in his period as CEO? Ten? Five? Two? One? No, you guessed it: he had never been to Singapore—to his own head office! That shows you what a sham transaction looks like: when the CEO of an Australian company says, 'We've set up our head office in Singapore'—nothing to do with tax—but he has never bothered to visit the country where his head office is set up for the region. What an extraordinary contempt for the Australian public. What an extraordinary contempt for that committee. But, most importantly, what an extraordinary contempt for Australian tax laws when you can divert all of your resources and your revenues to another country so that you do not have to pay tax.

So the challenge I put out to those opposite today is: do not stand here and pretend that you are doing anything other than protecting your Liberal donor mates. Do not stand here and pretend that you are going to fix the tax-base of this country, when you are not going to. You want to claim that there is a problem with the budget in this country that needs a GST fix—that ordinary Australians have to have a 15 per cent tax on food put on, while you want to protect your Liberal donor mates and your Prime Minister.

Do not pretend that it is about anything else. This debate is about why the Prime Minister of Australia says it is okay to put his assets running through the Cayman Islands and why companies run their assets, their profits and their revenues through the Dutch Antilles, the Bermuda based companies and the Cayman Islands based companies. This is a tax debate that is a fair dinkum tax debate. This is a piece of legislation that is going to come before us but those opposite are going to die in a ditch over. The signature moment for Mr Turnbull, the Prime Minister of Australia, is to protect Liberal Party donors, to protect companies that are ripping off ordinary Australian taxpayers and to try to pretend that he is much nicer than Mr Abbott. Well, Mr Abbott did not have assets run through the Cayman Islands. Mr Turnbull does.

It is time that Australians knew exactly how much these companies pay. It is exactly why this amendment and this debate is so important. Australians deserve to know how much those opposite are protecting their mates from paying tax in this country, and then they can make an informed decision about why they need a GST. Should tax companies, should Liberal Party donors, should the Prime Minister pay a bit more tax, or should I have to pay 15 per cent GST on food? That is what this debate is about. So come clean, those opposite. Come clean and do not insist on your bill without the amendments. (Time expired)

**DOCUMENTS**

**Consideration**

The ACTING DEPUTY PRESIDENT (Senator Lines) (17:03): I shall now proceed to the consideration of documents.
Legislative Assembly of Western Australia

Senator SIMMS (South Australia) (17:03): I move:

That the Senate take note of the document.

I refer to the letter received by the President on 17 November advising of the motion passed by the Legislative Assembly of Western Australia that calls on the federal government 'to abandon the proposed plebiscite on marriage equality and urgently calls on all members of the Federal Parliament to have a free vote on a bill to amend the Marriage Act 1961, to provide for marriage equality.' This was recently supported by this Senate during the last sitting period. Members would recall that the Senate passed a Greens motion noting that a plebiscite is divisive, costly and not necessary and calling on Prime Minister Malcolm Turnbull to provide a free vote on the issue of marriage equality by Christmas.

The clock is ticking. There is still an opportunity for Mr Turnbull to break with the Abbott prime ministership and show some leadership on this issue. At the moment, Mr Turnbull is in the Lodge but Tony Abbott is his ghostwriter. He is still drafting these policies and still setting the policy agenda of this government from his political grave. We have seen that on a range of issues from climate change to marriage equality. Mr Turnbull needs to break with the Abbott era and provide a free vote.

We have talked about this plebiscite before here in this place, but let us make no mistake here: it is often presented as some kind of way of providing progress on this reform. What a nonsense that is. What a complete sham it is to spend $160 million of taxpayer funds to ask a question we already know the answer to. The people who are putting this idea on the table are not doing it because they think that it is going to bolster the prospects of success or because they are wanting to deliver this reform. They are doing it because they are trying to find another roadblock. They are trying to concoct some other elaborate excuse, some other way of shutting the door on marriage equality for same-sex couples in this country, some other way of furthering Tony Abbott's ridiculous ideological opposition to marriage equality in this country.

We have a new Prime Minister, and he needs to put his money where his mouth is. He needs to break with the Abbott era and offer a different style of leadership. We are not seeing that at the moment. We have, as I say, Mr Turnbull in the Lodge but Tony Abbott being his ghostwriter, still pushing this agenda. It is clear, however, that momentum for marriage equality is building in this country. There is a mounting list of parliaments rejecting a plebiscite and calling on the parliament to act. I do congratulate the Parliament of Western Australia for taking that step. It is great to see the Senate here doing the same thing. We do need to, collectively, keep the pressure on Mr Turnbull so that he acts on this important issue. Let us have a free vote on marriage equality before Christmas.

Question agreed to.
COMMITTEES
Public Works Committee
Report
Senator CANAVAN (Queensland—Nationals Whip in the Senate) (17:07): At the request of the Parliamentary Standing Committee on Public Works, I present report No. 9 of 2015, Referrals made August 2015.

Treaties Committee
Report
Senator CANAVAN (Queensland—Nationals Whip in the Senate) (17:07): I present the 156th report of the Joint Standing Committee on Treaties, Treaties tabled on 8 September 2015. I move:

That the Senate take note of the report.

I seek leave to incorporate the tabling statement in Hansard.

Leave granted.

The statement read as follows—

Mr President, today I present the Joint Standing Committee on Treaties’ Report 156: Treaties tabled on 8 September 2015.

Report 156 covers three proposed treaties:
• an Air Services Agreement with Laos;
• a Mutual Legal Assistance Agreement with Brazil; and
• amendments to the Convention for the Safety of Life at Sea.

Mr President, air service agreements are bilateral treaties that allow commercial air travel between two countries.

The proposed Agreement with Laos details the number of flights; and the number of passengers and the quantum of freight that can be transported between Australia and Laos using commercial air services.

The Agreement permits airlines from each country to set up operations in the other country, including selling tickets, reaching code sharing arrangements with other airlines, offering package deals combining international air travel and domestic travel, and having fair commercial access to airports and related facilities.

The Agreement also emphasises the importance of air safety and security in relation to commercial air travel between Australia and Laos. All aircraft and staff involved in commercial air travel between the two countries must be certified to the relevant international standard. In addition, the authorities of each country have the right to inspect aircraft and facilities operated by an airline from the other country for both safety and security reasons.

Each country has the right to suspend without notice the services of an airline of the other country if there is a safety or security problem.

Mr President, at the moment, there are no direct commercial flights between Australia and Laos. However, the Committee hopes that this agreement will encourage stronger commercial ties between Australia and Laos.

Mr President, mutual legal assistance agreements establish formal mechanisms for cooperation between countries in the pursuit of criminal matters. Australia has 29 such agreements at present.
The Agreement with Brazil will enable Australia and Brazil to cooperate in tackling serious and organised crime, such as drug trafficking, money laundering, human trafficking, people smuggling, cybercrime and terrorism.

Specifically, these agreements establish a framework for requesting and considering a request for legal assistance in relation to a criminal matter. The assistance rendered can include:

- taking evidence and statements;
- providing documentary evidence, including government and court records;
- locating persons and objects;
- examining locations and sites;
- search and seizure;
- delivery of evidence or property;
- arresting suspects;
- serving documents; and
- locating and forfeiting the proceeds of crime.

Mr President, a number of checks and balances are included in the agreement.

In particular:

- a request can only be accepted where the matter under investigation is considered to be a crime in both jurisdictions.
- mutual consent is necessary for legal assistance, so Australia can choose not to cooperate
- In addition, a request can be denied if the requested party believes it to be motivated by political, racial, sexual or other prejudice, or if the request relates to a crime that is punished by the death penalty.

In relation to the death penalty, Government witnesses advised that Brazil has not conducted an execution since 1855.

Mr President, the final treaty considered in the Report I am tabling today contains amendments to the Convention on the Safety of Life at Sea, which is generally known by its acronym, SOLAS.

SOLAS contains basic minimum requirements for the safe construction, equipping and operation of ships at sea.

The proposed amendments to SOLAS include:

- additional steps to verify the weight of containers before they are loaded onto ships, including provisions for testing by Port State Authorities;
- clarification of requirements relating to the fire safety equipment and machinery spaces on passenger ships; and
- a new requirement for cargo ships to carry specialised atmospheric testing equipment on international voyages.

Mr President, I can advise that the Committee supports all the proposed treaty actions. The Committee has recommended binding treaty action in relation to the Air Services Agreement with Laos and the Mutual Legal Assistance Agreement with Brazil.

Amendments to SOLAS are deemed accepted by parties on a set date, so no recommendation is required.

Mr President, on behalf of the Committee, I commend the Report to the Senate.

Question agreed to.
Legal and Constitutional Affairs Legislation Committee
Corrigenda to Report

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:08): At the request of Senator Hanson-Young, I present a corrigendum to the dissenting report from the Australian Greens to the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Migration Amendment (Charging for a Migration Outcome) Bill 2015.

Ordered that the document be printed.

MINISTERIAL STATEMENTS
National Security

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:08): On behalf of the Prime Minister, Mr Turnbull, I table a ministerial statement on national security.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (17:09): I move:

That the Senate take note of the document.

I want to be clear that the primary motivation of the criminal groups and individuals threatening national security and perpetrating the extremist violence around the world is just that—a threat to our national security. Their primary motivation is to perpetrate this terrible violence right across the planet. These people seek to impose their will and world view through the most heinous of crimes—crimes that are designed to scare, to silence and to suppress any manifestation of culture, belief or thought that is different from theirs. Their tactic is to divide us and to generate and perpetuate fear and suspicion. In doing so, they attempt to erode the very nature of our democracy.

As we remember and honour the lives of those killed and injured in recent attacks in Paris, in Beirut, in Bamako, in the Russian airliner brought down over Egypt and in the hundreds of other incidents around the world in this year alone, we must redouble our efforts and commit again to those principles that we hold dear—democracy, respect for diversity, inclusion—of course recognising that global cooperation has to be our first response. Violent extremism does not respect or distinguish between national borders. If there is one lesson we have learnt from the recent tragic events, it is that making the world safer from these horrendous acts requires a high level of diplomacy and cooperation between nations.

Like many Australians, I am deeply concerned by the conflict in Syria. The facts are staggering. The UN has said that 250,000 people have been killed in Syria since 2011 and an estimated 7.6 million are internally displaced. Four million people have fled the country. The Greens have said all along that, without a clear plan—a plan that outlines our objectives, our exit strategy—military action is just adding to the chaos in that country. We, like many others, believe that a US led coalition is not going to achieve much for Australia's or indeed the world's national security interests. As the President of the US himself has said only recently, they do not have a clear long-term strategy for countering IS. Their past military involvements in Iraq, since 1991, have been spectacularly unsuccessful and indeed a disaster for the region.
Unilateral military involvement in Syria is unlikely to provide a long-term solution and it risks greatly increasing the appeal of IS to young people. This is a disgraceful organisation, and the barbarity with which it acts is appalling, but the response needs to be a comprehensive, multilateral strategy with our allies, including the Arab League, working with the United Nations to achieve a number of objectives—objectives that are not as simple as simply sending in ground troops and that might not fit as neatly into a two-minute sound bite as some of the interventions we have heard, as unhelpful as they have been, from the coalition of yesterday's men, people like Kevin Andrews and the former Prime Minister himself.

What is required here is a comprehensive response, closing the Turkish border and preventing the flow of weapons and foreign fighters from joining IS or Daesh, cutting off the organisation's money and supplies. This is critical. The financing of terrorism is what keeps these organisations going. We cannot engage in an arms race and keep sending more of our military to face more of these weapons. We need to work to ensure stability in Syria. We know that there has been a power vacuum that has allowed radicals and foreign backers to take hold. Of course we have to assist in the rebuilding efforts—the rebuilding of hospitals, housing, schools and other vital infrastructure.

We also have to face up to the reality that huge inequality, poverty and disenfranchisement all contribute to the problem by providing fertile ground for the recruiters to the criminal cause of violent extremism. That is why the Greens believe that an international response must include a commitment to address the social and economic conditions that enable it to thrive. Reversing our trajectory on foreign aid would be a start. At the same time as these conflicts continue unhindered, we are now on track to see our lowest contribution to foreign aid in 30 years. The Greens advocate increasing Australia's foreign aid budget to reach 0.7 per cent of gross national income by 2025, a commitment already reached by countries like England, which we know has faced greater economic pressures than the pressures we are facing here in Australia right now. The Millennium Development Goals target of 0.7 per cent was intended to be reached this year but we are further away from it than ever. Now is the time to get back on track. As one of the wealthiest countries in the world, we should demonstrate our genuine concern by lifting our contribution to foreign aid and ensure that we not just increase the level of aid but also its effectiveness. Using foreign aid, for example, to expand our detention centre network is a shameful use of money.

Tackling violent extremism is incredibly complex. It requires a considered response. We have to work with the international community to make Australians and the citizens of all nations safer from violent extremism. Australia clearly already has comprehensive protections with regards to community safety. We have laws that stop a person from travelling in and out of Australia, that prosecute a person for supporting terrorist activity overseas. We have laws that restrict a person's movements and communications without charge, that subject them to surveillance and that revoke the citizenship of dual nationals on the basis of past convictions—just to list a few. But we are not persuaded that new citizenship laws will offer any further protections against the threat of terrorism and we are concerned that they might make the threat of public safety at home and overseas worse. We believe that the safest place for people convicted of terrorism charges—that is, criminals—is in jails rather than roaming the world. We do support a strong domestic policing response here in Australia and we agree that our security agencies should be equipped with the powers and resources to do that job.
But we also believe that investment in programs that support families and communities that are vulnerable to the insidious influence of recruiters and extremism is critical.

We have called for the establishment of a centre for social cohesion to develop key preventative programs to help stop young Australians from becoming radicalised, to work with communities, to work with young people to unite the nation rather than divide it. We think that such a body fostering social cohesion can bring together government, law enforcement agencies, academic researchers and indeed people who were previously recruited to the cause so that we can work together to build resilient and cohesive communities. I hope that our parliamentary colleagues will support this action for an important piece of national security infrastructure. We all do agree in this place that we have to rise to the challenge to defeat the criminals behind extremist violence. We agree that violence anywhere is unacceptable and that lives all over the planet are equally valuable but we also believe that we need to look at new ways of addressing the problems and to support our values of respect and inclusion. (Time expired)

Question agreed to.

COMMITTEES

Environment and Communications Legislation Committee

Membership

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:19): I move:

That Senator Dastyari replace Senator Singh on the Environment and Communications Legislation Committee on 30 November 2015, and Senator Singh be appointed as a participating member.

Question agreed to.

BILLS

Tax and Superannuation Laws Amendment (2015 Measures No. 5) Bill 2015

First Reading

Bill received from the House of Representatives.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:20): I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:21): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—
This Bill amends various taxation laws to implement a range of improvements to Australia’s tax laws.

The Government is committed to fairness and sustainability in Australia’s tax system. This Bill underlines that commitment by making some important changes to realign policies with their original intent, improve integrity and reduce complexity for taxpayers.

Schedule 1 to this Bill will modernise the methods for calculating tax deductions for work-related car expenses by streamlining and updating the available methods and rates for claiming work-related car expenses.

Schedule 2 will better target the Zone Tax Offset to exclude Fly-in Fly-out and Drive-in Drive-out workers. This meets the Government’s priority to deliver a fairer tax system—ensuring only those genuinely living in the specified geographic zones are entitled to the offset.

Schedule 3 will introduce a separate grossed-up cap of $5,000 for salary sacrificed meal entertainment and entertainment facility leasing expenses for certain employees of not-for-profit organisations, and all use of these salary sacrificed benefits will become reportable.

Schedule 4 will create a new reporting regime which requires third parties to report on a range of transactions.

The 2015-16 Budget delivered by this Government demonstrated a commitment to building a fair and sustainable tax system. Schedule 1 to this Bill contributes to this commitment by modernising and streamlining the available methods and rates for calculating work-related car expenses. The schedule reduces the number of methods for claiming the deduction, not what is deductible for car expenses.

Currently, work-related car expenses are claimed by 3.8 million taxpayers each year.

Under current rules, taxpayers can choose one of four methods to calculate their claims based on their travel and documentation. This Bill reduces the available methods down to two.

Having four different methods available adds complexity to claims for taxpayers. This is because taxpayers—or their tax advisers—tend to calculate all four methods in order to identify the method that delivers the greatest amount of deduction.

Of the four methods currently available, both the 12 per cent of original value method and one-third of actual expenses method are used where more than 5,000 business kilometres are travelled, and therefore require less substantiation. Yet these two methods are used in just two per cent of claims each year. As such, this Bill will remove these two options.

Instead, for the 2015-16 income year, taxpayers can continue to calculate their claims using the more popular cents per kilometre method for business travel of less than 5,000 kilometres, or the logbook method to calculate their claims based on actual expenses and travel.

This Bill also modernises the formula for calculating claims using the cents per kilometre method. Under this method, no substantiation of car expenses is required—only a reasonable estimation of the work-related travel conducted throughout the year, up to a maximum of 5,000 business-related kilometres. This will not change under this Bill. Under present arrangements, these work-related kilometres are then multiplied by a cents per kilometre rate based on the size of a car’s engine - currently 65 cents per kilometre for small cars, 76 cents per kilometre for medium cars, and 77 cents per kilometre for large cars.

In addition, the existing rates apply to rotary engines of different sizes, and have not previously been modernised to apply to modern electric or hybrid vehicles.

This Bill streamlines the different rates based on engine size to a single rate of 66 cents per kilometre, which is based on the average running expenses in Queensland and New South Wales of the five highest selling vehicles in Australia. This rate is a fair estimation of expenses for all taxpayers, and
is supported by recent data from both RACQ and NRMA for the costs of running the top five selling cars.

For those taxpayers who travel more than 5,000 business-related kilometres, the logbook method will not change—establishing work-related driving by keeping a logbook for 12 weeks which is valid for five years—still enables them to claim their actual expenses based on their work-related use.

For those that wish to stay on the cents per kilometre method, Tax Time 2016 will be much easier with a standard rate applied to their travel.

The original methods and rates were set in the 1980s—it is clear based on the methods actually used, and up to date industry information on current running costs, that these rates and methods are outdated. They are adding to the compliance burden of everyday Australians—which is already one of the highest in the modern world.

Going forward, the Commissioner of Taxation will review the new single rate each year reflecting the most up to date running costs for the greatest number of Australian taxpayers. These changes will raise $845 million over the forward estimates, making a significant contribution to our ongoing budget repair effort.

Schedule 2 provides for changes to the Zone Tax Offset to realign it with its original intent.

From the 2015-16 year, the Zone Tax Offset will be targeted to people genuinely living in identified regional areas. This Bill will exclude ‘fly-in fly-out’ and ‘drive-in drive-out’ workers (also referred to as FIFO workers) from claiming the offset, where their usual residence is not within one of the ‘zones’. FIFO workers whose usual residence is in one zone, but who work in a different zone, will retain the Zone Tax Offset entitlement associated with their usual place of residence. This will ensure that the offset is better targeted to those taxpayers genuinely living in these regional areas.

The Zone Tax Offset was introduced in 1945 and was intended to compensate recipients for the disadvantages of living in remote areas including isolation, uncongenial climate and higher costs of living.

Geographic regions associated with the Zone Tax Offset are spread across Australia and include regional areas of all states and territories except Victoria and the Australian Capital Territory. In addition, particularly remote areas (including parts of the Northern Territory, far west and north Queensland and northern Western Australia) are eligible for higher zone rebates in recognition of the additional costs they face.

Currently, to be eligible for the offset, a taxpayer must reside or work in a specified remote area for more than 183 days in an income year. The residency test does not require a Zone Tax Offset recipient to spend 183 days consecutively in the relevant zone. As a result, FIFO workers who spend more than a total of 183 days in a zone are currently eligible to claim the offset.

When first enacted, the Zone Tax Offset was intended to compensate Australians genuinely living in these regional areas for certain disadvantages associated with living in such remote areas. However, this offset was designed before the rise of the Fly-in Fly-out worker, before modern travel and before the mining boom made temporary relocation for work economically viable.

So what we now see is that FIFO workers flying in from Perth, or Brisbane, or Sydney—areas otherwise ineligible for the offset—are able to spend over 183 non-consecutive days in these regional areas of Australia, return to their home in Sydney or Brisbane or Perth, and still claim the offset. This is clearly not the intent of the original policy and it is unfair on those Australian families who are genuinely contending with the isolation, uncongenial climate and higher costs of living in these remote areas.

It is estimated that up to 180,000 people currently claim the Zone Tax Offset based on where they work rather than where they live.
Schedule 2 to this Bill amends the law so that only those residents genuinely living in the designated geographic zones are eligible to claim the offset, and is expected to raise $325 million over the forward estimates. This change is consistent with the original policy intent of the offset, ensuring that it is fair, well targeted and sustainable.

Schedule 3 to this Bill introduces a separate single grossed-up cap of $5,000 for salary sacrificed meal entertainment and entertainment facility leasing expenses for employees of certain not-for-profit organisations. All use of these salary sacrificed entertainment benefits will become reportable.

The charitable and not-for-profit sector in Australia is vitally important to the strength of our community. Each year the federal government provides billions of dollars in support to the sector in the form of various tax concessions.

These include income tax exemptions, deductible gift recipient status, applying a higher threshold for GST registration and fringe benefits tax concessions.

Employees at a public benevolent institution or a health promotion charity are ordinarily entitled to Fringe Benefit Tax exempt benefits up to $30,000 a year and employees in public hospitals, not-for-profit hospitals and public ambulance services up to $17,000 a year.

In addition to their $17,000 or $30,000 cap, an employee will also be entitled to spend an unlimited amount on entertainment benefits without being subject to Fringe Benefit Tax. These uncapped benefits can include meals, alcohol, cruises, holidays overseas and birthday parties.

The use of these concessions has moved beyond its original intention. However, as the government recognises the ongoing importance of these concessions in the not-for-profit sector, this Bill imposes a cap of $5,000 grossed up on these benefits rather than removing them altogether. A cap improves fairness and is further evidence of the Government's commitment to the integrity and sustainability of the Australian tax system. This change is expected to raise $295 million over the forward estimates.

Since 2007, the Australian Taxation Office has offered individual taxpayers a pre-filling service to help them to complete their tax return. It uses the information received from third parties to provide this service.

The Australian Taxation Office now receives sufficient information to completely pre-fill a simple tax return. It now provides information to taxpayers on wages and salaries, interest and dividend income, government benefits from Centrelink, and Medicare and private health insurance details.

To further improve compliance and make it easier to complete tax returns, Schedule 4 to this Bill amends Schedule 1 to the Taxation Administration Act 1953 to increase the information reported by third parties to the Commissioner of Taxation.

Schedule 4 creates a new reporting regime requiring third parties to report on the following four types of transactions: government grants and payments, transfers of real property, transfers of shares and units in unit trusts and business transactions made through payment systems.

First, government grants and payments often constitute income in the hands of businesses. Examples of these payments are those provided to contractors or consultants for a range of services. These payments may give rise to taxable consequences for the supplier of services.

Commonwealth and state and territory government entities will be required to report information on grants and payments for services to businesses that occur on or after 1 July 2017.

Local government entities will also be required to report information on payments for services to businesses that occur on or after 1 July 2017.

Second, transfers of real property may give rise to different kinds of tax consequences. A common consequence is an income tax liability, based on a net capital gain. Another is a goods and services tax liability.
Each state and territory will be required to report information on transfers of freehold or leasehold interests in real property that occur on or after 1 July 2016.

Third, transfers of shares or units in a unit trust may give rise to income tax consequences based on a net capital gain. Corporate events, such as a return of capital to shareholders, may also have income tax consequences.

The Australian Securities and Investments Commission will be required to report on transaction data that it has received under the market integrity rules. ASIC will report on transactions that occur on or after 1 July 2016.

To enable the Commissioner to identify the parties in each transaction that ASIC reports, market participants such as stockbrokers will provide client identity information to the Commissioner.

Such reports will be provided for transactions that occur on or after 1 July 2017.

Trustees of trusts other than unit trusts are required to report on transactions that have a tax consequence for absolutely entitled beneficiaries. This will allow the Commissioner to attribute any capital gains tax consequences to absolutely entitled beneficiaries. Such reports will be required for transactions that occur on or after 1 July 2017.

The Commissioner will exempt trustees from reporting under this regime where they lodge a tax return for the trust for the relevant income year.

Finally, amounts that a customer pays a business typically give rise to income tax consequences for the business.

Administrators of payment systems will be required to report the total of all electronic transactions paid to a business or provided as a refund or cash to a customer of the business. Examples of electronic transactions are those payments using credit or debit cards. However, the reporting will be limited to transactions the administrator of the payment system reasonably believes are for the purposes of a business.

These reports apply to transactions that occur on or after 1 July 2017.

This measure will improve taxpayer compliance by increasing the information reported to the ATO to allow improvements to pre-filling of tax returns. This is expected to raise $123 million over the forward estimates. In addition to increasing integrity in the tax system, this measure will also simplify the tax return process for taxpayers.

The Government recognises that this regime will impose some costs on reporters and fully expects the Commissioner of Taxation to streamline processes and avoid duplication. Compliance costs for reporters can be minimised by aligning information reporting requirements with the natural systems of businesses (such as setting up new client records or paying suppliers) and using current and emerging technologies.

This Bill is aimed at better targeting and strengthening our tax system to ensure it is fair and sustainable.

Full details of the measures are contained in the explanatory memorandum.

Debate adjourned.

Foreign Acquisitions and Takeovers Legislation Amendment Bill 2015

Returned from the House of Representatives

Message received from the House of Representatives agreeing to the amendments made by the Senate to the bill.
COMMITTEES
Education and Employment Legislation Committee
Report

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (17:22): At the request of the Chair of the Education and Employment Legislation Committee, Senator McKenzie, I present the report of the committee on the provisions of the Social Security Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill 2015, together with the Hansard record of proceedings and documents presented to the committee.
Ordered that the report be printed.

BILLS
Migration Amendment (Charging for a Migration Outcome) Bill 2015
Second Reading

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

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:22): I thank senators for their contribution to this debate. The purpose of the Migration Amendment (Charging for a Migration Outcome) Bill 2015 is to amend the Migration Act 1958, to introduce a new criminal and civil penalty regime that will make it unlawful for a person to ask for, receive, offer or provide payment or other benefits in return for a range of sponsorship related events. The bill also allows visa cancellation to be considered where the visa holder has engaged in such conduct, referred to as ‘payment for visas’ conduct.

This bill reflects the key integrity recommendation of the independent review into integrity in the subclass 457 program: that it be made unlawful for a sponsor to be paid by visa applicants for a migration outcome and that this be reinforced by a robust penalty and conviction framework. This bill will apply to a range of temporary sponsored work visas and skilled permanent employer sponsored visas, where payment for visas conduct is known to occur, including the 457 visa and the 186 and 187 permanent employer sponsored visas.

The practice of giving or receiving a benefit in return for a visa sponsorship can have serious detrimental effects. These include making vulnerable non-citizens liable to exploitation; reducing employment opportunities in Australia and putting downward pressure on wages and conditions for citizens and permanent residents; allowing persons who receive a payment in return for sponsorship to inappropriately make significant financial gains; and adversely affecting the integrity of Australia’s migration program.

Payment for visas conduct is not currently unlawful. It is, however, unacceptable to the government and the Australian people because it undermines the genuine purposes for which visas are intended to be granted. This bill will strengthen the integrity of Australia’s migration program by deterring payment for visas conduct and allowing action to be taken where such conduct has occurred. The regime of offences, civil penalties and discretionary visa cancellation provided for in the bill will allow the Department of Immigration and Border Protection to take action against unscrupulous people across a broad spectrum of payment for visas conduct.
The proposed amendments protect Australian workers, because they ensure that overseas workers who are employed in Australia and who may eventually gain permanent residence do so on the basis of genuine skills and need rather than because they have paid their employer. The proposed amendments protect overseas workers from exploitation by sponsors who threaten to withdraw their support in the visa or employment process if payment is not forthcoming. Employment opportunities in Australia should be earned not sold, and the employment of foreign workers should not act to undercut Australia's wages and conditions.

I note that the Senate Legal and Constitutional Affairs Legislation Committee have recommended passing the bill without amendments. They have also recommended the government undertake a broad information campaign to ensure that migration agents, sponsors and visa applicants understand the requirements of the bill. The government accepts and will implement this recommendation. I would like to thank the committee for their work.

I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator KIM CARR (Victoria) (17:27): I would like to indicate to the committee that it is my intention to seek leave to move six separate blocks of amendments relating to the nature of visas, increased penalties, business numbers, whistleblower protections, reporting obligations, coercion and criminal offences and civil penalties in relation to visa holders. So I indicate that these are separate measures and I believe that we can vote on these as blocks. I seek leave, firstly, to move amendments (5) to (8), (10) to (18), (22), (23), (25), (27) to (30), (32) to (37), (39) to (44) and (47) to (55).

Leave granted.

Senator KIM CARR: by leave—I move opposition amendments (5) to (8), (10) to (18), (22), (23), (25), (27) to (30), (32) to (37), (39) to (44) and (47) to (55) on sheet 7807 together:

(5) Schedule 1, item 1, page 3 (line 11), omit "sponsorship-related event", substitute "migration outcome-related event".

(6) Schedule 1, item 1 page 3 (lines 14 and 15), omit "sponsorship-related event", substitute "migration outcome-related event".

(7) Schedule 1, item 1, page 3 (line 20), omit "sponsorship-related event", substitute "migration outcome-related event".

(8) Schedule 1, item 1, page 3 (line 23), omit "sponsorship-related event", substitute "migration outcome-related event".

(10) Schedule 1, item 3, page 3 (after line 29), after the definition of benefit in subsection (4), insert:

migration outcome-related event has the meaning given by section 245AQ.

(11) Schedule 1, item 3, page 3 (lines 30 and 31), omit the definition of sponsorship-related event in subsection (4).

(12) Schedule 1, item 6, page 4 (line 8), omit "sponsored visas", substitute "work visas".

(13) Schedule 1, item 6, page 4 (after line 24), after the definition of executive officer in section 245AQ, insert:
migration outcome-related event means any of the following events:

(a) a person applying for approval as a sponsor under section 140E in relation to a sponsor class;
(b) a person applying for a variation of a term of an approval as a sponsor under section 140E in relation to a sponsor class;
(c) a person becoming, or not ceasing to be, a party to a work agreement;
(d) a person agreeing to be, or not withdrawing his or her agreement to be, an approved sponsor in relation to an applicant or proposed applicant for a sponsored visa;
(e) a person making a nomination under section 140GB in relation to a holder of, or an applicant or proposed applicant for, a sponsored visa, or including another person in such a nomination;
(f) a person not withdrawing a nomination made under section 140GB in relation to a holder of, or an applicant or proposed applicant for, a sponsored visa;
(g) a person applying under the regulations for approval of the nomination of a position in relation to the holder of, or an applicant or proposed applicant for, a sponsored visa, or including another person in such a nomination;
(h) a person not withdrawing the nomination under the regulations of a position in relation to the holder of, or an applicant or proposed applicant for, a sponsored visa;
(i) a person employing or engaging, or not terminating the employment or engagement of, a person to work in an occupation or position in relation to which a work visa has been granted, has been applied for or is to be applied for;
(j) a person engaging, or not terminating the engagement of, a person to undertake a program, or carry out an activity, in relation to which a sponsored visa has been granted, has been applied for or is to be applied for;
(k) the grant of a work visa;
(l) a prescribed event.

(14) Schedule 1, item 6, page 4 (after line 27), after the definition of sponsored visa in section 245AQ, insert:

work visa means:
(a) a sponsored visa; or
(b) any other visa (other than a visa of a prescribed kind, however described) in accordance with which the holder may perform work:
(i) without restriction; or
(ii) subject to one or more work-related conditions.

(15) Schedule 1, item 6, page 4 (line 28) to page 5 (line 31), omit the definition of sponsorship-related event in section 245AQ.

(16) Schedule 1, item 6, page 5 (line 33), omit "sponsorship-related event", substitute "migration outcome-related event".

(17) Schedule 1, item 6, page 5 (line 38), omit "sponsorship-related event", substitute "migration outcome-related event".

(18) Schedule 1, item 6, page 6 (line 2), omit "sponsorship-related event", substitute "migration outcome-related event".

(22) Schedule 1, item 6, page 6 (line 23), omit "sponsorship-related event", substitute "migration outcome-related event".
(23) Schedule 1, item 6, page 6 (line 28), omit "sponsorship-related event", substitute "migration outcome-related event".
(25) Schedule 1, item 6, page 6 (line 31), omit "sponsorship-related event", substitute "migration outcome-related event".
(27) Schedule 1, item 6, page 7 (lines 12 and 13), omit "sponsorship-related offence", substitute "migration outcome-related offence".
(28) Schedule 1, item 6, page 7 (line 15), omit "sponsorship-related offence", substitute "migration outcome-related offence".
(29) Schedule 1, item 6, page 7 (line 18), omit "sponsorship-related offence", substitute "migration outcome-related offence".
(30) Schedule 1, item 6, page 7 (line 20), omit "sponsorship-related offence", substitute "migration outcome-related offence".
(32) Schedule 1, item 6, page 7 (line 24), omit "sponsorship-related offence", substitute "migration outcome-related offence".
(33) Schedule 1, item 6, page 7 (lines 32 and 33), omit "sponsorship-related offence", substitute "migration outcome-related offence".
(34) Schedule 1, item 6, page 8 (lines 4 and 5), omit "sponsorship-related contravention", substitute "migration outcome-related contravention".
(35) Schedule 1, item 6, page 8 (line 8), omit "sponsorship-related contravention", substitute "migration outcome-related contravention".
(36) Schedule 1, item 6, page 8 (line 11), omit "sponsorship-related contravention", substitute "migration outcome-related contravention".
(37) Schedule 1, item 6, page 8 (line 13), omit "sponsorship-related contravention", substitute "migration outcome-related contravention".
(39) Schedule 1, item 6, page 8 (line 24), omit "sponsorship-related contravention", substitute "migration outcome-related contravention".
(40) Schedule 1, item 6, page 8 (lines 32 and 33), omit "sponsorship-related contravention", substitute "migration outcome-related contravention".
(41) Schedule 1, item 6, page 9 (line 4), omit "sponsorship-related contravention", substitute "migration outcome-related contravention".
(42) Schedule 1, item 6, page 9 (line 8), omit "sponsorship-related contravention", substitute "migration outcome-related contravention".
(43) Schedule 1, item 6, page 9 (line 12), omit "sponsorship-related contravention", substitute "migration outcome-related contravention".
(44) Schedule 1, item 6, page 9 (line 14), omit "sponsorship-related contravention", substitute "migration outcome-related contravention".
(47) Schedule 1, item 9, page 14 (line 22), omit "sponsorship-related offence", substitute "migration outcome-related offence".
(48) Schedule 1, item 10, page 14 (line 26), omit "sponsorship-related provision", substitute "migration outcome-related provision".
(49) Schedule 1, page 14 (after line 27), after item 10, insert:

10A Section 487A

Insert:

migration outcome-related offence means:

CHAMBER
(a) an offence against Subdivision D of Division 12 of Part 2; or

(b) an offence against section 6 of the *Crimes Act 1914* that relates to an offence against that Subdivision; or

(c) an ancillary offence (within the meaning of the *Criminal Code*) that is, or relates to, an offence against that Subdivision.

*migration outcome-related provision* means a civil penalty provision in Subdivision D of Division 12 of Part 2.

(50) Schedule 1, item 11, page 14 (line 31) to page 15 (line 1), omit paragraphs (a) and (b) of the definition of related provision, substitute:

(a) a migration outcome-related offence; or

(b) a migration outcome-related provision; or

(51) Schedule 1, item 12, page 15 (lines 4 to 14), to be opposed.

(52) Schedule 1, item 13, page 15 (lines 17 to 19), omit paragraphs (a) and (b), substitute:

(a) a possible migration outcome-related offence; or

(b) a possible contravention of a migration outcome-related provision; or

(53) Schedule 1, item 15, page 15 (line 25), omit "sponsorship-related provision", substitute "migration outcome-related provision".

(54) Schedule 1, item 16, page 15 (lines 29 to 31), omit subparagraphs (i) and (ii), substitute:

(i) a migration outcome-related offence has been committed; or

(ii) a migration outcome-related provision has been contravened; or

(55) Schedule 1, item 17, page 16 (lines 5 and 6), omit subparagraphs (a)(i) and (ii), substitute:

(i) the migration outcome-related offence or offences; or

(ii) the migration outcome-related provision or provisions; or

As I noted during the second reading debate, in our judgement this bill is defective in that the bill does not apply to all work related visas, including student visas and working holiday visas. It is limited to employer sponsored visas, but the kinds of exploitation that the bill seeks to prevent have arisen with regard to other visas as well. As we have seen with the 7-Eleven examples, these amendments extend protection to all holders of temporary work visas and subject their employers to the same penalty regime. A consequential amendment substitutes the term 'migration outcome related event' for the term used in the bill: 'sponsorship event'. The thrust of these matters is to provide proper protections, not taking away rights but actually enhancing the rights of visa holders when, as we have seen, there have been so many examples of people being ripped off.

**Senator SCULLION** (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:31): We will not be supporting these amendments. Whilst the principles of the mischief that you wish to ameliorate are sound, this is specifically about particular coercion for a particular group. Government would say that it is not appropriate within this legislation to spread the mischief from actually coercive behaviour, in the purchasing or receiving of benefits from either the party of the person who receives the visa or in fact the sponsor who is assisting in providing the visa, to some issues around how much you actually get paid. They are significantly separate issues, and we would say that the matter that you are referring to should be dealt with by Fair Work Australia.
Senator HANSON-YOUNG (South Australia) (17:32): Looking at the amendments as circulated by the opposition, the Greens support them. We need to be clear here that we too are very concerned about the exploitation of people on those more short-term working visas or student visas. They are indeed some of the most vulnerable people working in our community and some of the most vulnerable noncitizens working in our community.

How much more evidence do we need than the scandal from 7-Eleven? I know it was a little bit of a Freudian slip by the Leader of the Opposition in one of his interviews, where he referred to 7-Eleven as Subway, but the issue here is surely that we would be naive to think that this type of exploitation of workers only happens within the 7-Eleven chain and franchises. We know that there are employers out there who are doing the wrong thing, particularly by young workers whether they are here on holiday visas or whether they are here on student visas, and they should not be able to get away with it.

Of course, there are some elements of being able to tackle this through the Fair Work Act and the Greens are doing what we can. The Member for Melbourne, in the other place, has introduced legislation to amend the Fair Work Act to ensure that there is responsibility for exploitation such as this to be taken right to the top of organisations that operate on these types of franchise set-ups. But here we are today looking specifically at issues that relate to the exploitation and wrong use of people on working type visas. Why shouldn't it also ensure that we protect those people who are here on student visas, working holiday visas and other types of short-term working arrangements?

I struggle to understand why the government is not taking this issue up themselves head-on. It is surely not a particularly hard line to draw if you want to crackdown on those who are doing the wrong thing in terms of employer sponsored visas. If the same credentials apply to them and you want to crack down on them then surely you are able to stretch that out and ensure that you get those who are amongst the most vulnerable of our non-nationals and non-citizen workers.

I have also got some questions for the minister. I raised in my speech on the second reading the big concern around these issues: that they do not just deal with the employers who have done the wrong thing but that they also capture the person who has been given the visa, who may have got into this situation unwittingly. I am drawing this question in the context of these amendments from the opposition because a lot of these students are people who have English as a second language and who do not have family supports around them. They are back home overseas. It makes them even more vulnerable. I think we should be going after the employers in this area, not the workers. I would like to know what the government is doing to ensure that we are not going to be tripping up and catching those who are actually the victims in this rather than the masterminds of unscrupulous behaviour.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:36): Thank you for your question. This legislation deals with a class of visas that are sponsored. You need a sponsorship to come to Australia to have a work right. In the circumstances that you are describing there may well be mischief in that area, but their right to be in Australia is actually afforded invariably by a study right so it is not about the sponsorship issue.

Whilst I appreciate the very good remarks you make, the recommendation from the committee was to stick specifically to where coercion is able to be offered, where the coercion
leans on your capacity to be in the country and the right to be in the country rather than on the right to work. For a student the right to be here to study is already conferred but they have a right which is very similar to other rights in the country, which is why it is our recommendation that that is dealt with through Fair Work Australia.

Senator HANSON-YOUNG (South Australia) (17:37): I understand the comments not put forward by the minister. The problem is that there is this intersection with these group of workers where they are being exploited because of the conditions on their student fees, for example, or on their working holiday visa. So employers are able to exploit them. It may not be that that is the reason they are sponsored to be here but because they are being forced to do things that are out of line with their visa conditions, that is where the coercion sets in. For a student who is forced to work more than 20 hours a week, otherwise they do not have a job, their employer will sack them, it is that type of exploitation. They cannot work legally more than 20 hours a week because they would be in breach of their student visa but here we have the employer exploiting that vulnerability.

I understand it gets into a grey area but it is a very clear intersection between the already large number of vulnerabilities of these workers linked into this business model from employers, whether they are sponsored work visas, whether they are keeping people here as low-paid exploited workers on other types of visas, these people are doing the wrong thing and the people who are coping it, if they speak out, if they do not comply, are the vulnerable workers caught in the middle.

I understand it does not fit exactly with what the government is trying to do in this legislation, but what we are pointing out here is that there is a big gap where most of the exploitation is happening. If we are not going to do it in this piece of legislation, where are we going to do it because it does need to be tackled? Perhaps the minister could give me some indication as to where the government wants to go. If not with these amendments, where are you going to pick up cleaning up the system because, for all the talk, we have not seen amendments to deal with that issue.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:40): Thank you again for that contribution, Senator. I can only reiterate that for the particular legislation we are dealing with now a fundamental recommendation was that we deal with this particular part of it. That may be because of the complexity of the transaction between those two areas. I am not the minister; I am just acting on behalf of the minister so I cannot give you an answer about how those other matters can be dealt with but I am advised that most of the matters on which you are seeking clarification can be dealt with under the Fair Work Act. I can only reiterate that for the issues we are trying to deal with here, the threat of coercion deals with the right to be here in the country, not with any particular right to work. I acknowledge that in some of the circumstances you describe, an employer can coerce someone to work outside their visa conditions, but the mischief we are trying to ameliorate specifically in this legislation is where the coercion lies with their right to be in the country. I understand the connection you make is that you put your right to stay in the country at risk because you have been coerced to work longer. I accept that that is a mischief which may occur but again I reiterate that the recommendations which come with this legislation are specifically to deal with those matters where an employer or a sponsor is
put in a position where they can exploit and coerce other people who wish to have a visa or outcome.

Senator KIM CARR (Victoria) (17:42): Minister, perhaps you could outline to the chamber exactly what was the nature of the evidence that John Azarias found in his investigation about the exploitation of 457 visas. That is something the government directly acknowledges in this legislation because it says it is seeking to deal with that matter. Perhaps you could explain to us exactly what he found in terms of his report.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:42): In broad terms there are a number of ways by which coercion can be provided. There are three classes. There is a class where the sponsor or the mischief the sponsor would indicate that they would seek to have some benefit to the sponsor: ‘You’—the applicant—‘will pay me a certain amount of money and I will provide the sponsorship.’ It can be an existing sponsor. In my opening remarks I related to where an existing sponsor had a job or has work rights in this country, the sponsor can say, ‘For a number of reasons I am able to breach my sponsorship or close off my sponsorship unless you continue to maintain or start paying funds’ or some of the benefit to the employer. It may also be the case, and I suspect it is in a small number of cases, were a potential applicant offers funds to coerce a sponsor into ensuring that they provide the right sort of evidence so that the applicant for that visa class is successful. I hope that is of assistance, Senator. It is a broad range of the mischief that this legislation is trying to ameliorate.

Senator KIM CARR (Victoria) (17:44): I fully acknowledge that the government is doing the right thing in regard to that particular matter. That is not the issue. The opposition is supporting that aspect of the bill. The concern I have is that there have been too many examples now where there have been groups of people on visas other than 457s subject to exactly the same problem.

For instance, take the recent case where the Australian Federal Police have laid charges against three individuals relating to alleged fraud in the vocational educational system. The example that has been brought to our attention is of Australia Post. This is a government agency employing subcontractors—in this case, St Stephen Institute and Symbiosis, two colleges that were registered here. In fact, I think one of them was just recently given a seven-year extension on their registration without any site visit. Yet this college has been employing people to work for Australia Post and treating them very badly, to the point where fraud charges—which we know have a very high threshold for criminal proceedings—have been laid by the Federal Police against those colleges. There is another one, TK Melbourne Education and Training, which, as I understand it, has also been the subject of these actions by the Federal Police.

These examples are not historic. They are very much happening now. They are examples of people with visas other than in the 457 class who have been mistreated by employers. The 7-Eleven example has now become infamous across this country, and of course there are many others. My attention has been drawn to a raid that I understand Border Force officers undertook just last Wednesday at a house in or near Brisbane. According to reports that I have seen, the house contained up to 30 people from Taiwan who were operating what has been described as a ‘boiler room’—that is, a high-pressure sales call centre. The boiler room was discovered when residents in the house tried to prevent the real estate agent from entering the...
facilities. Workers in this call centre probably could not be called employees because, as described, they were effectively slaves.

This is happening here and now, and this parliament has an obligation to do something about it. We all know that 'slavery' is a pretty ugly word, and I am sure it shocks many Australians for us to use it. But that is the reality of what is occurring. As I understand it, the Border Force raid saw four persons expected to be deported for violating their 417 visa conditions. There needs to be attention paid to prosecuting employers who misuse these provisions.

I think it is reasonable to assume that these circumstances are just the tip of the iceberg. It demonstrates why it is necessary to broaden the scope of this bill. We can commend the government for taking action on 457 visas, in terms of payment for results. I acknowledge that that is a step forward, but it is nowhere near as good as we could get by simply acknowledging that there is a range of other visas where similar practices are occurring. In particular, I think the actions with regard to the backpacker visas have seen widespread abuse of those workers. The student visa provisions have been widely acknowledged to have been grossly abused by unscrupulous employers. That is why I am suggesting there needs to be action taken, consistent with the provisions that we are proposing, to extend protections to students and working holiday visa holders so that they can be treated properly.

It is no good saying, 'Take it up to Fair Work Australia.' That makes an assumption about the power relationships, and that people have standing and union protection, because it is often the case that unions play a vital role. If you are a student and you are placed in these circumstances, you are put at a complete disadvantage if you want to stay here. I did not come down in the last shower—I know that people do things that they should not do in terms of breaching their visas, but there have to be measures put in place so that people can come forward. That is why I argued in the 7-Eleven case that there needed to be an amnesty to allow us to get to the bottom of what was a systemic rort. The way this company was operating—their business case depended on it—suggested to me a fundamental corruption of the system which required quite strong and deliberative action by this parliament.

That is why I am urging the chamber to examine these matters. I would ask you, Minister: when you say that these questions can be taken up before Fair Work Australia, what history do we have of that being a successful course of action for students or backpackers who are placed in this situation? How often does that occur and what are the results? I am sure the department has some statistical evidence. Given the level of abuse that the department knows is going on, what percentage of those people end up before Fair Work Australia and how long does it take to get your case heard?

**Senator SCULLION** (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:51): I would just reiterate the motivation and the mischief that this legislation seeks to ameliorate. There is currently conduct that is lawful in Australia. All the circumstances that you have described, Senator, are currently unlawful in Australia. The motivation for this legislation is to ensure that those things that are obviously odious to the Australian public but currently lawful in Australia are now made unlawful by this piece of legislation.

You make a few references to circumstances where you wish to make amendments to include them in this legislation. As you would know, Taskforce Cadena, which is a taskforce
made up of both Fair Work Australia and the department, is acting to ensure that those circumstances, as they come to bear, are investigated.

You did refer to boiler room activities and they are horrendous circumstances. I do not want to go into any great detail. Those issues are currently under investigation. The authorities are moving to provide a brief of evidence to prosecution, as they should under these matters, because those matters are lawful. But where a matter that is equally odious to us comes to the attention of the Australian government or the authorities, we cannot act on it because it is currently lawful in this country. So this legislation specifically seeks to ensure the right to remain in this country. As a sponsor, people are using coercion, at one level or another, to ensure that they can gain access. After this legislation, that will be unlawful. Where one party has been coercive in their behaviour, that will be unlawful and various authorities will now be able to act.

Senator MUIR (Victoria) (17:53): Some submitters expressed concern that the amendments to section 116 of the bill will give the minister an unrestricted power to cancel a visa if a benefit was received by a visa holder in return for the occurrence of a sponsorship related event. Can the minister confirm whether the minister will have an unrestricted power to cancel a visa?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:53): You are correct, Senator, but it will be a discretionary power. The reason it will be discretionary is that we are talking about circumstances under which the person who is in the country with a visa has acted in a way that coerces an employer—and I would say those circumstances would be extremely rare—where they are party to ensuring that they benefit. There may be circumstances where a clear benefit does not flow to that visa holder. The minister then has the discretion to look at all those circumstances to ensure that there is ample evidence that the person who is the applicant for the visa is a beneficiary of some of those transactions. That will be a discretion held by the minister for those reasons.

Senator MUIR (Victoria) (17:54): There were some concerns that, if this bill is passed, the minister may cancel the visa of a person who has been subject to human trafficking, enforced labour or slavery related offences under the Criminal Code or serious exploitation in violation of the Fair Work Act. Can the minister please advise what safeguards are in place to ensure that such cancellations do not occur?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:55): Under this policy it is the intention that visa cancellation would not be pursued where payments have been extracted under coercion or in circumstances of slavery or human trafficking. That is exactly what that discretion is intended to provide.

Senator MUIR (Victoria) (17:55): It was submitted to the Senate inquiry that the threat of cancellation of a visa is likely to have the perverse outcome of assisting those engaged in human trafficking and shocking workplace exploitation by further deterring victims of such crimes from reporting the crimes against them if they have been offered a sponsorship related event. Can the minister please advise what is in this bill to prevent this perverse outcome from occurring?
Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:56): It is the intention of this bill to protect not only the process but also those who are legitimately here with work rights from being exploited. So I guess the burden of evidence that would operate around the issues that the minister may take into consideration in his discretion would be the role that was actually played by the applicant. It is very difficult for someone in those circumstances to put their hand up and say they are in those particular circumstances. I acknowledge that. But in the nature of these crimes that is often the case. But once discovered, which is the circumstance we are talking about, if we were able to establish that the sponsor was actually providing the coercion to the worker—if we talk about the circumstances of the workplace, I think I have covered that in my answers to the last couple of questions from my colleague opposite. The clear intention of this legislation is to prevent the mischief of the sponsor coercing the individual who is applying for the visa.

Senator MUIR (Victoria) (17:57): Can the minister please advise me who drafted the bill and what consultation occurred?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (17:57): I am advised that the Office of Parliamentary Counsel drafted the bill, which is the regular process. A number of Commonwealth agencies were consulted—the Attorney-General’s Department, the Australian Federal Police, the Commonwealth Director of Public Prosecutions, the Department of the Treasury, the Fair Work Ombudsman and the Department of Employment. As you would be aware, Senator, there was a parliamentary inquiry into this matter and they made some substantive recommendations. Most Senate inquiries—particularly with the Legal and Constitutional Affairs Committee, as you would be aware, Senator—involves submissions and general consultations. It is a process the Senate takes for granted.

The CHAIRMAN: The question is that opposition committee amendments (5) to (8), (10) to (18), (22), (23), (25), (27) to (30), (32) to (37), (39) to (44), (47) to (50), (52) to (55) on sheet 7807 be agreed to.

The committee divided. [18:03]

(The Chairman—Senator Marshall)

Ayes ...................... 28
Noes ...................... 33
Majority ............... 5

AYES

Bilyk, CL (teller) Brown, CL
Bullock, JW Carr, KJ
Conroy, SM Dustyari, S
Di Natale, R Gallagher, KR
Hanson-Young, SC Ketter, CR
Lines, S Ludlam, S
Marshall, GM McAllister, J
McEwen, A McKim, NJ
McLucas, J Moore, CM
O’Neill, DM Peris, N
Polley, H Rhiannon, L
Rice, J Siewert, R
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Question negatived.

The CHAIRMAN: The question now is that schedule 1 item 12 stand as printed.

Question agreed to.

Senator KIM CARR (Victoria) (18:07): I seek leave to move a second tranche of amendments—to increase penalties for sponsors—amendment Nos (20), (21), (24), (31) and (38).

Leave granted.

Senator KIM CARR: I move opposition amendments (20), (21), (24), (31) and (38):

(20) Schedule 1, item 6, page 6 (line 12), omit "2 years or 360 penalty units", substitute "4 years or 720 penalty units".

(21) Schedule 1, item 6, page 6 (line 16), omit "240 penalty units", substitute "480 penalty units".

(24) Schedule 1, item 6, page 6 (line 29), omit "240 penalty units", substitute "480 penalty units".

(31) Schedule 1, item 6, page 7 (line 21), omit "360 penalty units", substitute "720 penalty units".
The current bill has a criminal offence of a maximum of two years in prison or a fine of $64,800 for individuals, or $324,000 for a corporate body, and civil offences with a maximum fine of $43,200 for individuals and $324,000 for corporate bodies. It is my view that this penalty regime is too lenient to be an effective deterrent.

The evidence is that financial gains from committing offences against visa holders can be as much as $70,000 for an individual visa holder and up to $700,000 for a sponsor dealing with multiple visa holders. It may well be that people feel there is an advantage in terms of profiting from the exploitation of cheap labour under these circumstances. It clearly is not a humane approach for this parliament to take to allow such actions to continue. Clearly the government recognises this; that is why they have proposed changes to the 457 visa arrangements.

However, the penalty regime remains far too low and will undermine the intent of this bill—by a simple measure: an employer that wants to exploit these people in this way will still be able to make very substantial profits out of it. So Labor's amendments provide for penalties set out in the bill to effectively be doubled.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (18:08): Before I address these particular amendments, I would like to thank all crossbench senators for their thoughtful approach to the bill. In particular, I would like to thank Senators Lazarus, Wang, Lambie, Muir and Madigan for approaching the government with concerns and assisting the government to address those concerns to pass the legislation.

The minister has agreed with the crossbench to review certain aspects of the legislation 18 months after the commencement of the legislation and to make that review public within 24 months. I understand the minister will be writing to the crossbench senators, Senators Lazarus, Wang, Lambie and Muir later this evening, but a form of words has already been agreed to for the minister's undertaking. The government considers this an extremely important bill and thanks the crossbench for supporting this bill through the parliament.

In regard to the penalties, the maximum 360 penalty points and a two-year term of imprisonment for the criminal offence is already greater than the standard ratio of penalty units to imprisonment prescribed in the Attorney-General's Department's Guide to framing Commonwealth offences infringement notices and enforcement powers, which is five penalty units, which is one month imprisonment, which would equate to a maximum of 120 penalty units for a two-year term of imprisonment. The current level of penalties attracted the attention of the Senate Standing Committee for the Scrutiny of Bills when conducting their recent inquiry into the bill. We acknowledge that, however, the high penalty units are commensurate with the anecdotal evidence as to the upper limit amount paid in payment for visa cases.

As you indicated, Senator Carr, in your contribution, the penalties for this bill are for in fact each criminal offence and each civil penalty contravention. So a person convicted of charging two visa holders for sponsorship would under the criminal offence be liable for up to 720 penalty units, which may be imposed instead of, or in addition to, a maximum term of four years imprisonment.
Senator KIM CARR (Victoria) (18:10): I have nothing further to add on the matter, given that, I understand, there are a number of other events on this evening and senators may well have an interest in those. I disagree with the position the minister has outlined. The Scrutiny of Bills Committee highlighted a problem here. There ought to be effective penalties imposed by this, and I do not think the current regime allows that.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (18:11): Without going on with this matter too much, I just want to reiterate my last line: 720 penalty units may be imposed instead of, or in addition to, the maximum term of four years in prison.

The CHAIRMAN: The question is that amendments (20), (21), (24), (31) and (38) on sheet 7807 be agreed to.

The committee divided. [18:16]

(The Chairman—Senator Marshall)

Ayes .................30
Noes ..................32
Majority ..............2

AYES

Bilyk, CL
Bullock, JW
Conroy, SM
Di Natale, R
Hanson-Young, SC
Lines, S
Marshall, GM
McEwen, A (teller)
McLucas, J
O’Neill, DM
Polley, H
Rice, J
Simms, RA
Urquhart, AE
Whish-Wilson, PS

Brown, CL
Carr, KJ
Dastyari, S
Gallagher, KR
Ketter, CR
Ludlam, S
McAllister, J
McKim, NJ
Moore, CM
Peris, N
Rhiannon, L
Siewert, R
Singh, LM
Waters, LJ
Xenophon, N

NOES

Abetz, E
Bernardi, C
Bushby, DC
Colbeck, R
Edwards, S
Fierravanti-Wells, C
Johnston, D
Lazarus, GP
Lindgren, JM
Madigan, JJ
McKenzie, B
Nash, F
Ronaldson, M
Scullion, NG

Back, CJ
Birmingham, SJ
Canavan, MJ
Day, RJ
Fawcett, DJ
Fifield, MP
Lambie, J
Leyonhjelm, DE
Macdonald, ID
McGrath, J
Muir, R
Reynolds, L
Ryan, SM
Seselja, Z
Question negatived.

Senator KIM CARR (Victoria) (18:20): The minister made a statement after the first division thanking the crossbenchers for their support and indicating that the minister would be writing a letter this afternoon advising those senators that there would be a review. My experience here suggests to me that it implies that some arrangement has been entered into. Is that the case?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (18:20): We understand there has been agreement with the crossbench on this very sensible legislation.

Senator KIM CARR (Victoria) (18:20): Is it the case that an arrangement has been made in that, in return for a review, the crossbenchers have agreed to vote for this bill unamended?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (18:21): We have made an agreement that we will review the provisions at the 12-month mark, which is a sensible way forward.

Senator KIM CARR (Victoria) (18:21): I would like to thank Senator Xenophon for his support on that last amendment, because, clearly, he was not party to that arrangement. With that being the case, it does alter the way in which we proceed here. It is a disappointment that these issues of such profound significance to so many people should be treated in this way. I am sure others will be able to speak for themselves about that question. But it does point to the question of whether I call for divisions on each of the tranche of amendments if they are not likely to affect the vote of the chamber. I would be interested to know if anyone has a view on that question. We may well be able to get further advice on that score. It would be very helpful if the crossbenchers, when entering these arrangements, did actually advise the chamber as well. And I will take this opportunity to seek leave to move the third tranche of amendments—amendments (1) and (2), which go to the issue of Australian business numbers.

Leave granted.

Senator KIM CARR: I move opposition amendments (1) and (2) on sheet 7807:

(1) Title, page 1 (line 1), after "Migration Act 1958", insert "and the A New Tax System (Australian Business Number) Act 1999".

(2) Schedule 1, page 3 (before line 3), before the heading specifying Migration Act 1958, insert:

A New Tax System (Australian Business Number) Act 1999

1AA After subsection 8(1)

Insert:

(1A) Despite subsection (1), *you are not entitled to have an Australian Business Number (*ABN) if:

(a) you hold either of the following visas granted under the Migration Act 1958:

(i) a student visa (within the meaning of that Act);
(ii) a temporary visa referred to in regulations made under that Act as a Subclass 417 (Working Holiday) visa or a Subclass 462 (Work and Holiday) visa; and

(b) you were not registered in the *Australian Business Register before the commencement of Schedule 1 to the *Migration Amendment (Charging for a Migration Outcome) Act 2015.

And I take it that we are not likely to get any further advice to the chamber from the crossbenchers on these matters. Is that the situation?

The CHAIRMAN: I am looking to the crossbenchers, and if anyone seeks to make a contribution I will give them the call, but—

Senator KIM CARR: Perhaps I could just indicate, while people are thinking on that matter, that the amendments we are proposing prohibit workers who are on student visas or backpacker visas from obtaining an Australian Business Number, or ABN, and therefore prevent them from being employed as contractors or subcontractors. That of course would mean that they would have to be employed directly as employees and receive their full entitlements. In the case of students, prohibiting ABNs would also make it easier for regulators to check that people who are being employed are able to do the work within their visa conditions, which limit work to 20 hours a week. On that, I would commend the proposition to the chamber.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (18:23): I would firstly point out that sham contracting is already unlawful under the Fair Work Act and certainly this government is not of a mind to stymie innovation from those wanting to pursue that course. And I can indicate to the chamber that the government does not support this amendment. The suggested amendment is not consistent with the purpose of the bill and is better pursued as amendments to the Fair Work Act 2009 and/or A New Tax System (Australian Business Number) Act 1999. Barring international students and working holidaymakers from obtaining an ABN may adversely impact on legitimate employment activities. The Fair Work Ombudsman has existing responsibilities under the Independent Contractors Act 2006 in conjunction with the Fair Work Act 2009 to prevent employers from disguising an employment relationship as an independent contracting arrangement, including for international students and working holidaymakers who may hold an ABN. The Australian Business Register is the responsible administrative entity for ABNs, not the Department of Immigration and Border Protection.

Senator HANSON-YOUNG (South Australia) (18:25): For the sake of putting it clearly on the record, the Australian Greens support the opposition amendments.

Senator XENOPHON (South Australia) (18:25): I just want to indicate, firstly, in relation to the issue of some of my colleagues negotiating with the government, that I commend them for doing so. For a whole range of reasons, partly because of other commitments, I was not part of that. I think my colleagues did invite me to be part of it. The reservation I had was in relation to the amendments to do with human trafficking and coercion. I have some questions to ask of the government in respect of that when we get to those issues. I think my colleagues on the cross bench have acted in good faith to get the best possible outcome. I am certainly not critical of them; good on them for going down their path, and I commend them for their initiative. I do have some reservations, though. For instance, I supported the opposition in terms of the increased maximum penalties. It is still at the discretion of the court as to what the penalty will be, but I think you do need to have strong deterrence in respect of that.
I cannot in good conscience support this particular amendment. I can understand Senator Carr's intent in respect of it. In terms of issues of backpackers being potentially exploited, I think the issue is one of enforcement through the mechanisms that have been set out by the minister. So, if there is an issue of exploitation of the use of ABNs at the moment, then that ought to be a subject of rigorous and robust enforcement. That is the preferred course, and I think that it is more appropriately dealt with under that. But I am interested in asking some questions about human trafficking and coercion, because I have some concerns about that and some real sympathy for Senator Carr in moving those amendments. I commend him for moving them, but we will get to those in due course.

Senator KIM CARR (Victoria) (18:27): My concern is not whether or not people negotiate with the government, which is entirely consistent with what all of us do. My concern relates in part to a practical consideration that people want to know whether or not they can go to other functions, and I am being asked how many more divisions we are going to have. I do think, though, that no matter what people are doing, the chamber is entitled to know. If there is an arrangement in place, they should tell us, because it will affect whether or not we call the divisions, particularly given the other circumstances that are on. I also think it is good grace that if senators are engaged in conversations with the opposition then they tell us that they already have an arrangement or have changed their position. The chamber is entitled to know where people stand.

The CHAIRMAN: The question is that amendments (1) and (2) on sheet 7807 be agreed to.

Question negatived.

Senator KIM CARR (Victoria) (18:28): by leave—I move opposition amendments (3), (46) and (56) on sheet 7807:

(3) Schedule 1, page 3 (before line 4), before item 1, insert:

1AB Subsection 5(1) (definition of civil penalty order)

Omit "486R(4)", substitute "486R(2)".

(46) Schedule 1, page 14 (before line 14), before item 7, insert:

6A Subsections 486R(1) to (4)

Repeal the subsections, substitute:

Eligible court may make civil penalty order

(1) An eligible court may, on application under subsection (3), order a person to pay a pecuniary penalty that the court determines to be appropriate if the court is satisfied that the person has contravened a civil penalty provision.

Note: Subsection (5) sets out the maximum penalty that the eligible court may order the person to pay.

(2) An order under subsection (1) is a civil penalty order.

Application for civil penalty order

(3) An application for a civil penalty order may be made within 6 years of the alleged contravention by:

(a) the Minister; or

(b) for an alleged contravention of a civil penalty provision in Subdivision C or D of Division 12 of Part 2:
(i) a person affected by the contravention; or
(ii) an industrial association (within the meaning of the Fair Work Act 2009).

Payment of penalty

(4) The eligible court may order that the pecuniary penalty, or a part of the penalty, be paid to:

(a) the Commonwealth; or
(b) a particular industrial association; or
(c) a particular person.

6B Subsection 486T(1)

Repeal the subsection, substitute:

(1) A pecuniary penalty may be recovered as a debt due to the person to whom the penalty is payable.

6C Subsection 486T(2)

Omit "The Commonwealth", substitute "A person to whom a pecuniary penalty is payable".

(56) Schedule 1, page 16 (after line 16), at the end of the Schedule, add:

19 Application—civil penalty orders

Division 1 of Part 8D of the Migration Act 1958, as amended by this Schedule, applies in relation to a civil penalty order that is applied for on or after the commencement of this Schedule, whether the contravention or alleged contravention of a civil penalty provision occurs before or after that commencement.

20 Requirement to make regulations—approval of nominations

As soon as practicable after the commencement of this item, the Minister must recommend to the Governor-General the making of regulations under the Migration Act 1958 to ensure that, if the Minister reasonably believes that an employer of a holder of a visa has contravened Subdivision C or D of Division 12 of Part 2 of that Act, the visa holder is not disadvantaged in connection with the approval by the Minister of nominations by approved sponsors under section 140GB of that Act, as compared with other visa holders.

These amendments are intended to ensure that whistleblowers who report instances of charging for migration related events are properly protected. You simply cannot have a situation where there is a racket going on and someone blows the whistle and is then subject to punitive action. The minister would be required, if these amendments were accepted, to amend the migration regulations so that a visa holder whose sponsor is reasonably believed to have contravened the provision of the bill is not disadvantaged for reporting the matter. For example, a 457 visa holder would be given sufficient time to find a replacement sponsor and would not have to reset the clock on the path to a permanent residency.

These amendments further protect workers by allowing unions to instigate proceedings both for existing civil offences under the act and for the new civil offences created by this bill. Allowing unions to bring civil penalty proceedings will increase the resources available to ensure compliance and the integrity of our visa system.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (18:29): I can indicate to the chamber that the government does not support these amendments. The amendments could potentially reduce the discretion of the department to pursue visa cancellation, infringements or take civil action should it be assessed as appropriate. This could occur in circumstances where, despite the whistleblower having
volunteered information, their conduct was sufficiently repugnant that they should not be afforded protection. Noting that decisions about pursuing visa cancellation, infringements or taking civil penalty action are discretionary, the department will prescribe under policy that the intent of a person is relevant when consideration is given to whether to take action against them, and what form that action might take. Policy guidance for cancellation consideration already states that a person's individual circumstances should be taken into consideration.

**Senator HANSON-YOUNG** (South Australia) (18:30): I rise to speak in support of amendments (3), (45) and (56), as moved by Senator Carr, to ensure that whistleblowers are protected. This is not just an effective change to the law here. We will only be able to ensure that we crack down on people who are misusing and abusing these sponsor visas if we have people who are willing to speak out and give information about what is going on in workplaces. We have seen this over and over again, particularly in relation to exploitation of foreign workers—whether it is those under 457 visas, whether it is more short-term working visas, study visas or, indeed, working holiday visas. The one barrier to people speaking out and alerting authorities to things that are happening that are wrong, to the abuse of visas, to the abuse of workers in the workplace and the exploitation of vulnerable people, is the fear of not being protected if they come forward. The 7-Eleven example is another, but there are many others, such as those on sponsored visas—they may be seasonal workers—or in other industries.

There is that vulnerability, particularly if you are a migrant, if you do not speak English as your first language, if you do not have a strong social and family network around you and you are unsure about what your rights would be if you spoke up. It is absolutely crucial that people who are putting themselves in a vulnerable position by blowing the whistle are indeed fully protected by the law, and there is no ambiguity about that. These amendments go some way to strengthening the assurance that the people who are going to be coming forward and exposing unscrupulous behaviour can do so with the full confidence that they themselves will not be hung out to dry or left in the lurch. It is important that we build a culture across all of our workplaces, but in particular in those areas where we have foreign workers who are already vulnerable because of their visa status, in which they can get an understanding of and information about what their rights are as workers in Australia. They need to feel confident that they have every right to stand up to exploitation and every right to alert the authorities, without the fear of being deported, without the fear of being intimidated, and without the fear that if they do not give the right information as to what the Australian Federal Police might deem to be important they are then going to be thrown on the pile and left to fend for themselves.

If we want this legislation as a whole to work in terms of cracking down on the business model of dodgy rorters, then we have to give support to the people who are going to be the witnesses to that. These amendments help to bolster that and to give more protections, which I think is absolutely warranted. I would be surprised if the crossbench senators would not support the idea of protecting these people, so that we can ensure that, when employers are doing the wrong thing, people will have faith that speaking out and giving that information means they will not be hung out to dry.

**Senator XENOPHON:** Could I get clarification from the minister in terms of the existing regime that applies to the protection of whistleblowers? I think the minister said in her
explanation on the opposition to the ALP's amendments in relation to this that there was a system in place where you look at the issue of purpose, or the intent, of a whistleblower. The issue I have with that is how you gauge that intent, and whether you also look at the effects of the information that was conveyed and whether it was usefully acted upon. For example, you might have a person who may not have the best of motives, but the information they provide is useful in exposing a rort or malfeasance in this space. I am trying to understand what protections there are at the moment, and why this would not strengthen that. I am trying to understand what the government's position is in respect of this.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (18:36): I do take on board the senator's concerns. As already noted, any consideration to cancel a visa is discretionary. All visas covered by this legislation have an English-language requirement, so we are not talking about persons who do not speak English and are not inclined to be aware of the work arrangements they have entered into.

Senator XENOPHON (South Australia) (18:36): Senator Carr can correct me if I am wrong but, as I understand it, his amendments relate to strengthening the penalties for whistleblowers. What does the government say in relation to why this is unnecessary in the context of this bill or what is being proposed? So if I can narrow it down. What does the government say, that this amendment is either unnecessary or counterproductive? And what does the government say about what it has in place at the moment that gives at least some measure of protection to whistleblowers? My understanding is that there is some measure of protection for whistleblowers, but Senator Carr is seeking to add to that. I need to understand why the government says that this will not help the situation, that this will not improve protections for whistleblowers or will have unintended consequences in respect of that. I am just trying to fairly understand the amendment. It is complex and I think it is fair that we understand why the government says this will be unnecessary or counterproductive or will have unintended consequences. I would be more than happy to hear from Senator Carr if he has anything to add on this.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (18:38): I think it is important to understand that if the whistleblower is an innocent party in this sort of situation, there is going to be no penalty. I think that should be well understood. What we do need to take into account, though, is if the whistleblower has done the wrong thing then that obviously needs to be given consideration. My understanding is that giving indemnity in legislation to somebody who is doing the wrong thing would be unusual. It is very much in the capacity of the determination to weigh up those things and measure whether it was an innocent party and, if so, there would be no penalty.

Senator XENOPHON (South Australia) (18:38): I thank the minister for the answer. The issue is this: it is a question of degree. Sometimes a whistleblower may have done the wrong thing and, of course, that is to be condemned. But if the transgression of the whistleblower pales into insignificance with the information that the whistleblower is providing, then I wonder whether that ought to be taken into account, and also the circumstances for the transgression on the part of the whistleblower if, for instance, there was coercion, if there was intimidation or a whole range of other circumstances that led to the whistleblower doing the wrong thing, to put it colloquially. I wonder whether that should be taken into account. I am just wondering whether the ministerial discretion is now excluded in terms of the protection
of the whistleblower by virtue of a transgression on the part of the whistleblower which may really pale into insignificance compared with the information that is being disclosed, information that may well be acted on by the department if there is malfeasance or other wrongful conduct involved.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (18:40): The first comments that you made, Senator Xenophon, certainly would be taken into account. It is very important that we do recognise, as you queried, that this is discretionary. Clearly, it is difficult for hard and fast markers, if you like, in this when you are looking at a case and that is why there is a discretion to look at these instances. It is very important to note that it is also subject to full review by the AAT.

Senator XENOPHON (South Australia) (18:40): I apologise to the minister, I am not an expert on migration law; I am just trying to understand—

Senator Nash: Neither am I.

Senator XENOPHON: Neither is the minister, but she has some very, very capable advisers to her left—and I mean that sincerely. In terms of what Senator Carr is trying to achieve in his amendment, is the discretion so constrained that if a person who is a whistleblower has broken a rule or some rules, has committed a transgression, has done the wrong thing, to put it colloquially, but the information they provide is incredibly valuable in disclosing a wrongdoing, that the circumstances of that person's transgression may have been brought about through some coercion or intimidation, what are the parameters for the exercise of that discretion? I am not sure whether Senator Carr wants to jump in here.

Senator Kim Carr: I do.

Senator XENOPHON: I am drowning here, Senator Carr. I am just trying to understand what is a complex concept. Before we vote on it, I want to get some answers. I understand the minister is being cooperative and helpful but there is something here that does not quite add up.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (18:42): I do concur that there are some real complexities here, but perhaps I can try to assist. We do not want to give unlimited protection in legislation to people who are coming forward to blow the whistle. That is point 1. I need to also point to the fact that the visa cancellation ground is discretionary, as I have indicated, and it requires consideration to be given to a range of factors such as the person's complicity in payment for arrangement of visas. We need to understand that that is why this is done on a case-by-case basis, because it is not a simplistic process. There has to be that discretion by the decision maker to look at those instances I have outlined and look at this on a case-by-case basis. I am trying to assist you as much as I can and I hope that that does assist.

Senator Kim Carr: I do.

Senator NASH: Neither am I.

Senator XENOPHON: Neither is the minister, but she has some very, very capable advisers to her left—and I mean that sincerely. In terms of what Senator Carr is trying to achieve in his amendment, is the discretion so constrained that if a person who is a whistleblower has broken a rule or some rules, has committed a transgression, has done the wrong thing, to put it colloquially, but the information they provide is incredibly valuable in disclosing a wrongdoing, that the circumstances of that person's transgression may have been brought about through some coercion or intimidation, what are the parameters for the exercise of that discretion? I am not sure whether Senator Carr wants to jump in here.

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Senator Kim Carr: I do.
they reveal. The minister is quite right: there is discretion within the current act. What we are trying to do is not about providing a blanket indemnity; in fact, what we are talking about here is that the minister has to have a reasonable belief. The minister has to show some judgement.

You do need to improve the level of protection for whistleblowers because the current legislation does not and the current practice does not. I have come across meatworkers over many, many years who have been faced with the extraordinary power of the employer to actually throw them out of the country if they complain, let alone report an employer to a government agency. That is one of the reasons that employers use these particular visas because of the control they have over people on the shop floor.

Make no mistake about it: we are not dealing with some idealistic legal principle here. We are dealing with the power of people to ruthlessly exploit workers under the most adverse conditions. We recently saw the case of the student visa arrangements in regard to 7-Eleven. How long did it take for this government to say, 'By the way, we will consider people being given an exemption from their obligations under the student visa arrangements'? It took so long, and in that time police needed information, I think, about how the scam was working. That is what troubles me about the government's position. They rely on a legalistic approach which history has shown does not work given the power relationships in regard to the way people are treated. That is why I say whistleblowers are entitled to more protection—not a blanket indemnity but more protection—and that is what these amendments do.

The CHAIRMAN: Just to be clear, there are three amendments before the chair. Those are amendments (3), (46) and (56). We may have indicated that it was amendment (45) earlier in the proceedings, but that is not correct. The question is that amendments (3), (46) and (56) on sheet 7807 be agreed to.

The committee divided. [18:50]

(The Chairman—Senator Marshall)

Ayes ...................29
Noes ...................32
Majority .............3

AYES

Brown, CL
Carr, KJ
Dastyari, S
Gallagher, KR
Ketter, CR
Ludlam, S
McAllister, J
McKim, NJ
Moore, CM
Peris, N
Rhiannon, L
Siewert, R
Singh, LM
Waters, LJ
Xenophon, N

Bullock, JW
Conroy, SM
Di Natale, R
Hanson-Young, SC
Lines, S
Marshall, GM
McEwen, A (teller)
McLucas, J
O'Neill, DM
Polley, H
Rice, J
Simms, RA
Urquhart, AE
Whish-Wilson, PS

CHAMBER
Senator KIM CARR (Victoria) (18:53): I move opposition amendment (45) on sheet 7807:

(45) Schedule 1, item 6, page 14 (after line 13), at the end of Subdivision D, add:

245AZ Reports on operation of this Subdivision

(1) The Minister must, as soon as practicable after 30 June in each year, cause to be laid before each House of the Parliament a report on the operation of this Subdivision, and any other provision of this Act to the extent that it relates to this Subdivision, during the year ending on 30 June.

(2) The report must contain the name of each body corporate:

(a) convicted of an offence against this Subdivision during the year ending 30 June; or

(b) against which a civil penalty order was made during the year ending 30 June for contravening a civil penalty provision in this Subdivision.

As this bill is currently drafted, there is not a reporting obligation on the minister. This amendment will enhance the transparency of the system and the accountability within it by requiring the minister to table an annual report on the operations and the impact of the provisions that are being introduced by this particular instrument. That report would include the names of companies found to have been in breach of the provisions, which would be a further deterrent for sponsors who do not give workers their full entitlements. This is a straightforward transparency measure, and I commend the amendment to the chamber.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (18:54): I can indicate to the chamber that the government does not support this amendment. However, the department is of course willing to table relevant information, such as the number of visa cancellations and prosecutions related to payment-for-visas activities, in its annual report. I can reiterate to the chamber that we have given an undertaking to review it at the 18-month point.

Question negatived.
Senator KIM CARR (Victoria) (18:55): by leave—I move opposition amendments (4), (9), (19) and (26) on sheet 7807 together:

(4) Schedule 1, item 1, page 3 (line 6), after "(2)", insert "(2A)".

(9) Schedule 1, item 2, page 3 (lines 24 and 25), omit the item, substitute:

2 Subsection 116(2)
Omit "(1AA) or (1AB)", substitute "(1AA), (1AB) or (1AC)".

2A After subsection 116(2)

Insert:

(2A) The Minister is not to cancel a visa under subsection (1AC) if the benefit was asked for, received, offered or provided, as mentioned in that subsection:

(a) because of the use of coercion, threat or deception (within the meaning of Division 270 of the Criminal Code), whether against the visa holder or another person; or

(b) in circumstances where the visa holder was the victim of an offence against Division 270 (slavery and slavery-like conditions) or 271 (trafficking in persons and debt bondage) of the Criminal Code, whether or not a person has been charged with or convicted of the offence.

2B Subsection 116(3)

Omit "(1AA) or (1AB)", substitute "(1AA), (1AB) or (1AC)".

(19) Schedule 1, item 6, page 6 (lines 3 to 5), omit subsection 245AR(3) (not including the note), substitute:

(3) Subsection (1) does not apply if:

(a) the benefit is a payment of a reasonable amount for a professional service that has been provided, or is to be provided, by the first person or a third person; or

(b) the benefit was asked for or received:

(i) because of the use of coercion, threat or deception (within the meaning of Division 270 of the Criminal Code), whether against the first person or another person; or

(ii) in circumstances where the first person was the victim of an offence against Division 270 (slavery and slavery-like conditions) or 271 (trafficking in persons and debt bondage) of the Criminal Code, whether or not a person has been charged with or convicted of the offence.

(26) Schedule 1, item 6, page 7 (lines 1 to 4), omit subsection 245AS(3), substitute:

(3) Subsection (1) does not apply if:

(a) the benefit is a payment of a reasonable amount for a professional service that has been provided, or is to be provided, by the second person or a third person; or

(b) the benefit was offered or provided:

(i) because of the use of coercion, threat or deception (within the meaning of Division 270 of the Criminal Code), whether against the first person or another person; or

(ii) in circumstances where the first person was the victim of an offence against Division 270 (slavery and slavery-like conditions) or 271 (trafficking in persons and debt bondage) of the Criminal Code, whether or not a person has been charged with or convicted of the offence.

These amendments go to the issue of coercion, criminal offences and civil penalties in relation to visa holders. As this bill is currently drafted, the minister will have the power to cancel the visa of someone who has received a benefit. An unintended consequence could be that the visa of someone who was coerced into making or receiving a payment might be cancelled.
These amendments ensure that penalties cannot be applied to a visa holder who has been coerced by the sponsor or a third party into offering or making or receiving or requesting a benefit. The amendments also prevent the minister cancelling the visa of someone who has been subject to human trafficking, forced labour or slavery offences. Vulnerable workers should not be placed at risk of deportation because of the criminal conduct of their employer.

I say this again: these are not blanket indemnities that we are proposing; they require judgement by ministers as to what they have a reasonable belief is happening. We know that in these circumstances in this country these types of behaviour, including slavery, occur. The question is whether under those circumstances, when faced with the prospect of reporting an offence, people who feel sufficiently intimidated or coerced would actually do so if they know that for their benefit they have the very strong possibility of deportation. It strikes me that there is a need to deal more explicitly with that matter. I will have more to say on this matter. I understand that others want to say something on these questions.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (18:57): I can indicate to the chamber that the government does not support these amendments. The intention of the bill is not to target employees who have been coerced into making payments or have been subject to human trafficking or slavery, and I make that very clear to the chamber. As payment-for-visas cases are usually complex, involving multiple actors, the government does not support enshrining this aspect in legislation. These amendments could potentially reduce the amount of discretion open to the department to change its approach should the initial appearance of the case change during the course of the investigation.

The department will prescribe requirements under policy that it is not appropriate to pursue visa cancellation, infringements or civil penalty orders against a visa applicant or holder where payments have been extracted under force of threats or other forms of exploitation. Cancellation is discretionary, as I have indicated, and consideration about whether or not a person has been subject to coercion would form part of the decision about whether or not cancellation should occur.

Senator HANSON-YOUNG (South Australia) (18:58): These amendments go to one of the main concerns that the Greens have and that I spoke about in my speech on the second reading. I am extremely concerned that the way the government's current bill has been drafted leaves wide open the opportunity for those visa holders to be the ones who cop the brunt of the crackdowns in relation to these unscrupulous employers. I absolutely support the idea that we need to stop the rorting. I absolutely support the idea that we need to ensure that people are not being exploited or misled in relation to getting a migration outcome.

But rather than going after the employer, what this bill consistently does is capture the employee, the visa holder. As it is currently drafted, with the minister having the power to cancel the visa of someone who received a benefit, whether or not there is any proof the individual was aware of the situation or indeed sought that particular outcome. It may be that it is an unintended consequence of the legislation, but let us clear it up. My office has been speaking with the minister's office today about this issue in particular, and I am not sure why the government is so intent on not tweaking it. If it is not the intent of the government to penalise the visa holder but rather to catch the employer, then they should not have legislation in place that is going to unfairly impact on the visa holder.
The government and the minister's office have been in communication with my office—and I am sure it has been the same with others on the crossbench and possibly even the opposition—saying that it should be the minister's word that is strong enough in the explanatory memorandum. We have dealt with this minister for a little while now and, frankly, his word means zilch, when it comes to this particular issue of trust. I do not trust the minister on this. If we actually want to protect people through this legislation, if we do not want employees and visa holders to be unfairly targeted and caught up in this process and if they are not the ones that this legislation is targeting then let us fix it so there is no ambiguity and it is not simply left with the minister as a matter of trust.

It is a simple fact that the only reason we need a review of how this law is going to be enacted over the next 12 months is that everybody in this place, it seems, except for the minister, is concerned that the people who are the most vulnerable are the ones who are going to cop it. There is not enough protection for them, and we have seen the other amendments not be supported in terms of people not being protected for speaking out. Now we have a situation where we are trying to ensure it is not the visa holders who have been exploited in the process by these dodgy business models and that it is in fact the employer who is held responsible.

Let us fix it, and let us make sure it is clear. These amendments do that. Vulnerable workers should not be placed at risk of deportation in response to this law coming down on the criminal actions of their employers. Why should someone who is employed be culpable for the actions of their employer? It is just not fair. We have heard the minister and the advisers of the department say that the intention of this legislation is not to crack down on the employees, that they do not want to make the visa holder responsible for the actions of their dodgy and criminal employers. Good. So let us put that in the legislation and make sure it is crystal clear. Of course, in saying all that, the Greens would like to see these amendments passed, because we do not believe it should simply be left to a matter of trust of the minister.

Senator KIM CARR (Victoria) (19:03): I would like to follow through on some of the remarks that have just been made. It deeply concerns me that we are being asked to take this government on trust when it comes to such profound questions. If we had a record we could rely upon on the issue of trust it might be a different question, but this is a government that has made secrecy and the ability to hide the truth a hallmark of the way these programs have been administered. So I would ask the minister a pretty simple question, because I am particularly concerned by what the explanatory memorandum actually says when we talk about trust. I ask the minister to explain how ministerial discretion is going to be used on the issue of cancellation of visas? Page 6 of the explanatory memorandum says:

The visa cancellation ground is discretionary and requires consideration to be given to a range of factors such as the person's complicity in the 'payment for visas' arrangement, strength of ties to Australia and contribution to the Australian community, in considering whether or not to cancel the visa.

We have a situation here where a person may well be subject to slavery, trafficking, gross exploitation, demands for sexual services in return for employment, or a whole range of offences which we know exist and are quite widely reported. But we are asked to take the government on trust when it comes to consideration of these matters. So I ask the minister:
can you explain what those words mean—in regard to the explanatory memorandum—and will this include, in discretion—

Senator Xenophon: What paragraph is that?

Senator KIM CARR: This is in paragraph 18 on page 6 of the explanatory memorandum. I have quoted from the second half of that paragraph. There might be a student who has recently arrived and has been caught up in a visa scam of this type, or there might be a 457 visa holder from the subcontinent or from the horn of Africa, where we have seen entire meatworks boning rooms populated by people on 457 visas, straight off the plane, claiming to be responding to a skills shortage, grossly underpaid and under the threat of immediate deportation if they complain, let alone report an abusive employer. I come back to the proposition, Minister. Can you please tell us what those words mean?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (19:07): I think the government have been very clear in how this is going to operate. I appreciate your asking again, Senator Carr, and I understand that you have concerns around this, but it really does seem that we are traversing ground that has already been traversed. I make the point, firstly, that without this bill the government has no powers to stop this behaviour. I think there is a significant concern out in the community that requires the government to act, and that is what we are doing.

Within the discretionary power we need powers for both the visa holder and the sponsor. I indicated to the chamber in my earlier comments how that discretionary power will be used, and I indicated that reasonably clearly, I hope, to Senator Xenophon in answer to questions from him earlier. I can also indicate to the chamber that, if there were an error, there are already safeguards through review mechanisms, including the courts, to deal with that. I appreciate the senator's questions in this regard, but certainly the government is of the view that this bill gives us the appropriate mechanisms, in responding to significant concerns in the community, to deal with this issue.

Senator KIM CARR (Victoria) (19:09): Perhaps I could draw your attention to the Migration Act itself, at section 116(2), which indicates: The Minister is not to cancel a visa under subsection (1), (1AA) or (1AB) if there exist prescribed circumstances in which a visa is not to be cancelled.

That is what the act actually says. Minister, why would it not be a prescribed circumstance if a person were subject to slavery or to trafficking under the Criminal Code? Why wouldn't it be a prescribed circumstance if there had been coercion of the visa holder by the sponsor or a third party—such as a labour hire company? These are practices that go on, day in and day out, in this country.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (19:10): Firstly, Senator, quite simply it is not possible for a person to be coerced into receiving a benefit, and clearly benefit is part of the basis of this bill and what we are doing here. It will only be an offence if the visa holder or potential visa holder sought to obtain or obtained a benefit, and clearly in this circumstance they would not. Therefore, the amendment is unnecessary.

I also indicate to the chamber that it will be made clear under policy that the Department of Immigration and Border Protection will only pursue cases where the visa applicant or holder,
or other third party, has initiated or is complicit in the payment for visas arrangement. And—I need to be very clear about this—it will not pursue a civil penalty against a visa applicant or holder where payments have been extracted under force or threats or other forms of exploitation, such as those who have been coerced into making payments or have been subject to human trafficking or slavery. I think that is very clear. Indeed, Senator Xenophon, that may well pre-empt some of the questions you were going to ask around the issue of human trafficking. I hope it does, but I am very happy to address further questions if you have them.

Senator XENOPHON (South Australia) (19:11): Could I just say: sorry, Senator Hanson-Young, but I think it is unfair to impugn the minister's character by saying his word is 'zilch'. I have dealt with him and I have found him to be very decent to deal with. We have our disagreements but I have found him decent to deal with when he has given undertakings in respect of certain matters.

Senator Hanson-Young: It's a different relationship.

Senator XENOPHON: It is a civil and courteous relationship. We have our disagreements, as I have had tonight with the government. I understand that the minister has the discretion not to cancel the visa of an individual who provided or received a benefit in exchange for a sponsorship in terms of coercion or was a victim of human trafficking or slavery. What I am concerned about is in respect of the explanatory memorandum at clause 18 on page 6. It refers to circumstances as to the cancellation ground being discretionary. I am concerned that the wording in the explanatory memorandum—which, of course, is an aid to statutory interpretation—is such that it may be quite narrow in the circumstances where a person may not have a long link or contribution to the Australian community but they have been the subject of out-and-out coercion or a scam or human trafficking. That is a genuine concern. I do not raise this to be difficult; I raise it because I think that Senator Carr, in his amendment, raises some genuine concerns about circumstances where it seems unclear as to how the department will facilitate visa holders coming forward to report that they are victims if there is no guarantee that their visa will not be cancelled or, at the very least, that there is a guarantee that they will be dealt with fairly and reasonably. Obviously there might be some people who allege coercion where there is not a reasonable basis for that allegation. I understand that. But how do you have a fair framework so that, if it is a reasonable allegation, there is some protection for those people who have made those allegations of coercion, human trafficking or slavery?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (19:14): Thank you, Senator, and I do note the comments that you made at the outset in relation to the minister, and I concur absolutely. I think that as a minister he deals with great integrity when it comes to dealing with people—not only in legislation but in the course of his portfolio responsibilities. I know that the great majority of people hold him in very high regard. So thank you for those comments, Senator.

Firstly, I want to indicate that there will be a fair framework. I intentionally picked up the phrase that you used, Senator Xenophon, because that is precisely what we are doing with this bill. We believe that the fair framework is absolutely in the bill. I hope it will go some way to alleviate your concerns. As I indicated earlier—and I completely understand that you may well have been distracted—we will make it very clear, under policy, that we will not pursue a civil penalty for people that have been coerced into making payments or have been subject to
human trafficking or slavery. I do not know how I can be any more clear about that. I understand from your reading and your perspective of those words that it has created some concern for you. I hope my very genuine response to you indicates that the government will not be pursuing civil penalties in those instances.

Senator XENOPHON (South Australia) (19:15): I accept the genuineness of the minister's response, but I can only rely in part on the wording in the explanatory memorandum, which appears to be quite narrow. In terms of civil penalty and maybe a nod might allay this—and I am sorry that I do not have the expertise that your advisers have or maybe you have after tonight—but, if there is a situation, does civil penalty include the cancellation of a visa? Is that what is defined? You may not be subject to a penalty in terms of being prosecuted for this particular provision, but, if you are going to lose your visa, that is a pretty significant penalty. I just want to clarify that. I guess that is where my reservation is. I know that some of my other crossbench colleagues are negotiating a review, which is very welcome and which will be very useful. But, sticking to the words of the explanatory memorandum, I am worried that the policy framework is going to be constrained by those words. What can the minister tell us about how, if there are reasonable allegations where on the face of it there appears to be coercion, human trafficking or human slavery and where that is established, that person's visa will not be cancelled notwithstanding that they were involved in an illegal payment?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (19:16): On the reading of those words as you have put it, it can. But what we have said is that, where there is no benefit, there will be no penalty applied. I think that is the point we need to understand and be very clear about, because, clearly, somebody involved in that quite dreadful situation of human trafficking is not receiving the benefit. That is the point that then leads to 'that there will not be that penalty'.

Senator KIM CARR (Victoria) (19:18): I might come in on that point. First of all, I come back to the question of trust. I do not think it is wise for us to work on the basis of legislation predicated on whether or not the minister is a nice person. Right. I think there is a suggestion here that the minister here is a man of integrity, and so be it. That is not the basis on which we legislate, because ministers do not stay forever. One of the harsh realities of political life is that we will all be replaced. The fact remains that we have to rely on what these documents actually say. Senator Xenophon is quite right: the explanatory memorandum is used as an aid to interpretation. These words are at best ambiguous and at worst quite deceptive, because they suggest that there has to be a consideration of a person's contribution to the Australian community. That is what the words actually say. If the minister's discretion is dependent on that in the circumstance where a person is actually brought to the country for the purpose of exploiting them on a 457 visa then of course their connections with this country are going to be, one presumes, quite limited.

So it strikes me that we do have to rely on what is before us, not just on the good intentions of the minister of the day.

Senator Nash: You weren't listening.
Senator KIM CARR: I was listening and I indicate to you that I still do not believe that you have given us an adequate explanation for what these words mean.

Progress reported.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator O'Neill) (19:20): I propose the question:

That the Senate do now adjourn.

North Queensland

Senator IAN MACDONALD (Queensland) (19:20): Some people have unkindly suggested that I have not always been entirely generous to the Labor Party, the Greens and the crossbench senators in this chamber. Some have even more unkindly and inaccurately suggested the same lack of generosity on my behalf to some of my own colleagues. That is no doubt mischievous scuttlebutt put out by the unions!

But tonight I want to demonstrate how inaccurate these suggestions are by letting senators have advance notice of a wonderful event in the far north of the country, in the Cassowary Coast region south of Cairns, early next year. You can all be part of this unique event celebrating the very best of North Queensland produce. Tonight I want to, generously, give you all the inside running.

This is an attempt to break the world record for the biggest banana split. It will, understandably, feature lots of North Queensland bananas, and by 'lots' I mean some 40,000 bananas along with 2,500 litres of ice-cream, 1,500 litres of topping and lots of cream—lots of decadent Mungalli Creek cream. If you have not experienced the joy of cream and milk from the award-winning Mungalli Creek Dairy on the Atherton Tablelands in North Queensland, it is fair to say you have not lived. The Mungalli Creek Dairy, established in 1920 and run since 1964 by the Watson family, is a biodynamic farm and manufacturing facility set against the backdrop of Queensland's highest mountain, Mount Bartle Frere. I am reliably informed by one of my local regional newspapers, the Innisfail Advocate, that next year on 20 March—and mark that date now in your diaries—this world record attempt will be the highlight of the region's annual Feast of the Senses, a 10-day celebration of the region's food, culture and community in and around Innisfail, the Johnstone River and the Cassowary Coast.

The reason why I am bringing this novel concept to your attention is not only that I am a proud North Queenslander and always ready to sing the praises of that part of the world but also to pay tribute to the North's banana industry, which this year has faced some significant challenges. In March, the industry was devastated by news of an outbreak of the deadly soil disease Panama tropical race 4 on a Tully farm. A second outbreak on another farm soon followed, and this led to an immediate and sustained effort to contain the disease, which has the potential to wipe out the North Queensland banana industry. This is the same soil fungus which wiped out the Northern Territory's plantations nearly 20 years ago. Last month, a third outbreak was detected, and, whilst we all remain hopeful that the efforts of our ever-diligent biosecurity officers have kept it contained, it certainly has been a difficult and challenging year for our farmers.
Many of you may not realise that the value of the banana industry to Australia is around $600 million, with North Queensland banana farmers producing about 95 per cent of the country's production. Based on these figures, it should come as no surprise that the humble banana remains the country's single biggest horticulture industry. More than five million bananas are eaten every day, which equates to about 370,000 tonnes each year, or 28.6 million 13-kilogram cartons, and the industry employs some 10,000 people directly and indirectly. This makes the attempt to create the world's biggest banana split even sweeter. To lend support to an industry that contributes so much to our national economy, particularly in the North, by indulging in this world-record-breaking effort is a small price to pay.

In closing, I urge all senators to mark your diaries for 20 March 2016, a date which coincides with the 10th anniversary of another natural disaster which tore through the region, in the form of Cyclone Larry, an event which almost destroyed the industry, but the silver lining of which was a catalytic change in the way the industry operates. I invite you all, my Senate colleagues, to journey to North Queensland and to witness the unfolding of history in the making, when our region adds another feather to its cap, as the new home of the world's largest banana split. Bon appetit!

**World Television Day**

*Senator McALLISTER* (New South Wales) (19:25): This past Saturday was World Television Day. I know that, for many, every Saturday is World Television Day and it is faithfully observed in lounge rooms across Australia. I rise today to mark it in a more formal way, however, because television is more than just a guilty pleasure; it is a key part of how a grown-up Australia has found its voice and told stories about itself.

We are a young nation and we have had to tell our own story. The thousands of years of Indigenous heritage, and the cultural works carried here by successive waves of migrants, provide the foundation for the unique multicultural culture that we have built here since European settlement. Australia's cultural identity has been built layer by layer by our artists—by the likes of Margaret Olley, Oodgeroo Noonuccal, Percy Grainger and Nam Le. But it has also been built by Graham Kennedy, by Laura from *SeaChange* and by Charlene from *Neighbours*.

There was, and maybe still is, a degree of cultural snobbery about television. But it is a mistake to discount the power of television to shape national identity. TV's power is partly due to just how much we watch it—just under three hours of broadcast TV every day. But its power is also due to how we interact with TV. TV is not separate from our lives. We do not have to go into a theatre to consume it. Instead, it comes into our lounge rooms and, in exchange, it allows us to go into other people's. TV's intimacy and immediacy give it an oversized power, and it shapes our conception of what it means to have a story that is worth telling.

At the start of the 1960s, however, the Australian households who owned televisions were treated to a medley of British and American accents telling foreign stories. In 1963, the Senate Select Committee on the Encouragement of Australian Productions for Television presented its report to this chamber. It found that 97 per cent of all drama shown on television in the previous seven years was from the United States. We are lucky that, in the decades since, government policy and circumstances have led to more and more Australian voices on TV telling Australian stories. And we are fortunate that, due to the hard work and advocacy of
many in our community, we are hearing more types of Australian voices and stories now than ever before. The ability to see someone like yourself on TV is the ability to feel like you belong. This is something that was denied for a long time to Australia’s Indigenous people, to ethnic minorities, to people from disadvantaged backgrounds, to people with disabilities or to people from the LGBTIQ community.

I was reminded of this the other night when I attended a screening here of Call Me Dad, an ABC documentary that explores men’s attempts to change their own patterns of domestic violence. It is a story that is an important contribution to our national discussion about domestic violence, but it is also the kind of story that can too easily be overlooked. It is telling that the documentary was produced by the ABC, because the story of Australian voices on television is irrevocably the story of the ABC. It is a truism to talk about the tyranny of distance in Australia. It was the ABC, however, that first over radio and then over TV spanned our geography to give us a truly national voice. There is nothing that I love more—I am a bit of a romantic about it—than to be driving in the heart of rural Australia and to hear the familiar strains that herald the ABC news bulletin. It is a music that speaks for me across distance and across generations. There is the reason that the ABC was and continues to be Australia’s most trusted news source.

However, this is also the story of Australia’s commercial networks and they also play their part in telling our stories both great and small. Television is also not just part of our cultural landscape, it is a part of our economy. Analysis by Deloitte Access Economics for the Australian Screen Association found that the film and TV industry contributed $5.8 billion to Australia’s gross GDP in 2012-13. We cannot take this contribution for granted. The emergence of streaming technology and changes to the media market mean that Australian audiences are exposed to more foreign content than before. We need to find a way to make sure that Australian stories are still told in Australian voices on our screens.

National Anzac Centre

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (19:30): I rise this evening to acknowledge and pay tribute to the commitment and service of two community stalwarts of Albany in my home state of Western Australia. Other Senators in this place will have heard me speak on many occasions about Albany's special place at the heart of the Anzac story. Of course, it was from Albany that the first Anzac convoy set sail bearing Australian and New Zealand troops bound for Gallipoli. As the Albany Advertiser noted upon the departure of the convoy, 'In no other port of the Commonwealth were the ships seen together... in the full magnificence of their numerical strength.' This seminal moment in history was commemorated just over one year ago, when more than 40,000 people attended a series of events held over the weekend of 31 October to 2 November 2014, which marked the centenary of that first convoy’s departure.

I think it is fair to say that it was the largest-scale series of events that Albany has ever hosted. Certainly, it gave Albany an unparalleled opportunity to showcase both its outstanding natural beauty and the warmth of its local community for a national television audience. While it is true that these events received significant financial and logistical support from both the federal and West Australian state governments, it is the local contribution I want to focus on this evening. Because these commemorative events would not have been as moving nor the resounding success they became were it not for the commitment and enthusiasm of two
leaders within the Albany Returned Services League. They are the former President Mr. Peter Aspinall and his colleague Mr Laurie Fraser MBE OAM, the chair of the Special Functions Committee.

Between them, these two gentlemen were a crucial bridge between all levels of government, the veterans' community and Albany's local community during the planning and running of last year's commemorative events. Without their energetic input and drive, I think it is doubtful that the local community in Albany would have felt the keen sense of ownership it did in the commemorative events. Their active involvement is all the more inspiring to me because both Peter and Laurie came to these positions having already given so much in the service of their nation and their community.

Peter Aspinall is a veteran of the Battle of Long Tan, which was the deadliest battle of the Vietnam War for Australian troops. On 18 August 1966, he was an artillery forward observer, directing artillery fire as part of A Company, sent in to relieve D Company, who lost 17 men in the battle. Peter's strongest recollection from that day is 'the blinding rain and visibility down to only a few metres. In the armoured personnel carriers, we were driving through and over the North Vietnamese army and the Vietcong.' He also recalled the 'absolute, eerie silence' upon arriving at the rubber plantation where D Company had been pinned down, noting that 'rubber trees were shredded, trees completely blown apart...not the sound of a single bird.' Like many Vietnam veterans, he also recalls the 'direct confrontations and some very personal attacks' experienced by those who returned home. For many years, he avoided commemorative events but eventually became involved with the Albany RSL and feels that in addition to honouring those who did not return, we should be 'thinking of those, who along with their families, have suffered enormous psychological damage.'

Likewise, former SAS solider Laurie Fraser MBE OAM has been instrumental in efforts to ensure that Albany's place at the heart of the Anzac story is understood nationally both as the point of departure for the Anzac convoy and as the birthplace of the dawn service, which is now an Anzac Day tradition nation-wide. Laurie's indefatigable efforts were especially important in shaping what is now the National Anzac Centre, a magnificent interactive museum and memorial experience which opened on 1 November 2014. It sits atop Mount Clarence, looking out over those same waters of King George Sound through which the Anzacs sailed over a century ago. The centre has attracted enormous interest since its opening, with visitor numbers confirmed as being well above original forecasts. I would also note at this point the outstanding contribution of Mr Geoff Hand, who, with Peter and Laurie, brought the Albany Anzac Centenary Alliance to the centre's development. We commend their fantastic local effort.

It was especially pleasing to be in Albany on 14 November this year as His Royal Highness the Prince of Wales and Her Royal Highness the Duchess of Cornwall became the National Anzac Centre's highest-profile visitors to date. Their visit was a fitting acknowledgment of all the community has achieved. As both Peter Aspinall and Laurie Fraser retire from their roles with the Albany RSL, all Western Australians owe them an incalculable debt of gratitude, not just for their own military service but for all they have done to honour the service and sacrifice of others, and to lift the profile of our great state.
Senators, I rise tonight to acknowledge the life of Ms Dhu, a young 22-year-old Yamatji woman, a woman described by her mother as 'bubbly', 'family oriented' and as her 'beautiful baby'. Her grandmother said Ms Dhu was 'full of life', 'a happy-go-lucky spirit' and that she would give you the last thing which she had. But sadly and distressingly, Ms Dhu will be remembered as the woman who died an agonising death after being locked up in a police cell in Western Australia for just over $3,000 in fines. Here is the chronology of Ms Dhu's death:

**AUGUST 2, 2014**
5 pm— Arrested for unpaid fines and taken to the South Hedland Police Station lock-up in WA
8 pm— Complains of severe pain when breathing
9.15 pm— Transferred to Hedland Health Campus
9.35 pm— Final diagnosis is 'behaviour issues'. Given oxycodone and diazepam, and released back into custody

**AUGUST 3, 2014**
8 am— Taken to have a shower and complains of rib soreness
2 pm— Given two paracetamol
4.20 pm— Complains of body pain and arrangements are made to send her back to hospital
4.40 pm— Difficulty breathing and is given a paper bag to breathe into
4.50 pm— Taken to hospital
6.45 pm— Doctor gets the impression she is withdrawing from drugs or has behavioural issues
7.05 pm— Given diazepam and paracetamol, and released back into custody

**AUGUST 4, 2014**
12.25 am— Given two paracetamol
7 am— Complains of not being able to feel her legs and requests hospital treatment
9 am— Vomits into a plastic cup
11.40 am— Claims her hands are blue but police do not agree
11.45 am— Sits but falls backwards and hits her head on the concrete floor twice
12.05 pm— Taken to the shower and complains of pain, not being able to move her legs and a numb mouth
12.30 pm— Police handcuff her, drag her to the cell door because she cannot walk, then carry her to a police van—
they loaded her into the back of the van, with no police presence, and drove to the hospital—
12.45 pm— Arrive at hospital and she slumps into a wheelchair
1.40 pm— She is declared dead

This was a young life cut way too short. Ms Dhu was the victim of a brutal system, a system which is racist at its core—a racist system which means Aboriginal people fear the police; a system which clearly failed to show due respect and care to Ms Dhu; a racist system which ended Ms Dhu's life. May Ms Dhu's spirit rest in peace.
Coastal Shipping Industry

Senator STERLE (Western Australia) (19:39): I am going to break from tradition. Normally I do not read speeches let alone emails that are sent to me, but I do wish to read this into the record. I know that comes as a shock to Senators Polley and Bilyk—but not to you, Madam Acting Deputy President O'Neill. I received an email on 22 November from Mr Brent Middleton. I have never had the pleasure of meeting Brent, but I want to relay his words to the chamber. As you would be well aware, we will be debating in this chamber the Shipping Legislation Amendment Bill—about which I have had a lot to say.

A government senator interjecting—

Senator STERLE: There is some commentary from the other side of the chamber, but I am going to ignore the stupid interjections because this is about Australian jobs, and I do not think Mr Brent Middleton would appreciate those interjections—so I will not name the senator concerned. Mr Middleton starts off with:

Dear Senator Sterle—

So that proves I have never met Mr Middleton. He continues:

I am writing in regard to the Shipping Legislation Amendment Bill 2015 which is due for debate in the Senate in the very near future.

I began my career as a Trainee in 1999 and over the years served on coastal and overseas trading ships such as Crude and Product Tankers, Container Ships, Bulk Carriers, RORO's, Bass Strait Passenger Ships, CSIRO Research, Customs and Fisheries Patrol to where I am now a Ship's Captain in the Australian Offshore Oil and Gas Industry, servicing all manner of platforms, rigs and installations involved in the exploration and production of oil and gas.

The arguments for why Australia has an essential need for a coastal shipping industry are many and lengthy. I appreciate that your time is valuable so will summarise some key points that I believe are essential for consideration:

• Qualifications and experience held by Captains, Officers and Crew, including local knowledge of the coastline, increased familiarity of domestic and state regulations and increased care due to being in their own countries waters.

• Ongoing skills base of seafarers that supply other related professions such as Harbour Pilots, Harbour Masters, Great Barrier Reef Pilots, Harbour and Salvage Tug Crew, Marine Surveyors, Port Operators and Maritime Regulators—without a maritime industry to supply these professions we will soon become totally dependent on importing foreign labour.

• Health, Safety, Environment, Marine Pollution and Quarantine Regulations—I have seen first hand how ships operate in South East Asia and the way that garbage and dirty bilge water is often discarded overboard is utterly disgusting. Our pristine coastline must be protected.

• Maritime Security and Border Protection—This Government has been hailing 'stop the boats' for years but they appear completely happy to allow foreign ships to take Australian cargoes between Australian ports without having the same level of security checks and clearance that is required by Australian seafarers.

• Tax revenue from Australian seafarers and take home pay that is spent here in Australia—this Government continues to say they need more money yet don't appear to want our tax dollars which is essentially the Government's income, while they strip away from health, education and the elderly, or see us support ourselves, our families and contribute to the economy with the money we bring home.
Australian jobs for Australians—this legislation is in direct contradiction to their efforts to reducing unemployment.

Potential for precedent to be used against other Australian industries and workforces.

I am 36 years old and have dedicated the past 18 years to a career in the Australian Maritime Industry, the first 12 of these years was to progress to Captain. I support my Wife and two young sons with one more on the way. I am a professional and proud Ship's Master and Australian seafarer who wants nothing more than to work on his own coastline and support his own family whilst contributing to a safe and efficient Australian Shipping Industry.

I sincerely thank you for your time in reading this and hope that you consider the points I have raised.

Yours faithfully, Brent Middleton

I am proud to say that I have read this. I did not seek Mr Middleton's approval to read this, but I think he would give me his full approval.

This is the kind of thing that has been driving me in debates on this issue. We have not had the legislation before us in the chamber yet, but I have been part of a Senate inquiry and part of the shipping forum held in Melbourne, and I can say to you, Brent, and to all your mates that you can count on me and you can count on everyone on this side of the chamber.

I sincerely hope and pray that we can count on our crossbenchers, and there are a number of crossbenchers whom I have had the privilege of working alongside. I will name a couple—Senator Lambie and Senator Madigan—because they were at that shipping forum that we had in Melbourne. I cannot speak for them to say that they will stand and protect Australian jobs, but I could safely hint that they were also very disappointed, when we had the Senate inquiry, to hear that, if the government senators pass this piece of legislation, no less than 1,900-odd Australian seafaring jobs will be gone. I will not go too much on it, as we will have the opportunity to debate that. I believe tomorrow it will be on.

Brent, mate, we are in your corner. You can let the other 1,900-odd know that there is no way known that the Labor senators will leave you hanging out there. We know we are an island nation. We know the importance of Australian shipping. The sad part is that, if this were another industry, I could not see Australia's plumbers, Australia's truckies, Australia's nurses or Australia's road workers sitting idly by watching governments put through this place legislation that would completely cease the Australian coastal shipping trade.

As Brent mentioned in here, this is not to mention just national security, which we know and have heard about a lot lately, unfortunately, because of last week's scenario in Paris, and yesterday in Belgium does not help. But that should be even more reason why we should as a nation grow up and stop putting in pieces of legislation—probably because we have some fixation that, if we do away with 1,900 seafaring jobs on our coastline, we might be able to damage a union on the way through.

This could not be further from the truth from our side, because this is not a blue for the MUA alone. This is a blue for all those 1,900 seafaring jobs. I mentioned in this chamber last week roughly from each state where they will be lost. And no more so than my colleagues: once again Senator Polley and Senator Bilyk. That is twice you have got your name in here, so could you leave me alone! Coming from Tasmania, you would understand the importance of an Australian coastal shipping trade.
Brent, on that, mate, we are with you. We will not desert you. I will be encouraging and standing with Greens, who I know are not supporting this legislation. I can quite categorically count on a number of crossbenchers who have said to me very clearly they will not support this bill. It is absolutely disgraceful that we even have this piece of legislation in this chamber and no more so when we took evidence in our inquiry. The operator of North Star Cruises, Mr Bill Milby, was in the papers. He has the True North, that wonderful vessel that plies the tourism trade from the most pristine coastline in the world between Broome and Darwin and who employs Australians—52 of them and I believe there is one Kiwi.

There are 17 other companies along that coastline that work with Indigenous communities and work with the traditional owners. They give a once-in-a-lifetime experience not only for Aussies who do not know that part of the world and visit for the first time but also for international guests and international visitors. Mr Milby was told in no uncertain terms by Mr Truss's trusty officers from the department that, if he wanted to compete in Australian waters, he had to de-flag his Australian vessel—go and get a foreign flag. When he asked about his Australian crew—the 52 that he employs—and what to do with them to compete with overseas seafarers, he was told uncategorically, 'Sack your Australian crew.'

I am not making that up, because Senator Heffernan was with me. In fact, Senator Heffernan was the one that asked the department officials, 'Was that true?' Once we go through a little bit of bureaucratic namby-pamby—the way they carry on and do not want to answer the question directly—finally they came clean and said, yes, they did. Anyway, Brent, to you and all the rest of your mates: mate, you can count on Labor.

Indigenous Affairs

Senator SIEWERT (Western Australia—Australian Greens Whip) (19:49): It is with great pleasure that I rise tonight to speak on incredibly important and successful programs, and those are the working-on-country Indigenous ranger programs. These programs offer unique benefits to individuals, communities and our rich natural heritage. They enable processes in which Aboriginal and Torres Strait Islander peoples' traditional management skills, knowledge, cultural practices, science and environmentalism complement and work with each other. Under the Indigenous Ranger programs rangers work on the land and at sea doing things like managing cultural sites, fire control, data collection and controlling feral animals and weeds.

An important part of this program is its intimate connection with the Indigenous Protected Areas program, where rangers often work in Indigenous protected areas with traditional owners of the particular area and have responsibility for managing natural resources. The Indigenous Protected Areas program is a significant success along with the success of the Indigenous ranger programs. The Indigenous Protected Areas program contributes to conservation of our important natural areas but, very particularly, important cultural areas and has enabled the protection of significant areas of the country.

At the end of last year there were 70 declared Indigenous protected areas. I have been to the launch of many of those. They total about 63 million hectares, with more being planned. The Indigenous ranger programs have economic, employment, cultural, social, and health and wellbeing outcomes. I will come back to some of those outcomes shortly. I would first like to outline just a few of the programs that are currently running and the successes.
The Martu rangers in my home state of Western Australia have been undertaking incredibly valuable work to conserve the threatened black-flanked rock-wallaby. Their traditional tracking skills have been crucial in protecting this endangered species from invasive species. Now their work is showing promising results as the population starts to increase after three years of hard work.

The Anangu rangers have been working promoting biodiversity through traditional fire management practices. Their work helps protect important habitats, particularly for vulnerable species. The Yirrkalla rangers monitor a rich and biodiverse coastal area, including controlling feral species like buffalo and pigs through aerial and ground culling. The Nimbii Rocks Aboriginal Rangers women’s team in New South Wales collects, stores and spreads seeds from the local region and hosts school and community days. This helps protect a significant community cultural site. These are but a few of the examples across Australia. They show the breadth and depth of the work that is happening across land and sea habitats. I have had the pleasure of meeting some of the sea rangers who are working not only on marine biodiversity issues but also are helping with marine surveillance.

The Indigenous ranger programs provide significant benefits to the communities in which they operate. Two weeks ago, a number of Indigenous rangers came to Canberra where the Pew Charitable Trusts hosted a breakfast where we met with the rangers. It was an absolute pleasure to participate. We learnt firsthand of the values of the program and the work the rangers do. You could tell by the way people spoke about the work they do how much benefit the programs have been at a personal level in terms of people’s connection to culture and the protection of cultural values, of handing on cultural knowledge and management practices and managing the environment. One of the reasons they came to Canberra was to release *Working for our country: A review of the economic and social benefits of Indigenous land and sea management*. That report highlights the significant benefits of the programs. It pulls together a number of evaluations which have been undertaken and provides an overview of the values.

There are the equivalent of almost 800 full-time positions under the Indigenous ranger programs, and in fact a larger number of people are employed because many people work part time. This flexibility has been one of the features that have made the programs such a success. In many communities, there are more applicants than jobs. The programs are so popular that they cannot keep up with the demand of people wanting to work as rangers. While they retain a lot of the rangers and have an 80 to 85 per cent retention rate, people move on very often to the mining industry. So people are taking those skills to the mining industry and to other industries where they are very popular. When the rangers were in Canberra, a call was being made to provide more funding.

The programs can improve people’s self-confidence and equip them with valuable skills they can apply in other roles. Some ranger groups regularly visit schools and can provide great role models. As the PEW report highlights:

A key feature of Working on Country and the IPA programs is the engagement these programs foster between community elders and younger generations and the capacity to pass on traditional ecological knowledge. This serves to enhance connection to country and family obligation.

Another important benefit of the Indigenous ranger programs is the health benefits they provide for participants. Active, out-door work and other factors such as improved diets and
in some cases better access to medical services through the programs can help to and have improved rangers' health. It is also important when we know from the *Closing the Gap* report that Aboriginal and Torres Strait Islander health outcomes lag behind in all indicators. So this plays such an important part in improving people's health.

I have visited many ranger programs. I would particularly like to mention the work being done in my own state of Western Australia and the ranger groups hosted by the Kimberley Land Council network. I cannot speak highly enough of the fantastic work they have been doing. Their funding goes through to 2018. Funding to date has been about 2.8 per cent of the overall funding contributed to Aboriginal programs across government. My strong argument and the argument that comes through this report is that these programs are one hell of a value for money considering the multiple benefits, not only the management of country but the jobs that are generated by the spin-off effects—health and wellbeing, social outcomes and land management outcomes.

The argument here in order to continue this program further, to continue to provide job opportunities so that we are meeting people's needs, is that this ticks the boxes in terms of real jobs. Unfortunate in the past there has tended to be the approach that these are pretend jobs. These are real jobs with real outcomes on the ground, jobs that manage areas of Australia that need to be managed in a culturally sensitive and ecologically sensible manner. It also provides an opportunity for elders to mentor young people and to provide a forum to pass on the cultural knowledge which science is clearly demonstrating is really important for land management.

The call is for government to look at and to provide certainty for this program beyond the funding cycle, to develop a 10-year strategy to ensure there is ongoing security for Indigenous rangers because they have played such a vital role.

**Bears of Hope**

*Senator POLLEY* (Tasmania) (19:59): I rise this evening to speak about a charity called Bears of Hope, which supports at least 30,000 bereaved parents across Australia every year. Across our nation it is estimated that one in four women will experience a miscarriage. Every 3.5 minutes a mother loses her baby to miscarriage. In my home state of Tasmania there are 40 stillbirths and 20 newborn deaths every year. This devastating, crippling and emotionally complex experience leaves parents' hearts aching with a pain that they struggle to put into words. For the outside world they put on their bravest faces, but nothing can ever prepare them for their loss and the waves of emotions that will wash over them in the following months and years.

The pain from this kind of loss is not confined to women, but too often is felt in silence, because it is not something we tend to talk about openly. This should not be the case. We should feel that we can talk about this openly, because it is something that so many of us are touched by in our lifetime, whether through personal experience or that of someone we know. Slowly, infertility has turned from a taboo subject into something that is open for discussion—people are publicly talking about their experiences of loss and pain as a way of supporting others in similar circumstances. But very little is shared about pregnancy and infant loss. The number of babies lost through stillbirth and newborn death is greater than the number of people lost to road accidents in Australia, so why aren't we talking about this?

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**CHAMBER**
Last week I was fortunate to meet the Tasmanian coordinator for Bears of Hope, Maria Bond, who selflessly works to provide a voice to Tasmanian parents who have previously been unable to express their grief about a subject that is not often spoken about. Bears of Hope supports at least 30,000 bereaved parents across Australia every year. The charity helps to support families grieving the loss of a child in two ways. Firstly, they provide a bear of hope and resources to families at their time of loss to guide them through choices and decisions and to help them make the most of their short time together. The second way they assist is through their Beyond the Bear support, which comes in many forms, from private online support groups to free phone, email and face-to-face counselling, psychologists' facilities, support groups and special events.

Bears of Hope empowers families to seek help and to not be afraid, embarrassed or ashamed to speak of their grief or their love for their child. By educating the wider community on the impact the loss of a baby has on a family, Bears of Hope is also changing perceptions, opening up conversations and slowly breaking down barriers of communication around this subject.

The efforts of Bears of Hope extend further. Earlier this year they successfully advocated for and championed the official recognition of the death of babies in the early stages of pregnancy. In May this year the Tasmanian government moved to give official recognition to babies lost during early pregnancy in Tasmania. Now parents who lose a baby before 20 weeks gestation, or a baby that weighs less than 400 grams, will be able to apply for a commemorative certificate under a new administrative process. I particularly commend the Tasmanian government on this move and, of course, Maria Bond, the Tasmanian coordinator for Bears of Hope. I am sure this official recognition will make it easier for people to talk about their loss and will give parents validation and the opportunity to say: 'My baby mattered.'

The campaign for Pregnancy and Infant Loss Remembrance Day in Australia began in 2008. This brings me to another huge effort being spearheaded in Tasmania by Maria Bond: the campaign to declare 15 October as Pregnancy and Infant Loss Remembrance Day in Tasmania for families who experience the loss of their baby. Pregnancy and Infant Loss Remembrance Day is currently recognised in the United States, Canada, the United Kingdom, New South Wales and Western Australia, and I believe that it should be a national day of recognition.

But these are not the only things that Maria Bond is involved with. She is a very active advocate for this great cause, but she also goes into hospitals and works with staff to enable them to help parents who have lost their baby and give them the guidance and support that they need. No matter how well trained our hospital staff are, there has still been this gap of being able to be reassuring, to be able to comfort and to be able to assist these parents who are grieving. This is such a great initiative, which, once again, has been spearheaded by Maria Bond.

It is unfortunate that, in the past, when she has sought to meet with state ministers they have refused to meet with her. I say to them: 'Shame on you that, as a minister of the Crown of the state of Tasmania, you wouldn't even take the time to sit down and listen to Maria Bond—to talk about the issues, to find a way forward.' I am always the first to criticise any government that is not doing the right thing by the people of Australia and of my home state.
of Tasmania. But tonight I give credit to the Tasmanian Liberal government for taking up this initiative. It may seem irrelevant to some people. I have been very fortunate not to have lost a baby. I cannot even imagine the grief it causes.

As a mother, I know how precious my two daughters were to us. We were not meant to have any children so they were a blessing. But to lose a baby in this way, to either lose it during your pregnancy or to have it stillborn must be so devastating. So anything we can do to assist those families has to be a step in the right direction to educate our community and to have a certificate that publicly acknowledges that you have lost a child and that that baby is still remembered.

A very good friend of mine, unfortunately, has gone through tragedy themselves. They have demonstrated to me that you can and should acknowledge the baby you have lost. I take my hat off to her. I do not have to say who it is. But so often I hear this friend of mine talking about her baby son and I think that is wonderful. I think it is really important for a family to come together and to acknowledge that their brother or sister has been lost to the family.

I had another friend many years ago whose baby daughter was born with enormous health issues. To deal with the situation that they had been confronted with—and we have to remember there is no right way or wrong to deal with grieving—they had a photo of their baby daughter connected to all the machines on their television, so you saw it as soon as you walked into their lounge room. It was confronting to see their baby daughter in this state. The father, our very good friend, had to make the very tough decision to switch off the machine that kept that little baby alive because his wife was not in a state to make such a decision. My heart went out to them.

So we will do whatever we can and if it means that we have to continue to lobby for this day of recognition then I call on my colleagues in this chamber to help me, along with Senator Bilyk, to ensure that we get the recognition that these babies deserve. It is the very least that we can do. These families need this sort of support.

Transgender Day of Remembrance
Domestic and Family Violence

Senator RICE (Victoria) (20:09): Last Friday, we marked Transgender Day of Remembrance, an important day on the calendar of the transgender and gender diverse community both in Australia and internationally. It is a day to remember those transgender and gender diverse people, who have been killed due to violence and prejudice. It is a day to commemorate the many, many lives lost and cut short by hate. And it is a day to raise our collective awareness about the impact of transphobia on the lives of our trans- and gender-diverse family members, workmates, friends and community members.

Australia is not immune to anti-transgender hatred, prejudice or discrimination. In many ways the impact on our young people is the worst. The 2014 report From blues to rainbows into the mental health and wellbeing of gender diverse and transgender young people in Australia found that almost half of the young people surveyed had been diagnosed with depression and up to 38 per cent have had suicidal thoughts. This is inexcusable. The lives of our young people matter, and we need to make sure our young transgender and gender diverse people know that their lives matter too.
So as we mark Transgender Day of Remembrance for 2015, we all have a duty to take up
the fight against transphobia, homophobia and discrimination faced by lesbian, gay, bisexual,
transgender, intersex and queer people and their families across Australia.

Tomorrow marks International Day for the Elimination of Violence Against Women. In my
home town of Melbourne, there will be a Walk Against Family Violence to take a stand to
ensure every woman and child is free from domestic violence. If I was not in this place, I
would have taken to the streets to join them.

But as we engage in this vitally important national conversation, I wish to also draw
attention to another national conversation we urgently need to have. With nine out of 10 trans-
and gender-diverse young people who have experienced physical abuse thinking about
suicide, we need to talk about LGBTIQ domestic and family violence.

In New South Wales, we recently saw the launch of the report *Calling it what it really is*,
produced with organisations including Sydney’s Inner City Legal Centre, NSW Police,
LGBTI health body ACON and the City of Sydney. I congratulate them on their important
work in this area. The findings from the transgender, gender diverse and intersex people
surveyed was profound. More than half of the respondents reported physical abuse in past
relationships. The report also noted that abuse in an intimate partnership is a real and
significant experience for many members of these communities. The report states:

Transgender, gender diverse and intersex people may experience a range of unique forms of domestic
violence, wherein their partners use aspects of their gender identity, gender expression or intersex trait/s
to control and hurt them. For example, an abusive partner may ridicule their partner by making negative
comments about their gender identity, gender history, gender non-conformance, intersex status, or
physical features.

A common theme of this report, and of the submissions received this year to the Royal
Commission into Family Violence in Victoria, is that there still remains very little known
about ongoing experiences of domestic and family violence amongst transgender, gender
diverse and intersex people. We must and we can change this. Among other things, we need
more research, more cultural training in mainstream services and our police force, better
funded LGBTIQ support services, better use of inclusive terminology and language, and more
education and information for the communities experiencing violence. I applaud those
hardworking agencies, social and support services and communities who provide the support
and services now and thank them for their continuing work.

I want to talk about some other specific issues facing the transgender and gender-diverse
young people living in our communities today. Because the federal Family Court maintains
mandatory oversight of the administration of stage 2 hormone treatment to people under the
age of 18, there are massive delays and costs involved in getting the treatment critical in these
younger years. A 10- or 12-year-old child who attends the gender clinic in Melbourne for the
first time today will be told that it will take two to three years of a lengthy, costly, stressful
court process in order to access the hormone treatment they so desperately need. This has got
to stop.

Over these past six months I have been meeting with parents and carers of young
transgender and gender diverse people who are desperately advocating for their children to
receive easy and timely treatment, just like any other medical treatment they can consent to. I
have met with the amazing and hardworking clinicians at the gender clinic at Melbourne's
Royal Children's Hospital, one of the leading Australian clinics of its kind. New referrals to the hospital have risen from just one child in 2003 to 109 in 2014, and this is growing every day. I have heard from young people from Ygender, the Melbourne-based peer-led social support and advocacy group for trans and gender diverse young people. These incredible young people talk about the distress caused by the court process, especially to those who have little or no family support. Together with my colleagues in the other place, Cathy McGowan and fellow co-chairs of the Parliamentary Friendship Group for LGBTI Australians Warren Entsch and Graham Perrett, I am working to remove the unnecessary, costly waste of time that is the Family Court's oversight of stage 2 hormone treatment for these young people. I really hope that we can see this issue resolved in the very near future so that these people in our communities are able to receive the treatment they need and deserve in order to be the people they really are.

Today I also want to acknowledge a very timely new curriculum resource being launched in Melbourne this coming Thursday. All Of Us is an innovative and very timely new teaching resource that has been jointly developed by Safe Schools Coalition Australia and the Minus18 foundation. The resource aims to increase students' understanding and awareness of gender diversity, sexual diversity and intersex topics. It captures the real life experiences of lesbian, gay, bisexual, transgender and intersex young people through a collection of short videos and teaching activities that are aligned to the year 7 and 8 Health and Physical Education learning area of the Australian Curriculum. Congratulations to the young people involved and to Safe Schools Coalition Australia and the Minus 18 foundation for what will truly be a wonderful life-affirming and life-saving resource. I especially want to commend all staff in schools around Australia who will start to use this curriculum resource to increase students' understanding and awareness of gender diversity, sexual diversity and intersex topics. I wish this had been around when I was at school.

Finally, I want to bring the Senate's attention to the launch next week of another resource for children, families and schools called The Gender Fairy. Written by Jo Hirst, a Melbourne mum who has a young transgender child, The Gender Fairy is a simple children's storybook about two children who are taking their first joyful steps towards living as their true selves. What is important about The Gender Fairy is that it reinforces to transgender children, and to their families, that they are normal and they are not alone. Jo and other parents and carers of transgender and gender diverse children and young people I have met—Naomi, Andrew, Ann, Rebekah and Natasha—are such wonderful advocates and supporters of their children. Jo, I congratulate you on your book and thank you for your contribution to improving our collective awareness and understanding of what life is like for some of our younger transgender members of our society.

So I end as I started. We all have a duty to take up the fight against transphobia, homophobia and discrimination faced by LGBTIQ people and their families across Australia. We all have a duty to educate ourselves, to inform ourselves and to ensure our services are culturally inclusive and welcoming. Above all, we must respect our transgender, gender diverse and intersex community members. I stand proudly here to say to our transgender, gender diverse and intersex community members: you do matter, and I and the Australian Greens will continue to work hard in this place and around Australia to make the world a better place for you and your families.
Brain Cancer

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (20:19): I would like to take a few minutes in tonight's adjournment debate to share some exciting news about brain cancer research. As many listening would know, brain cancers and brain tumours are a topic that I have a deep interest in, and this began when I was diagnosed with two brain tumours just after my election to this place. Luckily for me, they were benign. But, while I was one of the lucky ones, too often the prognosis for people with brain tumours and brain cancers is extremely tragic. It is a big issue of concern for Australia, with around 1,600 brain cancers diagnosed in Australia every year. The really sad fact is that brain cancer has a low survival rate. Only 22 per cent of people diagnosed survive for more than five years after their diagnosis. Unfortunately, unlike other cancers, this survival rate has barely improved over the last 30 years. Brain cancer now kills more people under the age of 40 in Australia than any other cancer and more children in Australia than any other disease.

However, there has recently been some really exciting, positive news regarding brain cancer research. On Friday, 13 November, a major announcement was made that will significantly improve outcomes for brain cancer patients in Australia and indeed worldwide. A 130-strong network of the world's brightest minds has united in what has become the biggest global collaboration in the history of brain cancer research, against one of the most severe forms of brain cancer, glioblastoma multiforme or GBM. GBM is the deadliest and most aggressive form of brain tumour. Cure Brain Cancer Foundation and Australian experts have played a pivotal role in developing a revolutionary new research system called GBM AGILE. This stands for Glioblastoma Multiforme Adaptive Global Innovative Learning Environment and utilises the concept of the 'adaptive' clinical trial. Cure Brain Cancer has been working on the development of GBM AGILE with the National Biomarker Development Alliance, or NBDA, a non-profit organisation created as part of the Research Collaboratory at Arizona State University, or ASU. Cure Brain Cancer contributed about A$1.2 million of funding towards the pre-planning phase to enable the working groups to identify biomarkers and treatments and develop protocols and processes to bring clinical trial sites to Australia. A global funding consortium to fund the next three years is in development and will be announced in 2016.

GBM AGILE is a revolutionary advance on standard clinical trials, which usually take three to seven years to produce results and which cannot be modified once they begin. Under the standard trial model, patients get only one opportunity and receive only one treatment, and by the time results are produced the treatment protocol is already many years old. By contrast, adaptive trials test multiple treatments and combinations of treatments in parallel, at the same time. Adaptive trials are also designed to be continuously updated to incorporate the latest information, using a technique called Bayesian statistics. This feature provides an innovative learning environment in which ineffective treatments can be shut down early and new treatments can be initiated quickly. This new research model will cut red tape and potentially deliver faster results and give patients faster access to new, effective treatments than traditional clinical trials can.

Traditionally, pharmaceutical companies test one drug at a time, and patients can be on trials for up to two years before they know whether the treatment is working or not. Success or failure is only measured at the end, and it can take up to 12 years and more than $1.2
billion to get new treatments to patients. And, tragically, if the drug being trialled is ineffective, the result for the patient is not positive.

As well as testing experimental new therapies, this approach will look at repurposing, for use on brain cancer, treatments that are already being tested in other diseases, saving years of development time. Hundreds of Australians will eventually go through the GBM AGILE system, joining thousands in the USA, China and Europe. Enrolment of the first patients is expected to begin in mid-2016.

Leading researchers and surgeons are excited about the possibility of GBM AGILE. Professor Charlie Teo, founder of Cure Brain Cancer, said:

We have had a worldwide brain bank of extraordinary minds working to cure cancer for years. Now we can put all those brains together in a coalition to save time, cut red tape and save lives …

Dr Anna Barker, GBM AGILE project director and executive committee chair, Director of the National Biomarker Development Alliance and professor at Arizona State University's School of Life Sciences, commented on the need for better research techniques like GBM AGILE, saying:

None of us are willing to continue to tolerate the tragic and costly loss of life inflicted on patients who are stricken with GBM. GBM AGILE is truly a global coalition of the willing, and it's always humbling to see the power of a group this committed to changing the world.

Professor Webster Cavenee, GBM AGILE co-investigator, executive committee member and director, from the Ludwig Institute for Cancer Research and the University of California, San Diego, said:

This new generation of clinical trials will be adaptive based on learning from the patients; global as it is to be performed across the U.S., China, Australia and Europe; and innovative in that it is driven by Bayesian statistics and molecular markers.

Michelle Stewart, Head of Research Strategy at Cure Brain Cancer, recently outlined the importance of the new research platform. She said:

This is the best opportunity we've had to dramatically improve outcomes for people with brain cancer. One of the big problems is that traditional trials leave patients and researchers in the dark for long periods of time … GBM AGILE will change the game completely, with a systematic approach to reveal potential treatments far quicker …

Catherine Stace, Chief Executive Officer of Cure Brain Cancer Foundation, added:

Funding research, a platform, and a learning system allows us to be precise, efficient and fast, creating a 'flow' between funders, researchers and patient, it's the triple whammy patients have been waiting for that will release the burden of this disease.

Patient's will finally be given choice not just hope …

GBM AGILE seems to be a truly innovative and exciting development.

As I mentioned earlier, Cure Brain Cancer Foundation was pivotal in the development of this new system. I have spoken previously in this place about the fantastic work Cure Brain Cancer Foundation does to raise money and awareness and fund research into brain cancers. The foundation was established by neurosurgeon Dr Charlie Teo in 2001 and is the largest fundraiser for brain cancer research in Australia. One of its leading fundraising activities is the Walk4BrainCancer, which is held nationally, generally through October and November.
Recently, I organised the second Hobart Walk4Brain Cancer, held at Dru Point, in Margate, 20 minutes south of the city centre. In fact, it was last Sunday. This year's event was the second walk to be held in Hobart, with many more to come. It had grown significantly since last year's inaugural walk. Over 200 people attended this year's walk, and luckily we had a beautiful sunny day. Everyone who walked had their own reason to walk, whether it was a way to mark their own survival or to commemorate a friend or a family member, child or adult, or just because they want to see the disease eradicated. Each had their own special reason.

I am really pleased to be able to tell the Senate tonight and people listening at home that the event raised over $27½ thousand for Cure Brain Cancer. The money raised will contribute to research into how to prevent, treat and—we hope—ultimately cure brain cancer, because by doing so we can save lives.

I would like to take this opportunity to thank the many people who worked hard to make this day a success. Thank you to Julie Hendy-Cartwright, Eliza Nolan and Louise Patterson for their invaluable assistance. Thanks too to Cure Brain Cancer Ambassador Marcella Zemanek, who came down from Sydney and is an enthusiastic, tireless and vibrant champion of the good work the foundation does. And I would like to acknowledge the support given by the Kingborough Council and the Rotary Club of D'Entrecasteaux Channel, of which I am a very proud member. I would also like to thank my wonderful staff and my family for all their hard work putting this event together. Finally, I would like to thank all the people who turned up, who registered or who made donations online and helped raise funds for this very important cause. Without them, we would not have been able to raise so much awareness and money for this very worthwhile cause.

**Tasmanian Wilderness World Heritage Area**

*Senator McKIM (Tasmania) (20:29):* Currently, in Tasmania, the World Heritage Committee's reactive monitoring mission is meeting with a range of stakeholders and engaging in visits into the absolutely magnificent and globally significant Tasmanian Wilderness World Heritage Area. On behalf of the Australian Greens I offer them our welcome to Tasmania and wish them all the very best on their very important trip. I also look forward to personally meeting with them during the course of their trip. And when I do meet with them, one of the things I will be pointing out is that the response from the Tasmanian and Australian governments to the decision that the World Heritage Committee made in Bonn in June this year has been underwhelming to say the least. I will be very respectfully sharing with them the Greens views on issues that exist around management of the World Heritage property in Tasmania, specifically the proposed management of the property by the Tasmanian and Australian governments.

I have referred to the decision that the World Heritage Committee made in Bonn in June, and it is worth placing a couple of matters that the committee referred to in its decision on the record. Firstly, it expressed its concern that substantial progress has not yet been made on the survey of cultural attributes it requested since 2013, and the Greens share these concerns. When we were in government, in a Labor-Greens government, in Tasmania we did everything we could to make sure adequate resources were provided for cultural heritage studies and, importantly, that the Tasmanian Aboriginal communities were actively engaged during the development of those studies.
In June, in Bonn, very importantly, the World Heritage Committee also urged the state party—that is, the Australian government—to review the proposed new management plan for the property to ensure that it provides adequate protection for the property's outstanding universal values. This recommendation from the World Heritage Committee has come about because, incredibly, the Tasmanian government has released a draft management plan for the property that provides for logging inside the Tasmanian Wilderness World Heritage Area. It also fails to explicitly rule out mining and quarrying inside the Tasmanian Wilderness World Heritage Area. Potentially even more incredible—and can you believe this—is that the wilderness zone inside the Tasmanian Wilderness World Heritage Area was completely evaporated in the state government's draft management plan. The wilderness zone was replaced with something that they called the 'remote recreation zone'.

This is a window into the priorities of the Tasmanian government, through which we can see that wilderness is not something they value and not something they understand. Instead, they see almost the entirety of the Tasmanian Wilderness World Heritage Area as a 'recreation zone' for people to go to and enjoy recreational activities. The area was reserved for many of its natural and cultural heritage values and it was created as a World Heritage area for its outstanding universal values, including its wilderness values. That is why the World Heritage Committee in Bonn, in urging the state party to review the proposed new management plan for the property, asked it to ensure that the proposed new management plan provides adequate protection for outstanding universal values, including—and I quote from their decision—'recognition of wilderness character of the property as one of its key values and as being fundamental for its management'. That is a quote from the World Heritage Committee.

The committee also quite rightly asked the state party to ensure adequate protection for the cultural attributes of the outstanding universal values of the property. It also asked for the establishment of strict criteria for new tourism development within the property, which would be in line with the primary goal of protecting the property's outstanding universal values, including its wilderness character and cultural attributes. This has come about because of an expressions of interest process that has been run by the Tasmanian government, whereby a large number of proposed tourism developments proposed for inside the Tasmanian Wilderness World Heritage Area have been submitted to the Tasmanian government and are currently in various stages of an assessment process. But there has been nothing made public and nothing around strict criteria for those new tourism developments, as requested by the World Heritage Committee.

One thing the Greens are very firm on is that we need a process that assesses the cumulative impacts of all the developments proposed inside the Tasmanian Wilderness World Heritage Area, because at the moment the Tasmanian government does not have a process that allows for cumulative impacts to be assessed, and those projects will simply be assessed on a project-by-project basis.

In June this year, in Bonn, the World Heritage Committee also urged the state party, the federal government, to ensure that commercial logging and mining are not permitted within the entire property. That is a very stark statement, and, given that statement, it is incumbent on the Commonwealth government, including environment minister Hunt and Prime Minister Malcolm Turnbull, who has actually visited some of the forests that were recently added to
the Tasmanian Wilderness World Heritage Area, to ensure that the Tasmanian government walks away from its bizarre and radical proposal to log inside the World Heritage area.

The World Heritage Committee also asked that all areas of public lands within the property's boundaries, including regional reserves, conservation areas and future potential production forest lands have a status that ensures adequate protection of the outstanding universal values of the property. In the Greens view this means, at the very least, that the regional reserves and the conservation areas should be made national parks, because their national and cultural heritage values mean that they deserve to be made national parks. Put simply, the Greens do not trust the Tasmanian government to understand the outstanding universal values of the property, to appreciate the outstanding universal values of the property or to manage the property for its outstanding universal values. If anyone wants any evidence as to why the Australian Greens do not trust the Tasmanian government, I will read a very short excerpt from Hansard from the Tasmanian parliament when I was a member down there representing the Greens. I asked the Premier, Mr Hodgman, a couple of questions on wilderness in budget estimates. I asked him:

Premier, would you agree it is not possible to log and mine in wilderness areas without compromising wilderness values?

Mr Hodgman said:

No.

I followed up and asked him:

So you think you can log and mine in a wilderness area without compromising wilderness values?

And Mr Hodgman said:

I think you can.

So there you go. The Tasmanian Premier, the man who says, 'Trust me, we will adequately manage the Tasmanian Wilderness World Heritage Area thinks you can log and mine in a wilderness area without compromising wilderness values. I have got news for him: you cannot log and mine in wilderness areas without compromising wilderness values.

The Tasmanian Premier, Mr Hodgman, has said he will accept the umpire's decision. Good on him, but in fact the umpire's decision was made in Bonn in June, four or five months ago. If he was really going to respect the umpire's decision, he would have started work on implementing those recommendations that I referred to from the World Heritage Committee.

Remembrance Day

Senator O'NEILL (New South Wales) (20:39): I rise this evening at a time of profound sorrow for the French nation and for all peace-loving nations and peoples across the world. Our thoughts and prayers are with the French people, with those who have lost loved ones and with the injured. Those who have committed this dreadful outrage must not win. They will not win.

It is difficult, I know, but even at the worst of times, during times of utter despair, we must continue to work for peace and democracy. Martin Luther King said, 'We must accept finite disappointment but never lose infinite hope.' So it is with the world today. This was brought home to me in the most touching of ways on the evening of 11 November when I had the
privilege of attending a twilight commemorative service at the cenotaph at The Entrance Memorial Park on the Central Coast. This was a very special occasion.

Those who fought in the unimaginable slaughter that was the Great War, and the millions it affected, were changed forever. There was no town or city that was not haunted by the memory of those who left and did not return. It is part of who we are as Australians that we meet to commemorate the sacrifices that have been made in our name and to reflect upon the stark horrors of war then and now as we honour the bravery and self-sacrifice of those who defended us, our values and our way of life.

Since 1927, each evening at the Menin Gate memorial in Ypres, buglers have sounded the Last Post to remember those who gave their lives. The Menin Gate contains the names of nearly 56,000 servicemen who died and have no known resting place. At Ypres in Belgium, 13,000 Australian soldiers lost their lives and the memorial contains the names of no fewer than 6,193 who perished. Nearly every community across Australia had at least one soldier who went missing at Ypres.

This November, buglers from the Menin Gate travelled from Belgium to the Central Coast to take part in the Remembrance Day commemoration at The Entrance. This unique twilight event was the product of an enormous amount of hard work by students from the Woy Woy campus of Brisbane Water Secondary College, Kincumber High School and The Entrance campus of the Tuggerah Lakes Secondary College. They worked tirelessly alongside the Last Post Association in Ypres, Belgium, The Entrance Long Jetty RSL Sub Branch and the Australian War Memorial to plan and present the event. I particularly want to acknowledge the leadership and the teaching professionalism of the wonderful Roger Macey, who established an exchange program with his teachers at Woy Woy many years ago. From that small seed, this great event grew; and, along with it, many passionate students of history gained a sense of real understanding of what memorialising our fallen is. Their superb efforts included a series of fundraising events and lobbying of local councils and governments for support in order to be able to finance the buglers' attendance. Students raised the majority of funds from the sale of Peace and Remember Me rose bushes. The outstanding commitment and hard work of these young Australians made the event a truly moving experience for all who attended and I offer them my greatest respect and congratulations. I want to particularly acknowledge Claire Rosier, who wrote and performed a song on the evening that was haunting and amazingly powerful. It really transformed the experience for all of us who were lucky enough to attend that evening. Claire was also featured in a program about this endeavour on the ABC last month.

As we listened to the Last Post played by the Menin Gate buglers at 11 o'clock, we paused to remember those who gave their lives to defend our freedoms and our democratic way of life. To have the Menin Gate buglers on the Central Coast added further poignancy and understanding to the occasion. In addition, the students had been able to identify the names of 18 men from the Central Coast whose names are inscribed on the Menin Gate Memorial. Each one was remembered in a special roll of honour as part of the service.

We have been taught yet again that that violent conflict is brutal, traumatic and the most wretched form of conflict resolution. As Herodotus has King Croesus say: 'No-one is fool enough to choose war instead of peace. In peace, sons bury fathers; but in war fathers bury sons.' Too many fathers have had to bury too many sons.
It is at times like these that we can remember, through the work of students like those I met at The Entrance Remembrance Service, the power of hope that education brings and how education can change lives. Events such as this serve to deepen our understanding and to prove that education offers opportunities for reconciliation and regeneration.

I also want to pay tribute to the Central Coast sub branch of the members of the Vietnam Veterans’ Peacekeepers and Peacemakers Association. It was a great honour for me to attend the Vietnam veterans day and Battle of Long Tan commemoration event at Ettalong Beach on 15 August this year to remember the heroism and sacrifice of those who were injured and those who lost their lives in the service of their nation. I particularly want to acknowledge the powerful and moving speech of Walter Pearson on that day. He closed with these comments:

We should never forget that the product of war is not glory, honour and sacrifice, despite the flags and bugles. The product of war is death and destruction, physical and mental, to soldiers and civilians. And that is why we are here today to remember those men who had their lives stolen from them, torn from them, those men once had a future but now those futures can never be.

On such occasions, as when we gathered at The Entrance, we come to the question of how and why we remember those who fell. I want to acknowledge the speech given at that event by Connor O’Heir from Kincumber High School. Connor reminded us about what was going on:

We remember their service in not only defending Australia, but also those in distant nations involved in one of the bloodiest wars in human history. Whether it was the Australians serving in Ypres or Gallipoli, Crete or Kokoda, the Battle of Kapyong or Long Tan, or contemporary missions, we all owe a great debt to those who have defended this nation, its people and the people of the world.

Connor reminds us how important it is that we do not fall into the trap of celebration rather than commemoration. These events are a time for us to remember the anguish of war. It is not a time to allocate right or wrong nor a time to glorify war; rather, it is a time to reflect upon the sacrifices of those who paid the ultimate price in whatever conflict they fell and wherever they may rest.

We remember Private Richard George Buckton, born in Wyong on the Central Coast. On 7 October 1916, George enlisted, and four weeks later he left for Europe and the Western Front, never to return home. He served in Belgium and in France and was killed in action on 4 October 1917. He was 25. He has no known grave. His obituary in the Gosford Times, written by his mother and brother, David, read:

In loving memory of my dear son and brother, Private Richard George Buckton, who was killed in France on 4 October 1917. He was only a Private in battle, a part of the great rank and file, but we at home remember the day he left us with a smile. He laid down his life for his country, in response to his dear country's call. Australia is proud of our hero, who was only a private, that's all.

Private Buckton's name is one of the 18 Central Coast men whose names are inscribed on the Menin Gate.

What I was reminded of from attending The Entrance service is how an important part of the education of our children is to explore how we can educate for peace and for democracy. Democracy is not a spectator sport. Like peace, it has to be fought for and it has to be won. It is a battle that occurs every day. Much will be written and said in the coming days about the heartbreak, evil and appalling atrocity of events in Paris and the support we must as a nation offer. But we cannot lose sight of the fact that, when reflecting upon these events and upon
those who have given their lives for us, it remains our role to reinforce our commitments to work for peace and democracy. In spite of the pain and anguish being felt around the world, we have no other real choice. Sometimes peace and democracy have been won and have to be won on the battlefield, but it can also be won in our classrooms. That means that within our schools we can teach for the society we live in now or we can teach for the society we want to see.

What is also important is that there is no educational program that will convince students that they have a role to play in society and that their voice is significant, unless they are provided with a role and a voice.

What I learnt from the remembrance service at The Entrance and what has been reinforced in the few days since is that our young people are our greatest hope and that, as a nation, this is where our future lies. Vale those who have passed in the course of fighting for peace.

**White Ribbon Day**

Senator MOORE (Queensland) (20:49): Tomorrow, 25 November, is the International Day for the Elimination of Violence against Women. It is celebrated across the world and in Australia as White Ribbon Day. In a statement by UN Women Executive Director, Phumzile Mlambo-Ngcuka:

> Across the world, violence against women and girls remains one of the most serious—and the most tolerated—human rights violations, both a cause and a consequence of gender inequality and discrimination.

> On this day, International Day for the Elimination of Violence against Women, she says:

> It is not acceptable. It is not inevitable. It can be prevented.

> Echoing those words last year, our then Sex Discrimination Commissioner, Elizabeth Broderick, said:

> Violence against women continues to be one of the most prevalent human rights abuses in Australia and around the world. One in three women in Australia will experience violence in her lifetime, one in five will experience sexual violence.

> On this day we also look at many statistics. It is important to remember just a few. In the year between when Elizabeth Broderick made her statement and today, in Australia, more than 78 women have died—78 fatal victims of gendered violence. That is as counted by the wonderful group Destroy the Joint, who continue to remind us about women and inequality in our society. ANROWS, Australia's National Research Organisation for Women's Safety, in their latest data revealed that one in three women have been physically attacked in their lifetimes and the attacks were most likely to have been in the women's own homes. Women are also more vulnerable to sexual crimes. One in five reported they had experienced sexual violence, compared with one in 22 men.

> This day also focuses a number of reports, because people use it as a day to draw attention and to raise awareness. The report produced by VicHealth and Our Watch released only yesterday said that we have a high price to pay: the economic case for preventing violence against women. The cost of pain, suffering and premature mortality constitutes the largest proportion of the total cost of all violence at 48 per cent, equating to $10.4 billion. Governments, both state and Commonwealth, bear 36 per cent, or $7.8 billion, of that cost in order to deliver health services, criminal justice and social welfare. Prevention strategies have
a proven effect on all levels of violence, and this report points out that, if we engage the whole community in prevention and give them the skills for respectful relationships, we will reduce the costs associated with violence.

On the international day, we remember these stats. We think about them, we think about our own loss and we think about violence in our community. We remember the women and the families who have been the victims. But one of the core elements of White Ribbon Day is that it is a day of hope, and we have much to be hopeful about. We can be hopeful that the seed of awareness is growing and spreading the complexity of knowledge and the knowledge that we can make a difference. Only today in this place we had a statement called Media Stand up against Violence Towards Women and their Children. Mainstream media gathered together to acknowledge that they have a role to play to raise awareness. They reflected on principles taken from Our Watch's Reporting on domestic violence. They talked about naming it and they talked about safety. They talked about knowing the law and they talked about respecting the victims—not laying blame but respecting the pain and loss. They made a statement together, as the media that work in this place, that they will stand up against violence and they will name it and ensure that the truth is put out there—not excuses, not any kind of covering up or dismissal but the truth. So there is hope that there will be awareness and strength in the community.

That feeling of hope is also represented by the wonderful work by our Australian of the Year, Rosie Batty. No discussion of this issue could be complete without acknowledging the way that she has inspired, challenged and informed us, not just about her own loss and pain but also about the flaws in our system—challenging each of us to make a difference, look at what is occurring and not run away but move forward. She is not afraid of taking this message to governments at all levels, to parliaments, and making sure that we know that being Australian of the Year is more than just a title; it is an opportunity to lead and to challenge. Rosie continues to do that.

We also have hope that the focus on family violence will shift the people who are victims to know that it is not their fault, that in fact they are the victims and they have had crimes committed against them. That is one of the most important issues that we need to understand. We need to work with people who have lived through the issues of family violence and acknowledge that they should not be blamed for having had this particular experience.

The hope also extends to the fact that tonight, tomorrow and on Thursday night the ABC is showing a series of documentaries focusing on family violence in Australia. Tonight and tomorrow night, a program by Sarah Ferguson looks at family violence issues across Australia now. Sarah went into the court system. She went into domestic violence shelters. She listened to women talking about what had occurred in their lives. She debunks some of the myths about the way family violence operates in Australia. One of the things that have been around the community for a while is a sense that family violence is somehow restricted to areas of dysfunction. We have heard various commentators labelling areas where family violence occurs. This very dangerous myth is debunked by the ABC program tonight and tomorrow night. In that program, Ms Ferguson talks to a magistrate from the Sydney area who talks about people saying that somehow it is only in poor, dysfunctional, remote communities that family violence occurs. He says:
I work in courts around the city. It's not confined to any particular postcode. It's not something where we can comfortably assume it's part of an underclass phenomenon. There are people who appear regularly in court; others are professional people, well educated, financially well off but who for one reason or another are inclined to violence in their homes.

Again, there is hope that that myth has been debunked and we can acknowledge that family violence is not restricted to any particular area. We cannot make presumptions about this.

We can also have hope that we can look at research into exactly what causes violence against women, exactly what causes people to hurt each other. In our Senate report into domestic violence that was released earlier this year, we looked at the need to have effective research and to work with the ANROWS organisation to have very specialised research into what causes problems to occur. We need to work—and I say this over and over—with people who understand, to ensure that we have that knowledge and learn from it and look at changing our society into the future. Consistently the need for education in our schools is raised, and we cannot run away from that. We have to be open about working with young people to ensure that not only can we change this element of saying that we can hurt each other but we can work with young people who have themselves been victims of family violence. One of the core issues is: when there is violence in the home, children often see things that they should never see, and the impact of that lives with them throughout their lives. That should be acknowledged, and we can move forward.

Again, there is hope that we can offer genuine options so that women will be able to leave abusive relationships and know that there will be support there. One of the myths raised consistently came out again in the domestic violence program that will be showing on the ABC. There still continues to be this element of questioning why, if there is violence in the home, women do not leave the house where they are being harmed. That is an invasive issue that colours people's considerations of the process.

There are many answers to that question but, again, I think that there is hope that people are not accepting simplistic arguments any longer and that they are demanding that there are options placed in our society. There are issues around effective housing, effective legal support and re-education in our communities. All these are now on the agenda. Twelve months ago when Elizabeth Broderick made her statement there was not the general focus on the issue that we will see tomorrow when we have the international day. So I believe that there is hope in that process as well.

When we do commemorate White Ribbon Day, which is tomorrow—the campaign that started in 2003 through UN Women and which then came forward in 2007 to become a foundation—we will give people the opportunity to make public statements about their rejection of violence in our community. I think that is something that we seem to understand is not just linked to our Australian community, although it is important that the national focus tomorrow is on the Australian elements that we know. But this international day looks at violence across our world. Addressing issues of violence against women in Australia does not meet the need to address issues of violence in our world. We need to acknowledge that the issues of gender inequality and the issues of violence occur across the world. A snapshot of the community as put forward by the UN indicates that we have problems everywhere and that we need to work internationally as well as locally. That must be part of the acknowledgement in our Parliament House and across Australia tomorrow.
Not only do we look at the issues around the victims of domestic violence—and I use the word ‘victim’ in a sense that is not making a judgement—but there also needs to be consideration of the people who actually commit violence: the perpetrators. As I said, the ABC is showing documentaries across three nights. The first two nights are work done by Sarah Ferguson, looking at the elements of women working through the process and the various challenges they face. On Thursday night the ABC is showing a program called *Call Me Dad*. This particular documentary was shown last night in the theatrette here in Parliament House, and it looks at the work being done in a session of counselling with male perpetrators who have voluntarily chosen to be involved in the program, acknowledging their own behaviours and actually accepting that there is a need to change.

This is an exceptionally confronting documentary, and it is one that I offer to people—to take the opportunity to see and to learn. The documentary shows that there can be hope. It does show the despair, it does show the violence and it does show the frustrations that surround men who have acknowledged that they have committed violence against their partner and for whom there is the possibility of committing violence against their children. Again, that gives me a genuine sense of hope—that people are prepared to come forward and share that situation with other people in the hope that they will be able to learn from it.

Bringing together the elements of how we address the issues of violence in our society, these documentaries look at the lived experience of people—not only those who have suffered under violence but also those who have publicly acknowledged that they themselves have caused violence.

When we do go through the series of events that will be here in the parliament tomorrow, and also the many events that are on the calendar for White Ribbon across Australia tomorrow, they do give us the opportunity to take a moment to think about our own experiences and to think about people who we have known who have been lost into what I call the scourge of family violence. We can remember and we can acknowledge the loss. But as I have said, I really hope and I truly believe that the message of hope should be the overwhelming element that we take away from the process. If we do not accept the challenge to make change, if we do not learn, as I have said, from the various experiences in our community and if we do not acknowledge that we can make a change, then the work that has been done will fail. And I am not ready to accept that we have failed. I think that we owe it to the women and families who have suffered through domestic violence to make that change. And that is one of the elements of White Ribbon.

But White Ribbon is not just one day. It gives us the public opportunity tomorrow to wear the ribbons and to keep that awareness going. But we do have, I think, the challenge of taking that further. In fact, tomorrow is the start of the UN 16 Days of Action Campaign to eliminate violence against women, which leads off from 25 October to Human Rights Day in December. On each of those days I think we can focus on one element of what we can do to change the world. And it is not that hard to do. We can concentrate on an element a day.

The UN program is based on orange—the orange light; orange making the change. I think that we can be part of that. I know that the Victorian parliament house is a very active member of this campaign and has made that commitment to follow through with the process.

The element of challenge is part of the White Ribbon challenge and, in terms of the 16 Days of Action Campaign, it would be useful, valuable and exciting if we actually took up
that challenge for the 16 days and made a commitment each day to look at knowledge, to look at awareness, to look at change and to look at education. Those are the things that we know can make a difference.

So as we go into the 16 days of change from tomorrow, we have the inspiration of the words that I have quoted, we have the statistics about the problems that we have in our society and we have the awful statistics of the number of women who have died as a result of violence at the hands of people who they thought they could trust and with whom they thought they shared love. I think that we then remember, again, the words of head of UN Women, who I quoted earlier, saying that violence is not inevitable. Violence can end, and we can make a difference.

**Nuclear Energy**

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (21:06): I rise to speak tonight on the changing debate around nuclear power and the nuclear fuel chain in Australia. Between the South Australian royal commission established by the state Labor government, the process towards setting up a national radioactive waste dump initiated by then industry minister Ian Macfarlane and the increasingly uncertain fortunes of the domestic uranium mining industry, nuclear issues in Australia are being given new visibility. But I also want to speak tonight of some of the unseen things that drive this industry. It is an industry entirely unlike the other commodity markets into which Australian resource companies sell, and there are some parts of this industry that its fiercest advocates would simply prefer that we did not talk about.

One of the most striking differences between the uranium market and those other commodity markets which Australians might be more familiar with and the one which the industry is most determined to deny is the link with weapons of mass destruction. In September this year this parliament's Joint Standing Committee on Treaties handed down a unanimous report on the proposed nuclear cooperation agreement with India. I thank the member for Longman, Mr Wyatt Roy, who chairs that committee and I thank all of the members of the committee, including my colleague Senator Whish-Wilson, and obviously the secretariat and particularly all of those witnesses who gave evidence on this crucial and, I would say, grievously misguided proposal.

The unanimous recommendations, in essence, say that there should not be uranium sales to India by Australia at this time under the terms of the current agreement. They made those recommendations on the advice of, among others, very senior former Australian officials from within the nonproliferation world who cautioned that the nuclear cooperation agreement:

... has a number of loopholes which mean that under the terms of the NCA India could use our uranium in the production of material that could end up in bombs.

Witnesses before the committee included John Carlson, the former head of ASNO, the Australian Safeguards and Non-Proliferation Office. I had plenty of run-ins with Mr Carlson over an estimates table in years gone by when he headed that office, before Dr Floyd took over. Despite our agreements, the one thing that you could say about Mr Carlson is that he knows the industry, and it must have taken a lot for him to raise the kinds of red flags that he put up in the course of JSCOT's work. The Australian Greens share JSCOT's unanimous view that the Australian government 'cannot overlook such clear warnings about the quality of India's nuclear regulatory framework'. India is engaged in an active nuclear weapons arms
race with its neighbour Pakistan, and just under one and half billion people live in these two countries.

Australia seems determined to circumvent and undermine the only disarmament and nonproliferation framework that the world has, just in order to open up another market for the desperate uranium sector. The very least that the Turnbull could be doing would be to pay attention to those who have worked inside the system who are warning us in very clear terms about what we are walking into. Very recently, the secretary of DFAT gave a speech stating that key disarmament and arms control treaties are failing to keep pace with the shifting security landscape of our times.

Australia, in the past, has played an important role in moving the world down a slow road towards the eventual abolition of nuclear weapons. We ratified the Comprehensive Test Ban Treaty in 1998, and Australia has said repeatedly, on paper it least, that we support global agreement on a fissile materials cut-off treaty to finally turn off the tap on production of the highly enriched uranium and plutonium. Both the Canberra Commission in years gone by and the more recent International Commission on Non-Proliferation and Disarmament—which was co-chaired by former foreign ministers from Australia and Japan—made their contribution. However we might critique these initiatives in detail, at least they show Australian government attempts at the highest level to bring nuclear weapons and non-nuclear weapons states together to try and restart the stalled disarmament process.

But these efforts, as welcome as they are, mask a much deeper and diametrically opposed agenda. Australia is firmly on the wrong side of the nuclear nonproliferation and disarmament agenda. The dismissive way in which the unanimous recommendations of the Treaties Committee were cast aside as less relevant than BHP or Rio Tinto's share price is one sign. But there are others. Successive defence white papers show that nuclear weapons still form part of Australian defence doctrine. We shelter ourselves under the United States nuclear umbrella. We host bases, targeting facilities and nuclear warship visits, all the while lecturing other countries on the importance of restraint and nonproliferation.

Far away, on the other side of the world, in United Nations meetings in Geneva and New York, which our government assumes will never filter back to Australia, we are quietly sabotaging the first hopeful signs in a long while of global resolve in this area. The UN General Assembly's First Committee recently voted overwhelmingly in favour of an Austrian sponsored resolution to fill the legal gap for the staged prohibition and elimination of nuclear weapons. This resolution was based on the careful study of the unthinkable humanitarian consequences of the use of these weapons. As a result, early in 2016, serious negotiations will get underway in Geneva to scope the elements of a global treaty banning these weapons. Why did Australia vote against this initiative? How many people in this country are even aware that that is what Australia's diplomats were instructed to do by the Turnbull government? The anodyne language of credible US extended nuclear deterrence in our own defence department and DFAT talking points is code for a willingness to countenance, endorse and legitimise the use of these horrific weapons, which are designed to inflict massive, indiscriminate civilian casualties. This is a dangerous double standard of Australia's that may one day prove lethal.

This debate has been carried out in the abstract for far too long. While US, Chinese, Russian and Australian defence planners are still clinging to obsolete Cold War doctrines of mutually assured destruction, in June of this year Australian intelligence agencies reported
that the Islamic State, which through force of its medieval violence has rapidly united the entire world against it, has accumulated enough radioactive materials to build a so-called dirty bomb. This technology does not have to consist of an advanced fission weapon in the tip of a cruise missile to depopulate a city. The by-products and leftovers of this industry, which is treated so cavalierly by its proponents, will do just as well. And there is a reason that civilian nuclear power stations are occasionally referred to as pre-deployed radiological weapons by the disarmament community. This is one of the elements that pro-nuclear proponents would prefer that we did not link to their industry, which is in so much trouble.

One of the other most obvious elements is radioactive waste. Sixty years after the first reactor went critical in Russia, in the former Soviet Union, and shortly thereafter in the United States, there is not a single high-level nuclear waste dump for spent fuel in operation anywhere in the world. They have had 60 years. In Australia we struggle with what is by global standards a relatively small inventory of reactor waste from the 20-megawatt and, before that, 10-megawatt research reactor facility on the outskirts of metropolitan Sydney.

We went through a horrendous period of time in the late years of the Howard government when they initiated a campaign to dump radioactive waste at Muckaty that was taken up with extraordinary aggression by the Labor industry minister at the time, Martin Ferguson. To his credit, when he took up the position last year Ian Macfarlane cancelled out of the Muckaty proposal. I want to acknowledge all of those campaigners and those who worked to stop that disastrous proposal. Minister Macfarlane, in my conversations with him, went part of the way towards resetting the debate. To his credit, he did not simply choose another Aboriginal outstation on which to host this toxic material. He opened with a process, and I take him at his word when he said that he 'didn't know what its outcome would be'.

But I still believe that the minister’s inquiry, which is now in the hands of Minister Frydenberg, asked the wrong question. The nuclear industry should take a good hard look at itself, ask itself and grace us with the answers if it has come up with any, not for which remote Aboriginal community should host this material that we are trying to get as far from our metropolitan areas as we possibly can. The real question is: what is the smartest, most robust management solution for the hosting and isolation from the environment and from human beings of materials that will still be radiotoxic and carcinogenic in a quarter of a million years? That is the proper question to ask, not for which Aboriginal community should receive these shipping containers to be put in a shed on a slab of concrete surrounded by barbed wire hundreds of kilometres from places that people in the south-east corner of this country could not even name.

The proper question is: what is the safest way to deal with this material and isolate it from the environment and from people for tens of thousands of years? That is the question I think Minister Macfarlane's inquiry should have asked. Instead, it simply said to the Australian community, 'Put your hands up if you want to host this stuff. There is $10 million bucks in it for you. It's gloves. It's trash from medical facilities, universities and radioisotope production,' all the time keeping ambiguous and up in the air whether the spent fuel from the HIFAR and later the OPAL plant will actually be hosted at that site as well. That is where the government has made a grievous mistake. It is no surprise at all that at all six of its named sites which it is considering for future shortlisting genuine grassroots opposition sprung up immediately upon the announcement of those sites.
My colleague Senator Rhiannon last week visited one of the sites in Western New South Wales, at Hill End, which the government assessors have called 'Sally's Flat'. And surprise, surprise: there is potent and determined local opposition to the hosting of a radioactive waste dump on their block on their country. They do not understand why if it is so safe in Sydney it has to be moved far from population centres and dumped in their backyards. I think that is a very reasonable question to ask. Is it safe at Hill End, because, if it is, not why are they bringing it there? And, if it is, what is it that would make it unsafe in Sutherland Shire south-west of Sydney?

I think these are reasonable questions the government needs to answer not just for the people out by Bathurst but also for those in South Australia—which is quite clearly the ultimate target for this material—those in the Northern Territory and those in south-western Queensland. Is it the intention of the government to drop that spent fuel—the reprocessed waste that is on its way back from France and the material that has been sitting at Lucas Heights for decades—and that reprocessed waste there? Or is this really just about gloves and trash from universities and medical facilities? Just be up-front with people because taking the opposite approach of trying to be a little bit clever and a little bit cute and keeping those things up in the air has been failing since 1992.

There is a chance—and I think Minister Macfarlane grabbed half the chance and it is a shame that he was not able to go the whole way—to have a much more intelligent and nuanced conversation with the Australian people not just about which outstation should take this garbage but also how we should isolate it and deal with it for the time periods for which it is dangerous to human life and the environment.

The Greens accept—reluctantly, but we do accept—that that material that was reprocessed in French reprocessing plants and in Dounreay before the Scots had the good sense to close it down should be returned to Australia. It is obligated to us. We created it. It is arguable, although I would contest, that we benefitted from the creation of that material. You will not see the Greens putting out press releases condemning the government for its return. It is being returned partly to Lucas Heights because of the spirited campaign out at Muckaty to prevent it from being dropped in a shed 120 kays north of Tennant Creek.

The least worst option is to have that material hosted above ground—dry, monitored, well-contained and under the careful observation of dedicated federal police detail with surveillance equipment and razor wire. That is at least a temporary form of isolation. It cannot do any harm while it is there under that careful observation. And that is precisely why people in regional areas in South Australia, New South Wales and elsewhere are just a tiny bit sceptical about this process, which seems to be targeting various places to simply put it in a shed, maybe post a couple of security guards as they proposed at Muckaty and then walk back to Sydney. No wonder people are sceptical.

The other reason that South Australians I think have very good reason to be not merely sceptical but actively alarmed at the process to dump the material there—and I take Minister Macfarlane and his senior bureaucrats at their word when they say this process for a domestic waste dump has nothing to do with the royal commission initiated for some reason by the South Australian Labor party. That is quite clearly aimed at softening up South Australians for the imposition of a high-level spent fuel dump in South Australia by countries that are throwing their hands up and saying: 'We've had nuclear power for 60 years in some instances.'
We still do not have a management solution for it. Why don't we tip it into some remote place that we don't know the name of in outback South Australia?"

I take Minister Macfarlane and his bureaucrats and advisers at their word when they say the process for siting a local national radioactive waste facility has nothing to do with this idea that keeps coming up that we should host the world's radioactive waste—material of quite a different character, I should say, from that spent fuel and reprocessed waste from research reactors. Nonetheless, we can see what is being set up here. If that site is located in South Australia and they override community opposition and establish and host it there, give it a couple of years and we know exactly what is going to happen. The brochures will start coming out saying 'Hey, we've been running a successful national waste dump here for 48 months. Nothing's gone wrong. Why don’t we make this commitment to import spent fuel through the Port of Adelaide and truck it to remote South Australia where it will rest in some form or another for another quarter of a million years?' I do not think that is what Minister Macfarlane had in mind. I suspect that is not what Minister Frydenberg has in mind either, but we can see the setup and people are not stupid. We know where this is going. That is the second issue that the uranium miners would rather we did not talk about. The toxic and poisonous carcinogenic by-products of their industry know no management solution and they have had 60 years.

The third issue that the miners would probably prefer that we did not point out is that their industry, even at the primary end, at the mining end, is in very deep trouble not just because of the catastrophes that overwhelmed Japan's Pacific coast on 3/11 but because peak nuclear was in the year 2002. Europe is on its way out. Japan is out. France is trying to work out how to draw down and not have to replace the nuclear reactors it built in such a rush in the 1970s and 1980s. Germany is getting out. Italy has already got out. These are the things the uranium miners would probably prefer we did not talk about. The Beverley uranium mine is over. The Honeymoon mine in South Australia is over as well. The Roxby Downs expansion is cancelled. The Ranger 3 Deeps proposed expansion in Kakadu National Park in the Northern Territory, which I had the good fortune to visit about this time last week, is cancelled. The Jabiluka deposit will never be mined. The Koongarra deposit has been reincorporated into Kakadu National Park. Colleagues, are you seeing a pattern here because I am? This is an industry that is on its last legs and it is just as well.

I want to acknowledge and thank those campaigners from ICAN, the global nuclear disarmament community who have worked tirelessly for three generations to bring this industry to a close and locals like Tim Wright and Dimity Hawkins, who keep carrying the flame and have actually helped in their way to reignite the global movement towards nuclear abolition. And those like Barb Shaw, Diane Stokes and dear Nabarula, who is so missed, who led the fight against the Muckaty campaign and, in effect, saved the Australian government from itself. And to Yvonne Margarula, the senior traditional owner of Mirarr country and the Mirarr mob in Kakadu National Park, for standing up so strongly in defence of their part of the world in Kakadu and saying, 'We had 30 years of mining at Ranger and we're done. We don't want Jabiluka.' And in particular those who themselves, with their own eyes, as teenagers or in their very early 20s experienced the white flash and can speak, as I have heard firsthand from them, of what it is like to be underneath a nuclear weapons attack, those who
will not ever let us forget, no matter how much the uranium miners might wish that we would, the terrible consequences of the nuclear industry.

**Freedom of Expression**

**Senator MADIGAN** (Victoria) (21:25): I rise tonight to speak in support of our Constitution, I rise to speak in support of freedom of speech and I rise in support of the freedom of religious belief. Additionally I want to put on the record the hypocrisy of those in this place who seek to silence people for their religion. I want to put on record my condemnation of the use of lobby groups who are not necessarily representative of the wider community, that do not have widespread support yet seek to bludgeon our religious institutions. And I speak out against the duplicity of some of those in this place. I condemn their political expediency. This group speaks of human rights and discrimination and accuses others of hate speech, but like George Orwell's 'Ministry of Truth', they seek only to lie and distort, they condemn and vilify and try to silence those who dare to express a different opinion. Specifically I refer to the willingness of the Greens to condemn religious leaders in this country for disseminating a booklet that informs and explains a central tenet of their religion.

Earlier this year the Archdiocese of Hobart distributed a book to 12,000 families at Catholic schools. The same book was also widely distributed across Australia. It was produced as a pastoral letter from the Catholic bishops of Australia to explain the church’s position during the same-sex marriage debate. The humble 15-page document, titled *Don't Mess with Marriage*, sought to explain the Christian case against gay marriage. Church leaders attempted to explain clearly and succinctly their position while this country grappled with the issue of same-sex marriage. In short, the book said families are the founding blocks of society and children need a mother and a father. This was not revolutionary; I would have thought that, in fact, until recently this was a widely-held tenet shared by both major political parties.

The book was not strident or hate-filled in tone. In fact, it said the gay community must be treated with love, respect and sensitivity. The Catholic Church opposes all forms of unjust discrimination, the book says. I quote:

> We deplore injustices perpetrated upon people because of religion, sex, race, age etc.

As commentator Chris Berg wrote in *The Age* this week:

> It's hard to overstate how moderate this book is. It offers not fire and brimstone. It's not fire and brimstone. It's gentle and Christian, of the suburban pastoral variety. It is a calm explanation of major position on a prominent political policy issue.

Mr Berg continued:

To be offended by the booklet is to be offended by what was, until recently, the mainstream view on marriage, and one still shared by a large majority of the population.

And do church leaders, in this case, the Australian Catholic Bishops Conference, not have the right to put a high-profile public debate into context among their parishioners? Is this right not the very bedrock of religious freedom and expression, particularly when that message is contextualised in an attitude of respect and care? Apparently not. A group calling itself Australian Marriage Equality accused the Catholic Church of breaching the Tasmanian Anti-Discrimination Act. A Mr Rodney Croome from the group accused the Catholic Church of
prejudice in the book and of enlisting young people as couriers of its message. I understand the book was delivered directly to students in Catholic schools in some cases and in others it was given to students in a sealed envelope to take home to their parents. I have read the book, and I look forward to sharing its contents with my own children.

But the campaign of hate and discrimination to silence church leaders did not stop there. Lo and behold, we had a Greens candidate in Tasmania, Martine Delaney, make a complaint to the Office of the Anti-Discrimination Commissioner for a possible breach of the Tasmanian Anti-Discrimination Act 1998. Yes, of course, where we find hypocrisy and political mischief-making, where we find toxic sanctimony, we invariably find the Greens. How long did it take for the newest member of the Greens in the Senate, Senator McKim, to jump on the train? In a speech earlier this month, Senator McKim called the church booklet, which had been distributed to members of its congregation, ‘offensive material’. He said there was a danger of the gay marriage debate being hijacked by a small but well-resourced lobby group. But isn't that exactly what the Australian Marriage Equality group is—a well-resourced lobby group of indeterminate size with deep pockets and a flashy website?

We are all entitled to our opinion, but it seems we are not entitled to a difference of opinion. The church has responded to the accusations with restraint. Archbishop Porteous has agreed to a conciliation process. I admire his grace and equanimity, and his courage under fire from cowards.

Finishing up, I refer Senator McKim and Ms Delaney to the words of the founder of the Australian Greens, former senator Bob Brown. Speaking in 2008, Senator Brown urged the Senate to condemn the bloodshed in Tibet by China. Senator Brown spoke strongly and passionately about the rights of the Tibetan people: their right to freedom of speech and their right to freedom of religious observance. In another speech at about the same time, Senator Brown upheld the Australian tradition of democracy:

...that we believe in the freedom and the rights—political, civil and religious—of every human being but in particular of every citizen in this country.

Senator Brown was a staunch defender of religious freedom—be it in China, Tibet, Australia or elsewhere. He saw it as a fundamental right; the cornerstone of a civilised society. As noted in The Age by Mr Berg:

Free-speech theorists have talked about the 'chilling effect' when the cost of defending oneself against baseless claims hampers the open expression of views.

But this is the world the Greens would have us inhabit. I am sure Senator Brown was familiar with section 116 of our Constitution, which states:

The Commonwealth shall not make any law ... for prohibiting the free exercise of any religion …

The free exercise of any religion is enshrined in our Constitution. I refer Greens senators to Senator Brown's previous comments, and I suggest they take some time to study his speeches. I also refer the Greens to the Australian Constitution, and I suggest they become familiar with it before making further comments on this matter.

Islam

Department of Veterans' Affairs

Senator LAMBIE (Tasmania) (21:33): I rise firstly to express my sincere condolences to the people of France and to the innocent victims of the latest Islamic terrorist attacks. France
has a special place in the story of the fight for democracy, liberty and freedom, and Australia has a special relationship with France and the French values of democracy, liberty and freedom. Forty-five of Australia's 100 Victoria Cross winners were awarded our nation's ultimate symbol of bravery while fighting in France during World War I against a totalitarian regime.

Many media have asked me if I stand by my comments about the Grand Mufti of Australia—and I stand by them 100 per cent. He has failed to unconditionally condemn the ISIS terrorists, their actions and their law—sharia law—and until he does that, he is not to be trusted. I am sick of Australia's Islamic leaders making excuses, playing the victim and having two bob each way between the terrorists and the home side every time there is another terrorist atrocity.

In the wake of the Paris slaughter, now is the time for all Islamic leaders to state their unequivocal opposition to sharia—or to the terrorists' law—and to pledge allegiance to Australia's democratic Constitution and laws. Support for sharia law is a clear sign of Islamic radicalisation. I am very angry and disappointed with the Grand Mufti's behaviour. I have written to him in the past about sharia law, and he has refused to reply. He has run from my questions. He is a coward.

I would also like to deal with the statement that many have made: that Islam is the religion of peace. This is a factually incorrect statement. To prove my argument, I will not use a religious book, but a book by respected British academic John Keegan. Sir John Desmond Patrick Keegan OBE FRSL was a British military historian, lecturer, writer and journalist. He wrote 25 military history books including *A History of Warfare*, which was described by the UK *Sunday Telegraph* as 'magnificent'. The book also won the Duff Cooper prize. In other words, it is an impeccable historical source. On page 33, where John Keegan writes about the differences between Christianity and Islam, he says:

Muhammad, unlike Christ, was a man of violence; he bore arms, was wounded in battle and preached holy war, *jihad*, against those who defied the will of God, as revealed to him.

In this factual statement he can clearly find the challenge that modern Islam faces. The founder of their religion was a great warrior who was wounded in battle and, if other historical texts are to be believed, killed many people in the course of converting people to his religion. He was not like the founders of our world's two other great religions, Christ and Buddha, who lived their lives always as pacifists, not as warriors. All Islamic leaders must do a better job of explaining to their young men and women why they must become pacifists and not kill in the cause of converting people and other cultures to their religion.

I am not trying to make the case that atrocities, war and great slaughter have not been committed in the name of Christianity; I am saying that Christ himself would never have ordered the crusades, the slaughter or the killing of any human, because he lived his life as a pacifist and turned to the other cheek in response to any insult or attack, and he forgave. People who said they acted in Christ's name and then ordered and committed slaughter, wars and killings quite clearly ignored the life example set by Christ and perverted his teachings.

The founder of Christianity, just like the founder of Buddhism, set an impossible standard for all to follow. Their life examples sometimes keep the inner psychopath of their followers in check. The life examples of Christ and Buddha certainly mean on judgement day that the
bar has been set high and entry to heaven is not automatic even if you have killed in the name of God.

The great challenge for Islamic preachers and politicians who insist on saying the Islamic religion is a religion of peace is to reconcile their statements with undisputed historical fact.

I would like to correct the record. A Murdoch reporter again misrepresented my position on troop deployments in Iraq. I do not support sending troops to Iraq. In fact, I believe that our Australian troops should return from Iraq. With only 3,000 American troops on the ground in Iraq, we have no hope of winning any war against ISIS. America and the rest of the world would have to put at least 100,000-plus troops on the ground to stop the advancement of Islamic State and have air and sea support.

If, as Australian Strategic Policy Institute executive director Peter Jennings suggests, the role of Australian troops is upgraded from advise and assist to advise, assist and accompany, it is a recipe for bloody disaster. Therefore, the Jacqui Lambie network supports the return to Australia of ADF personnel currently deployed in Iraq. This will save Australia approximately $4-plus billion over the forward estimates.

Another reason we should not be sending our Australian Defence Force members overseas is because successive Australian governments have betrayed our veterans and have not been prepared to properly look after them when they return home injured. The Department of Veterans' Affairs is a brutal, ignorant, arrogant and dysfunctional government department whose behaviour and decision making needs to be scrutinised by a royal commission. We have no choice. Our veterans deserve a chance to put their hands on the bible, tell the truth and tell how public servants, doctors and lawyers working for the DVA have ruined their lives and, in some cases, contributed to their suicides.

The Australian public will be shocked when they learn of the scale of the deliberate cover-up of mistakes, misconduct and abuse of office by employees, managers and other professionals associated with the Department of Veterans' Affairs. The Australian public will be sickened when they hear about the Vietnam veteran who was compelled to set himself on fire after a DVA stuff-up. They will demand justice for the digger who shot himself in a Department of Veterans' Affairs office.

I am fed up with this government's persistent refusals to establish a royal commission into the dysfunction of the Department of Veterans' Affairs and Defence abuse, so I am now going to use parliamentary privilege and I am going to name names of those associated with the Department of Veterans' Affairs who are accused of failing to do their jobs and properly look after our sick veterans. I will do continue to name and shame those who are abusing their office and failing our injured veterans from now on and well into the future.

As part of my name-and-shame campaign, I bring to the Senate the story of veteran Jordan Woodruff, who served nine months in Afghanistan and has been denied a SRDP classification, which is the equivalent of a total and permanent injury classification, or TPI, by the Department of Veterans' Affairs. He was denied the best medical care Australia can offer by being denied a gold card by the Department of Veterans' Affairs. He was denied by the Army recognition of an in-field promotion. He was denied a four-year service medal because he was discharged at three years and eight months because of his injuries. He was most likely denied by the Army a bravery award.
Jordan is most likely the victim of an abuse of office by the Department of Veterans' Affairs employee David Williams, and wrongfully denied his rightful entitlements because Mr Williams, according to notes from a recorded telephone conversation by Jordan's advocate, will contest any assessment from Jordan's psychiatrist, Dr Michael Likely, a leading medical practitioner in Townsville. It seems that the Department of Veterans' Affairs employee Mr Williams, for no good, apparent reason, makes a habit of contesting assessments by Dr Michael Likely. The Department of Veterans' Affairs worker David Williams is also adversely mentioned in correspondence from the Peacekeeper and Peacemaker Veterans Association, where he is described as:

Probably the most disliked and complained about delegate in the state, his attitude and manner are aggressive and dismissive. He has stated that he will reject any claim by veterans who have Dr Mike Likely as a treating psychiatrist.

This is unacceptable as Dr Likely is a well-respected veterans' psychiatrist in Townsville and it is not the delegate's place to suggest that a claim's outcome is influenced by who the treating specialist is.

Here is what Dr Likely says about Jordan and what the DVA employee David Williams does not like and uses his authority to contest:

12 March 2015

Mr Woodruff is my patient. I am treating him for PTSD.

He contracted this condition as a result of his service in Afghanistan in 2009.

Mr Woodruff continues to exhibit a full-blown syndromal declaration of PTSD despite intensive treatment.

It is my unequivocal opinion that by virtue of his PTSD alone, that Mr Woodruff should be considered to be totally and permanently incapacitated from undertaking any form of remunerative employment.

I am deeply concerned if the decision not to grant him an SRDP is not expedited, there will be a profound and severe and potentially life-threatening decompensation in his condition.

Yours faithfully
Michael Likely
Consultant Psychiatrist
North Ward Clinic

I am sure you agree that Jordan has been to hell and back after hearing his story. These are the words he has written to me:

Dear Senator.

My name is Jordan Woodruff. I am a 26 year old Ex-Serviceman and Returned Veteran. I have by my side, Kimberly who is my wife and de facto partner.

I enlisted into the Army March 2007. After Approx one year of training in the RAR—

Royal Australian Regiment—

I was deployed with Bravo Company (7RAR) … on Operation Slipper in Afghanistan. In September 2008, for 9 months ending in July 2009. We operated in platoon strength groups, which consisted of 3 Sections and a platoon command group.

My section—12 Charlie was made up of ten soldiers. One driver, one crew commander, one corporal and one section 2IC and ten privates, including myself as the section medic. In the nine months my
section had endured 5 firefights, 3 suicide bombers and also had been involved in direct and indirect IED's on numerous occasions. I was also forced to shoot dead a suspected suicide bomber which was later confirmed.

During one particular firefight with the enemy, which involved close quarter fighting, several members of our section including our section 2IC became unfit for duties, which were stress related. During this firefight I was field promoted by my CO commanding officer—

and RSM—

regimental sergeant major—

who informed me that this was the first field promotion since Vietnam. I was only 19 years of age at the time. Because of my age, this has haunted me to this day, but very proud as to what I was able to achieve in helping and assisting my mates in the field under very trying conditions whilst under fire and returning fire, with great accuracy.

In our whole deployment, our company had seen 36 firefights, 20 Australians injured with a total of 6 Australian Soldiers KIA—

killed in action.

On returning to Australia, I completed my Subject Two for Corporal, and was ready to take over as our section 2IC, and from my reporting history I was reported on very well. However; from the time I finished this course, my adjustment problems and my psychological health quickly deteriorated, and so I spiraled out of control.

In the months prior to my discharge, with my adjustment problems, I experienced flash backs, sleep deprivation and major anxiety. This lead me to almost decapitating my Defacto partner having very physically moving dreams in which I also attempted to strangle my partner—

because of his PTSD.

I also began to use alcohol and binge drink with also self-medicating with substance abuse. (marijuana) I openly approached my CSM about my problems, which began a process to be treated for a range of psychological issues.

After not being able to resolve these issues I was advised by my CSM and OC—

officer in command—

that I was now a liability and had no choice but to be discharged from the Army and Being separated from my family (Mates).

Even though I was treated for PTSD, Major Depressive Disorder and Adjustment Disorder, I was discharged from the Army (Admin) and not medically as not being psychologically suited to remain in the ADF.

I firmly believe that I should have been medically discharged for my psychological conditions. I feel really let down by my parent unit (7RAR) by not looking after me properly!

I eventually moved to Townsville, my home town to where I thought I could get help from family and friends. As I have always had good work ethics, I started my own business as a roller door technician. This was a reasonably successful venture, but due to my anger management issues, my business was suffering from stress related reasons.

On the 30th August 2014 I experienced a psychotic event after having a heated argument with Kimberly, I was locked out of the house. To get my car keys out of the house, I punched a plate glass window, almost severing my right arm.
If not for my neighbors, I certainly came close to dying from loss of blood. I was rushed to Hospital, were a micro surgeon was flown from Melbourne to Townsville to try and save my arm.

I suffered severe nerve and tendon damage to my right arm and now have lost the use of this arm. As of the 1st Jan 2015, I closed my business due to my psychiatric conditions and the loss of use of my right arm (writing hand)

My treating psychiatrist believes that this injury is a direct result of my now accepted conditions for PTSD, Major Depressive Disorder, Injury's received from munitions detonations (RPG & Grenade) and Alcohol Misuse Disorder, which are War related conditions.

I have recently been advised by my Advocate that although my accepted conditions, DVA have accepted liability, but under my recent permanent impairment assessment has been rejected by my DVA—

Department of Veterans' Affairs—
Case Manager and Delegate, Mr David Williams.

The Delegate has rejected my treating psychiatrist, Dr Mike Likely recent PI Assessment as me as not being stable?

Dr Likely had resubmitted another Medical Report which was subsequently not used, even though Dr Likely states, "that because of PTSD alone, renders me totally and permanently incapacitated and will not be able to undertake any form of remunerative employment for up to 10 hours per week"

My Advocate (Chris Dawson) also goes on to say that from a record of conversation with Mr Williams, "we will contend any diagnosis or medical report from Dr Likely" by us (DVA).

Does this person think he is medical trained GP or Psychiatrist? By from what Dr Likely stated that with intensive psycho treatment, we should see some improvement for a better life. Thus Mr. William's thinks that I am not stable for any of my mental conditions.

Dr Likely is a well-respected veterans' psychiatrist in Townsville and it is not the delegates place to suggest that a claims outcome is influenced, despite by who the treating specialist is.

My incapacity payments cease in 3 weeks' time, which means I have very little to live on with no prospects of ever being able to work again.

I am very proud to have served my country and what I was able to achieve. All I wanted in the beginning was to have my field promotion recognized, as this haunts me to this day.

What do you see as a solution to this issue?

As I feel very let down by Defence and my parent unit (7RAR) as I was field promoted in a very hostile and close quarter battle as a 19year old soldier, I feel very strongly that this type of promotion being the first since Vietnam, surely there are provisions by Defence to have my service and promotion recognized.

My Advocate who has intimate knowledge of my defence history and from incident reports, he believes that we should go one step further and approach defence for not only to have my field promotion recognized, but to also have a medallie bravery award be investigated and awarded.

Although my Advocate has commenced a DVA investigation and an Official Complaint into the actions of Mr. Williams—

the DVA delegate—

in dealing with my claim, Senator We feel that with your assistance along with Rod Thompson, we can finally get a decision from DVA that is fair and reasonable.

Yours Sincerely.

Jordan Woodruff
So I will tell you: I am calling on this government to treat fairly and with respect veterans like Jordan. I am going to be honest this evening: I have another over 4½ years up here, and I have 400 of these so far sitting on my desk in Tasmania.

I have warned you about this for the last 18 months. This is the first delegate's name, and I have a great many of them sitting on my desk. I am going to start naming and shaming. I have spoken to the PM about this. He is ignoring my pleas. I have asked and I have begged for an automatic gold card to be given to our diggers—still no response. These men and women have served their country. They deserve respect, and we have to give something back in return. So I am letting you know on behalf of them that they have had enough. I have had enough. It is going downhill from here on with you people over there unless you are prepared to change. I am coming, and I am coming at full bore, I can assure you right now, and I will not stop. I will not stop until these veteran suicides stop. You are going to assist me with that because you owe these men and women. Enough is enough.

**Universal Declaration of Human Rights**

**Health Care**

**Senator RHIANNON** (New South Wales) (21:53): Last week I had the pleasure of launching a book, *Freedom From Religion*, at the Paperchain bookshop in Canberra. I believe it is a very important publication, and I recommend it to everyone. This book concerns article 18 of the Universal Declaration of Human Rights. It is in no way a dry book. It might sound that way when you mention an article, but it goes to the heart of many issues that we are grappling with—our values, our beliefs, our acceptance of others—and how this important treaty, the Universal Declaration of Human Rights, impacts on our lives and shapes our society.

Article 18 establishes the rights of all individuals to adopt personal moral values, whether religious or otherwise, and the right to practise, observe and teach the tenets of that belief. It was a very significant document, particularly when it was first adopted, immediately after the Second World War. It has now been adopted by 195 member states of the United Nations. In fact, the provisions of article 18 are repeated in many international treaties.

Ms Meg Wallace, who has written this book, addresses specifically the response of governments to article 18 and its interpretation and oversight by the United Nations and the European Council. She proposes that perhaps, with the best of intentions, those responsible have overwhelmingly failed to fulfil the promise of article 18. This is why this book is so significant. Article 18 has shaped so much in our treaties, in the way we work, in our very parliament, and here we have a significant writer calling for there to be a reassessment.

Imprecision in both the terms and implementation of article 18 has led to a distracting concentration on the meaning of religion, what constitutes a religion, which religions are acceptable to government and what limits government can reasonably place on religious practice. What becomes glaringly clear is that protection of non-religious beliefs is mostly ignored. In fact, article 18 has been used to justify what amounts to sectarian interests and all the damage that goes hand in hand with that. Using a right-from-religion perspective, Ms Wallace reveals inherent biases in our society.

While I do actually strongly agree with Ms Wallace's assessment of article 18, I wish to still acknowledge the significance of article 18 and the whole United Nations Universal
Declaration of Human Rights. As I said, it came out of the aftermath of the Second World War. It was 1948, shortly after the war had ended, and you can imagine how significant it was at that time to help ease the trauma of that terrible period where fascism for a time looked as though it could have taken over the world. I do believe that this treaty and even article 18 would have helped ease the feelings about the abuse and all the vile acts that had occurred, and it would have been done with the best of intentions.

However, at times we need to reassess, even with a human rights treaty, and that is why this book is so important. Ms Wallace's work is relevant to how religions operate in Australia and indeed how governments operate. The colonialists that established Australia as a secular nation and the leading decision makers have been presenting a dominance of Christian religion. Early governments in the 19th century actually worked not to encourage sectarianism. This is what is very significant when you examine it in the context of Ms Wallace's analysis. Those early governments did not give official recognition to one church over others. State schools were required to be secular. There was no established church as there was in England.

Helen Irving has written extensively on this. In 2004 she wrote: This policy was reflected nationally in the Commonwealth Constitution. The Constitution' framers faced two questions head-on: was Australia a nation with a particular religious character? Should the Constitution recognise this? They answered no to both. During debate, much concern was expressed about the potential for religious intolerance, even official support for religious persecution. Governments, framers said, should not inquire into the beliefs of individuals.

That approach, I believe, is in keeping with the spirit of article 18, but, tragically, the way article 18 has come to be interpreted and used has now changed considerably. Helen Irving, in her essay entitled 'Australia's foundations were definitely and deliberately not Christian', also quotes the words of the first Prime Minister, Edmund Barton. He said:

The whole mode of government, the whole province of the State, is secular … and there is no justification for inserting into your secular documents of State provisions or expressions which refer to matters best dealt with by the churches …

Those are our forebears, those who were the drafters of the important Constitution of this nation.

If you look at the words of more recent leaders, you would think we were a Christian nation. Former Treasurer, Peter Costello, at a National Day of Thanksgiving Commemoration, said the Ten Commandments 'are the foundation of our law and our society'. Mr Costello said that not only our law, but our moral standards and values derive from the 'Judeo-Christian tradition', or, more specifically, from Australia's 'historic Christian faith'. Former Prime Minister John Howard similarly claimed we are 'predominantly a society instructed by the Judeo-Christian ethic'. And according to former Governor-General Major General Michael Jeffery, Australia has a 'Christian heritage', and 'faith in God has been an important establishing and unifying principle for our nation'.

I think that contrast of going from the Constitution and what our forebears actually wrote when drawing up the Constitution, to ensure we were a secular state, to fast-forwarding about 100 years later, where a very specific religious stamp is put on our society, is very strong evidence of how important Ms Wallace's book is.
As I explained, article 18 of the Universal Declaration of Human Rights establishes the right for all individuals to freedom of thought, conscience and religion. But these personal, so-called 'civil rights' are not absolute. They are distinguished from political rights. Article 18 requires separation of religious interests from state power, or maybe I should say it should require that separation. Article 18 effectively promotes, by reference to its religion-related language, that it has become used as a manifesto about religion, despite the fact that it applies to everyone, and that should have been what always remained the essence of article 18—to atheists, to agnostics, to the unconcerned as well as to religious people. However, article 18 has been used by some churches as a pretext for demanding political, economic and social benefits, and we see that in our own society and in many societies.

In Australia, religion permeates so many of our institutions. Our own chamber starts with certain religious prayers every day, and that was the dominant religion. We see the dominance of religious instruction in our schools and financial benefits to religious institutions, through funding and tax exemptions. I would argue the interests of religious institutions and individuals are reflected in government policy and legislation too often. Religious institutions throughout the world have thus become politically influential and, I think very unfortunately, very wealthy, because of how they have entwined themselves with the state, sometimes to the tune of billions of dollars.

Ms Wallace writes that we need to rethink article 18 and what it means, if we are to realise its promise. It had promise and I believe it still has promise. The intention of article 18 is not to privilege anyone's religion or beliefs, but to ensure that governments protect religious freedoms from impartial policies and legislation, allowing individual religious and others groups to flourish according to accepted democratic governance. Freedom from religion or belief, it is argued, is the real promise of article 18—that is, freedom from suppression or imposition of religious or non-religious doctrines by the state or anyone else. As Ms Wallace said herself, 'Article 18 fosters the privileging of religious beliefs, hindering the equal right of others to exercise the same right.' It does not have to be like that, and I still believe that we can ensure the real intention of article 18 is realised.

On another matter, in New South Wales and around the world, health systems are fragmented and bureaucratic. This creates dissatisfaction amongst patients and healthcare professionals alike. Good clinicians go to work every day at good hospitals, yet the overarching system impedes their ability to provide coordinated care. Health policy experts agree that greater coordination of services is necessary to develop a more effective and sustainable health system in New South Wales. The New South Wales State Health Plan has some remarkable features. They are very admirable, including the aim to develop new models of integrated care. I would like to outline two innovative, evidence-based approaches to integrated care that could be used to guide this vital work and improve health services across our state.

The Greens have stressed the need for improved primary care services, including dental care, to keep people healthy and reduce their need for expensive hospital care. A greater focus on primary care is absolutely essential to reducing health system expenditure, and this is especially important due to the increasing number of people with chronic health conditions requiring ongoing, long-term treatment. What we need to do is imagine a health system where people are well and hospitals are empty, and develop strategies to help us move towards that
vision. This is where the idea of integrated care becomes so critical. Effective models of integrated care can assist people's journeys towards better health, and reduce the number of people requiring episodic emergency treatment for acute illnesses. The question is one of how we can redesign the NSW health system to enable integrated care. While there are some Australian examples of how this could be achieved, our efforts could also be guided by models of effective integrated care from the United States.

Alaska's Southcentral Foundation recently won the highest award for healthcare quality in the United States for its model of integrated care: the Nuka System. The Nuka System has been described by Dr Donald Berwick, the former administrator of the Centers for Medicare and Medicaid Services, in the United States, as an internationally leading example of effective health care redesign. The Nuka System of Care provides integrated medical, dental, behavioural and other types of support services to around 60,000 people. It aims to support wellness in the community rather than solely addressing sickness. The approach involves multidisciplinary teams providing ongoing support to individuals in primary care centres and also in the community. The aim is to help people self-manage their health and journey as necessary through different parts of the health system. This is combined with a broader approach to improving community wellbeing, which aims to tackle domestic violence and other problems through education and community engagement.

The overarching principle is that care should be delivered by a healthcare team, not by individual professionals working in comparative isolation. Relationships between people and the multidisciplinary teams that care for them are at the forefront of their work. There is recognition that people control their own healthcare decisions, so ongoing engagement is necessary to encourage positive decisions that promote improved health and decreased need for hospital care.

The Nuka system has produced stunning results, including 25 per cent fewer admissions to hospital emergency departments, producing significant cost savings. It has also led to a decrease in family violence, showing that a holistic, integrated model of care can produce social benefits beyond the traditional indicators of health system effectiveness.

A second innovative model of integrated care was developed by the Camden Coalition of Healthcare Providers in the United States, led by Dr Jeffrey Brenner. The program aims to reduce the amount of unnecessary hospital care for people whose complex physical, behavioural and social needs are not well met through the fragmented US healthcare system. These people, known as 'super utilisers', often move from emergency department to emergency department, from inpatient admission to readmission, receiving chaotic, costly and ineffective treatment.

While there are clear differences between the US and Australian health systems, super utilisers are equally problematic in New South Wales and, I imagine in other parts of the country. For example, during 2011-12, two per cent of the New South Wales population attended an emergency department three or more times, accounting for 35 per cent of all emergency department attendances. These figures highlight the potential implications of Dr Brenner's approach in the New South Wales context.

Super utilisers often lack financial resources and an understanding of how to use the healthcare system effectively. Many have no source of regular, coordinated medical and social support services—which are the very thing they need for stable health. To address these
issues, super utiliser programs provide intensive care management to these high-need, high-cost patients outside hospital settings. The heart of the approach is a patient management program to improve the transition of super utilisers from the hospital to outpatient care and ensure they continue to get the medical and other services they need so that they do not end up back in hospital.

A multidisciplinary care management team visits the patient in the hospital, conferring with doctors and nurses and helping plan the discharge. Team members visit the patient at home immediately after discharge and provide ongoing support, including connecting them to a GP, accompanying them to appointments and helping line up needed social services. The goal is to leave patients with the ability to manage their own health—surely what should be central to our approach to our health system.

The results were interesting. The first 36 patients averaged a total of 62 hospital and emergency room visits per month before the intervention compared to 37 visits per month afterward. Their hospital bill total fell from a monthly average of $1.2 million to just over half a million dollars. If results of this magnitude could be obtained in New South Wales, the reductions in health system expenditure would be significant.

The Nuka System of Care and the super utiliser program both demonstrate the feasibility and potential benefits of innovative models of integrated care. Both involve the same groups of healthcare professionals that we also have in New South Wales but coordinate their activities more effectively to help them deliver better care. As such, these two models would likely be well received by doctors, nurses and allied health professionals in New South Wales, who are currently frustrated by the fragmentation of our health system.

The Nuka System of Care and the super utiliser program are applicable to New South Wales and could be trialled and refined to support the state government's objectives, as detailed in the New South Wales health plan. Trials should occur at the local health district and Primary Health Network level. The two approaches outlined today have the potential to provide best practice models of integrated care that could be scaled up to a state or national level over time.

The Greens are in agreement with the government that change is needed to address the impending challenges facing the New South Wales health system. This change will require us to redefine our traditional conceptions and place effective models of integrated care at the centre of our future health system. The approaches I have outlined today I believe provide practical, evidence-based templates to help guide these important efforts.

**Senate adjourned at 22:12**

**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.*

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

- **Auditor-General**—Audit report no. 9 of 2015-16—Performance audit—Test and evaluation of major Defence equipment acquisitions: Department of Defence.
- **Crimes Act 1914**—Authorisations for the acquisition and use of assumed identities—Australian Customs and Border Protection Service—Report for 2014-15.
- **Law and justice**—Marriage equality—Letter to the President of the Senate from the Speaker of the Legislative Assembly of Western Australia (Mr Sutherland), dated 17 November 2015, forwarding the text of a resolution, and attachment
- **Sport**—Rugby League—North Queensland Cowboys—Letter to the President of the Senate from the Deputy Prime Minister (Mr Truss), dated 12 November 2015, responding to the resolution of the Senate of 13 October 2015.

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**Australian Prudential Regulation Authority Act 1998**—Australian Prudential Regulation Authority (confidentiality) determination—No. 18 of 2015 [F2015L01824].
**Banking Act 1959**—Banking exemption No. 2 of 2015 [F2015L01823].
**Civil Aviation Act 1988**—
- Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998—Civil Aviation Order 48.1 Amendment Instrument 2015 (No. 1) [F2015L01829].
- Civil Aviation Safety Regulations 1998—Exemption—from completion of an approved course of training in MCC—CASA EX192/15 [F2015L01827].
**Corporations Act 2001**—
- ASIC Corporations (Real Estate Companies) Instrument 2015/1049 [F2015L01831].
- ASIC Corporations (Repeal) Instrument 2015/1050 [F2015L01830].
**Greenhouse and Energy Minimum Standards Act 2012**—
**Migration Act 1958**—
- Eligible Education Providers and Educational Business Partners 2015—IMMI 15/132 [F2015L01820].
- Required Medical Assessment—IMMI 15/144 [F2015L01826].
**Sydney Airport Curfew Act 1995**—Dispensation Report—08/15.