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**SITTING DAYS—2015**

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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. Eric Abetz

Deputy Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC

Leader of the Opposition in the Senate—Senator Hon. Penny Wong

Deputy Leader of the Opposition in the Senate—Senator Hon. Stephen Conroy

Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield

Manager of Opposition Business in the Senate—Senator Claire Moore

Senate Party Leaders and Whips

Leader of the Liberal Party in the Senate—Senator Hon. Eric Abetz

Deputy Leader of the Liberal Party in the Senate—Senator Hon. George Henry Brandis QC

Leader of The Nationals in the Senate—Senator Hon. Nigel Scullion

Deputy Leader of The Nationals in the Senate—Senator Hon. Fiona Nash

Leader of the Opposition in the Senate—Senator Hon. Penny Wong

Deputy Leader of the Opposition in the Senate—Senator Hon. Stephen Conroy

Leader of the Australian Greens—Senator Richard Di Natale

Co-deputy Leaders of the Australian Greens in the Senate—Senator Scott Ludlam and Senator Larissa Joy Waters

Chief Government Whip—Senator David Christopher Bushby

Deputy Government Whips—Senators David Julian Fawcett and Anne Sowerby Ruston

The Nationals Whip—Senator Barry James O'Sullivan

Chief Opposition Whip—Senator Anne McEwen

Deputy Opposition Whips—Senators Catryna Louise Bilyk and Anne Elizabeth Urquhart

Australian Greens Whip—Senator Rachel Siewert

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

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<th>State or Territory</th>
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<th>Party</th>
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<tr>
<td>Back, Christopher John</td>
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<td>Brandis, Hon. George Henry, QC</td>
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Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives.

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(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.

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

COMMITTEES

Law Enforcement Committee

Select Committee on the Regional Processing Centre in Nauru

Select Committee into the Scrutiny of Government Budget Measures

Meeting

The Clerk: Proposals to meet have been lodged as follows: by the Parliamentary Joint Committee on Law Enforcement for a public meeting today from 5.30 pm; by the Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru for a private meeting today from 5.30 pm; and by the Select Committee into the Scrutiny of Government Budget Measures for a private meeting on 13 August from 3 pm.

The PRESIDENT (09:32): Does any senator wish to have the motion put on any of those matters? There being none, we will proceed.

BILLS

Food Standards Amendment (Fish Labelling) Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

The PRESIDENT (09:32): Pursuant to an order of the Senate on 14 May last, I shall put the question that this bill be now read a second time.

Senator McLUCAS (Queensland) (09:32): by leave—I thank the chamber. Labor thanks Senator Xenophon and other crossbenchers for bringing this matter to the Senate. Labor support the policy intent of the bill, but, unfortunately, due to our significant technical concerns, we are unable to vote for it. Labor looks forward to working with Senator Xenophon and the government on ensuring that country of origin labelling for cooked seafood does become a reality.

Senator WHISH-WILSON (Tasmania) (09:33): by leave—The Australian Greens will be very disappointed if this bill gets voted down, having worked with Senator Xenophon and even, I may say, a number of good committee members who supported a very simple and very popular seafood country of origin labelling scheme. There is nothing complicated about this at all. This simply mandates, at the retail end of the chain, retailers saying whether seafood is local or imported. It has worked really well in the Northern Territory. It is a good start for building sustainable outcomes for the environment and also supporting our local seafood industry. It is an absolute no-brainer. We always get criticised for not bringing in country-of-origin labelling in this country. People will look at this. This was raised in the SBS TV series What’s the Catch? It has been around the country. It has a lot of support, especially in my
home state of Tasmania. I will be really disappointed if Labor and Liberal vote this down today.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (09:34): I too seek leave to make a short, two-minute statement.

The PRESIDENT: Leave is granted for two minutes.

Senator CASH: The government appreciates the intent of Senator Xenophon's Food Standards (Fish Labelling) Bill 2015 for food sold in fish and chip shops and restaurants. We recognise that consumers do want to know the origin of their food. We also recognise that Senator Xenophon is very passionate about country of origin through his work on the RRAT Committee inquiry into seafood labelling and acknowledge the hard work of the RRAT Committee members during the inquiry process. The government takes matters of food regulation very seriously, and that is why the government cannot support Senator Xenophon's bill. This is because (a) the Commonwealth parliament has limited legislative powers in the area of food regulation, which may constrain the effectiveness of such a bill; and (b) the bill suggests an approach contrary to the legislative consultative process currently provided for in the FSANZ Act. Although standards may be developed by FSANZ, their development and enforcement is undertaken in collaboration between, and relying on, state and territory legislation in Australia as well as the New Zealand government. FSANZ cannot approve standards. All food standards must be approved through consensus of the Australia and New Zealand Ministerial Forum on Food Regulation. No jurisdiction can direct Food Standards ANZ to develop a standard; jurisdictions can, however, ask for a review of existing standards. That is why the government is unable to support Senator Xenophon's bill.

Senator XENOPHON (South Australia) (09:36): I seek leave to make a statement of no more than one minute.

The PRESIDENT: Leave is granted for one minute.

Senator XENOPHON: This really should be a no-brainer. It appears that the Senate will be voting down this bill. It is an opportunity lost to bring about a simple, sensible reform that would not only inform consumers in our nation's restaurants and takeaway shops where their seafood comes from but also provide a massive boost in employment, in the thousands, in the seafood sector. This has been a great success in the Northern Territory since 2011. We know it works. In good faith we deferred this vote on the basis that the coalition would get back to us with a plan on seafood labelling. There is no plan in place, which is disappointing. I thank all my crossbench colleagues who co-sponsored and supported this bill, and members of the coalition and the opposition who genuinely pushed publicly and privately for their parties to support this reform. I acknowledge that the opposition has recently taken this on as a policy, which is welcome. Sooner rather than later, Australians must get the seafood labelling laws that they want and deserve.

The PRESIDENT: The question is that the bill be now read a second time.
The Senate divided. [09:41]
(The President—Senator Parry)

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Lambie, J
Ludlam, S
Muir, R
Rice, J
Wang, Z
Whish-Wilson, PS
Xenophon, N

Hanson-Young, SC
Lazarus, GP
Madigan, JJ
Rhiannon, L
Siewert, R (teller)
Waters, LJ
Wright, PL

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Bilsky, CL
Bullock, J.W.,
Bushby, DC (teller)
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Canavan, M.J.
Carr, KJ
Cash, MC
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Question negatived.

STATEMENT BY THE PRESIDENT

Senate Attire

The PRESIDENT (09:44): Perhaps I could just address a matter that occurred at the commencement of the Senate this morning. I noticed that a number of senators were wearing sporting scarves, obviously celebrating a recent victory. I was very appreciative that the senators removed those scarves fairly soon after we commenced. But, just so that this does not escalate and we end up with people coming in on a Monday morning with their favourite football scarves on, I think we need to look at the appropriate dress standards in the chamber. I previously ruled that mining shirts cannot be worn. I have previously ruled that trophies
cannot be displayed on desks. I am not going to make a definite ruling about what senators can and cannot wear into the chamber, but let’s just think about it before we do that. And let’s not let this escalate so that every second time something happens people wear something to identify that occasion. I am going to leave it to the discretion of senators. I do appreciate the Greens senators removing the scarves fairly swiftly. I will leave it at that, and I hope senators will exercise sound judgement. Thank you.

MOTIONS

Marriage

Senator DI NATALE (Victoria—Leader of the Australian Greens) (09:45): I seek leave to move a motion relating to discrimination in the Marriage Act.

Leave not granted.

Senator DI NATALE: Then, pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent me moving a motion to provide for the consideration of a matter, namely a motion relating to discrimination in the Marriage Act 1961.

I would love to be standing up here today debating the issue of discrimination in marriage and taking a stand with the great majority of the Australian community that wants to see an end to discrimination in marriage rather than having a debate about the suspension of standing orders. I wish we had a public gallery packed to celebrate a rare moment of unity in this parliament, ending discrimination once and for all. Instead, we are here on the back of a decision by a Prime Minister who has once again failed to lead this country into the 21st century. The spectacle yesterday was shameful—a Prime Minister who, like a cornered alley cat, used every tactic in the book: he scratched, he fought, he stacked his party room with National Party MPs because he knew he was going to get rolled on this issue. He talks about it as a second-order issue, an issue that does not warrant dominating the political discourse in this parliament. And at the same time he says it is worthy of a plebiscite. Which is it, Prime Minister?

We know this is a rare opportunity to end the issue of discrimination once and for all. Think of the signal the Prime Minister's actions send to the young people right across this country who are being told: 'You are different. The love you have for another person is not the same as the love some other people have. The way you feel is not normal.' Is it any wonder that young people right across the country who are in a same-sex relationship have a greater rate of self-harm, higher rates of depression, higher rates of suicide? It is because of the symbol, the messages, the language that this parliament has used in squashing a debate that should be held about an end to discrimination against marriage between two people, regardless of their sex, regardless of their gender.

We saw a Prime Minister who failed to lead the nation into the 21st century. We saw a Prime Minister who was so desperate to use any tactic he could to stop this debate that he diminished his standing and the standing of this parliament. When the history of this parliament is written, yesterday will be one of its darkest days. We had everything pushing us towards a decision that would have ended the discrimination that exists towards people in this country. And there is never a place for discrimination, whether it is discrimination towards our Aboriginal brothers and sisters or discrimination towards people of different faiths or discrimination when it comes to the love two people have for each other. I say to the Prime
Minister: you can stand there and obstruct this momentous change that will happen, but the tide of public opinion is overwhelming here. We will get this. This will be done. We will, at some time in the near future, be able to say to people right across the country: your love is no different to the love that many people right around the country are able to consolidate in marriage. We will offer you the respect that you deserve to be able to state clearly to each other and to the nation that your love is no different, that your love matters. That is what this debate is about. This debate is about whether we are, as a nation, prepared to say to people right across the country, 'No more will we tell you that your relationships don't matter, that they are abnormal and that there is something wrong with the feelings you have towards the people you love.' Is it any wonder that we have this epidemic of mental illness among those people who do nothing other than feel what all of us feel: love towards our fellow human beings? This Prime Minister has denied them that opportunity. It is to this parliament's great shame.

Senator CORMANN (Western Australia—Minister for Finance) (09:50): The government will not support this suspension motion. The government does not accept that there is discrimination in the Marriage Act 1961. The Liberal Party, the National Party and, indeed, the Australian parliament have a longstanding policy position in support of the current definition of marriage in the Marriage Act as a union between a man and a woman. Equally, the parliament over many years has worked very hard to remove all discrimination against couples of all make-ups, whether they are heterosexual or homosexual couples. Where there has been discrimination in the past, that discrimination has, appropriately, been removed in recent years. What is in the Marriage Act is a definition of what marriage is. It is a definition which, for time immemorial in our culture, has been understood to be a union between a man and a woman to the exclusion of all others with the intention to last for life. That is a position which has been the longstanding policy position of the coalition. But, as I have indicated, it has also been a longstanding position of this parliament. Indeed, when that policy position was formalised in the Marriage Act in 2004 it was done with bipartisan support. The Labor opposition at the time supported the initiative of the government at the time to formalise that particular position in the Marriage Act back in 2004 or thereabouts.

This is obviously a political exercise on the part of the Greens. I understand that. The government is not going to be a party to it this morning. We do understand that there are diverse views across the community in relation to this. We also know that in recent years this issue has come before the Senate on a number of occasions. I have been in the Senate now for just over eight years and I have already voted on this on at least two occasions that I can remember—probably more. On each occasion, the Senate has reconfirmed the position in support of the current definition of marriage as it is enshrined in the Marriage Act. I suspect that if the matter is dealt with in this parliament again, and the parliament again confirms that longstanding policy position, that will not prevent its coming back again in the next parliament. That is why, in our very good, very respectful and very constructive discussion in the party room yesterday, we came to the view that perhaps the best way to facilitate a more permanent resolution of this issue is to give the opportunity to the Australian people either in a plebiscite or in a referendum to pass judgement to resolve this question. That is a matter that the coalition will deal with in an orderly and methodical fashion between now and the next election and will determine a position on.
In the meantime, the coalition went to the last election—and, indeed, to every election since the definition of marriage was enshrined in the Marriage Act in 2004—promising to support that current definition. Yesterday we decided to keep faith with the commitment that we made to the Australian people. That is why for this term of parliament we will maintain the position as a policy. The effect of that means that, under the Westminster system, every member of the executive will have to support the formal position of the government. But we also understand that there might have to be an opportunity after the next election to resolve this on a more permanent basis by giving the opportunity to the Australian people to pass judgement on this question.

Today we obviously have some important business to conduct. We have the Medical Research Future Fund Bill 2015 to be dealt with. This is a very important initiative designed to boost important public investment in potentially life-changing medical research on a fiscally sustainable basis into the future. We ask the Senate respectfully that we get on with the business of the day and that the Senate not support the suspension motion initiated by Senator Di Natale.

Senator MOORE (Queensland) (09:55): Labor are not supporting this Greens motion this morning. We think it is a stunt in terms of getting some kind of political focus on an issue which we all agree is so important. There has never been any debate about the importance of this issue. As Senator Cormann has said, it has come before the Senate, and the Greens know that there is very strong support—and that there are different views—on this issue. We have a process in the parliament which allows due process to occur so that issues of importance can fit into the parliamentary schedule.

We have many ways of bringing forward these kinds of issues. The MPI process is one that is immediately available to anyone, any party in the Senate, to come forward and say they think that an issue is important and should be brought to the Senate. In fact this morning there was an opportunity for that, when both Labor and the Greens requested an MPI, which is standard practice. The Greens brought forward their request, which was around the emissions trading process and the environment. That is good. We came forward with an MPI on this issue of marriage equality, which we could have debated in this place as we always do, with opportunities for people to put their views and then a chance for the Senate to make a decision on what was put. However, by the nature of this morning's ballot, we lost. That happens. The Greens will have the opportunity this afternoon in the MPI debate to talk about this important issue. They have chosen to do otherwise. There are always other opportunities in this place. Private senators' business, where there are bills in front of the Senate on this particular issue, is another opportunity to bring forward this very important issue. But, no, the process that has been used this morning is without discussion, without awareness or sensitivity about how other people in this chamber feel about such an important issue.

We know there has been community pressure. We know there has been interest. But this has been done with no discussion, with none of the consultation that normally happens in this place when people are trying to put forward an issue that they feel is important. The way to do that is to seek the support of other senators to see what would be the best way to do it. That is how we operate. We negotiate, we consult, we share opinions and we come up with what would be the most effective way to have a debate, a discussion. Then there is the other method: to find out what is the most important way to bring people from the gallery into the
chamber so that they can see what is happening down in the Senate, so people can have their photographs taken and be able to say, 'This is the way we feel and we are the only people who feel this strongly.' That is just not appropriate on such an important issue. The Greens can do that, and in fact they have, but the Labor Party will not support this methodology to bring forward a debate that could be had in another way—that must be had in another way, because this is an incredibly important issue for the Senate, for the parliament and for the community.

I do not want to see this portrayed as the Labor Party opposing any debate on discrimination in marriage—because that is what the Greens will be trying to do. They will try to say that we do not want to debate this issue. We have a clear record of debating this issue. We have strong views on the issue. We have come up with a policy position for the party. What we want to see, though, is for us, together in the Senate, to work through and engage in a process that allows the debate to occur in the appropriate way and to ensure that people are treated with respect. We want to ensure that this issue is not just turned into a sideshow to promote individual views about who is more powerful or who has a stronger position than anybody else in the debate. That is not how the Senate operates.

We will not support this. We want to have this discussion. Certainly we oppose any discrimination—we put that on record—but this is taking up more time of the Senate today, when we have a range of legislation in front of us which needs to be concluded. We are moving to make decisions on that. We have allocated time in the Senate to do our business. Let's not divert so you can get a cheap headline.

Senator CANAVAN (Queensland) (10:00): I join Senator Moore in opposing this motion, I thank Senator Moore for the respect she has shown for different views in her contribution and I reaffirm that I very much respect the different views that are brought to this issue. There are different views, as is known, in our Nationals party room, in the Liberal party room and in the coalition party room; and there are different views in the Labor party room as well. I respect all of those views and yesterday we had a very respectful and very reasoned discussion in our party room about these issues. It is absolutely within the right of the Nationals party room, the Liberal party room and the joint coalition party room to come to a party position on any issue, and this issue as well, just as it is the right of the Labor Party caucus to come to its position on this issue and just as it is the right of the Greens party room to do the same. I do respect that diversity of views and I think we should celebrate that diversity of views in our parliament and in our community. That is what we come together to debate. We should have a respectful debate with a diversity of views that we come here to resolve—not through political stunts but through the debating of legislation and, as Senator Moore said, proper process.

I think it is extremely unfortunate that there are one group in this parliament who do not respect that diversity of views. There are one group who preach diversity constantly and always talk about how they want to celebrate diversity but, in fact, are the pillars of uniformity. They are the defenders of uniformity and oppression of different views. They do not really celebrate diversity; they do not really respect different views; they want everybody to only come up with their view—and, if you do not share their view, you are evil, you are terrible and you should be ostracised. That is not the kind of parliament that I want to be part of. That is not the kind of debate that I want to be involved in.
Look at the Greens party—look at them. They just reek diversity, don't they, Senator O'Sullivan? They absolutely reek it. They are a diverse party unit with different views. They are sanctimoniously saying that our party should have a conscience vote on this issue. When have the Greens ever had a conscience vote? They always vote as one. They vote as a block; they vote always as one. It is a remarkable thing that the Greens all have the same views. We had a six-hour party room debate on this issue yesterday, with very different views and very reasonable contributions. I hazard a guess that the Greens would never have a six-hour party room meeting, because they all agree with each other. A party room meeting for the Greens would be, 'What are your thoughts, Richard?' 'What are your thoughts, Larissa?' 'Yes, I agree;' 'I agree;' 'I agree—done. We can all go home.' That would be a good party room—'We can all go to the pub early.'

Yesterday, The Australian reported not on this issue but on climate change. The Greens discussed the government's target on climate change, which was also announced yesterday, and surprise, surprise! According to the report:

The Greens party room also discussed the government's target. The party's MPs agreed it was "an all-around science fail"—

Surprise, surprise!

—and they "all nodded vigorously", a senior source said.

They all nodded vigorously. They are a party of nodders; they nod over everything. They do not ever disagree. There is never any debate in the Greens; they all agree, and I think that is an unfortunate thing because it is a great thing that we can come together with different views and celebrate that diversity of views.

This issue is not going to be resolved today after the Greens' stunt, but this issue, hopefully, will be resolved with a respectful debate in our community—hopefully with a people's vote, because I think this is something that people are very passionate about, and it should be decided by the people. If we are going to have it decided by the people we need to have a respectful debate. We need to have a debate where other people's views are not oppressed and they are not ostracised. All of us need to be allowed to come to a view with our own personal experience, and let the community decide it. In my view, there is a certain level of oppression of views on this issue. It is an unfortunate tendency by some. I hope that in the years and months ahead we can have a respectful debate, and we can have the Australian people decide it and this issue can be resolved one way or another.

Senator RICE (Victoria) (10:05): It is very important that we are discussing this issue today. It is why the Greens have moved this motion, because every day we delay ending discrimination in marriage is a day that thousands of Australians around Australia are suffering that discrimination. There is no doubt that the existing Marriage Act is discriminatory. It needs to be changed, and the majority of the Australian population support that change.

Yesterday was a very sad day in Australian politics when the Liberal and National parties decided to deny their members of parliament a free vote on this issue, an issue of conscience. The Greens have a free vote on this, but we agree—every Greens MP, in every vote, in every parliament, every time—and we recognise that the issue of allowing equal marriage is an issue of human rights; it is an issue of ending discrimination; it is an issue of ensuring fair treatment of all Australians.
I am proud to stand in this place and represent lesbian, gay, bisexual, transgender and intersex people. The discrimination that LGBTIQ people face in their everyday lives is real and confronting, and every day that we have institutionalised discrimination against them by not having equal marriage is a day that that discrimination—the hurt and their feeling of being considered different from the rest of the community—is real. Every day that we delay is a day that there is further suffering. Every day that we delay is a day that Australia is still lagging behind the rest of the world in recognising this as an issue of discrimination, an issue of fair treatment, an issue of allowing love to prevail so that people can feel that they are being treated the same as other Australians and have the freedom to love the person they love—to marry the person they love.

I feel that I am in a very special place, in a same-sex partnership, and in one of the very few marriages in Australia legally recognised in Australia as a same-sex couple. I want other Australian couples—other lesbian, gay, bisexual, transgender and intersex couples—to be able to share that right, to be able to share their love, to be able to declare their love in front of their friends and their family in their community, and to be able to say, ‘Our love is equal to everybody else’s.’

Senator O'Sullivan: But you don't want anyone else's views expressed, just your own.

The PRESIDENT: Order on my right!

Senator RICE: This is affecting thousands of Australians. In the year that I have been in the Senate I have had hundreds of people supporting our position of standing up for their rights. It affects young people; it affects old people. Just this morning there was an older man, Gerard—a 62-year-old man—who rang ABC radio in Melbourne, in tears, because he was so upset about this further delay. He is not in good health, and he is worried that he is going to die before he is going to have a chance to marry his partner, the man that he loves. You think of people like Gerard—there are people like Gerard all around the country who are being denied the ability to have their human rights accepted and their love accepted like everybody else in Australia.

There is a young friend of mine who has just got engaged to his bloke. They looked so happy. In the photos I saw of them they looked radiant. He was hoping to be able to set a marriage date so that they could be married in front of their friends and family and have that celebrated and supported by the community. Yesterday's decision would have been an absolutely tragic blow to him. The other thing happening is that people like my friend are likely to go off to New Zealand to get married before the end of the year. We are losing so much. It is a ridiculous situation for us to be in, here in Australia, when every other English-speaking country in the world accepts equal marriage. We are the laggards. We are being left behind. But it is a matter of time. We know that love will prevail; we know that love will win out. We will have equal marriage in Australia. The sooner it happens, and the sooner this parliament catches up, the better a country we will be.

Senator CAMERON (New South Wales) (10:10): I oppose this motion by the Greens. It is nothing more than a stunt. The Labor Party was clearly of the view that we wanted this issue debated. We do believe that this is a very important issue for debate in this parliament. But to progress this we need to get as much consensus across this parliament as we possibly can. You do not get consensus by pulling stunts. You do not get consensus by taking a position that you think will benefit the individual party—the Greens party against other
parties and individuals in this parliament. You do not get that consensus by doing that. This is nothing more than a stunt.

I am really angry that we have a position that the Greens do not understand. We do not have, as Senator Di Natale says, a rare opportunity to end discrimination at the moment. You only have to look at what happened yesterday to know that this parliament is not in that position of having a rare opportunity to end discrimination. There is huge division on this issue. It will mean more work from those of us who want to end discrimination—more of working collectively to try to bring about change in this country—change that is long overdue, change that is important and change that gives everyone the same rights. Pulling stunts to try to get publicity for the Greens at the expense of others who strongly support the same endgame is nothing more than an immature gimmick. It is not acceptable for that behaviour to continue.

I expected more from the leader of the Greens, Senator Di Natale. When he took the leadership, he said he wanted the Greens to be a mainstream party. If you are going to be a mainstream party, Senator Di Natale, you have to work within the mainstream. You do not have to be out there on your own pulling stunts every chance you get. You are continuing to pull stunts at the expense of good policy. That is what you are about today. You said you are not an ideologue. Well, here is an ideological position that you are taking up that is against getting a result. So you failed two of the tests that you set for yourself when you became the leader of the party. I hope you do better, but you are not doing too well today. All you are doing is isolating an opportunity to try to work together to make sure that we get a position of fairness and equity in this country for everyone else.

I also want to talk about Senator Canavan's contribution. He was talking about respect. I have to tell you that I have no respect for Senator Canavan's contribution—absolutely none. I have no respect for people who would stand up publicly and who would, within this parliament, deny people their equal rights in this country. I have absolutely no respect for that. People are entitled to have a view, but it does not mean to say that I have to respect a wrong view. It does not mean that I have to respect a view that is absolutely unacceptable to the majority of Australians—a view based on discrimination, a view based on old-fashioned ideas that are really in the thirties and not now. I do not support any argument that this is about respect and respecting each other's view. We know this is not about respectful debate. We know what the Prime Minister did yesterday. He got the most conservative group in the parliament to make sure his numbers were shored up within the Liberal Party. He was not even confident that he would have the numbers within the Liberal Party on this issue. We want to work with those people of goodwill, with those people of common sense within the coalition who know the time has come for marriage equality. But you will not do it by pulling stunts, you will not do it by ideology and you will not do it by putting your party before the issue. (Time expired)

The PRESIDENT: Senator Leyonhjelm, you have 44 seconds.

Senator LEYONHJELM (New South Wales) (10:15): I do not deny this is a stunt, but there are plenty of stunts in this place. I support freedom to marry, because I believe people should have the freedom to choose their own life paths—pretty much what Mr Abbott said in his first speech. I am not gay and I do not have much interest in marriage but I strongly believe there are matters that are not suitable for government intervention, and this is one of
them. It is not a matter of equality or discrimination, it is a matter of getting the government out of your bedroom. If Mr Abbott and his representatives should decide that their own party members cannot use their own minds on this, then my party will welcome you. There is another name for liberalism.

The PRESIDENT: Order! The time allotted for this debate has expired. The question is that the motion moved by Senator Di Natale be agreed to.

The Senate divided. [10:20]

(The President—Senator Parry)

Ayes ...................... 12
Noes ...................... 36
Majority ............... 24

AYES
Di Natale, R
Lazarus, GP
Ludlam, S
Rice, J
Waters, LJ
Wright, PL

Hanson-Young, SC
Leyonhjelm, DE
Rhiannon, L
Sievert, R (teller)
Whish-Wilson, PS
Xenophon, N

NOES
Back, CJ
Bilyk, CL (teller)
Bushby, DC
Canavan, M.J.
Cormann, M
Fawcett, DJ
Gallacher, AM
Ketter, CR
Ludwig, JW
Madigan, JJ
McEwen, A
McKenzie, B
Moore, CM
O’Neill, DM
Parry, S
Reynolds, L
Singh, LM
Smith, D

Bernardi, C
Bullock, J.W.
Cameron, DN
Collins, JMA
Dwy, R.J.
Fifield, MP
Gallagher, KR
Lindgren, JM
Macdonald, ID
McAllister, J
McGrath, J
McLucas, J
Muir, R
O’Sullivan, B
Polley, H
Ruston, A
Sinodinos, A
Williams, JR

Question negatived.

BILLS
Medical Research Future Fund Bill 2015
Medical Research Future Fund (Consequential Amendments) Bill 2015

Second Reading

Debate resumed on the motion:
That these bills be now read a second time.

Senator CANAVAN (Queensland) (10:23): I spoke on these bills yesterday and I reiterate that this legislation is about the government's plan to ensure that we have a future sustainable industry that supports medical research, which is a very important industry for our nation. This legislation will establish a sustainable long-term fund that will continue to provide support and a platform for the undertaking of medical research over a long time.

As I said yesterday, I do hope that if this legislation is passed by the parliament it is also supported by future parliaments, because I think this policy can be effective only if it is continued on for a number of years and provides ongoing support for businesses, universities and others that invest in medical research. Medical research is an inextricably risky venture. It is an investment that requires a long view, a long relationship and a commitment, and people are going to make those kinds of commitments only if they can be sure that there is a stable, consistent government policy set from Canberra. I do very much hope that it is supported not only by this parliament but also by future parliaments.

In the time I have remaining I will reflect on some ancillary issues related to this legislation. While this legislation will help underpin the funding for medical research in this country, there are other issues that also face our medical innovation sector. I think it is incumbent on future governments and perhaps the advisory boards to be established by this legislation to consider and push for fundamental change to ease the red tape on the introduction of medical products. We have one of the most stringent regimes in the world—and it is right and proper that there is a stringent regime on the introduction of medical products—but it is also a regime that is quite restrictive and less flexible than some of the regimes that exist overseas. For example, in Europe medical products firms can seek to be accredited by a range of certifying bodies that exist in different countries, and therefore they can often get more 'silver service', if you like, from those bodies to make sure that their products do reach the market as soon as possible. In Europe it does not seem to compromise safety standards whatsoever; rather that stimulus of competition seems to ensure that the red tape that is necessary is there, that there is not more than necessary and that it does help facilitate a vibrant medical products industry. In this country we do not have that. We have some mutual recognition arrangements with other countries, but the fundamental accreditation body here in Australia is the only choice and our firms cannot go to other countries or other certifying bodies. I think that is a reform that should be looked at in the future.

The only other thing I wanted to say is that I do credit the government for conducting a review on IP. I do think the legal issues around the proliferation of patents and around potential gaining of intellectual property are serious issues and go beyond the medical products industry itself. Patents and IP law are also, of course, a very important part of the framework which helps support medical research. We very much need to have a patent system as a necessary evil and a temporary monopoly for people who do invent new and better products, but they should be restricted to products that do provide a new and proper benefit.

I do hope the parliament gets behind this bill. It is a future plan for an extremely important industry in this country. It is not just a plan to help promote, protect and support the health of Australians. It is also a plan to help, promote, protect and grow the jobs and prosperity that
are delivered by this sector. It is a strength of this country, it is something that should be built on, and this legislation will help do that.

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (10:28): I have to open with a confession before I lead into my speech. I actually won a bet in the last five minutes. I have a fondness for beer, as you can tell from my side profile. I bet a six-pack that there would be a mass exodus from the chamber by our colleagues from the Greens after their stunt and that they would show no continued interest in what I think is one of the most important pieces of legislation to come into the parliament.

Senator Wright: Where are your colleagues?

Senator O'SULLIVAN: What this shows again is the continued innovative nature with respect to our government. This is a landmark initiative on behalf of the coalition government much in the same way as some of the other landmark initiatives that we have introduced during our term of the government. People are aware that we have stopped the boats, saving hundreds and hundreds of millions of dollars in impacts on the costs to our nation. We have removed the carbon tax, removing hundreds of millions and possibly billions of dollars in costs to industry and households across the country. We have introduced great incentives through our recent budget in relation to being able to support small and medium businesses. This commitment is another progressive landmark commitment for our country. The first $10 million of this will be introduced, and $400 million is estimated for eventual distribution over the next four years. Importantly, this funding is in addition to the $3.4 billion over the next four years that has been committed by our government.

We have a situation where some of the great brains within our research community often find it necessary to go overseas—we are talking about medical research in this particular case—because the funding has not been available here for them to pursue their work. Australia is a world leader in so many areas—particularly in agriculture, a sector where we have put in place some of the most innovative progressions anywhere in the world. There is no reason why we cannot also be world leaders in the area of medical research. Medical researchers will tell you that some of these journeys they undertake to research a particular issue can take a very long period of time. Many research projects can, in fact, run for decades, so they need confidence and certainty with respect to starting their journey. This fund, along with the other commitments made by our coalition government in this space, will provide them with that. This investment will go right across the research spectrum, giving them confidence in laboratory research to be able to undertake clinical trials and, importantly, to take them to a point where we can commercialise new drugs or devices.

We recently released a report recommending that the government consider the adoption of medical cannabis; that is where we will take those positive cannabinoids. There are about 96 cannabinoids, I believe, in Cannabis sativa, one of which is tetrahydrocannabinol, which is the component of the drug that makes it an illegal substance. But we have taken a first step there through this parliament, and I pay tribute to the Greens, who introduced this bill, and Dr Di Natale. It was a forward-thinking bill and it has attracted support right across this chamber and cooperative support from all of the parties and independents who have been involved in the investigation.

Here is a perfect example from the evidence we had before our committee—one piece of evidence in particular that resonated with me. It had to do with a recently-retired colleague...
from the House of Representatives who, with his daughter, gave evidence about the circumstances of his granddaughter, who had been taking up to 30 fits each day. Apparently each episode of fitting was potentially life-threatening. They have been able to access one of the legitimate products with the cannabinoid involvement and, at the time that they gave their evidence, that delightful young 13-year-old girl had not had a fit for some eight weeks.

Do they know why cannabis in its raw form is having this impact on some of these patients and providing pain relief for people who are on long-term treatment for cancers and particularly for those who have epileptic episodes? No, they do not. We had senior researchers from the University of Sydney who indicated there had not been any funding commitment for them to be able to take the time to peer review the evidence available to them to establish what the positive causal link was and then to develop products. No work is being done anywhere in the world in this field. The adoption of a fund such as the one that is before the Senate will allow for certainty for those researchers to access funding so they can go on and make Australia one of the world leaders in the development of drugs, whether that happens to be in the medicinal cannabis field or indeed any of the other fields where we have a line of expertise.

In the last 12 months I had a case where a young lady was reflective of about 70 young Australians who were suffering from a very serious but rare condition where the required medication—and it was life-saving medication—was costly, and their conditions deteriorated and were measured in months. This was not a case where these young people could go without treatment for any period of time before they found themselves in life-threatening situations. The drug that was required cost about $24,000 a month for treatment, so you can do the mathematics yourself—this happens to be a rarer disorder. But imagine a world where billions of dollars can be invested by a nation into producing pharmaceutical products and aids to treat people with these conditions into the future: the more research that is done, the more drugs that are developed, the more drugs that make it on to the market, the lower the cost. We all know about the cost prohibitions in the presentation of these products. For example, Australia has been a leading researcher in this space. One of the good examples is that some 300,000 people around the world now have the ability to hear as a result of cochlear implants, which were developed right here in Australia—the Medical Research Future Fund fits in there perfectly. All sorts of criticisms are often made of the parliament. I have to say very proudly that my government will make decisions and put in place measures although they might not see the benefit in the term of their own government. In fact, there may be members in this place, and I certainly will be one of them, who may not even be here when the benefit in relation to legislation like this matures.

Having regard to the time it takes for the results of medical research to be translated into pharmaceuticals or other implements—having regard to what I said earlier—it could well be decades and many of us will not be here to see the fruit of our collective labours. Governments need to look over the horizon, to have foresight and to think about the next generation as we do when we make decisions on the economy and, as we did when we made decisions on the carbon tax and on the resources rent tax, we have made massive contributions in the short time this government has been in place. I think history will be very kind to us in relation to that foresight but the kindest reflection that history will have on us will be the passing of the Medical Research Future Fund Bill.
I commend the bills to the Senate.

Senator LAMBIE (Tasmania) (10:39): I rise very briefly to give in-principle support for the Medical Research Future Fund (Consequential Amendments) Bill 2015. However, I have some reservations and would like the minister to clarify a few matters before I record my vote. I acknowledge that the Medical Research Future Fund provides for initial funding of $1 billion from the uncommitted balance of the Health and Hospitals Fund and for the MRFF to be managed by the Future Fund Board of Guardians. I acknowledge that researchers from Tasmania's Menzies Institute for Medical Research also support this legislation. I will quote from a letter from them after quite a few meetings we have had over the last few months:

Dear Senator Lambie.

I'm sorry we missed each other on Tuesday at Salamanca. I wanted to speak to you about the Medical Research Future Fund (MRFF). This is a once in a generation opportunity to protect some future funding ($20b) that will provide an ongoing investment (from interest) in medical research.

I know this is the subject of a review process and will be discussed soon in the Senate. There are some aspects that are specifically relevant to Tasmania that I'd like to be sure that you have the knowledge of:

(1) We currently lack a process for a major thematic investment in an area of research, and the charter of the NHMRC (the major Commonwealth funding body) is not well suited to move into this space, especially if it involves collaboration with industry for example. How might this work? Say we decide to make a serious effort to deal with the health gap of disadvantaged people—most apparent in the indigenous community, but unfortunately very apparent in this State. This will require an effort that extends from medicine all the way to social policy and education. There is no way of funding such an effort at the moment.

(2) We are in the midst of an epidemic of chronic disease as well as demographic change. In Tasmania, our population is ageing more rapidly than the rest of the Australian community. We are going to need to do research about how to manage the Illnesses of these folk—it's pretty clear that we cannot necessarily extrapolate what we do in younger people, especially if there is frailty or cognitive impairment. NHMRC expenditure ($800m) is insufficient to cover the research needs of the current disease burden, let alone what is coming!

(3) The health system at the moment is unsustainable—especially In Tasmania! There is no way that ½ million people can carry 4 significant hospitals (RHH, LGH, NW and Mersey). The only way we can continue to deliver universal access is by being smarter at what we do. Changes have to be supported by evidence. We cannot expect to get different results if we carry on doing the same stuff!

Of course I could go on at length. The point is that there are important needs for improving health care delivery in Australia that the MRFF can support. I really hope that your will be a supporter of this initiative. Of course I'd be happy to discuss this in person or on the phone.

Could the minister please explain exactly how this government proposal and program will be funded. Some media have reported in relation to the MRFF that 'the government will find almost $1 billion by "rationalising and streamlining" other health programs over five years'. On behalf of Tasmanians, I need to know exactly what 'rationalising and streamlining other health programs over five years' means. How many Tasmanians will suffer extra costs if these bills are passed? Who will they be? Will they be unemployed, aged pensioners or working families? Exactly who is this going to hit?
I note that some media also say the government has plans to save more than $250 million over five years through reducing the prices paid for certain drugs listed on the Pharmaceutical Benefits Scheme. That concerns me. Which drugs are going to cost more? And please name the Australians who are going to pay more for their life-saving drugs? This is a really specific area for me; I need to know about these drugs under the Pharmaceutical Benefits Scheme. It is very concerning.

In closing, I also want to pose a question that I want the government to consider seriously and for the minister to provide a response to in his closing speech and summation. Why can a portion of our Future Fund not be used to fund the Medical Research Future Fund? Surely, the Future Fund, with it tens of billions of dollars, is a proper vehicle to fund medical research? Has the government considered using this? I believe this would be a better model to be able to fund medical research. I am asking whether the government has considered that proposal and whether that may be a better solution. I certainly do not want to see any pharmaceuticals cut from the PBS or people paying more for their medication with the way that things are out there in society. I just wonder whether anybody has considered whether the Future Fund can come into play here somewhere? We all know there are billions of dollars in that. Thank you.

Senator XENOPHON (South Australia) (10:45): Unambiguously, unequivocally, I support this Medical Research Future Fund Bill 2015.

There is no question that the future of our health system lies in significant part with the future of medical research and the advancements that come with it. This fund had a false start when the government, in last year’s budget, tried to attach its creation to a Medicare co-payment. It was an ill-conceived idea that the government eventually acknowledged was not going to fly, and I congratulate them for doing so.

No matter how good an idea is, such as this fund, it cannot be sustained if the basis of its funding is fundamentally flawed. The fund will now rely on unallocated funding from the Health and Hospitals Fund being redirected to the Medical Research Future Fund. I hope it is not the case of robbing Peter to pay Paul, particularly as medical research has the potential to reduce the number of people ending up in hospital in the first place.

The genesis for this fund was an acknowledgement by the federal government that not enough money has been allocated to medical research and that to date there has not been a guaranteed long-term and secure revenue source for medical research and innovation in our nation, and for that I commend the Treasurer for acknowledging that need and for this fund filling that necessary gap.

We know of the difficulties with the NHMRC, where only a fraction of the projects applying for grants are successful. This is not a criticism per se of the NHMRC, but given the very basis of its funding model and the way that funding applications are assessed, the need for peer reviewed research to support such applications in many cases means there are worthy projects that miss out.

I think the point has been made by Peter Murphy, the academic who wrote a brilliant book for anyone who is interested in higher education reform or research—*Universities and Innovation Economies*—a must read if you are interested in this field. Peter is an academic at James Cook University. He makes a point about research; he makes the point about how we
have got it wrong by pouring a lot of money into research but, because it always requires peer review, it leads to unintended consequences and bad outcomes.

Peter Murphy makes this point:

Small-scale science with tiny numbers of researchers meanwhile is starved even of miniscule funds. Small science is mocked.

He talks about the ‘funding-trumps-all mentality’ and he quotes the pioneering geneticist, Sydney Brenner:

… the bureaucrats of science, do not wish to take any risks. So in order to get it supported, they want to know from the start that it will work. This means you have to have preliminary information, which means that you are bound to follow the straight and narrow.

I think that this particular fund has the potential and a real opportunity to go outside those narrow parameters—the issues that Peter Murphy talks about.

For example: in 2009 the NHMRC funded 25 per cent of 3,857 of applications. By 2013, only 20 per cent of 4,358 applications were. One famous example relates to the pioneering work of Professor Barry Marshall and his colleague Professor Robin Warren on the link between the Helicobacter pylori— I didn't say 'helicopter'! — bacteria and ulcers. They were infamously—in hindsight—rejected for an NHMRC grant before going on to win the Nobel Prize in medicine in 2005 for their innovative and life-changing research. I genuinely hope that this legislation will mean that the future Barry Marshalls and Robin Warrens of this world will have access to the funds for these breakthroughs and innovations to come to fruition so much earlier—to deal with the sorts of issues and concerns that Peter Murphy has had about this.

And I hope the fund will not take the pedantic approach of the NHMRC where, according to a recent report in The Australian newspaper by Andrew Trounson, a grant application to the NHMRC was rejected because its header was—wait for it, Mr Acting Deputy President!—0.2 millimetres different to what it should have been! It was not the right font size! I know that the minister—Senator Cormann—is genuinely and passionately concerned about stupid, bureaucratic, needless red tape. So if he could give me an assurance that the font size—providing it is legible!—will not—

Senator Cormann: I am!

Senator XENOPHON: I have the thumbs up! I do not think we will need an amendment for that! But 0.2 millimetres and it was rejected!

I see this bill, this proposed fund, as being part of a package of necessary measures to ensure a viable, sustainable and innovative health system to deliver the best possible health outcomes to Australians. It must be part of a holistic package of research and innovation, of preventative health measures and the more efficient administration of our health system and our hospitals.

Reports earlier this year, this time from Sean Parnell, the health editor of The Australian, stated:

TEN per cent of all health expenditure — as much as $15 billion a year — could be saved through a concerted effort to reduce wasteful programs, marginal treatments and avoidable errors, …

This is according to senior officials in the strategic policy group of the Department of Health.
So while it seems clear that there could be real savings to be made, it is important not to pursue false economies such as cutting back on preventative health programs. And it is also vitally important, particularly given the Commonwealth's cutbacks in hospital expenditure, that sensible and pragmatic efficiencies be found without compromising the health of patients.

John Micklethwait, a former editor-in-chief of *The Economist*, and Adrian Wooldridge, a senior contributor to *The Economist*, in their book, *The Fourth Revolution: the global race to reinvent the state*, point to Sweden's willingness to apply new thinking to health care. They cite the example of St Goran's Hospital, where doctors and nurses work collaboratively, and where everybody looks for methods of improvement. Technology keeps track of patients' progress in St Goran's Hospital, and the success rate of operations can be checked by both patients and taxpayers.

Micklethwaite and Wooldridge point out:

Sweden has been a pioneer in health registries, which provide statistics on the performance of individual hospitals. Fear of coming out badly in a national league table is a powerful incentive to try harder. A study by the Boston Consulting Group found that Sweden's National Cataract Register not only reduced the severity of astigmatism resulting from eye surgery but also narrowed the variance between the best and worst hospitals by half.

There is literally real vision in the way the Swedes have gone about improving their health system, both in terms of outcomes and savings.

I would like to pay tribute to Professor Stephen Graves—who I saw on a plane not so long ago—who runs the National Joint Replacement Registry, which is terrific work. We need more of that sort of work, work that reduces costs to the health system and leads to better outcomes for patients.

There is one final issue I want to raise, and I want to explore this genuinely—I have raised it very briefly with the minister in passing—that is, the way that the funding would be prioritised for this fund. I know that the Kids' Cancer Project has expressed concern—that 'the legislation prioritises funding based on burden and impact on Australians, but this overlooks diseases which impact on a smaller number of people regardless of how detrimental they are'. We are of course talking about childhood cancer. And I want to pay tribute again to the wonderful, the beautiful, Erin Griffin, who passed away last year. She was just 11 years old when she was diagnosed in February 2012 with a rare form of brain cancer called DIPG, otherwise known as diffuse intrinsic pontine glioma. Her mother, Amanda, has kept up the fight, kept the crusade going, for a cure for kids' brain cancer. That was the promise she made to Erin; and it is a promise I made to Erin.

I think it is very important that we get clarification from the government because, notwithstanding that very few children are affected by brain cancer, the impact is huge. We are talking about kids being robbed of 70 or 80 years of life. So I would like to ask the government genuinely and seriously to say that there will be fair funding for that. I also want to pay tribute to my good friend Charlie Teo for the work that he does in terms of curing brain cancer—and for his foundation—and the tremendous work he does to save lives and prolong people's lives.

With those comments, I look forward to the passage of this bill. I look forward to a positive exchange in the committee stage. Let's get on with it. And may the Barry Marshalls of this world come forward with this fund.
Senator LAZARUS (Queensland) (10:54): I will be supporting this important bill to establish the Medical Research Future Fund. In representing my home state of Queensland in the Senate, I have undertaken extensive travel around the state to visit universities and medical and research centres to understand how the research sector is fairing in Australia.

The overwhelming feedback from everyone is that the research sector is on its knees and people are extremely concerned about the health and future of the sector in Australia. There is a genuine concern among those within the sector that Australia is not keeping up with the rest of the world. Funds are becoming scarcer as businesses pull back on donations and market conditions continue to toughen. Much of the research sector relies on the generosity of businesses and philanthropists, government grants and other general fundraising activities to fund their operations, resourcing and facilities. Morale is so low that good researchers are leaving Australia in high numbers to find work and opportunities overseas. The feeling is that there is no future for researchers in Australia and that our country does not value the role of research. As a result, we are losing talent and intellectual grunt to the rest of the world on a daily basis. Many research projects are being compromised and closed down due to a lack of funds and their inability to secure long-term funding arrangements.

Having visited the sector across Queensland, I am of the view that the Medical Research Future Fund will provide a much-needed confidence boost to the research sector and provide long-term funding opportunities to research centres across the country. It is clear Australia cannot compete with the rest of the world on labour costs. This has been shown across a range of sectors, including the manufacturing sector. Countries with lower labour costs are out-performing Australia and many other countries. This has seen the demise of many of our industries here in Australia. As a nation, we need to compete on smarts. It is essential that we shore up our nation’s future on the basis of being the clever country. We cannot continue to keep digging up dirty coal out of the earth in the hope that this is going to sustain us forever. Nor can we continue to sell off Australian assets, land, farms, businesses and jobs to overseas interests. This approach is just stupid, short-sighted and irresponsible.

I am firmly of the belief that we must put in place measures and mechanisms to build a future for our country based on innovation and being clever. Australia is revered the world over for our ingenuity, resourcefulness, inventiveness and capacity to innovate. Research plays an essential role in supporting and fostering innovation, creativity, technological breakthroughs, and other advancements.

The world will pay good money for breakthroughs, inventions and innovative products. They will pay even bigger money for advancements which improve health, extend life and fight disease.

We have already seen our country lead the way in medical breakthroughs. For example, in my home state of Queensland, the technology which led to the development of the cervical cancer vaccine used across the world today, was first developed and patented in 1991 by the University of Queensland in collaboration with others.

Queensland scientists at the Queensland Brain Institute have recently discovered a new treatment that could help restore the memory of people suffering from Alzheimer's disease. The process uses ultrasound technology to help clear a plaque that builds up in the brain of Alzheimer's sufferers. Researchers at the Institute have trialled the technique with great success to date.
At the Queensland Institute of Medical Research, the Berghofer Institute has recently developed a world-first blood test to assist in the early diagnosis of melanoma. The early detection of melanoma means there is a greater than 92 per cent chance of the cancer not recurring, which means a greater chance of survival for many people. This is just a small example of the goals our country is kicking in the sphere of medical research. While these projects have resulted in success, there are many projects which have not been able to continue due to funding shortages. It is for this reason and many more that funding of the research sector is vital and must be continued and increased. We just need to ensure that we are clever about the way in which we manage our intellectual property and the transition from concept to commercialisation.

While it is imperative that we invest in research, we must also ensure that we manage the resultant opportunities wisely and not sell them off too cheaply. Research is fundamental to supporting innovation across all sectors of our society, and it is imperative that the government demonstrates leadership by putting in place mechanisms to enable the appropriate and consistent funding of this sector.

Importantly, the bill wastes no time. Once the bill receives royal ascent, the fund will be established almost immediately. This is an excellent outcome for the sector, which is so desperately in need of funding support and acknowledgement from the parliament and the government for its important role in moving our country forward.

Importantly, the bill also supports strong financial targets for the fund to enable the appropriate financial support of the sector. According to the government, under the 2014-15 budget, it is anticipated that the fund will reach a target capital of $20 million dollars by 2019. The bill also supports the involvement of the research sector in the fund through the establishment of an independent expert advisory board, which will be entrusted to develop strategy plans and priority plans in the areas of medical research and innovation in Australia.

The CEO of the National Health and Medical Research Council will occupy one seat on the advisory board, along with up to seven other members who I understand will have expertise in medical research, health systems policy, health services management, medical innovation, financing, and investment and commercialisation.

While I support the need to ensure the board consists of industry experts, I am concerned about the manner in which appointments will be made under the bill in its current form. As the bill stands, the health minister will have the ability to consider and appoint members to the advisory board. With all due respect to the health minister, I am uncomfortable with this approach and feel the appointment of board members needs additional scrutiny and transparency. As a result, I will be putting forward an amendment to this bill to require any and all appointments to the board to be ratified by both houses of parliament. This will ensure the appointments are considered in a manner which is reasonable, bipartisan and transparent.

While I understand that my amendment may introduce a level of administration not currently included in the bill, I feel that the people of Australia deserve increased transparency in the management and use of taxpayer funds and this amendment will introduce an important level of accountability and scrutiny not currently present within the bill.

The board appointments are not small appointments. They involve the appointment of board members for a period of up to five years, and board members will be responsible for
managing the allocation of millions of dollars of taxpayers' funds to the research sector. It is for this reason that there needs to be an additional level of scrutiny and consideration in the management of these board appointments.

The community needs confidence that the best people are being appointed to this board. Currently, as the bill stands, the minister has the sole discretion around board appointments. Presenting appointments to the parliament will require the Minister for Health to detail the name of the person the minister is seeking to appoint and the field in which the person has the relevant experience or knowledge.

As the only independent senator for Queensland I want to ensure the people of Queensland and, more broadly, Australia have confidence that the government is making decisions in the best interests of all Australians and that it is using taxpayer funds in the most appropriate manner. My amendment will deliver this level of accountability and confidence to the people of Australia, and I sincerely hope that the Senate will support my amendment.

Senator WANG (Western Australia) (11:04): I thank my colleagues for their contributions in this debate. I do not want to run the risk of repeating all their points so I will try to keep my contribution really brief. I thank my colleagues for supporting the Medical Research Future Fund Bill 2015. This is a very important step in the right direction for our country.

As I said in my first speech, research is our strength. We have strong track records in research and innovation and we are doing a good job today in many institutions around the country. To name a couple from my home state of Western Australia: there are the Harry Perkins Institute and the Telethon Kids Institute. They are doing wonderful jobs. They are involving kids—and grandmothers sometimes—to visit their labs to educate them and bring them up to speed with what is happening in the scientific world.

Having said that, the research sector does face some challenges. As Senator Lazarus just said, there is probably a lack of funding in the research sector, particularly when the venture fund capital is drying up. I think it is the government's role to make sure we fund the research sector adequately. There are also some other technical challenges and red tape that I think could be improved or streamlined. For example, at the moment, the researcher applies for, let us say, a government grant, and usually if they are lucky they get a three-year grant. We are slowly seeing more five-year grants being approved, but the approval rate of applications is just about 10 per cent. That seems pretty low to me, and also the researchers have to apply for the grant every three years. That means that every three years they have to spend two or three months trying to finish the paperwork to lodge their application. It seems to me that two or three months every three years would be better spent if they were working on their projects.

Also, research is important in the country especially in shaping our future. We are very unique in the sense that we occupy a very huge land with a small population, so we have to be very innovative in businesses like agriculture and defence. Also, as Senator Lazarus just mentioned, we cannot compete with our global competitors on energy costs and labour costs, so we have to be very innovative in manufacturing as well. That is why I think this research fund is the right step for the future. I do hope and I am very confident it will be a success story.
I think in the future we need to think about rolling all the government funding programs for research and innovation into one big fund to make the process a lot easier for researchers and scientists to apply for grants, and also to make probably a minister for research and a department for research to coordinate and encourage collaboration between scientists and researchers in different fields. Someone who works on researching agriculture can find some other researcher who works on marine life. They may find they can collaborate. They may find their work can complement each other's. That potentially is a saving and potentially is an efficiency gain for taxpayer money as well. So I congratulate the government for the good work, and I thank the opposition, the Greens and all the other colleagues who want to support this bill.

Senator CORMANN (Western Australia—Minister for Finance) (11:08): Firstly, I would like to thank all those senators who have contributed to this debate on this very important initiative. I would like to, in particular, thank Senator Richard Di Natale and the Australian Greens for their very constructive engagement with the government in working with us on how this bill could be further improved in a sensible fashion to help the government secure the passage through the Senate of this very important initiative. I will have some more to say later in the debate about some of the further improvements to this legislation that we have agreed with the Greens in order to be able to achieve a successful passage of this legislation. I would also like in particular like to thank Senator Wang and Senator Xenophon, who, for some time now, have expressed to me their very strong support for this particular initiative.

The Medical Research Future Fund bill 2015 establishes the Medical Research Future Fund. This fund will further strengthen Australia's world-class medical research sector and it will significantly increase funding flows to health and medical research and innovation. The establishment of the Medical Research Future Fund meets the government's commitment to substantially increase public investment in medical research and to do it in an affordable and fiscally sustainable way while maintaining national expenditure on health to deliver a more effective health system for all Australians into the future.

The Medical Research Future Fund addresses some of the concerns identified in the Strategic Review of Health and Medical Research published in February 2013—that is, in the period of the previous government. That review, led by Simon McKeon, also known as the McKeon Review, found that Australia needs a more strategic model to get the best health results from its research efforts. The McKeon Review identified a particular need to create greater linkages between healthcare providers and research organisations by fundamentally 'embedding the research within healthcare delivery'. So that is very much a gap in our current system. It is a gap that the National Health and Medical Research Council has not been able to fill, which is also one of the reasons why the government does not intend to support the amendment—I am flagging—that has been circulated by the Labor opposition.

May I say that the government's approach to this legislation has been very much pragmatically focused on securing the passage of this bill. We have been very open minded to taking on board constructive suggestions for improvements to this bill, which is why we have appreciated the way the Greens have approached this particular proposal, both in the community affairs inquiry context and since then in direct conversations with the government. But we do not feel that doing more of the same, which is essentially the approach that the Labor opposition continues to insist on, is not the right way to move forward on this into the
future. All Australians stand to benefit from the huge opportunities for research to boost illness prevention and to promote early intervention, to reduce health costs while improving health outcomes and delivering better quality of life. The fund will assist to realise these opportunities.

The McKeon Review made the case for new emphasis on priority driven research to help bridge some of the gaps between this research excellence and the translation of research into applied technologies and practices. This requires a broader response than just the existing focus on investigator nominated work. It requires additional investment in translation projects, commercialisation and partnerships with health practitioners including hospitals and GPs. The Medical Research Future Fund will both boost public investment and broaden the impact of publicly funded research while leveraging private investment, including institutional investment. The Medical Research Future Fund will provide stability and predictability in funding for medical research and innovation into the future with the capital of the fund preserved in perpetuity. This will strengthen Australia's standing as one of the global leaders in the field of medical research.

The fund will receive an initial contribution of about $1 billion from the uncommitted balance of the health and hospital funds and, as previously indicated, all of the 2014-15 budget savings in health portfolio, which have passed or will pass, will go into their Medical Research Future Fund until its balance reaches $20 billion—and that is in direct response to one of the two questions Senator Lambie asked me during her second reading contribution. These are all of the budget 2014-15 budget savings in the health portfolio that have passed or will pass, so what this means is that the parliament is the ultimate arbiter in relation to those budget measures which pass. To the extent that budget measures from 2014-15 in health portfolio are passed, those savings will be transferred into the Medical Research Future Fund until such time as that fund reaches $20 billion in capital. The fund will eventually provide around $1 billion per annum in additional funding for medical research and medical innovation. As I have said, it will do so on a fiscally sustainable basis, because essentially what we will be doing is to invest the net earnings of that fund, which means that we do not have to impose additional burdens on the federal government's underlying cash balance. This means a doubling of the current level of public investment at a federal level into medical research, which of course is a great opportunity.

The bill entrusts the preservation of the capital of the fund to the Future Fund Board of Guardians, who will be required to preserve and invest this capital as a permanent endowment. In doing so, the Future Fund Board of Guardians will be guided by directions setting out the government's expectations, including what return is expected on the government's investment. The Future Fund Board of Guardians will also advise the government on the fund's performance and will determine the amount of net earnings that can be drawn from the fund in a given year without reducing the preserved capital of the fund.

This bill was amended by the government in the House of Representatives to include the government's policy approach for distributing fund earnings in the legislation. Those amendments made clear that the Medical Research Future Fund will have strong governance and expert leadership. Expenditure of earnings from the fund will be consistent with a strategy and priorities that have been independently determined by an expert Australian medical research advisory board. The bill provides robust decision making and strong
accountability mechanisms for the disbursement of funds from the Medical Research Future Fund and clarifies the complementary role to be played by the National Health and Medical Research Council in the distribution of funds. The bill provides that the strengths and capabilities of the National Health and Medical Research Council, as the government's main health and medical research body, will be drawn on to assist the disbursement of medical research future fund funding where appropriate.

I foreshadow that the government will be moving amendments during the committee stage of the debate. Senator Di Natale, as you were not in the chamber may I again place on record, on behalf of the government, the very constructive approach taken by you and by the Australian Greens in helping to facilitate what I hope will be the successful passage of this very important initiative through the Senate today.

We have worked closely with the Greens in the context of the Senate Community Affairs Legislation Committee inquiry, which has led to a number of the improvements reflected in the amendments today, and I have also had the opportunity to engage in some further conversations with Senator Di Natale to achieve some further improvements. If I can inform the Senate in this context, in relation to some of the issues that Senator Di Natale has raised with me on behalf of the Greens, one of the issues that will not surprise anyone, I suspect—because the Greens have had a longstanding position in relation to this—relates to the proposition that of course the Medical Research Future Fund should not be investing in tobacco related businesses. You would all be aware that since 2013 the Future Fund Board of Guardians has adopted an investment policy to that effect—that the main Future Fund no longer invests in tobacco related businesses. As a result of my conversations with Senator Di Natale I consulted with the chairman of the Future Fund, the Hon. Peter Costello, who gave that undertaking that the existing investment policy in relation to this would be extended to the investments in relation to the Medical Research Future Fund.

We do currently, in proposed section 62 of the bill, have a provision for a review of the MRFF arrangements. Senator Di Natale, on behalf of the Greens, has put to me the proposition that they want some transparency and the capacity to have some scrutiny to ensure that the government does not offset increases in investment in medical research through the MRFF with reductions in investment in medical research through the National Health and Medical Research Council. As such, we are circulating an amendment which would include, in the scope of that review, a review to ensure that the MRFF has complemented and enhanced other financial assistance for medical research provided by the Commonwealth, including and in particular through the National Health and Medical Research Council. This is to provide transparent reassurance that additional investment into medical research through the MRFF is not used to offset federal investment into medical research from other sources. Given our publicly stated intention for the MRFF investment into medical research to boost and enhance the existing federal funding effort into medical research and not to replace it, we of course did not have any problem at all with agreeing to that particular request for a further amendment.

Finally, in relation to my conversation with Senator Di Natale the Greens made a constructive suggestion which we feel does need a bit more time and a bit more thought, and that is: where Medical Research Future Fund investment into medical research leads to highly profitable commercial applications, how can we possibly develop a methodology to ensure...
where appropriate that the taxpayer receives an appropriate return on the original investment—perhaps back into the MRFF capital fund? The undertaking that we are making here today, that I am making on behalf of the government here today, is that we will work with the Greens—and with any other interested party in the parliament in good faith—to explore how that can best be done. We are aware that there are models around the world which achieve that. I have just recently been to the Fraunhofer Institute in Munich, and indeed the Fraunhofer Institute in Munich does have a very established methodology that would capture what the Greens have been putting to the government.

There are a range of other amendments that senators will have noted that are broadly focused on responding to genuine and legitimate issues raised through the Senate inquiry process relating to consultation, board composition, qualifying activity, expert advice, transparency and decision-making processes, international partnerships and governance review, and a review of the act. I propose to deal with those during the committee stages of the debate.

Directly in response to the questions raised by Senator Lambie: Senator Lambie, you were out of the chamber when I provided the first answer, so in answer to your first question: all 2014-15 budget savings in the Health portfolio which have passed or will pass, as well as the uncommitted balance of the Health and Hospitals Fund, will be reinvested in the Medical Research Future Fund until its balance reaches $20 billion. The important point here is that these are the budget savings from 2014-15 that have passed or will pass, and of course which measures ultimately pass is entirely up to the parliament, including the Senate. So, if the Senate is of a mind not to support a particular budget saving, then obviously that means that there would be less money going to the Medical Research Future Fund and it would take longer to get to the $20 billion. The reason I say that is that that is the ultimate check and balance and the ultimate opportunity for the parliament to pass judgement on whether or not the parliament supports, the Senate supports, the savings opportunities that the government has put forward.

In relation to your second question—whether the government has considered drawing on the Future Fund to increase our investment into medical research—the answer is no. The reason is that the Future Fund was set up for a particular purpose, namely to meet the unfunded public sector superannuation liability, which is running into several hundred billion dollars in the years ahead—and it includes a significant component, as you would appreciate, of military superannuation. The government feels that, consistent with the objectives of the Future Fund as determined in the Future Fund Act back in 2006, we should persist with letting the Future Fund do what it was set up to do, and that is to maximise the long-term return within a particular investment return target range so that we can, as soon as possible, ensure that the outstanding public sector superannuation liability is fully funded.

Senator Xenophon raised some questions in his contribution on the second reading, pointing to the importance of increased funding for cancer research in relation to children. All of us of course have a lot of sympathy for and strongly support increased research into those sorts of very meritorious and very important causes. Let me just make this point, though. The way this fund is set up, the way the corporate governance structure to help manage the disbursements is set up, is to ensure that the decisions are made based on expert advice which draws on consultation with consumer groups and medical research stakeholders and that there
is not, dare I say, a political prioritisation in terms of where the investment into additional medical research is made.

Having said that, obviously when you double the level of investment that goes into medical research, with a focus on filling the gaps, you would expect that the Medical Research Future Fund advisory board will look at where there are holes in what is currently being funded and will seek to plug those holes in an appropriately prioritised way. Given the level of significant increase in public investment in medical research through this initiative, I would expect that there would be increased funding for research into the sorts of important health conditions that Senator Xenophon and other senators have mentioned during the debate. But, I hasten to add, we believe it is important to ensure that the framework for setting the priorities within which the government has to operate is independent, that it is based on expert advice and that that expert advice is informed by appropriate consultation with consumer groups and medical research stakeholders. Given that, I obviously cannot give Senator Xenophon the sort of reassurance that perhaps he was looking for about specific funding outcomes down the track.

With those few words, let me again thank all senators who have contributed to this debate. This is a very exciting initiative. It draws on the work that was initiated in the period of the previous government. It will come to fruition as a result of some very constructive engagement across the chamber, and the government is very grateful for the way senators have approached this issue.

Question agreed to.

Bills read a second time.

In Committee

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

Senator McLUCAS (Queensland) (11:28): Without going to specific amendments, I want to speak in generalities to start with. At the outset, I want to restate Labor's strong and absolute support for health and medical research in our country and for the establishment of a Medical Research Future Fund. But there are a number of issues in the bills that I outlined in my contribution on the second reading, when I outlined the concerns that Labor has had with these bills. I indicated in my speech on the second reading that Labor will be moving amendments. Those amendments were circulated a long time ago. At the first opportunity we had to circulate those amendments, we did, because Labor is interested in transparency. During Senator Di Natale's speech, he said that the Greens will vote for good ideas. I invite the Greens to have a look at the substance of our amendments and I invite them to be good to their word.

In my speech on the second reading, I used the word 'messy' and said that this had been a messy process, that the gestation of these bills had been long and that the birth was going to be short and sharp. Well, it just got messier. We turn up today and we have another supplementary explanatory memorandum—tabled today

We have 21 more amendments that were tabled at 9.30 this morning. They are complex amendments. We will go through the substance of those amendments.

I talked about chaos and dysfunction in my second reading speech. Well, it has a 'C' and a 'D' as of this morning. As we know, the first bill had 20 amendments in the House of Representatives. They were passed in that place and we then got the bill and the consequential
amendments bill. We had an inquiry just last Thursday. Who is running the show here? Just last Thursday we had an inquiry and then we had the bill appearing on the Notice Paper on Monday morning. The report of that inquiry said:
The committee recommends the bills be passed.
It did not recommend that we need 21 more amendments, that we need another explanatory memorandum. It said that the bill be passed. This committee report here is the vehicle by which a government will review and rethink their policy position. They did not use it. Who is running this show?

Government members in their second reading contributions talked about urgency. They warned that delay in the Senate would affect the potential for medical research somewhere down the track. Well, can I say that the only delay that is happening with these bills is happening because of the government. We are very happy to deal with this legislation—we have been happy for quite some time. We are very happy to actually negotiate with the government. But they have done a little deal with the Greens. The alternative government have ideas and opportunities to contribute to improve these bills, but, from the minister's comments, it would seem now that they are not going to be considered. They have the numbers from the Greens, that will do—'We are not going to think about the way we can improve this bill.'

Senator Sinodinos is a person for whom I have a lot of regard. He said that this was a historic bill, that this was monumental, that this would become the largest medical research fund in the world. If we are doing something that is so important, if we are doing something that is going to be so significant, why couldn't they get the drafting organised and not bring in amendments at 9.30 this morning on something that is their signature policy?

Senator Cormann: You have never done that!

Senator McLUCAS: At 9.30 this morning for something that is so significant, that is so important, that is your signature policy that you only told the Department of Health about two weeks before the budget, by the way—but that is another matter; why is this such a mess?

You would think that for something that is so significant and so important that someone would have done the work needed. Well, Minister Cormann, it has not happened. Whether it is the Department of Finance, whether it is the Department of Health, someone has not done the proper consultation work that has been needed to be done. It is obvious now to everyone that that work has not been completed.

The Labor Party, in good faith, have drafted a number of amendments and the purpose of those amendments is to strengthen the role of the advisory board so that decisions cannot simply be made on the whim of the minister of the day, potentially based on whoever has had his or her ear at the time or to fund pet projects that are potentially of a political nature. Medical research dollars are hard to find; they are hotly contested.

As many have described, and I did in my own speech, we can be extremely proud of Australia's contribution to medical research in the world. We can be, but let us use those dollars very wisely. That is why most of the submitters—I think all—talked to our committee about some sort of peer review. We have to make sure we apply our funds in the most efficient and the most effective way. That does not discount the comment that Senator Xenophon made. There are good cases and they can be made for providing funds to diseases
or medical events that relate to small cohorts of the population. You can make that argument. It has been done in the past and it should be done.

We need to make sure that the money that is applied to medical research in our country is given to the right projects so that we will get the best outcomes. In fact, it was Senator O'Sullivan's contribution this morning that actually makes my case right. Senator O'Sullivan talked about the value of—I am not sure how to pronounce the word; it is the cannabis oils.

**Senator Whish-Wilson:** Cannabinoids.

**Senator McLUCAS:** Thank you very much. He talked about how valuable they are, and that is a good thing. We should have that discussion; we should have that argument. He then made the point that the MRFF would give certainty to the research into the use of cannabinoids. We now have a politician standing up in this place saying that we have to have this fund, that it is going to give us a billion a year and that research into cannabis related products will have certainty. A politician has made that point. That is my point: we have to remove the political process from decisions about where health and medical research funds are applied. We cannot leave it to politicians. We cannot leave it to a public campaign about a terrible, horrible, difficult circumstance that affects a group of people and the research program being elevated because of the political or media attention rather than the veracity of the application. That is why Labor will be moving these amendments.

Our amendments also go to preserving the health and hospital fund as an independent fund. Labor established the Health and Hospitals Fund. It has delivered marvellous facilities around the country, and I will go to those issues when I get to move those amendments. Labor's amendments also unmanned the bill so that the health minister will make decisions about the financial assistance that is provided from the medical research Future Fund special account following recommendations by the Australian medical research advisory board and taking into account the Australian medical research and innovation priorities rather than the minister simply taking into account the advisory boards recommendations in making any funding decision. That is the substance of the amendments that we have made. I look forward to hearing the argument against them.

Let me also go to Senator Lambie's question that Minister Cormann has answered—you have, Senator Cormann, answered it technically, but I would like you to list for Senator Lambie so that she is very clear about what the measures are that have passed and not passed; and also those measures that do not need to come before the parliament and that the moneys have been identified as going to the Medical Research Future Fund. Because, Senator Cormann, not all of the measures that have been identified to fund the MRFF do have to pass the parliament. I will ask you in detail for the list of those at some stage.

To conclude, I remind the chamber that Labor absolutely supports and has shown by our deed the investment in medical and health research in our country, but this mechanism has been messy. This process has been untidy at worst, and we are trying to do our bit to improve it. I encourage the minister to reconsider his lack of support for our amendments.

**Senator DI NATALE** (Victoria—Leader of the Australian Greens) (11:39): Just very briefly: we certainly acknowledge the concerns expressed by Senator McLucas. We understand that the issue of the independence of the fund is paramount and we have in our negotiations—both through the Senate committee process and subsequently—sought to
ensure that the appointment process was an independent process. We have been given some comfort in the fact that the NHMRC CEO is represented on the advisory panel.

We also believe that the nature of the panel is such that, when it comes to selecting pre-eminent medical researchers from organisations across the nation, the professional reputation of those individuals is in itself something that will guarantee a degree of independence. Of course, within that, there needs to be some flexibility for the government of the day to be able to, if necessary, in urgent situations direct the fund's research priorities. Obviously, one of the things where that may be an issue is in the case of something like an infectious diseases outbreak where having the capacity to be able to direct research efforts quickly in a particular direction is important.

While we acknowledge the concerns from Senator McLucas, and I think they are valid concerns, the measures that have been put in place through the amendments developed with the government will satisfy us that decisions will be made independently and in the best interests of what the fund is intended to do—that is effectively administer public funds to medical research priorities in a way that is different from the NHMRC—a very different focus; the NHMRC does much foundational research. However, the big gap that exists is within the translational pathway, and that is one of the reasons that this fund has been established.

The Greens are and always have been very, very strong supporters of medical research. We were disappointed that the genesis of this fund appeared to be a very unpopular budget measure: the establishment of the Medicare co-payment. But, what has been salvaged from that mess is, I think, a fund that will ensure that the huge gap that exists in the translational pathway when it comes to the medical research pipeline is addressed. It is for those reasons that we will support this legislation.

Senator McLucas (Queensland) (11:42): by leave—I move opposition amendments (1), (4), (5), (6), (9), (11), (12) and (19) on sheet 7711.

(1) Clause 4, page 3 (lines 18 to 22), omit "Initially, the Fund's investments are a portion of the investments of the Health and Hospitals Fund which was established under the Nation-building Funds Act 2008. Additional amounts may also be credited to the Medical Research Future Fund Special Account", substitute "Amounts are credited to the Medical Research Future Fund Special Account in accordance with determinations by the responsible Ministers".

(4) Clause 5, page 6 (lines 3 to 5), omit the definition of Health and Hospitals Fund.

(5) Clause 5, page 6 (lines 6 to 9), omit the definition of Health and Hospitals Fund Special Account.

(6) Clause 10, page 12 (lines 6 to 10), omit "Initially, its investments are a portion of the investments of the Health and Hospitals Fund which was established under the Nation-building Funds Act 2008. Additional amounts may also be credited to the Medical Research Future Fund Special Account", substitute "Amounts are credited to the Medical Research Future Fund Special Account in accordance with determinations by the responsible Ministers".

(9) Clause 15, page 16 (line 23), omit "amounts referred to in paragraph 34(4)(a) are", substitute "amount referred to in paragraph 34(4)(a) is".

(11) Clause 19, page 20 (line 21), omit "Agency; or", substitute "Agency."

(12) Clause 19, page 20 (lines 22 to 24), omit subparagraph (iii).

(19) Clause 34, page 36 (lines 15 to 20), omit paragraph (4)(a), substitute:
the principle that the total amount (in nominal terms) that has been credited to the Medical Research Future Fund Special Account under section 15 should be preserved over the long-term;

The opposition opposes clauses 12 and 13 in the following terms:

(8) Clauses 12 and 13, page 14 (line 9), to be opposed.

These issues go to the Health and Hospitals Fund. Labor does not support the abolition of the Health and Hospitals Fund and its remaining funds—somewhere in the order of $1 billion—being rolled into the Medical Research Future Fund.

I particularly want to make mention of some of the projects that have been delivered through the Health and Hospitals Fund and the positive impact that that fund has had on the health and wellbeing of Australian people. In particular, I want to acknowledge the 24 regional cancer centres delivered across three rounds of the fund, including in areas where, up to the time of their opening, patients had had to travel many, many hundreds and sometimes thousands of kilometres to receive the best quality treatment for cancer. I refer in this regard to the services constructed in my city of Cairns, Townsville, Traralgon, Ballarat, Bunbury, and Whyalla in South Australia. The Health and Hospitals Fund also contributed to countless other projects of significant value to communities across the country, including through the Garvan St Vincent's cancer centre in Sydney, the Nepean Clinical School, the Melbourne Neuroscience Institute project, the new rehabilitation unit at the Fiona Stanley Hospital in Perth, the Midland Health Campus also in Perth, the acute medical and surgical service unit in Launceston and the research and training facility at the Menzies School of Health Research in Darwin.

I also want to comment on Senator Sean Edwards's commentary in his second reading debate where he spoke glowingly about the SAHMRI, the cheese grater, in South Australia. He talked about how proud he was to attend with Prime Minister Abbott the opening of that facility a couple of years ago. It must have been early in the time of the new government—that was funded through the Health and Hospitals Fund. That was a project that has been delivered by the Health and Hospitals Fund in its current iteration, in its current structure. If our amendments are not carried today, those moneys, that billion dollars that is still left in the fund, will then move across into the research fund. As I said, Labor supports research funding. I think it was Senator Xenophon who said, 'I hope we are not robbing Peter to pay Paul.' Well, Senator Xenophon, I think we are. And, to answer that question, we are. We are taking money from, in this case, the Health and Hospitals Fund and from a myriad of other programs as well. I certainly will come back to the minister with that list. I hope that it is being worked on.

I have moved those amendments. I remind this chamber, though, that the Prime Minister promised, before the last election, that there would be no cuts to health. In opposing the abolition of the Health and Hospitals Fund, Labor is, at least, holding this government to account on this program.

Senator CORMANN (Western Australia—Minister for Finance) (11:47): Let me just answer that final comment first. Yes, the government did make a commitment in the lead-up to the last election that there would not be any cuts to health in the period of the budget forward estimates from the time of the last election, and indeed there will not be. What we are doing is reprioritising some of the expenditure inside the Health portfolio. Something that Labor never understood in government and clearly still do not understand in opposition is that
there is no magic pudding. If you want to spend more money on a higher priority, you have to spend less money on a comparatively lower priority in the circumstances. That is exactly what we are doing in this circumstance, so in the same way that the Health and Hospitals Fund initiated by the previous government replaced an initiative of the previous government before that—the Howard government—we have made judgements in all of the circumstances about what the best and most appropriate priorities in the Health portfolio should be moving forward. That is why we have decided that, as part of boosting investment in medical research, we would transfer about $1 billion in uncommitted funds from the Health and Hospitals Fund to the Medical Research Future Fund. The Health and Hospitals Fund moneys are uncommitted, so they are not currently being used for health purposes. The Health and Hospitals Fund was always intended to be a time-limited fund—that is, it was always intended by the previous government to be a time-limited fund—which would eventually be exhausted, unlike the Medical Research Future Fund, which will exist in perpetuity and will deliver health benefits to the Australian community in perpetuity. The Medical Research Future Fund allows the balance of these funds to be used for health purposes that are both wider and more strategic than the Health and Hospitals Fund allowed. This redirection will be more beneficial to long-term improvements in public health than leaving the funding in the very narrowly focused and dormant Health and Hospitals Fund. The early injection of these funds is very important to ensuring that the Medical Research Future Fund is scaled up quickly and makes the strongest contribution possible to medical research and innovation as early as possible. With this money, Australia will be well advanced towards building what should prove to be the largest sovereign medical research fund in the world, but without this seed capital the timing and scale of that ambition would be set back. For those reasons, the government does not support these amendments.

**Senator WRIGHT** (South Australia) (11:49): The Australian Greens have heard Senator McLucas's points in relation to the amendments. However, we acknowledge that there are currently significant funds in the Health and Hospitals Fund but that money is not currently being spent. It has not been allocated to hospitals. We have heard from the government that they do not have an intention to allocate that money to hospitals, so the Australian Greens take the view that it is sensible to have those funds, rather than sitting there, doing good investing in the research that we all agree is desirable for Australia and for the future. We understand that it is actually necessary for the clauses that the Labor Party is seeking to amend to be in the current bill to allow the funds to capitalise the Medical Research Future Fund. For that reason, the Australian Greens will not be supporting Labor's amendments.

**Senator McLUCAS** (Queensland) (11:50): Minister, it is at this point that I would like you to list all of the measures that were identified in the 2014-15 budget. My recollection is that in the 2015-16 budget nothing was identified—but please correct me if I am wrong. At this point—and it is a question that I have asked at estimates so I am sure you have that at hand—in order to assist Senator Lambie and also for the chamber, I am seeking to understand the extent of the programs that are being mopped up, for want of another word, to put into this fund and who it will affect so that people are very clear that this fund is being established—as much as we agree with its intent—and that the people who are paying for this fund are people who are sick today, people who need to go to the hospital today, people who need their teeth dealt with today and people who are mentally ill today. These are funds that were previously
allocated to programs to support people who are sick today and that will now go into the fund to provide medical research. We just need to be very clear about what we are doing.

Senator CORMANN (Western Australia—Minister for Finance) (11:52): As I indicated in my second reading summing-up speech and as the government has openly and transparently indicated all the way through, the Medical Research Future Fund will be made up of contributions from a number of sources. About $1 billion in uncommitted funds from the Health and Hospital Fund and the 2014-15 budget savings in the health portfolio which have passed or will pass will go into the fund until the fund reaches $20 billion.

The government openly and transparently published those measures in the budget, as a government does—this government has and previous governments did—and Senator McLucas is exceptionally well aware of what those savings measures are. Indeed, the Australian community is aware of what those savings measures are. They were published in the budget. Those that are more controversial, for better or for worse, have been widely debated in the public domain for some time now. This is just a political stunt by Senator McLucas. When she asked me the same question in estimates—essentially asking me to relist all of the things that are already published in the budget papers—in an abundance of helpfulness, I answered the exact same question. I do not propose to hold up the Senate any longer with this sort of delaying tactic.

Obviously, in relation to the measures that have not passed yet—this is past history and everybody knows what has passed—I do not have a crystal ball to somehow identify what the Senate might be inclined to pass or not pass moving forward. That is going to be a matter for the Senate into the future. From the government's point of view, we hope that all of our remaining 2014-15 budget measures in the health portfolio and indeed across the whole of government will ultimately be supported by the Senate. But that is going to be a matter for the Senate at the appropriate time. That is not something that we are dealing with at this moment.

Senator McLUCAS (Queensland) (11:54): So, Minister, if you are not going to share the detail—

Senator Cormann: So you asked me a question when you know the answer. You have made my point.

Senator McLUCAS: The point is that I know but I do not think the community knows—and I think Senator Lambie might be interested in knowing this—that monies flowing from the cessation of the Tasmanian Nursing and Allied Health Scholarship and Support Scheme will be going into the fund. I thought Senator Wright might be interested in the reduced funding for the Partners in Recovery program, a program that is supporting people with very chronic mental health issues in our communities. The second tranche of the rollout of the Partners in Recovery program will not proceed. This program supports people in our community who are chronically mentally ill. But we are not going to continue with that program and we are going to put that money into the research fund, as important as it is. Then we have the National Tobacco Campaign. I know that Senator Di Natale is very keen on ceasing tobacco use in our country. Savings from the National Tobacco Campaign, a newer and lower cost media campaign, are going into the MRFF. The national partnership agreement on adult public dental services was another issue that I thought the Greens were pretty hot on. I thought they really believed that dental work was the next cab off the rank when it came to reform in our health system. Money from those programs will now go into
the Medical Research Future Fund. Senator Cormann, this list goes for more than a page. I am astonished that you would not table this, so that Senator Lambie, in particular—

Senator Cormann: It has been tabled.

Senator McLUCAS: I am talking about in the course of this debate, so that people are very clear what they are voting against and what they are voting for.

The CHAIRMAN: I need to put the question on this amendment in two parts. The first part is that amendments (1), (4) to (6), (9), (11) and (12) and (19) on sheet 7711 be agreed to.

Question negatived.

The CHAIRMAN: The second part of the question is that clauses (12) and (13) stand as printed.

Question agreed to.

Senator McLUCAS (Queensland) (11:57): by leave—I now move opposition amendments (2), (7), (10), (13) and (16) on sheet 7711:

(2) Clause 4, page 4 (lines 12 and 13), omit "Priorities. The Health Minister takes the Priorities into account", substitute "Priorities and to make recommendations to the Health Minister on providing financial assistance. The Health Minister must take the recommendations and the Priorities into account".

(7) Clause 10, page 12 (lines 23 to 28), omit "The Health Minister takes the Australian Medical Research and Innovation Priorities (which are determined by the Australian Medical Research Advisory Board under Part 2A) into account in making decisions about the financial assistance that is provided from the Medical Research Future Fund Special Account", substitute "The Health Minister makes decisions about the financial assistance that is provided from the Medical Research Future Fund Special Account following recommendations by the Australian Medical Research Advisory Board and taking into account the Australian Medical Research and Innovation Priorities (which are determined by the Advisory Board under Part 2A)".

(10) Clause 15A, page 17 (lines 14 to 16), omit subsection (2), substitute:

(2) The Health Minister must not require the Finance Minister to debit an amount unless:

(a) the Health Minister has received a recommendation regarding the debiting of the amount from the Advisory Board; and

(b) the Health Minister has taken into account the Australian Medical Research and Innovation Priorities that are in force.

(2A) A requirement under subsection (1) is of no effect unless:

(a) the Health Minister has caused to be laid before each House of the Parliament:

(i) the Advisory Board's recommendations regarding the debiting of the amount; and

(ii) if the recommendation was that the amount not be debited—the Minister's reasons for requiring that the amount be debited contrary to that advice; and

(b) both Houses of the Parliament by resolution have approved the making of the requirement.

(13) Clause 32A, page 27 (lines 8 to 10), omit "Priorities. The Health Minister takes the Priorities into account in making decisions in relation to the financial assistance provided from the Medical Research Future Fund Special Account", substitute "Priorities and make recommendations to the Health Minister on providing financial assistance. The Health Minister makes decisions about the financial assistance that is provided from the Medical Research Future Fund Special Account following recommendations by the Advisory Board and taking into account the Priorities".

CHAMBER
(16) Clause 32C, page 28 (before line 13), before paragraph (a), insert:

(aa) to make recommendations to the Minister on financial assistance to be provided from the Medical Research Future Fund Special Account; and

These amendments go to the principle that the health minister must act on the recommendations of the advisory board. Labor's amendments will limit ministers to only give instruction to make debits from the MRFF when they are based on the recommendations of the advisory board.

As I have already outlined, Labor believes that this process should be strengthened more than this, including through introducing a process of independent expert review as well as greater transparency on how that occurs. Labor's amendments will introduce a requirement that a decision has no effect unless the health minister has caused for there to be laid before each house of the parliament the advisory board's recommendations regarding the debiting of the amount and, if the recommendation was that the amount not be debited, the minister's reasons for requiring that the amount be debited contrary to that advice and that both houses of the parliament by resolution have approved the making of the requirement.

These amendments are consistent with the way the NHMRC administers funding and consistent with the principle that I have outlined; that is, that the MRFF funding should be subject to the same rigour that we apply to the National Health and Medical Research Council grants. Labor agrees that we should be funding different sorts of research. We are not opposed to the notion of translational research. We agree that commercialisation is the next step from the investigative driven research that the NHMRC does so well in our country. But there is no reason that we should not be applying the same sorts of rigour to the assessment process. Again I go back to the comments of the former CEO of the NHMRC, Professor Warwick Anderson, when he said:

When judging how to use public money for research only peer review can identify what is favourable and what is not.

I also note the comments from the President of the Australian Society for Medical Research, when she said:

… taxpayers really want to know that their money is going towards funding the best possible high-quality research that delivers health outcomes. All the evidence based on peer review in this country—and we have done a lot of this work in this space with independent commissioned reports—suggests that NHMRC peer review has actually been very successful in delivering better outcomes.

This is not an argument against moving towards translational research or commercialisation. This is an argument that says that we have a terrific program of peer review that works on this particular part of the research agenda, and we should use that same system to ensure that we get better translational outcomes and better commercialisation outcomes.

The bill as it has been drafted does not provide these assurances. That is why Labor is moving these amendments. They do not go as far as Labor would in government to improve the mechanism for distributing money from the MRFF, but they do improve the government's bill significantly. I commend the amendments to the chamber.

Senator CORMANN (Western Australia—Minister for Finance) (12:01): The government has thought very deeply about how best to ensure appropriate integrity in decision-making, appropriate independence and appropriate governance and transparency in relation to the disbursement of these funds into appropriate medical research priorities. We
certainly have very carefully considered the arguments that have been put forward by various stakeholders in the context of the community affairs committee inquiry by the Greens and also those that have been put forward by the Labor Party. But, with all due respect, on reflection we do not believe that what Labor is proposing is workable, and we do not believe that what Labor is proposing would help us to close the gap in the medical research funding arrangements that currently exist in Australia.

Let me explain. We have gone out of our way to ensure that we have a very strong, very robust, very independent and highly qualified Medical Research Future Fund advisory board arrangement. That advisory board has been tasked with the responsibility of setting the priorities and the strategy, and the government certainly has to comply with the priorities and the strategy as determined by the advisory board. To take that further step that Senator McLucas has just mentioned—making any of the advisory board recommendations binding on the Minister for Health in relation to specific funding decisions—would effectively mean that the advisory board becomes the funding body. The starting principle in designing the board is that they are to be separated from specific grant decisions to avoid conflicts of interest. The best talent and the best experience is required for the board, and this inevitably means that there will be conflicts. It is not tenable to have people deciding what money goes to themselves. The priorities and strategy—and the way that is determined by the advisory board—have to have the highest level of integrity. If there is no question of conflict, the National Health and Medical Research Council and other bodies have the skills and systems for ground-level disbursements, and that is what we propose to continue into the future.

We believe that the process the government has put forward is a robust process. It is a process that provides for the appropriate levels of independence but also ensures that this is a workable, more efficient system that is successful in filling the gaps that are currently in place across Australia when it comes to medical research. As Senator Di Natale very rightly pointed out in his contribution earlier, the government of the day, whether that is us or whether it is a future government, has to have the flexibility from time to time to respond to urgent requirements. To put a very burdensome administrative process in place as is proposed by the Labor opposition would not help to facilitate that.

Senator McLucas (Queensland) (12:05): I have a question for the minister. The minister said that the amendment as we have proposed is unworkable. Could he explain what he means by that, please.

Senator Cormann (Western Australia—Minister for Finance) (12:05): I have just explained that.

Senator McLucas (Queensland) (12:05): We will play the game that way, then. Minister, you also said that you cannot have the board as the funding body. Our amendments go to point where, if the minister makes a different decision from what has been recommended by the funding body then she has to come into the parliament and explain that different decision. That does not militate against the minister making a different decision, but it makes it very transparent. When you are talking about these board members—and I agree that they will be people of the utmost ability and integrity—if their recommendations to the minister are not being adopted, we need to know about that. Why are the amendments as we have drafted them unworkable?
Senator CORMANN (Western Australia—Minister for Finance) (12:06): In an abundance of helpfulness I will make the point again and I will try to make it succinctly. Firstly, the decisions of the advisory board are binding on the minister. The decisions the advisory board make are decisions about priorities and strategy. The advisory board does not make decisions about specific funding allocations—and they should not, because we believe that that would make the system unworkable for the reasons that I explained in my previous contribution. As far as parliamentary approvals are concerned—Labor has been in government in the past and I suspect that, sadly, they might well be in government at some point in the future—are you really suggesting that every single funding decision should be subject to a vote of the parliament? Really?

That is just insane. There is an enormous impracticality about how Labor proposes to administer this funding. Effectively, Labor is proposing that every decision by the health minister to debit funding must go to a vote in both houses of parliament. This would put every single decision on funding into the political system. It would make some funding decisions susceptible to political lobbying and undue influence by the loudest voices.

Political lobbying can not only be directed at the government of the day; it can also be directed at the other possible majority in the Senate that is not necessarily a government majority of the day. This would detract from the dispassionate, expert-driven model which is in the government's bill. This model is also highly impractical where there is a need for an urgent response to a health crisis. Finally it would be damaging for Australia's international reputation if major research companies have their investment plans upended by political decisions after they have passed through rigorous application processes run by professional administrative authorities.

How do you think that reputable, serious research organisations would put themselves into a process where any individual funding decisions ultimately becomes a political football in the Australian Senate? It is a ridiculous proposition. It does not do the Labor Party any credit to come up with proposals like this. In my initial response I sought to be kind and I did not want to go into too much detail in relation to this. It is not a serious proposal. The government has very seriously and deeply considered the best way to approach this. To suggest that the parliament should be put in a position of having to make a decision on every single funding application is just ridiculous.

Senator McLUCAS (Queensland) (12:09): Minister, that is misrepresenting the intent of the amendments as we have drafted them and you know that. What we are trying to avoid by the drafting of these amendments is that we limit any political intervention as much as we possibly can. We know that the health and medical research dollar is hard to find and that it must be applied in the most effective and efficacious way. That is why we have drafted these amendments. These amendments are intended to remove political interference in the decision making of the allocation of funds. That is why we will strongly support these amendments. Again, I recommend them to the chamber.

The CHAIRMAN: The question is that opposition amendments (2), (7), (10), (13) and (16) on sheet 7711 be agree to.

The committee divided [12:14]

(The Chairman—Senator Marshall)
Ayes .................. 22
Noes .................. 43
Majority ............. 21

AYES

Bilyk, CL
Bullock, J.W.
Conroy, SM
Gallacher, AM
Lambie, J
Lines, S
Marshall, GM
McEwen, A
Moore, CM
Polley, H
Sterle, G

Brown, CL
Collins, JMA
Dastyari, S
Gallagher, KR
Lazarus, GP
Ludwig, JW
McAllister, J
McLucas, J
O’Neill, DM
Singh, LM
Urquhart, AE (teller)

NOES

Back, CJ
Birmingham, SJ
Bushby, DC (teller)
Cash, MC
Cormann, M
Edwards, S
Fierravanti-Wells, C
Hanson-Young, SC
Leyonhjelm, DE
Ludlam, S
Madigan, JJ
McKenzie, B
Parry, S
Reynolds, L
Rice, J
Ruston, A
Scullion, NG
Siewert, R
Smith, D
Waters, LJ
Williams, JR
Xenophon, N

Bernardi, C
Brandis, GH
Canavan, M.J.
Colbeck, R
Di Natale, R
Fawcett, DJ
Fifield, MP
Hoffmanan, W
Lindgren, JM
Macdonald, ID
McGrath, J
Muir, R
Payne, MA
Rhiannon, L
Ronaldson, M
Ryan, SM
Seseja, Z
Smodinos, A
Smith, D
Wang, Z
Whish-Wilson, PS
Wright, PL

PAIRS

Carr, KJ
Ketter, CR
Peris, N
Wong, P

O’Sullivan, B
Johnston, D
Nash, F
Abetz, E

Question negatived.

Senator Cameron did not vote, to compensate for the vacancy caused by the resignation of Senator Milne.
Senator McLUCAS (Queensland) (12:17): by leave—I move opposition amendments (3), (14) and (15) on sheet 7711:

(3) Clause 5, page 4 (line 26), after "Board", insert "of the NHMRC".
(14) Clause 32B, page 28 (line 4), after "Advisory Board", insert "of the NHMRC".
(15) Clause 32B, page 28 (after line 4), after subsection (1), insert:

(1A) The Advisory Board is taken to be a Principal Committee within the meaning of the National Health and Medical Research Council Act 1992, other than for the purposes of the following provisions of that Act:

(a) sections 5D and 5E;
(b) section 35;
(c) section 41;
(d) section 80;
(e) subsections 82(1C) and (2).

(1B) This section has effect despite the definition of Principal Committee in section 4 of the National Health and Medical Research Council Act 1992.

These go to a formal role for the National Health and Medical Research Council.

I did indicate earlier that Labor does see a formal role for the NHMRC in administering MRRF disbursements. As a supplementary report from Labor Party senators to the Senate inquiry made clear, a Labor government would seek to amend the NHMRC Act—

The CHAIRMAN: Senator Wright—do you have a point of order?

Senator Wright: Yes, Mr Chairman. I am having real difficulty hearing Senator McLucas. Would you mind just drawing the chamber's attention to that please?

The CHAIRMAN: That is fair enough—you are a long way away down there and there are still too many people in the chamber having conversations. I would ask those senators, particularly near Senator Wright to stop.

Senator McLUCAS: I am pleased that the Greens are interested in listening to me—that is very good!

As we made clear in this supplementary report to the Senate inquiry, a Labor government would seek to amend the NHMRC Act to ensure that, whilst the MRRF special account were to remain independent, the role of any MRRF advisory committee would be reflected in the NHMRC council structure, with the same sort of rigor applied to funding assessment as the NHMRC does through its existing grant schemes.

Whilst it is not possible to make such significant amendments through this bill, these amendments do go some way to achieving this objective by reflecting the NHMRC committee structure as it is defined in the NHMRC Act in the proposed MRRF Act. Specifically, Labor's amendments include the provision that the advisory board is taken to be a principal committee within the meaning of the National Health and Medical Research Council Act 1992. I commend these amendments to the chamber.

Senator CORMANN (Western Australia—Minister for Finance) (12:20): The government appreciates the opposition's intention here, but we do not support these amendments because they would not achieve the objective of the bill to establish a fund which will address existing strategic gaps in Australian medical research investment which,
incidentally, were identified in a review—the McEwan review—initiated by the previous Labor government.

The government will definitely use the NHMRC's robust funding distribution processes where those are the most appropriate means of implementing its MRRF disbursement decisions. Other existing Commonwealth bodies will also be enlisted to implement the rollout or to undertake MRRF-funded research where they have the most suitable administrative mechanisms or expertise. For instance, the CSIRO or the ARC.

The clear majority of witnesses who expressed views about the NHMRC in the Senate Community Affairs Committee inquiry concluded that the NHMRC is not suited to running the MRRF. The opposition's amendment would burden the NHMRC with significant additional administrative responsibilities that are not practical or, in our judgement, appropriate. When Labor was in government they commissioned the McEwan review, which found that Australia needs a more strategic model to get the best health results. Burdening the NHMRC with both a strategic and an operational role would be inconsistent with the intent of building proper coordination and specialisation into the system.

In contrast, the government's approach would help establish a new, strategically focused organisation while keeping the NHMRC doing what it does best, as an expert distributor of funding for investigator-led projects.

Senator WRIGHT (South Australia) (12:21): The Australian Greens have considered the issues that have been raised by Labor but note that these issues were canvassed in the committee inquiry into the bill. The Australian Greens are happy with the governance arrangements contained in the bill, as are stakeholders, and note that the CEO of the NHMRC will be in a position on the advisory board—not representing the NHMRC, but certainly there will then be coordination and liaison on the advisory board for the MRFF.

Further, the Australian Greens understand that these amendments are not detailed enough to actually create a new process within the NHMRC in any event. We have been advised that they are not workable, and that is our view.

The CHAIRMAN: The question is that amendments (3), (14) and (15) on sheet 7711 be agreed to.

Question negatived.

Senator CORMANN (Western Australia—Minister for Finance) (12:23): I seek leave to move all of the government amendments together.

The CHAIRMAN: Just for clarity: leave is being sought to move all government amendments, not just the government amendments listed in this section on the running sheet. I do not want anyone to be confused about that. There being no objection, leave is granted.

Senator CORMANN: I move all of the government amendments on sheet HK148 and sheet HK149 as a block:

MEDICAL RESEARCH FUTURE FUND BILL 2015

(1) Clause 5, page 7 (lines 4 to 7), omit the definition of medical innovation, substitute:

medical innovation includes:

(a) the application and commercialisation of medical research for the purpose of improving the health and wellbeing of Australians; and
(b) the translation of medical research into new or better ways of improving the health and wellbeing of Australians.

(2) Clause 15A, page 17 (lines 10 to 12), omit note 1, substitute:
Note: The Health Minister must report on matters relating to the financial assistance provided from the Medical Research Future Fund Special Account (see section 57A).

(3) Clause 15A, page 17 (line 13), omit note 2.

(4) Clause 15A, page 17 (lines 14 to 16), omit subclause (2), substitute:

(2) In determining whether to require the Finance Minister to debit an amount, the Health Minister:

(a) must take into account the Australian Medical Research and Innovation Priorities that are in force; and

(b) has the power to seek expert advice on the merits of making the grant to which the debit relates; and

(c) may consider any other relevant matter.

(5) Clause 15A, page 17 (after line 17), at the end of the clause, add:
Note: The Health Minister may, under section 61A, delegate a power under this section.

(6) Clause 21, page 21 (after line 17), at the end of subclause (1), add:
Note: The Health Minister must publish on the internet information about the grant—see section 58.

(7) Clause 24, page 22 (line 21), omit "Note", substitute "Note 1".

(8) Clause 24, page 22 (after line 22), at the end of the clause, add:
Note 2: A body that receives a grant may be acting in partnership with an overseas body or other body in relation to the medical research or medical innovation.

(9) Clause 29, page 24 (after line 10), at the end of subclause (1), add:
Note: The Health Minister must publish on the internet information about the grant—see section 58.

(10) Clause 32D, page 29 (after line 19), at the end of subclause (3), add:
Note: The Advisory Board is also required to provide a consultation process before determining the Strategy—see section 32EA.

(11) Clause 32E, page 30 (after line 22), at the end of subclause (3), add:
Note: The Advisory Board is also required to provide a consultation process before determining the Priorities—see section 32EA.

(12) Page 31 (after line 7), at the end of Division 3, add:

32EA Consultation process before determining an Australian Medical Research and Innovation Strategy or Australian Medical Research and Innovation Priorities

(1) Before determining an Australian Medical Research and Innovation Strategy, or Australian Medical Research and Innovation Priorities, the Advisory Board must provide a process for consulting:

(a) organisations with expertise in medical research or medical innovation; and

(b) organisations that represent consumers who benefit from medical research or medical innovation; and

(c) any other person or organisation.

(2) This section does not limit section 17 of the Legislative Instruments Act 2003.

(13) Clause 32G, page 32 (line 19), after "management", insert "or delivery".

(14) Clause 32G, page 32 (line 22), omit "commercialisation.", substitute "commercialisation;".

(15) Clause 32G, page 32 (after line 22), at the end of subclause (2), add:
(g) philanthropy;
(h) consumer issues relating to health.

(16) Clause 54, page 49 (line 11), omit "on the", substitute "on matters relating to the".

(17) Clause 57A, page 50 (after line 29), after paragraph (2)(a), insert:

(aa) a description of the processes for determining the grants of financial assistance; and

(18) Clause 58, page 51 (lines 7 to 11), omit the clause, substitute:

**58 Health Minister must publish information**

(1) As soon as practicable after any of the following amounts have been debited, the Health Minister must publish on the internet information about the grant to which the debit relates:

(a) an amount debited from the COAG Reform Fund under subsection 21(1);
(b) an amount debited from the MRFF Health Special Account under subsection 26(1);
(c) an amount debited from the Medical Research Future Fund Special Account under subsection 29(1).

(2) Without limiting subsection (1), the information must include the following:

(a) the amount of the grant;
(b) the person or body to whom the grant was paid;
(c) any other relevant matter.

(19) Clause 62, page 53 (line 32), before "The", insert "(1)".

(20) Clause 62, page 54 (after line 2), at the end of the clause, add:

(2) Without limiting subsection (1), the review must consider whether financial assistance provided under this Act has:

(a) complemented and enhanced other financial assistance provided by the Commonwealth for medical research and medical innovation, including through the National Health and Medical Research Council; and

(b) otherwise affected the total amount of other financial assistance provided by the Commonwealth for medical research and medical innovation.

**MEDICAL RESEARCH FUTURE FUND (CONSEQUENTIAL AMENDMENTS) BILL 2015**

(1) Schedule 3, page 19 (after line 11), after item 1A, insert:

**1B Subsection 32EA(2)**


Statement pursuant to the order of the Senate of 26 June 2000

Section 53 of the Constitution is as follows:

**Powers of the Houses in respect of legislation**

53. Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences, or fees for services under the proposed law.

The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government.

The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.
The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

Amendment (1)

The effect of this amendment is to expand the definition of medical innovation. It is covered by section 53 because it increases a proposed charge or burden on the people. The amended definition expands the purposes for which amounts may be paid from the Medical Research Future Fund Special Account established by section 14 of the Medical Research Future Fund Bill 2015, with those payments being made out of the Consolidated Revenue Fund under the standing appropriation in section 80 of the Public Governance, Performance and Accountability Act 2013.

Statement by the Clerk of the Senate pursuant to the order of the Senate of 26 June 2000

Amendment (1)

This amendment provides for a new definition to clarify that medical innovation covers a broad spectrum of activities with an emphasis on outcome, i.e., to improve the health and wellbeing of Australians.

The Medical Research Future Fund (MRFF) special account is established by clause 14 of the bill, a special account for the purposes of the Public Governance, Performance and Accountability Act 2013. The special account sets aside an amount within the Consolidated Revenue Fund to be expended for special purposes. Clause 16 of the Medical Research Future Fund Bill 2015 limits the amount that can be debited from the MRFF (the maximum annual distribution) and that amount is determined by clause 34 of the bill.

Although this amendment may expand the purposes for which amounts may be paid from the MRFF, it does not affect the appropriation for the special account. Because the MRFF is limited in its amount by the maximum annual distribution set in accordance with clause 34, there can be no increased appropriation as a clear, necessary and direct consequence of the amendment.

The Senate has long followed the practice that only an amendment which "clearly, necessarily and directly" affects an appropriation is regarded as an increase in a charge or burden on the people within the meaning of section 53 of the Constitution (Odgers’ Australian Senate Practice, 13th edition, p. 394). This amendment does not increase the total amount available under the appropriation (which is limited by the maximum annual distribution). Amending a bill to change the allocation of proposed expenditure and the purposes for which money is to be appropriated has long been considered to be within the power of the Senate, provided that the total proposed (or available) expenditure is not increased.

For these reasons the amendment would not be regarded as a request under the precedents of the Senate.

The CHAIRMAN (12:23): Amendment (1) on sheet HK148 has been circulated by the government in the form of a request, for the reasons given in the statement attached to the sheet of amendments. The second statement by the Clerk of the Senate indicates that, under the precedents of the Senate, the amendment would not be regarded as a request.

The third paragraph of section 53 of the Constitution provides that the Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

Amendment (1) provides for a new definition to clarify that medical innovation covers a broad spectrum of activities with an emphasis on outcome—that is, to improve the health and wellbeing of Australians. Medical innovation projects are to be funded by the Medical
Research Future Fund special account, established by clause 14 of the bill. The special account sets aside an amount within the Consolidated Revenue Fund to be expended for special purposes. Clause 16 of the Medical Research Future Fund Bill 2015 limits the amount that can be debited from the fund, an amount determined by clause 34 of the bill.

Although this amendment may expand the purposes for which amounts may be paid from the fund, it does not affect the appropriation for the special account which is limited. There can be no increased appropriation as a clear, necessary and direct consequence of the amendment because the amendment does not increase the total amount available under the appropriation. There is, therefore, no increase in any proposed charge or burden on the people.

The Senate has long followed the practice that only an amendment which 'clearly, necessarily and directly' affects an appropriation is regarded as an increase in a charge or burden on the people within the meaning of section 53 of the Constitution. Amending a bill to change the allocation of proposed expenditure and the purposes for which money is to be appropriated has long been considered to be within the power of the Senate, provided that the total proposed, or available, expenditure is not increased.

Accordingly, the amendment will be dealt with as an amendment.

Senator CORMANN (Western Australia—Minister for Finance) (12:26): Thank you, Chair, for that clarification. The government did indeed receive advice from the Office of Parliamentary Counsel that item (1) of the amendment on sheet HK148 should be considered a request under section 53 of the Constitution. However, we understand that the Clerk of the Senate has considered that advice and formed the contrary view, as reflected in your statement just now. I note this difference in view. I signal that the government accepts the view that item (1) is an amendment. It is on that basis that I have moved all of the amendments together.

Most of the amendments directly respond to issues raised in the Senate inquiry and recommendations made in the majority report of the Community Affairs Legislation Committee. Specifically in relation to consultation, one of the concerns raised in the submissions was whether the consumer voice would be sufficiently heard or represented in the decision making. The solution recommended by the community affairs committee was that there be a consultation process through the formulation of the Australian medical research and innovation strategy and the Australian medical research innovation priorities to allow the consumer perspective to be taken into account. The government sees great value in this, and our amendment gives effect to that.

In relation to board composition, a number of submissions made suggestions on the composition of the advisory board, particularly the required expertise and knowledge of members. To incorporate these suggestions we are proposing to require that some of the board members have experience and knowledge in philanthropy and consumer issues relating to health. The amendments also clarify that clinical trial expertise is part of the selection criteria. These additions in the bill will not create a large unworkable advisory board because these do not create new ex officio positions; rather these are additions to the skills criteria for making appointments to the board.
In relation to the qualifying activity, a number of submissions to the Senate inquiry raised concerns that the definition of medical innovation may be unintentionally narrow. In particular, there was concern that use of the term 'treatment' within the definition might not encompass investment in diagnosis or prevention. Our amendments clarify that those activities are in scope, and the supplementary explanatory memorandum also names these fields of research along with other qualifying activities that were discussed in the committee hearings. The government fully intends that the definition be a broad one, subject to direction from the advisory board on where the greatest focus should be over time.

In relation to expert advice, a number of submissions suggested there be clarity on the role of expert advice and informing decisions on distribution from the MRFF to enhance the decision-making process for distributions from the MRFF. Our amendments give the health minister an additional power to seek expert advice on the merits of a grant for financial assistance prior to requesting the Minister for Finance to debit an amount from the MRFF special account. This amendment permits delegation of the minister's power to officials as needed to enable efficient and professional administration of spending.

In relation to transparency, to further increase the transparency of distributions from the MRFF we are expanding on our earlier amendment that requires the health minister to publish information on the internet regarding grants. The provision will now cover all categories of grants paid from the MRFF Special Account. This ensures that the online information is comprehensive and complete. A further amendment is proposed to clarify what information is required to be published in relation to grants to ensure it includes the amount of each grant and the identity of the person or body to whom it was paid.

In relation to the decision-making processes, some submissions argued that grants made from the MRFF should be determined through a competitive process consistent with the processes adopted by the NHMRC, but other submissions from leading experts in the medical research field recognise that a competitive process is not possible or appropriate in all situations—for instance, when a rapid decision and response is required such as in dealing with an epidemic. The Senate committee report summarised a number of examples where a peer review or other academic forms of competitive process may not always suit, including where there is greenfields research, a complex multidisciplinary breakthrough or commercialisation or enabling infrastructure are the focus rather than pure research. There may be good reasons why particular decisions have distinctive processes, and the government recognises that it is in the public interest for the nature of all decisions processed to be published.

Our amendments would ensure that the health minister's biannual report to parliament provides transparency by describing the processes used for determining the allocation of grants from the MRFF Health Special Account. There are also some amendments that are self-explanatory in relation to international partnerships, governance review and the review of the act, following on from recommendations made by the committee. But, in relation to the review of the act in particular, as I flagged in my second reading contribution, the government is moving amendments to ensure that the review also includes an assessment of overall levels of federal funding for medical research in order to provide transparency around our assertion that this will increase, not just shift funding for medical research overall.
Senator McLUCAS (Queensland) (12:31): Labor acknowledges that the 20 new government amendments that arrived in this chamber at 9.30 this morning do to some extent improve the bill, but they still fail to formally recognise the existing NHMRC structures for distributing funds and they fail to include any expert review or peer review process.

The government has taken into account Labor's amendments that there be representation on the advisory board from a health consumers perspective, and this is welcome. This was the next tranche of amendments that Labor was going to make to the bill. But why did it take till 9:30 this morning for the government to realise that this would have been a good idea? The government has been working on this for 18 months. Surely in the last 18 months someone somewhere said, 'I think it'd be a good idea to have the consumer representative on the advisory board.' But it has taken until the day that this bill will pass the Senate for them to realise that and hear that.

This has been an appalling example of consultation. This is a signature policy, this policy that is going to be so important—the largest medical research fund in the world—and we are making amendments on the membership of the advisory board at half past 12 when the bill is going to be carried by lunchtime. This is not the way to consult and this is not the way to do business. This is not the way to govern. This should have been done better. The work on this bill was not done by this government, and it is a shame that we will end up with a bill that is substandard.

The intent of the bill, as Labor has said, is good, but the way we disperse these funds is fundamentally important to be absolutely transparent, absolutely unable to be politicised and absolutely assuring the taxpayers of our country and the research community that we will get the best outcomes from this money. Labor will be supporting these amendments. I wish we had had more consultation in the process.

Senator WRIGHT (South Australia) (12:34): The Australian Greens indicate that we will be supporting these government amendments. The Greens note that the committee process considered issues around governance of disbursements, the scope of the research that can be funded and reporting and priority setting, all of which were important issues, and we are satisfied that the government has taken into account the feedback from the community on those significant areas.

In addition, the Australian Greens raised two further issues. One was concern that the fund would be used as an excuse to reduce funding to the National Health and Medical Research Council, which of course would have been totally undesirable, and we see that this has been addressed in government amendments, so we are satisfied about that. The second concern that we did raise was that it would be desirable to look at some form of return to taxpayers of the significant public investment that is going to be made in this fund that will almost inevitably generate some private benefit to private organisations, and how some of that benefit could be recouped back into the fund to benefit the public again.

We are satisfied that that second issue has been initially addressed by the minister's comments but also that it will and should be reviewed over time, and certainly the Australian Greens will be looking to that and looking at that review that occurs. Given those comments I do indicate that the Australian Greens will be supporting these government amendments.

Question agreed to.

CHAMBER
Senator CORMANN (Western Australia—Minister for Finance) (12:35): I table a supplementary explanatory memorandum relating to the Medical Research Future Fund Bill 2015, which has previously been circulated in the chamber.

Senator LAZARUS (Queensland) (12:36): While I support the bill, I am putting forward an amendment to improve the management and scrutiny of board appointments to the advisory board. As the bill stands, the health minister will have the ability to consider an appoint member to the advisory board.

As I already highlighted in my speech on the second reading, I am uncomfortable with the approach and feel the appointment of the board members needs additional scrutiny and transparency, and as a result I am putting forward an amendment to this bill to require any and all appointments to the board to be ratified by both houses of parliament.

This will ensure that the appointments are considered in a manner which is reasonable, bipartisan and transparent. I understand that my amendment may introduce a level of administration not currently included in the bill, but I feel the people of Australia deserve increased scrutiny in the management and use of taxpayer funds. This amendment will introduce an important level of accountability and scrutiny not currently present within the bill.

The board appointments are not small appointments. The appointment of board members will be for a period of up to five years. Board members will be responsible for managing the allocation of millions of dollars of taxpayer funds to the research sector, and of course these board members will also be paid. It is for this reason I feel there needs to be an additional level of scrutiny in the management of these board appointments. The community needs confidence that the best people are being appointed to this board. Currently, as the bill stands, the minister has the sole discretion around board appointments. Presenting appointments to the parliament will require the Minister for Health to detail the name of the person the minister is seeking to appoint and the field in which the person has the relevant experience or knowledge.

As the only independent senator for Queensland, I want to ensure the people of Queensland and, more broadly, Australia have the confidence that the government is making decisions in the best interest of all Australians and that it is using taxpayers' funds in the most appropriate manner. My amendment will deliver this level of accountability and confidence to the people of Australia.

I sincerely hope that the Senate will support my amendment and I commend my amendment to the Senate.

The CHAIRMAN: I take it, Senator Lazarus, that is your formal moving of amendment (1) on sheet 7745?

Senator LAZARUS: I move amendment (1) on sheet 7745:

(1) Clause 32G, page 32 (after line 29), at the end of the clause, add:

(5) An appointment under subsection (1) is of no affect until:

(a) the Health Minister has caused to be laid before each House of the Parliament a statement:

(i) recommending the appointment of the person; and
(ii) outlining the field mentioned in subsection (2) in which the person has experience or knowledge; and

(b) both Houses of the Parliament by resolution have approved the making of the appointment.

**Senator McLUCAS** (Queensland) (12:38): I can indicate that Labor will be supporting Senator Lazarus's amendment. There has been a lot of conversation in the Senate inquiry and also in the chamber that these people will be very reputable. That is a given and we all accept that, but it is our view that the amendment moved by Senator Lazarus will give the bipartisan support that I think the board does require so that the population has faith in the board into the future, so Labor will be supporting the amendment.

**Senator WRIGHT** (South Australia) (12:39): The Australian Greens understand the motivation behind the amendment from Senator Lazarus but I will indicate that we will not be supporting this amendment. We appreciate that safety checks for a significant amount of money, $400 million between now and 2019, is good practice. But we are comforted by the additions made during the consideration of this bill to include Professor Kelso, the CEO of the National Health and Medical Research Council, and her peers on the advisory board. We are satisfied that that will ensure good practice and governance from the existing NHMRC to inform the way that that MRFF goes about its business.

There is no precedent for signing off on government enterprise appointments by parliament in this way. The skills mix required by the legislation would largely preclude the sort of irresponsible and ideological appointments that would make this amendment necessary in our view. We are also concerned that it would delay the process of appointment and, indeed, it may well deter worthy candidates if they are of the view—not being political people—that they may then be unjustly, in a very elaborate process, overly scrutinised and become politicised. A scientist being approved by one or both sides houses of parliament might well be intimidating to very worthy and meritorious appointees.

The other question, I suppose, is: to what extent is the parliament well placed to vet the appointments? How would the process work? Indeed that risks politicising the appointments even more. We have actually looked at other government enterprises, and there are many of them, but there are no examples of where board members are signed off by one or both houses of parliament.

The guidelines on board composition also address concerns about stacking the board. The bill, as amended, provides for an advisory board of up to eight members including the CEO of the National Health and Medical Research Council as I already indicated. Collectively the membership of the advisory board must possess an appropriate balance of experience or knowledge in the fields of medical research, policy relating to health systems, management of health services, medical innovation, financing and investment, and commercialisation of research and innovation. So although the Australian Greens have taken seriously this amendment that is being proposed by Senator Lazarus, the Australian Greens will not be supporting the amendment today.

**Senator CORMANN** (Western Australia—Minister for Finance) (12:42): The government does not support this amendment for the reasons very eloquently outlined by Senator Wright.
Senator LAZARUS (Queensland) (12:42): I do want to put on the record that I am happy to go with the voices but there were other crossbench senators that were keen on voting for this amendment.

Question negatived.

Senator McLUCAS (Queensland) (12:42): Can I indicate on behalf of the Labor Party that the amendments on the second page do not now need to be dealt with.

Bills, as amended, agreed to.

Bills reported with amendments; report adopted.

Third Reading

Senator CORMANN (Western Australia—Minister for Finance) (12:43): I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

STATEMENTS BY SENATORS

Irvine, Mr Frank William (Bill)

Senator O’SULLIVAN (Queensland—National Whip in the Senate) (12:44): Today I want to make a contribution to speak about the life and time of a man named Bill Irvine. My home state of Queensland lost Bill recently, aged 74 years, on 17 June. For Queenslanders who moved in particular circles the name Bill Irvine was well known. Bill had a legendary history within the prisons department, as it was when he started, and then the corrective services department of my home state.

I first encountered Bill as a young detective when he took control as the manager, as it was then—it was formerly the superintendent—of what was then the Rockhampton Correctional Centre and previously Etna Creek Prison. I and other police, particularly those in the criminal investigation branch, obviously had a very close working relationship with him, as you might expect with the head of a prison in your region.

Bill had started out in life in the dairy industry in South-East Queensland with his family. And indeed on retirement Bill returned to the dairy industry. Bill's darling wife, Carol, and his daughter, Melissa, are with us today, and I acknowledge you here. They were his great loves along with his dairy cows—and I think sometimes in no particular order, Carol!

Bill started in the police service but then went very early into the corrective services. I can say to you, without any fear of contradiction, that he was a pioneer in that space. Bill Irvine started practices, along with others. He was not on his own. There was a generation, but there were very few men in particular—as it was in that day and age—who revolutionised the way that prisons operated and put in first-principle administrative ideas that helped many prisoners, whose circumstances in life had taken them to where they were, to avoid having recidivist behaviour and to make a proper transition back into normal life and therefore become valuable to the community.

We all know the allegations that sometimes people are treated in prisons in a way that makes their offending behaviour worse. They feel isolated and when they return to the community the community suffers further from their behaviour. But people like Bill Irvine in
particular—and I witnessed it firsthand—introduced practices and more importantly introduced cultures into the system that battled against that particular principle. Bill saw that there was integration between his inmates and the communities over time. He, with them, designed programs that meant that they could make worthwhile contributions into the communities near the correctional centres where they were housed and give them a sense of worth.

I could spend all day giving you an idea on how that manifested itself, but the people of my home state, Queensland, will recognise the introduction of prisoners to help in natural disasters, and Bill was one of the pioneers in that area. In fact, when I served with him we had the horrendous floods in Rockhampton in 1991, where he took most of his prison population. For many weeks they served the community of Rockhampton and the district of Central Queensland. Their contributions—quite literally tens and tens of thousands of hours of labour and support—were very much appreciated.

I could stand here and talk all day and not exhaust my contribution on Bill's life, but I want to read a short passage from a note written by a past inmate. He spoke of losing his liberty in about 1980 and of how Bill Irvine administered his incarceration with tough love, which in turn had, he said, contributed to living an honest and productive life. This particular person—and I will change a bit of the figures here because it is not a proposition today to try and identify some individual—went on to be the CEO of an organisation that had over 1,000 staff and a budget of some $80 million. You could not, I suspect, have created a more productive return and transition back into the lives of our communities for someone who had been incarcerated, whatever their offence.

Bill Irvine the person: I can remember vividly—these are my words and not his—him saying to me that everybody has a story. Everybody's life has a story, and simply because they found their way into our custody—some for very long periods of time and some for very heinous criminal offences—Bill maintained the philosophy that every one of them had a story. He understood that people are born good and he had an enduring belief that to the extent that he could make a contribution to their lives while they were in his care, indeed his custody, he would follow his first principle that he could possibly on occasions make them feel good again. No-one should confuse this. Bill was no confused leftie who thought that he could take somebody and take their offending behaviour and convert them overnight just because of acts of kindness. Bill knew full well that what he could give them was respect, an opportunity for them to respect themselves and some of the skills that would allow them to restore their own dignity on a return into the communities. He did that unselfishly, whilst at the same time running prison institutions that had some of the worst of the worst kinds in custody. He treated them with dignity. It was a push-and-pull relationship. If you did not play your part in the relationship, Bill did not spend a whole lot more time on you until you were ready once again to contribute to the partnership that he had created with you.

He mentored so many people, and I am one. There are times when I say things, think things or do things and I just make a mental note that ties me back to the relationship with this great human being, Bill Irvine. But most importantly—and this is the reason that I have chosen to use my senators' speaking time today on Bill Irvine—it would be almost impossible to measure the contribution that he made in the area of corrective services in the decades that he was in positions of power and administration within that service.
Bill was the youngest superintendent, as they were called then, ever to take charge of a correctional facility. From that point forward, he made contributions to the changes in the way they were administrated, knowing that it was his responsibility to have a humane and fair environment for the people who had been placed in his charge by the communities. He made so many contributions that made so many changes. He administered the prison that had the first female prison officers ever to be put into service in my home state of Queensland, and one can only imagine how difficult that might have been to bring about in the early days. He did it very successfully.

To the extent that I am entitled, I say to you, Carol and Melissa, on behalf of all the young men and women that he mentored, prisoners and others alike: he will be missed but never forgotten by those of us whose lives have been touched.

Workplace Relations

Senator CAMERON (New South Wales) (12:54): I stand today in support of the wharfies at Hutchison Ports Australia. I stand in support of the wives, the husbands and the children who have got an uncertain future because of the actions of this multinational corporation. I stand here today to condemn the actions of Hutchison Ports Australia in terminating workers by fax, text message and email. This is a massive multinational company, the biggest port operator in the world, a company that should know better, a company that simply treated its workers with no respect and no dignity and certainly did not give them a fair go.

It is unusual that we have Senate resolutions passed on industrial relations disputes, but there were two Senate resolutions passed yesterday, one moved by me and Senator Rhiannon calling on the company to return to the pre-dispute situation, get everyone back on the job and sit round and talk about the issues that are between the workers, the MUA and the company. We also had a resolution from Senator Lazarus expressing the view that the actions of Hutchison Ports were not welcome or considered acceptable behaviour in Australia. This is generally seen in the community as an unacceptable, unprincipled way to deal with workers.

Hutchison Ports Australia sounds as if it is Australian but it is not. It is a subsidiary of a Hong Kong based company, Hutchison Port Holdings. This is a company that made A$11 billion profit in 2014. The company is owned by Li Ka-shing, the 17th richest man in the world, with an estimated personal net worth of $27 billion. HPH operates 319 berths in 50 ports in 26 countries. Forbes magazine listed Li Ka-shing as the 28th most powerful person in the world in 2014, ahead of Rupert Murdoch, IMF Director Christine Lagarde and UN Secretary-General Ban Ki-moon.

Hutchison Whampoa is one of the companies exposed as having a secret tax avoidance deal in Luxembourg. Hutchison Ports Australia, one of the subsidiaries of Hutchisons, is managed out of Hong Kong. It is not managed in Australia. The holding company is in the Netherlands, and the Netherlands is seen as one of the top global players for tax avoidance by the Tax Justice Network. So it has got its holding company in the same place that James Hardie went to try and avoid its responsibilities in Australia. This is a massive multinational corporation treating its workers with absolute contempt.

One of the workers I spoke to today was Leyre Diaz of Maroubra. She is one of the Hutchison workers who were sacked last week. She said she first learned of her sacking on Friday morning. She had the phone on silent, so she did not get the text message to go and
check her email. She had started work with this company a year and a half ago. She lived in a housing commission house. She moved out of the housing commission house because she felt she had a job with a reputable company, a job that would last for many years, and she went into private rental accommodation in the eastern suburbs of Sydney, costing $610 a week. She has got two kids. She is a single mum. She has lost her housing commission house. She has lost her job in the most reprehensible manner and she wonders what life holds for her. I say to Hutchison: think about your workers, think about what you have done and get back around the table with the MUA and their members and work this through. These Australian workers should not be treated this way by a multinational company.

It was concerning that we had Senator Eric Abetz, Leader of the Government in the Senate, defending the use of text messages to sack workers. We also had Senator Fierravanti-Wells yesterday saying that I was not listening to Senator Abetz when he was speaking yesterday. She said:

… Senator Abetz has … correctly indicated, the use of text messaging at this workplace is not unusual and is in fact one of the expressly agreed modes of communication under the enterprise agreement …

There is no agreement that workers should be sacked by text message; it is only the industrial relations mob in the coalition, the extremists, who think that that is a thing that should be done.

We all know the history of Senator Abetz on industrial relations. We all know the history of Senator Abetz and the coalition when it comes to the MUA. In fact, yesterday, when Senator Abetz refused to answer questions on this issue, he said:

… the MUA … has a disgraceful history of … sabotaging our World War II effort and compromising the safety and security of Australian soldiers overseas.

Then he spoke about a work by Dr Colebatch and said it was:

… an excellent piece of work …

That work has been analysed by many in the literary community, including Mike Carlton, who is an expert in war history in this country. He calls it:

… a right-wing rant against Australian trade unions, an ideological tract that includes errors, hearsay, exaggeration and in some cases, sheer fiction and fantasy. History it is not.

Yet that is what this mob on the other side, the coalition, would rely on to try to attack the integrity of a union looking after its members. That is what this mob would do to try to denigrate Australian workers. They would rely on a fiction and they would rely on a lie. If you read Mike Carlton's article, you will see that none of what they argue against the MUA is true, yet we have Senator Abetz come in here and try to defend what is a fiction, what is a lie. But we know that this coalition are well acquainted with lies. You only have to look at what they do day in, day out, lying to the Australian public.

In closing, I want to go to the struggles that the workers in the industry have had. You only have to go to the history of 'The Hungry Mile' in Sydney, where workers were under what was called the 'bull system'. They were pitted against each other for a job and the bulls got the jobs—the biggest, strongest people got the jobs; the most compliant people got the jobs. That is what it was all about. That is what I think the coalition would like to see happen again on the wharves.
You only have to look at the history of the coalition and the conspiracy that they engaged in against the workers of Patrick and the MUA which came out in court—the real history in this country; the conspiracy that the former Howard government engaged in against Patrick workers, using Fynwest to train military personnel in Dubai to try to replace workers on the docks and engaging in attacks and character assassination of union officials and the unions. We cannot trust this government on industrial relations. They should stand up and say what this company is doing, what this Hong Kong based, multinational is doing to Australian workers. It is unacceptable. They should stand up for Australian workers. They should stop the ideological attack on the MUA. They should stop the lies. They should stand up for Australians and Australian jobs. They should behave like a government looking after Australians. They are a reprehensible mob, the same as the company that sacked the workers.

**Steel Industry**

**Senator RHIANNON** (New South Wales) (13:04): The call 'Save our steelworks' is resonating around the Illawarra and today 'Save our steelworks' resonates in this parliament. Members of the South Coast Labour Council, the Illawarra branch of the Australian Workers Union and other unionists have travelled to Canberra to speak to MPs about the future of the Illawarra and the future of the steel industry. Action is needed by the New South Wales and federal governments. Steelmaking is vital for the Illawarra and critical to the economy of the whole country.

This is a hot issue as rumours of the possible closure of the BlueScope steelworks are swirling around Wollongong and swirling around Port Kembla. The threat to the steel industry and to thousands of jobs in this area is real unless governments take action. The Abbott government needs to urgently engage with this issue. It needs to undertake this work because jobs are on the line and we know that the steel industry plays a critical role in the overall economy. Jobs are also critical to people's wellbeing.

The steel future plan of the union movement that a number of unionists are putting forward to MPs in this parliament today has great merit and provides real solutions to the challenges that the Port Kembla steel industry is facing. The need for this plan is shown by a recent study undertaken by the University of Wollongong. This study was commissioned by the Australian Workers Union Port Kembla branch and examines the possible complete shutdown of steel production and the direct and indirect job losses. The findings are very disturbing. The study found a complete shutdown of the plant would result in an estimated $3.3 billion loss to gross regional product. That comes in at about one-fifth of the total gross regional product for the Illawarra which stands at about $15.5 billion

This should be a top priority for all governments—from New South Wales to the federal government—and it is a real credit that unionists have come here today, because of the failure of the New South Wales and federal coalition governments to engage constructively on this issue.

Approximately, 10,000 jobs are at stake here—they could be lost. This would be across the Illawarra, and already there is serious unemployment in the Illawarra running at about 8.3 per cent. When you look at youth employment, it is much more serious: young unemployed people aged between 15 and 24 years in the Illawarra is at 20.5 per cent. As we know, because of the way these figures are calculated, that does not capture people in part-time work. So, if we then look at the figures for young people aged 15 to 24 years who are actively
looking for full-time work, we see the figures are very alarming: in Wollongong alone the unemployment rate for these young people is 25.3 per cent—a quarter of young people in that region want full-time work, and the jobs are not there. The increase in the number of unemployed, if the steelworks close, would be enormous. This is so serious: it deserves the urgent attention of the decision makers in this place.

The University of Wollongong study is a wake-up call for community leaders, all levels of government and therefore all MPs and Illawarra businesses. On the issue of Illawarra businesses, I have to say it was disappointing and concerning to see the response from the Illawarra Business Chamber. Their CEO called on the community to remain calm—those were her words. She then went on to assert that the research undertaken by the University of Wollongong was in fact overstated.

At a time when the steelworks could close, how irresponsible that the Illawarra Business Chamber takes that approach rather than the constructive leadership role that they should be displaying by working with all the stakeholders here. Arthur Rorris, secretary of the South Coast Labour Council, put this into perspective when he said:

… shooting the messenger is not really helpful at the moment.

I hope that that is a reminder to the Illawarra Business Chamber about the role they should be playing here. I urge that this business chamber work with unions, the community and their own members on the very big challenge facing this area.

Clearly, there is the threat of closures. You do not have to go far in the Illawarra to get a sense of how serious this is. You just have to read some of the comments from BlueScope to understand the urgency here and appreciate why the concerns are so real. I urge the Illawarra Business Chamber to constructively engage with the union plan. Unemployment levels are already so high that surely a business chamber and the local MPs from the state government right up to the federal government should be addressing this issue.

As I said, it is not just an Illawarra issue; it is a state and federal issue. To put this in context: New South Wales only raw steel-making facility—BlueScope steel, formerly BHP—is at risk of closure, because of competition from imports and weak export prices. That is why it is a federal issue. That is why the unionists are in the building today.

The unions lobbying here are calling for government procurement regulations to require that 50 per cent of the raw steel content in all state funded infrastructure projects be sourced from Australian blast furnaces—that is what we are asking the businesses, all governments and the opposition to engage in. Similar government purchasing policies in Canada and the US have secured steelmaking in those countries. Again, we have seen that this plan can work. Let's get behind it.

This plan would be a wise investment, because it would provide a massive investment not just in economic terms but also in social returns. If many thousands of people end up without work, it would not only be a tragedy for those individuals but the burden on government to make additional social security payments would also have to be considered. The additional costs to government for infrastructure would be substantially less than the economic, social and human costs of the unemployment. We need to ponder that message very closely.

The proposed security of the market would not be a free gift to BlueScope or its shareholders. So just saying, 'That is a form of subsidies. We shouldn't go down that track' is
again avoiding engaging in what is a very constructive plan. Significant requirements to be imposed on the mill, including towards zero emissions steel manufacturing when the technology becomes commercially available, to clean up the steel industry while retaining a steel industry go hand in hand.

This is the current state of affairs in Wollongong. You can imagine the enormous pressure it is putting on local people. Port Kembla has been producing steel since 1928. You meet so many families where generation after generation have worked there. They have dignity. They have learnt so much, and they have become skilled workers and valued members of their local communities. To not engage with the issue of the steel industry closing and working to avert that would be highly irresponsible for any political party. We have a responsibility to ensure that there aren't large-scale job losses in that area.

I have noted that BlueScope steel is refraining from saying what its plans are, but some of its statements add to people's concerns. They have said 'costs of manufacturing steel are too high, and the company is 'seeking a game-changing approach that will significantly reduce costs'. That can be read that they are preparing for large-scale job losses. It can also be read that they are out there to bleed the workforce so that there will be a run-down in the conditions of the workers at that plant. The government can go down one road and drive down working conditions even further—we have seen so often that is the path this government takes—or it can engage constructively with the unions and the communities in the Illawarra to ensure that the manufacturing of steel that started in 1928 can continue. *(Time expired)*

**Construction, Forestry, Mining and Energy Union**

Senator McKENZIE (Victoria) (13:14): The Construction, Forestry, Mining and Energy Union have again shown their hypocrisy and the depths to which they are willing to sink for their own financial gain. This week we have seen reports that the CFMEU appear to have been siphoning money from a drug, alcohol and gambling rehabilitation facility—Foundation House—for their own use. Foundation House was supposed to be a recipient of the compulsory levy imposed on builders under the standard CFMEU enterprise agreement, but the Royal Commission into Trade Union Governance and Corruption has recently heard that only half of the money destined for Foundation House ever made it there. The other half was sent to the general revenue account of the New South Wales branch of the CFMEU. Indeed, *The Australian Financial Review* reported back in 2012 that money supposedly delivered to the facility was, in fact, sent to the CFMEU for unspecified safety activities.

The Foundation House website describes the services they provide, which include residential rehabilitation programs, family support, after care and relapse prevention groups. These are the programs that could have been funded by the money that the CFMEU appears to have instead taken for unspecified purposes. Perhaps this is the one reason why the Construction and General Division of the CFMEU was recently assessed as having net assets worth $71.2 million. These revelations are a reminder of the priorities of this duplicitous union. It is the union that always puts itself and its officials first, before the community, before the taxpayer and even before the welfare of its members.

This is the union that has unlawfully interrupted the construction of important public infrastructure, including new hospitals, public markets, housing for the long-term homeless, schools, bridge upgrades and new roads. The taxpayer, who funds a large number of these
projects, would be disgusted to hear of the millions of dollars that have been wasted by the CFMEU as it unlawfully holds publicly funded projects to ransom. Once in court, these activities come at a further cost to taxpayers in prosecution time, court time and, ultimately, the loss in productivity and lost jobs.

This week's reports about the activities of the CFMEU start to paint a picture of what the union really care about when it comes to drugs and alcohol—that is, themselves. And we have seen this before. Rather than prioritising the safety of their members, this is the union that fought tooth and nail to prevent drug and alcohol tests on construction sites—tooth and nail! They fought an employer who tried to introduce announced testing on a busy highway construction site all the way from the Victorian Building Industry Disputes Panel through to the Fair Work Commission and all the way to the Full Federal Court. The union in that case objected to the fact that there was an actual test for the presence of drugs or alcohol on a site next to an active highway. In fact, the union were so heavily opposed to these measures that one of the first acts of the new Labor Andrews government, in my home state of Victoria, was to abolish a requirement for drug and alcohol testing to be introduced on taxpayer-funded construction sites. Can anyone imagine that Daniel Andrews would have done this without the blessing of the CFMEU? But the plot thickened when the CFMEU realised, earlier this year, that they might be able to defeat the government in its attempt to restore the Australian Building and Construction Commission by agreeing to reinstate drug and alcohol testing on construction sites. In March this year, Lateline reported that Senator Lambie reached a deal with the CFMEU to restore random drug testing on construction sites. Even the most cynical of us were pleased that the CFMEU had changed its mind on this crucially important issue. Unfortunately, it soon became apparent that the proposal was completely disingenuous—what a surprise! Senator Lambie is rightly concerned about the abolition of drug and alcohol testing by the Andrews Labor government in Victoria. We on this side of the Senate agree with the need to reinstate drug and alcohol testing against objective medical thresholds.

The very day after the Lateline report, the disingenuous CFMEU feigned support for the proposal. The union issued a media release announcing a proposal for an impairment policy that would include a proposal for mandatory blanket drug and alcohol testing of workers and employers. Putting aside the fact that this is not genuine random testing as existed before Premier Andrews abolished it, the CFMEU National Secretary, Dave Noonan, acknowledged he was reversing the union's position on ABC radio. He said:

We have opposed mandatory testing in the past but … when circumstances change it is reasonable for people to change their mind.

I completely agree with Mr Noonan on that fact—you have to deal with the context in front of you. The Andrews Labor government was also quick to change its tune and express support for the proposal. On the day the CFMEU announced its about-turn, Premier Daniel Andrews expressed his support, saying it was a ‘very good outcome’ if employers and employees came to an agreement on drug checks. If the Andrews government were genuine, it would immediately reinstate drug and alcohol testing, and if the CFMEU was genuine about the risks, the very grave risks, of drug and alcohol abuse on construction sites it would have acted swiftly after reports emerged that workers were regularly taking drugs at the site of the Wonthaggi desalination plant down in South Gippsland. There, workers anonymously told reporters how bikies, working at the site, encouraged coworkers to attend mid-week parties.
where the drug ice freely flowed. It was reported that these parties were used to create a market for that drug in particular and, more widely, other illicit substances. Further, workers informed reporters that shop stewards had witnessed drug deals on the site while workers who tested positive for drugs and alcohol, and who agreed to counselling, had to be given a two-hour paid break in order to sober up. But the most significant indicators that the CFMEU is completely incredible, when it comes to drug and alcohol testing, were the reports that medical staff on site were discouraged from using drug-testing kits, despite concerns that some workers were operating heavy machinery while affected by illicit drugs, including ice. I know that community in Wonthaggi and, since that particular incident, the incidence of ice within the broader community is of grave concern.

This government genuinely supports drug and alcohol testing on construction sites. We supported the Victorian construction code that required it. The CFMEU has long opposed these tests. It has only adjusted its position, to the minimum possible extent, to pursue its other aim of preventing the parliament from re-establishing the Australian Building and Construction Commission. This is because the ABCC would finally hold the CFMEU to account when it repeatedly breaks the law and counts the penalties as simply the cost of doing business. Yet again, the CFMEU has shown that its primary concern is its own leadership, not safety, not its members, and certainly not the industry more broadly. As the royal commission has heard, it is willing to secretly siphon money away from a drug and alcohol rehabilitation centre for its personal use and it is willing to bargain with the safety of construction workers to secure a defeat of the government's ABCC legislation.

Local Government

Senator LUDWIG (Queensland) (13:23): I rise on this occasion to speak on an issue that is causing much concern in my state of Queensland and across the country. Local government provide many essential services that people rely on in their everyday lives, including garbage collection and roads and parks maintenance, and they provide many of the skills and resources necessary to recover from natural disaster. To perform their vital tasks, many local councils rely on funding which in part comes from the federal government. Commonwealth Financial Assistance Grants are an untied payment provided to councils to invest in community services and infrastructure. According to the Australian Local Government Association, ALGA, the 2014-15 financial year saw $2.3 billion provided to local councils under this program. Many small councils, particularly in rural and remote areas, rely on these grants for the majority of their revenue. The 2014-15 federal budget, delivered by Mr Tony Abbott and Mr Joe Hockey, saw a freeze on the indexation of these grants for three years. The ALGA has calculated that this will cost councils $925 million by 2018, with the cost to Queensland councils being around $453 million with a permanent reduction to annual grants of around $177 million.

In many small communities, the local council is the biggest single employer in the town, and the public servants who fulfil the tasks and maintain community infrastructure cycle their wages back into the community as consumers and patrons of private businesses. Like in any private business, those in rural and remote communities cannot survive without a customer base. By slashing funds to councils, real harm will be felt in the private sector and around these communities. As businesses close and council workers are forced to leave the local community...
areas to find alternative employment, the very viability of these communities can be put at risk.

We all know that there are limited opportunities for councils to raise their own revenue, particularly outside the major population hubs. Queensland farmers, already suffering from years of drought and floods, can hardly be asked to pay more in council rates to cover the cuts made by the Abbott government. As it stands, many rural and remote residents already miss out on many of the benefits those in larger cities receive from their local government. There is no domestic waste service in many areas and many of their roads are unsealed; their water is often supplied by rainwater tanks and private bores rather than treated tap water; and private septic tanks are used in place of council sewer networks. These factors are further compounded by other government cost-shifting, which the ALGA reports has added around $1.1 billion every year to the cost incurred by Australian councils. These extra responsibilities include emergency and disaster management, environmental programs, community education, business development, management of certain lands and the transfer of roads.

The role of councils in disaster recovery has been an issue of particular importance to me since the floods that devastated Queensland in 2010. Disasters such as floods and cyclones are not uncommon in Queensland. They generally bring out the best of people. We see armies of volunteers form to help deal with the carnage. Local businesses work overtime to ensure people have access to food and the resources they need to build and resume their lives. Once you get out of the major population centres, however, there are fewer and fewer people to cover a much greater area.

During the 2010 floods, around 75 per cent of the Queensland council area had been declared disaster zones. Along with the damage to private property, many local roads were torn up; community halls, parks and sporting facilities were water logged and in need of urgent repair; and, of course, trees and other debris needed to be cleared. Many contractors who were available to perform this emergency work in capital cities and other large towns simply were not able to get their equipment or personnel out to those regional areas. This work had to be done by local councils using the equipment they had and their available workforce. Disaster recovery funding is important, and it is a topic that I have spoken about in this place before. Without the underlying council infrastructure that is now at risk due to these funding cuts, it will be extremely difficult for remote communities to find the equipment and skills necessary to complete this important work, regardless of how much funding is made available in an emergency situation for disaster recovery.

Premier Palaszczuk and her government in Queensland have recently successfully lobbied the federal government to be able to use NDRRA funding to reimburse councils for providing day labour to rebuild in the wake of Cyclone Nathan and Cyclone Marcia. Under previous restrictions, councils were prohibited from using their existing workforce for reconstruction work—as ridiculous as that may seem. Following the Queensland floods in 2011 and 2012, a trial of day labour found councils delivered reconstruction work faster and more efficiently. But, in typical form, this government and the previous Newman government in Queensland allowed the trial to expire, prohibiting the use of day labour when cyclones hit the state. Under current arrangements the trial will only extend until the end of the 2016-17 financial year, giving no certainty to councils. Given the evidence of the savings that day labour generates, I call on the federal government to permanently change the NDRRA rules and
allow councils to use day labour to complete reconstruction projects. Not allowing workers who are directly employed by our local councils to be funded during their ordinary hours of work to rebuild our communities after major disasters leaves outside contractors to be engaged on overly inflated rates. These workers are not uncommonly brought in from areas outside of the local community, meaning that the benefit of the work leaves and goes elsewhere.

In their discussions with the Commonwealth, the Palaszczuk government produced figures from an independent report that showed just how much could be saved by allowing councils in these communities to do the reconstruction work themselves. During a trial of the day labour program following the Queensland floods, not only was the work completed more quickly but the taxpayer was also saved around $160 million in comparison to what it would have cost to have private contractors complete the same work. Again I would like to stress that this work will not be possible if councils are not adequately funded and allowed to maintain a skilled and well equipped workforce. I recognise the Australian Workers Union in Queensland in lobbying the federal government to make day labour arrangements permanent with their 'Keep it Local' campaign. It is just one example of how the loss of funding from the Commonwealth grants program will make it much more difficult for councils to provide the services Queenslanders and indeed all Australians rely on.

When you look at the work of councils across Queensland, you can see they contribute to community values and that they contribute to the community much more than what you would expect. As they get called on to do more work by the federal government, it is imperative that the federal government not only reinstalls the indexation for the Commonwealth financial grants but also broadly recognises where they can help—for example, with disaster recovery funding. They may ensure that the local labour force can be utilised and they may give the councils sufficient help to fix things up when cyclones hit or floods occur. The councils around the country have passed resolutions acknowledging the importance of the Commonwealth grants and of providing vital community infrastructure. It is time for this government to sit down with councils and find a way to move forward with sensible new funding arrangements.

**Australian Defence Force**

**Senator XENOPHON** (South Australia) (13:32): It has been over four years since Neil Batten told me the story of what happened to him as a 15-year-old boy at HMAS Leeuwin in 1971—44 years ago. His parents, now in their 80s, told me that when Neil left home he was excited and proud to be starting a career of naval service for his country. Neil was so proud to be wearing the uniform of the Royal Australian Navy, yet when he came back home prematurely—just nine months later—he was irrevocably damaged and changed. It was many years before Neil was able to tell his parents anything about what had happened to him. The abuse that was inflicted on Neil was horrific. It was disgusting.

My contact with Neil and his wonderful, tireless advocate, Barry Heffernan, who has helped him and so many others, has led me to ask the Senate to send two references related to abuse in the ADF to the Senate Standing Committee on Foreign Affairs, Defence and Trade. Those references were supported by all sides in this place. The same year that Neil Batten told me his story—2011—was the very year that the so-called Skype affair occurred. The then Minister for Defence, Stephen Smith, launched a number of reviews and inquiries into aspects
of abuse in Defence. One of those inquiries was the review of allegations of sexual and other abuse in Defence—the so-called DLA Piper review—conducted under the leadership of Dr Gary Rumble. Dr Rumble, an eminent and respected lawyer with specialty in Commonwealth government issues, led that review with great diligence, thoroughness, fairness and integrity.

The Rumble review delivered its final report in April 2012. That report ran to 33 large ring-binder folders, 30 of which were confidential. It was clear from the publicly-released parts of that report that Neil Batten's story of horrific abuse and a shattered life was not unusual. It was apparent that many other boys who had joined the Defence forces in the decades from the 1950s to the 1980s had experienced similar abuse and had been damaged for life. It was also shockingly apparent from that report that other vulnerable young people male and female have also suffered serious abuse up until recent times and that victims who are still in the ADF are under strong pressure not to report the abuse.

The Hon. Len Roberts-Smith, in his capacity as the head of the Defence Abuse Response Taskforce—the DART—said in his third interim report in September 2013 about the individuals who had come to his review:

… many of the Taskforce's complainants are in their fifties or older and, almost 70 per cent are male. They relate tragic stories of lives greatly affected by the abuse and the further trauma they experienced as a result of failure by those in authority to acknowledge or respond to it.

Many individuals never reported their abuse and have never spoken of it before, even to their partners or families. Many have spoken about their experience of severe mental and emotional harm as a result of the abuse, including alcoholism, drug addiction, social isolation and, mental illness.

The more I have learnt about the history of abuse in the Defence forces, the more ashamed I have become as an Australian and as a senator about the decades of failure by Defence and successive governments and parliaments to protect boys and young people like Neil Batten. I am also ashamed that successive governments have failed to assist and support victims of abuse in the ADF. A great deal has been done over the last few years to prevent abuse occurring in the ADF. I believe that there is still much more which can be done. I believe that this parliament must maintain a role of rigorous and ongoing oversight of what the ADF is doing to protect our service personnel from abuse. There is no one-off fix for these issues.

I also believe that more can be done and should be done to address the reality that individuals suspected of perpetrating abuse are still serving in the ADF. During the most recent Senate estimates hearings I asked specific questions of Defence as to how many referrals to the DART involved alleged abusers still serving in Defence. The answer on notice was: 151. I am deeply concerned that, according to the ADF's own answers, as of 1 June 2015, of the referred matters involving allegations of rape, 22 individuals are currently serving or employed in Defence, with the highest rank being a permanent member of the ADF of colonel equivalent. None of these alleged perpetrators still serving in the ADF has been stood down, which raises many serious questions about how the ADF has handled these allegations. I will continue to press those issues. However, today I wish to focus on what has not been done and what needs to be done to give ongoing help to people damaged by the abuse in the ADF. The Defence Abuse Response Taskforce, established in November 2012, has done a great deal to assist the individuals who came into its processes. However, the DART's work will soon end and Neil Batten and the others like him will continue to suffer.
The Department of Veterans' Affairs administers an existing framework of benefits and support for former members of the ADF who are suffering, physical, mental and emotional harm as a result of their service in the ADF. However, Neil Batten and others like him, including many whose claims were recognised as plausible by the DART, fail to get past the barriers for access to DVA benefit and support. In large part, this is because these poorly resourced, damaged and isolated individuals lack the resources to make the case to the satisfaction of DVA. Furthermore because the victims of abuse were often damaged as new recruits in training establishments, their time in the ADF was often very short and they fail to meet statutory minimum service requirements for some DVA benefits. They are regarded as not being so-called 'real' veterans, but the pain, the suffering, the anguish and the devastation they feel are all too real. In my view it is unacceptable, it is a disgrace that these victims are shut out of DVA administered benefit and support frameworks.

In its October 2014 Report, Processes to support victims of abuse in Defence, the Senate Foreign Affairs, Defence and Trade References Committee made series of important, specific and unanimous recommendations. Those recommendations included, in recommendation 5 that the Australian government introduce amending legislation to remove the three-year minimum service requirement for eligibility for non-liability health care and to make NLHC available to any person who has had completed any service. Recommendation 6 recommended that the Minister for Veterans' Affairs direct the Department of Veterans' Affairs to commence consultation with veterans' representative organisations and to report back on the legal and practical barriers there are to victims of abuse in the ADF succeeding in establishing the facts necessary to access entitlements to DVA benefits and that what Defence and DVA could do and what resources they will require to gather and share information to assist people who were subjected to that abuse, and what can be done to liaise with veterans' groups, other Australian government agencies and community groups to reach out to individuals affected by abuse who may be eligible for DVA benefits, including individuals who had previously applied and been rejected. Recommendation 7 recommended the Department of Veterans' Affairs examine options to provide financial assistance to support a national, community-based approach to assisting veterans who have suffered abuse.

The government tabled its response on 16 June 2015. The general theme in the government's response to the three recommendations is that these recommendations would have to be considered in a broader budget context. This is woefully inadequate. These issues have been drifting since they were first identified in the April 2012 Rumble report. It would a tragedy and a travesty for the damaged victims of abuse in the ADF who are not receiving the DVA benefits and support which they could be receiving if we drift into yet another budget process next year without sufficient analysis having been done to size the costs of helping those victims, who must be helped. There needs to be guidance from the government to the Department of Veterans' Affairs and the Department of Defence on what substantive work is required to cost these proposals so that these proposals can receive the genuine consideration which they deserve as soon as possible.

I wish to acknowledge my colleague Senator Jacqui Lambie, who has worked closely with me on these issues and has been outspoken and at the forefront of fighting for the victims of abuse and for victims' rights generally. I am pleased to be able to say that the Minister for Defence has met with me today and has agreed to discuss with his ministerial colleagues.
whether further direction can be provided to the Department of Veterans' Affairs and to the Department of Defence about what needs to be done to provide an informed basis for decision on the committee's recommendations. I genuinely thank the Minister for that commitment. I will work constructively with all my colleagues for a just and overdue outcome for the all-too-many victims of Defence abuse. When I spoke to Neil Batten a few minutes ago, I reiterated that promise to Neil, for whom I have great admiration. We as fellow Australians in this place owe that much to them.

Sim, Sir Peter, CBE

Senator SMITH (Western Australia) (13:42): I rise this afternoon to acknowledge and pay tribute to the life and work of a great Western Australian and a true stalwart of the WA Liberal Party, Peter Sim CBE. Even though it is a very long time since Peter Sim served as a senator—he retired from this chamber in June 1981—he was still keenly interested in and involved with the activities of the WA Liberal Party until quite recently. It would not be unusual for me to run into Peter Sim at various Liberal Party functions around Perth and also on occasion in the Members' Dining Room at WA's state parliament house when entertaining community representatives. On the occasions when we would meet, he was always unfailingly courteous to me and was always happy to share his thoughts on contemporary political issues. Although he was not born in Western Australia, Peter Sim moved west in June 1946, following his distinguished service with the Australian Imperial Force during the Second World War. Like so many of his fellow veterans, Peter Sim was encouraged to move to Western Australia due to the availability of relatively cheap agricultural land and, together with his brother Hugh, established a wool-growing operation in WA's Great Southern region. Also around this time, he became active in the newly-formed Liberal Party and through his efforts managed to secure the third spot on the party's Senate ticket in 1958. Unfortunately, the WA Liberal Party did not secure that position in the election held that same year. Undeterred, he continued to serve the Liberal cause, becoming the WA Liberal and Country League— as it was then known— vice president in 1960, he chaired both the rural and policy committees of the WA Liberal Party.

When WA Liberal Senator Seddon Vincent passed away in 1964, WA Liberals actively sought a replacement who they were confident would stand up for rural Western Australians. In the preselection that followed, Peter Sim prevailed handily over another candidate who would also go on to enjoy a distinguished Senate career, the late Reg Withers. For students of Australia's constitutional history, it is perhaps worth noting another instance where Peter Sim enjoyed more luck than Reg Withers. Reg Withers did eventually enter the Senate in 1966, after Liberal Senator Sir Shane Paltridge passed away. However, at that time, any senator who took up a casual vacancy was required to contest their place at the next subsequent general election, which in this instance occurred in November 1966. At that election, Senator Sim was successful in securing his place.

Yet despite the fact that Prime Minister Harold Holt secured a resounding coalition victory, increasing his parliamentary majority, Senator Withers lost the place he had held for only nine months to the Australian Labor Party. He was forced to run again at the 1967 Senate election and only then did he secure the Senate seat he eventually held until 1987, allowing him to go on to become a minister and Senate leader.
Peter Sim served as a senator for Western Australia from 1964 to 1981 and over that time built a reputation as someone whose parliamentary contributions were always thoughtful and true to his own values. In particular, he was opposed to protectionism and was an enthusiastic backer of moves to dismantle high tariffs, which earned him enmity from some in the then Country Party.

As the Deputy Chair of the Society of Modest Members, it would be remiss of me not to acknowledge at this point that when Bert Kelly was fighting an uphill battle against protectionism within the coalition governments of John Gorton, William McMahon and, later, Malcolm Fraser, Peter Sim was one of the very few allies of his cause right from the beginning. In 1978, Bert Kelly wrote of his experience working with Peter Sim in trying to overcome the pro-protectionist mindset that still enjoyed dominance within the Liberal Party of the day. He noted that Senator Sim:

… believed in the virtue of making decisions that were soundly based. And we have always been prepared to embark on an argument with the Liberal Party Manufacturing Committee which used to have some rather ultra-protectionist ideas.

Senator Sim was not afraid to speak his mind, nor was he afraid to push back against his own party when he felt it was acting contrary to the interests of Western Australia. He crossed the floor some 13 times over the course of his career, clearly demonstrating an independence of mind.

He was a committed federalist and an opponent of the creeping tide of centralism, especially during the Whitlam era. I think it is particularly worth noting that he crossed the floor in 1977, against the Fraser government, to oppose two bills which went to referendum later that year: the Constitution Alteration (Simultaneous Elections) Bill, and the Constitution Alteration (Senate Casual Vacancies) Bill. In this, he reflected abiding suspicion about the proposals in WA. Indeed, WA voted against the simultaneous elections bill at the referendum, helping to secure its defeat.

In typical fashion, his method of declaring his intention to cross the floor on that occasion was a masterpiece of understatement, quite foreign to the sorts of theatrics we sometimes see today. So brief was his speech on that occasion that I can now quote it in full:

Mr President, I will speak for 30 seconds. I rise merely to say that I support the view of those of my colleagues who oppose this legislation and to declare that I will be opposing the legislation when it comes to a vote. I do not cast any doubts on the integrity of those of my colleagues who disagree with me. But I take a very strong view. I am opposed to this legislation. They have the right to support it. But my position will remain constant.

Although Peter Sim was never to achieve ministerial rank, he was an active and effective chair of the Senate Standing Committee on Foreign Affairs and Defence, a role he held under prime ministers William McMahon and Malcolm Fraser. In this position, and mindful of his role as a Western Australian senator, he was keen to emphasise the strategic importance of the Indian Ocean, which was sometimes overlooked in favour of the Pacific.

Peter Sim was an early critic of what he saw as the pro-China tilt of Australian foreign policy at the time, warning that Australia had an obligation to protect its interests in both Japan and especially Taiwan. As others have noted, he maintained a particular interest in international affairs, and was active in this area well after his retirement from front line politics. Indeed, following his retirement he was an active member of the Australian Institute
of International Affairs, and served as that organisation's Western Australian president over a long period—from 1982 to 2003. In this role, he continued his long-standing interest in issues that had been top of mind for him during his Senate career, including defence, foreign affairs and trade liberalisation.

Also following his political retirement, from 1982 until 1991 Peter Sim was a member of the Senate of Murdoch University in Western Australia, serving between 1991 and 1997 as a board member of its Asia Research Centre. In 2006 Japan honoured his long-standing contribution to Australian-Japanese relations by awarding him the Order of the Rising Sun, Gold and Silver Star.

All Western Australians have reason to be thankful for Peter Sims' service as a senator for our state, and for his unswerving commitment to freer trade and opposition to centralism at a time when that approach was at its zenith, during the Whitlam era. It was interesting to examine some of the contributions Peter Sim made during his time as senator, but I think I was most struck by his valedictory speech, a contribution which, again, is decidedly short, in keeping with his belief that speeches should be kept short. He said:

Somebody said—I am not sure who it was, and I do not even know whether he said it!—words to the effect: Curse my enemies and bless my friends. I hope I leave this place without having to curse anyone and only to bless my friends on both sides of the chamber. I have enjoyed my nearly 17 years in this place; it has been a challenging and interesting experience. I have enjoyed the friendship of many people from all walks of life, but, above all, I mention my political opponents. I will not name them all, but I look across and see perhaps some of my closest friends sitting on the opposite side of the chamber. Those words will not come as a surprise to any of us who ever met or dealt with Peter Sim. He was a true gentleman, in every sense of the word—courteous, respectful and always well considered.

His counsel, his contribution and his friendly smile will be missed by many Western Australian Liberals, and we extend our sympathies to his daughter, Elizabeth, son-in-law, Ross, and grandchildren, Erin and Katelyn.

**Employment**

**Senator LINES** (Western Australia) (13:51): Thank you, Mr Acting Deputy President Sterle, for relieving me from the chair so I can give my senator statement.

Today, I want to focus on the extraordinary statement we heard from Mr Hockey four to five weeks ago in relation to housing prices. He said that what people actually needed to do was to get good jobs with good pay.

Recently, we have seen the unemployment statistics climbing under the Abbott government. They are at 6.3 per cent. Certainly in Western Australia, in certain parts of the metropolitan area, they are much higher than that. Of course youth unemployment is at disgusting levels, particularly in Mandurah.

If the government was really dinkum about this notion of good pay and good jobs, as we are on this side of the Senate, why wouldn't Senator Abetz earlier this week condemn Hutchison Ports authorities when they sought to sack almost 100 workers by text message? They were abolishing good jobs with good pay. No, he just goes on a rant about unions.

Of course these workers are members of the MUA. It is well known that when workers are members of trade unions their rates of pay are substantially higher. But the fact that Hutchison...
Ports workers are still agitating for their jobs—good jobs with good pay—seems to have just passed by the Abbott government. Apparently it is not those good jobs with that good pay—union jobs, in that case.

I want to turn again this week to the AMWU which has been bringing its members, shift workers from across this country, to the parliament time and time again. This is another group of workers with good jobs and good pay, but again they are not workers that the Abbott government seems to want to look after. We have seen the steadfast refusal, despite their election promise, to build submarines in South Australia, which obviously would provide these members of the AMU with good jobs and good pay. So, again, we are seeing that apparently the Abbott government believes: 'No, if you are a union member, we do not mean good jobs and good pay for you; we mean other people'. But we all know that, in order to make good jobs and to get good pay, people need to be members of trade unions.

It does not stop there. Again, there is this attack on the MUA and seafarers. In this case we have some shipping legislation amendments coming before the parliament. That bill is unashamedly about destroying another lot of good jobs with good pay. This is about saying to these workers: 'Your jobs will be gone, and any ship will be able to trade around the Australian coast'.

Let me just inform the Senate of what would happen. We would have foreign ships in our waters. The Abbott government likes to accuse us of being anti-foreign, anti-this and anti-that, but of course we are not. What Labor stands for and what we have a proven track record on is good jobs with good pay. This means that those foreign ships could bring foreign labour into Australian waters at any kind of pay; the kind of very low wages that we see in the Philippines or Korea or anywhere else, where foreign seafarers are low paid. That is the absolute intent of that shipping legislation amendment which will come before the parliament. That is about absolutely wrecking good jobs with good pay.

The other area where the Abbott government seems to be determined to destroy good jobs and good pay is through the ChAFTA agreement. Why would any government that supposedly is about good jobs and good pay agree to an agreement which says that—if the Chinese come to Australia—and of course Labor stands for trade. We absolutely stand for trade. We stand for Australians getting an opportunity to promote their goods and wares in China, and of course we understand that is reciprocal, but not when it goes to threaten the good jobs and good pay of Australian workers, which is what we understand will happen where there are Chinese projects over the value of $150 million. That is not a very large amount of money for a project. What will happen there is that foreign workers will be able to come in, and they certainly will not be getting good pay, and I doubt they will have good jobs. But that in and of itself threatens the good pay and the good jobs of Australian workers.

So, although Mr Hockey says, 'just get a good job with good pay', it is the Abbott government that is steadfastly going out and destroying those jobs, not standing up for port workers. Anyone, it would seem, except the Abbott government thinks it is quite a disgrace to receive a text at midnight and be told that your job has been taken, that you have been made redundant. Anybody would have some sympathy for those men and women—earning their living, paying off mortgages, educating their children—anyone with any kind of moral sense about them would think that was outrageous. But we have not seen one skerrick of sympathy or support for those workers. The Abbott government tries to wash its hands and say it is all
about what is happening in the Fair Work Commission. It is more than that. A government that is dinkum about good pay and good jobs would be picking up the phone and asking what it can do to bring the parties together, and what it could do to salvage good jobs. But, no, they just turn it into another union-bashing exercise.

We should be proud in this country of good jobs and good pay. We should be proud that union members have worked hard and have given up benefits to provide those good jobs. But we see none of that from the Abbott government. They are hell-bent on destroying the good jobs that we have across our economy. Whether it is on the waterfront, whether it is seafarers, whether it is the construction industry, whether it is the warehouse workers who are currently on strike—Woolworths are threatening their good jobs with good pay—we do not see any support from the Abbott government for those workers, and that is disgraceful. So again we see a government not committed to looking at what it can do to make sure that Australians have that good pay with good jobs.

In the science area, we do not even have a science minister. In fact, we have seen good jobs at the CSIRO disappear at the hands of the Abbott government. They are really determined to dumb down Australian jobs and to make them low paid. They somehow think that, if you take penalty rates from workers, that somehow provides better paying jobs. They really have no idea what they are doing across the job front or indeed in our economy. The sooner they are gone, the better off jobs and pay will be in this country.

MINISTERIAL ARRANGEMENTS

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:00): by leave—I inform the Senate that Senator Nash, Deputy Leader of The Nationals in the Senate and Assistant Minister for Health, will be absent from question time today. Senator Nash is attending a funeral. During Senator Nash’s absence, Senator Payne will answer any questions in the health and sport portfolios.

QUESTIONS WITHOUT NOTICE

Defence Procurement

Senator KIM CARR (Victoria) (14:00): My question is to Senator Ronaldson, the Minister representing the Minister for Industry and Science. I refer to the tragic announcement this morning that BAE will let go a further 125 workers, bringing total job losses at BAE the in last year to around 600. This is a direct result of the Abbott government’s failure to provide any meaningful work for the shipyards around the country after nearly two years in office. Why does the Prime Minister continue to put his own job ahead of the jobs of hundreds of shipbuilders in Williamstown?

Senator RONALDSON (Victoria—Minister for Veterans’ Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:01): I am a little surprised that Senator Carr, having asked an almost identical question a couple of days ago, has put his chin out again in relation to this issue—

Senator Kim Carr: There have been 125 people today on your watch.

The PRESIDENT: Order! You have asked your question, Senator Carr.
Senator RONALDSON: The realities are, as everyone in this chamber knows, that for six years the former government sat on its hands in relation to this vital part of this nation's manufacturing sector. The realities are that the person who was responsible primarily for this is the person who is asking this question.

I will go through it again because clearly Senator Carr either was not listening or does not care; I suspect that probably, on the back of his time as industry minister, it is the latter. As I referred to the other day, over the next two decades—and I will read it very slowly so that you can hear it—Australia will invest over $89 billion to acquire and sustain new submarines, frigates, offshore patrol vessels and other specialist naval vessels. A significant amount of the work to build these new ships will be undertaken in Australia. The Australian naval shipbuilding industry will play a critical role in the regeneration of the Navy's fleet. This investment—

Senator KIM CARR (Victoria) (14:03): Mr President, I ask a supplementary question. Again I ask: why has the Abbott government refused to take the same course of action as their conservative counterparts in the United Kingdom, which have recognised the importance of domestic shipbuilding and awarded a patrol boat contract to BAA in order to avoid a shutdown?

Senator Abetz: Would that be BAE?

The PRESIDENT: Order!

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:04): As I was about to say, the centrepiece of the government's naval shipbuilding plan will be the implementation of an historic continuous build of surface warships in Australia. It will begin with the Future Frigates, which have been brought forward by three years to commence in 2020. The new offshore patrol vessels will be brought forward to 2018. What Vice Admiral Barrett said the other day is that 'this will provide some certainty, which Defence and the shipbuilding industry so desperately require'. It is those opposite, through inaction and complete and utter incompetence, that have led us to the situation we are in at the moment. There is one government that is doing something about it, and there is one former government that refused to address the urgent needs of the naval shipbuilding industry in this nation. (Time expired)

Senator KIM CARR (Victoria) (14:05): Mr President, I ask a further supplementary question. I refer to the most recent unemployment data, which confirms that for the first time in 20 years more than 800,000 Australians are unemployed. Does the minister agree with Mr Leon White, a boilermaker from BAE who is in the parliament today, that there is sufficient work to share around in order to keep the Williamstown yard open?

Senator Kim Carr interjecting—

Senator Edwards interjecting—

The PRESIDENT: Senator Carr, you have asked your question. Order, Senator Edwards.

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:05): As Graham Richardson said, Kim Carr lives in a parallel universe. He is now squealing about
loss of jobs—jobs that we actually want to protect and jobs that we will protect by bringing forward this naval building plan to. But, for Senator Carr, who sat on his hands for six years, to do nothing at all means that Graham Richardson is absolutely right. He is completely—

The PRESIDENT: Pause the clock.

Senator Moore: Mr President, I rise on a point of order going to relevance to this particular question. This question is about the idea that there would be enough work if it could be relocated and that it would be able to keep Williamstown alive. That is the question, and half the time is gone. I just thought it might be useful to draw that question to the minister's attention.

The PRESIDENT: Minister, I remind you of the question. You have 28 seconds in which to answer.

Senator RONALDSON: I was asked about naval shipbuilding jobs. What I said to the chamber was that under the former government, there was nothing at all; under this government, there will be. We are determined to build and protect this vital industry in this country and we will not be lectured to by those opposite, who did absolutely nothing at all in six years—did not build, no plans, no plan whatsoever.

Medical Research Future Fund

Senator LINDGREN (Queensland) (14:07): My question is to the Leader of the Government in the Senate and Minister for Employment, Senator Abetz. Will the minister update the Senate on what the government is doing to support the excellent work of Australia's medical researchers?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:08): I thank Senator Lindgren for an excellent question, which follows up on an excellent first speech yesterday. The Medical Research Future Fund, established by legislation passed in this place today, is a landmark coalition government initiative that will withstand the test of time. Once it is fully established, it will double our annual investment in medical research. It will ultimately provide about 1,000 million dollars per year in additional funding for medical research and medical innovation. It represents the single largest investment in medical research ever made in Australia.

The fund will provide a resource to support Australian scientists and researchers as they continue their life-changing work. It will provide health and hope for not only our fellow Australians but for people right around the world in need of essential answers, cures and treatment and that is why we have initiated this significant advance for the medical research community. This is not a cash splash or a pink batt scheme or an announcement without follow-through. It is an investment for the future of our people. This is yet another example of the coalition's modern nation building, following on from our policies for Northern Australia, agriculture, shipbuilding and infrastructure and the list goes on.

The Medical Research Future Fund represents an economically responsible plan to provide significant and sustainable funding to support the essential work of Australian world renowned medical researchers and scientists. This is true capacity and nation building. It will deliver better quality of life for not only the people of Australia but for people around the world. (Time expired)
Senator LINDGREN (Queensland) (14:10): Mr President, I ask a supplementary question. Will the minister inform the Senate how the Medical Research Future Fund will support the Australian medical research community and strengthen its international standing?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:10): I thank senator Lindgren for her supplementary question and can inform her and senators that the Medical Research Future Fund will support jobs in her home state of Queensland as, indeed, it will support jobs right across Australia. It will support the work of more than 20,000 medical research professionals that we already have in this country including the more than 3½ thousand such researchers in Queensland. It will also support the medicines industry that stands behind these researchers and employs nearly twice as many Australians. This fund will promote Australian job creation while also addressing the essential health needs of Australians and others around the world. This is truly a fund of which all Australians can be particularly proud.

Senator LINDGREN (Queensland) (14:11): Mr President, I ask a final supplementary question. Will the minister inform the Senate how the Medical Research Future Fund will benefit the Australian community?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:11): The Medical Research Future Fund will support vital research that will form the basis for the development of new medicines and technologies. This research can be exported to the world, providing benefits to all. It will boost the standing of our scientists and medical researchers in the international health research community, strengthening Australia’s standing as one of the global leaders in the field. For a relatively small nation, Australia has a long and enviable reputation in medical research, with half of our 16 Nobel laureates having been awarded the prize in physiology or medicine. I am also pleased that one of these was a Tasmanian-born. And I am pleased that my state contributes to research through the Menzies Centre in Hobart and the Clifford Craig Medical Research Trust in Launceston.

This is nation building. It is capacity enhancing. It is a visionary initiative by the Abbott government which every Australian can and should celebrate. (Time expired)

Marriage

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:12): My question is to the Minister representing the Prime Minister, Senator Abetz. Can the minister confirm that the government’s approach to marriage equality was not considered by the cabinet before it was discussed in the joint party room last night? What sort of Prime Minister branch stacks against his cabinet? And what happened to good government?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:13): We will always accept that Senator Wong and the Labor Party have the expertise when it comes to branch stacking. How in any way that could relate—

Opposition senators interjecting—

The PRESIDENT: Order! Pause the clock.

Honourable senators interjecting—
The PRESIDENT: On my left and my right! If everyone is all done, I will call the minister.

Senator ABETZ: I do not know what the honourable senator means by the suggestion of branch stacking in circumstances—

The PRESIDENT: Pause the clock. Senator Wong, a point of order?

Senator Wong: On a point of order, just to assist the Leader of the Government. I am quoting the Leader of the House—

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

Senator Wong: The Leader of the House in his own party room.

The PRESIDENT: There is no point of order.

Honourable senators interjecting—

The PRESIDENT: On both sides! On my right! On my left! It's going to take a long time to get through your questions today.

Senator ABETZ: As I understand the situation, a branch stack is allowing every single man and woman that was elected to this parliament under the coalition banner to speak in the party room in circumstances when the Prime Minister, four days out from the election, said that this would be a decision made by not the cabinet but the coalition party room when the issue arose. The issue arose, the coalition party room discussed the matter and every single man and woman in that party room that wanted to have a say was actually given a say. This is supposed to be, and I would welcome, an informed debate, but the shouting, the catcalling and the behaviour of those on the other side who would deny their colleagues the opportunity to vote as they would likestands, I must say, in stark contradistinction to what we in the coalition party room do, and that is—

Senator Wong interjecting—

Senator ABETZ: And the leader interjects and says we had a six-hour debate, which of course debunks the assertion that somehow a Prime Minister— (Time expired)

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:18): Mr President, I ask a supplementary question. When did the Prime Minister first discuss with this minister his plan to bypass cabinet and take marriage equality to a joint party room, and when did the Prime Minister first raise this tactic with the Leader of the House?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:19): Four days before the last election the Prime Minister said not only to me and not only to the leader of the government in the other place but to all the Australian people—four days before the election—that this would be dealt with by the coalition party room. So why on earth would the Prime Minister need to then re ventilate this issue when our position was absolutely clear and made clear to the Australian people four days before the last election. I do not know why Senator Wong wants to concentrate on this issue rather than creating jobs, ensuring the future of our nation, celebrating the Medical Research Future Fund and things of that nature. We are getting on with the business of government whilst also ensuring—

Opposition senators interjecting—
Senator ABETZ: I just hope everybody watching sees the tolerance of the Leader of the Opposition in this debate. (Time expired)

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:20): Mr President, I ask a further supplementary question. Can the minister advise if government policy on marriage equality is: (a) the status quo; (b) a free vote after the next election; (c) a plebiscite; or (d) a referendum?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:20): The Prime Minister made it very clear, as indeed did the party room, that for the term of this government the status quo should remain. The reason for that is that that was our policy before the last election and we intend to stand by our election commitments. What the Prime Minister has also said is that if that position changes we will take a position to the next election. And I would once again ask, if we are to have a proper debate in this nation about changing the social structure of marriage, that it should be an informed and tolerant debate and not the sort of shouting and shrill interjections that we get from people right across the Labor Party.

The PRESIDENT: You have not been called yet, Senator Bernardi. Were you taking a point of order?

Senator Bernardi: No. I have a question.

The PRESIDENT: Senator Bernardi, I have not called you yet. I am about to call Senator Rice.

Senator Conroy: Do you need help from the National Party with your question, Cory?

The PRESIDENT: Senator Conroy, you have been most disruptive this question time. Could I please ask you to desist.

Senator Conroy: I think there have been plenty of others.

The PRESIDENT: There have been, but you have been very disruptive.

Marriage

Senator RICE (Victoria) (14:22): My question is to the Minister representing the Prime Minister, Minister Abetz. A 62-year-old caller to ABC radio, Gerard from Drouin in Victoria, called in this morning, distressed that he might not get to commit to his long-term male partner through marriage before it is too late. Now that the coalition have denied their members a free vote, what do you say to Gerard, his partner and the thousands of loving couples in similar situations around Australia?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:23): Can I debunk one proposition in the honourable senator's question? The coalition has a very proud history of allowing its parliamentarians to cross the floor in the event that they disagree with government policy, and indeed I look around and see quite a few takers who have availed themselves of that opportunity, including me. I have done that. And, indeed, when I found it impossible to agree with opposition policy at the time, whilst on the frontbench, I realised that, if I wanted to exercise my conscience, there was a price attached to it and I resigned from the frontbench to allow myself to act according to my conscience. We in the coalition allow our members and senators to have that freedom at all times, unlike the Australian Labor
Party, which will automatically expel people who cross the floor—and, indeed, as I think Senator Canavan said earlier in a contribution today, have the Australian Greens ever split on a vote—

The PRESIDENT: Pause the clock. A point of order, Senator Rice?

Senator Rice: Mr President, I raise a point of order on relevance. He is not answering the question.

The PRESIDENT: Senator Rice, part of your question did have this as a preamble, and Senator Abetz was addressing a part of the question which he said he did not agree with and was correcting that portion. But I will draw the minister's attention to the remainder of the question. Senator Abetz, you have 32 seconds in which to answer.

Senator ABETZ: As I understood the question, it was the false assertion that we had somehow denied a free vote to coalition members.

The PRESIDENT: Pause the clock. Senator Rice, a further point of order?

Senator Rice: Mr President, I have a further point of order on relevance. The substance of my question was: what would the government say to Gerard, his partner and the thousands of loving couples in similar situations around Australia?

Honourable senators interjecting—

The PRESIDENT: Order on both sides! Senator Abetz, in answering your question, Senator Rice, has been addressing facts that he would put to the caller that you identified and also he was addressing portions of the question which he was correcting in relation to the coalition party room.

Senator ABETZ: To assist the honourable senator, what I would say to this 62-year-old caller on ABC radio this morning is that Senator Rice's question is based on a false premise, and that is the fact, that is the situation. And I would invite Senator Rice to not misrepresent the position of the freedom that we in the coalition have to vote according to our conscience. (Time expired)

Senator RICE (Victoria) (14:26): Mr President, I ask a supplementary question. The Prime Minister said in May that marriage equality was an issue for the parliament. Now he says it should be resolved after the election. When will the government stop delaying this issue so we can end the discrimination faced by so many of our friends, family members, colleagues and neighbours?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:27): I would have thought it is a self-evident fact that, if we change the legislation and the definition of marriage, it will be a matter for the parliament. I would have thought that is a self-evident fact. The other fact is that we as a coalition went to the last election with a policy as to the definition of marriage—and might I add, for all those Labor Party people interjecting, that that was the Labor Party policy in 2010 as well. So let us just be clear on that. Unlike the Labor Party, who were changing their policy after election promises, like with the carbon tax, we have retained our faith with the Australian people to say that, whilst we will have a look at what might happen in the future, for this term of government we will stick by our election
promises. Might I add that that is exactly what we are doing in the area of my portfolio, workplace relations. *(Time expired)*

Senator RICE (Victoria) (14:28): Mr President, I ask a further supplementary question. This morning parliament was visited by members of the clergy from across the country, urging parliamentarians to support marriage equality. Will the government heed their counsel and see marriage equality as an issue of humanity, morality and love?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:28): To suggest that the clergy, whoever they may or may not have been, represented the view of all clergy is, with respect, as the senator must know, not the view of clergy. She would have done herself and the campaign she supports more justice if she would have had the decency and integrity to say 'some clergy'. That is where, regrettably, in this debate—

Senator Kim Carr: That's a huge point—devastating!

Senator ABETZ: Once again we have Senator Carr bellowing out, showing all the tolerance that they expect from others in this debate and that they will not afford to those that might not agree with them. That is, if I might say—

Senator Lines: Just say it's never going to happen!

Senator ABETZ: And Senator Lines represents the ugliness of that as well, in this chamber and in the community. What I would say to Senator Rice and others is: accept the view that there are differing views within the clergy— *(Time expired)*

Higher Education

Senator BERNARDI (South Australia) (14:29): My question is to the Assistant Minister for Education and Training, Senator Birmingham. Can the minister please inform the Senate—

Senator Conroy interjecting—

Senator Kim Carr interjecting—

The PRESIDENT: Order! Senator Carr and Senator Conroy! Start again, thank you, Senator Bernardi.

Senator BERNARDI: My question is to the Assistant Minister for Education and Training, Senator Birmingham. Could the minister inform the Senate how the government is supporting secondary school students to navigate the vital pathway from school to further training or a job?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:30): I thank Senator Bernardi for the question, because Senator Bernardi and I are as one in our desire to ensure that Australian students, whether they are in schools, in training or in universities, are receiving skills and education and training that is relevant to the jobs of today and the jobs of the future. Last week, I was very pleased to join the Prime Minister and the member for Corangamite, Sarah Henderson, for the launch of our P-TECH pilot schools. Newcomb Secondary School in Geelong and then subsequently Federation College in Ballarat have been announced as the first P-TECH pilot schools in Australia.

P-TECH is a very innovative program that the Prime Minister personally brought back from the United States to Australia. Pathways in Technology Early College High School is
around the world now and is providing strong linkages between industry, business and high schools. In doing so, it is providing enormous opportunities for students in those schools to benefit from real work-placement opportunities and real industry experience. These two schools—Newcomb in Geelong and Federation College in Ballarat—will benefit enormously from being the first pilot schools that this government rolls out under P-TECH.

I am amazed there has not been a warmer reaction to this announcement from some of those opposite, although I did note when it was first indicated last year that we would be pursuing P-TECH there was dissension on the other side. Senator Carr welcomed the announcement while Ms Ellis, the shadow minister for education, criticised the announcement. I hope and trust that those on the other side have lined up their policy to make sure they are supporting this type of innovation in schools that will give students work-ready training and the opportunity for real work placements with local businesses and local employers.

Senator BERNARDI (South Australia) (14:32): Mr President, I ask a supplementary question. Would the minister advise the Senate which employers have agreed to be involved in pilot programs and what they will offer secondary school students?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:33): We have wonderful support from local employers in both Geelong and Ballarat to give students opportunities to participate in their workplaces and for their staff to participate in the school environment to provide this job-ready training. In Geelong, Sky Software, Barwon Health and Bendigo Bank are all supporting the initiative as part of a consortia put together by the Committee for Geelong. In Ballarat, IBM, who have championed the advancement of P-TECH globally, will be the local partner. IBM will be providing support across both sides and indeed are providing significant financial support that complements the government's own financial support. We are grateful and indebted to these employers for being willing to step forward and provide their time and commitment—

Senator Cameron: We know who is in debt—that is the apprentices.

Senator BIRMINGHAM: Senator Cameron is not even interested in the advancement of opportunities for school students, sadly. But these employers are interested and these employers are doing something by giving their time for this important pilot. *(Time expired)*

Senator BERNARDI (South Australia) (14:34): Mr President, I ask a further supplementary question. Unlike Senator Cameron, I am interested in the opportunities and I ask the minister to advise the Senate when these pilot programs will commence and what support is being provided to school communities?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:34): I am pleased to say these pilots will commence from next year. Students will have the opportunity in 2016 to start streaming through the pathways in technology program in Geelong and Ballarat. This will give the students enormous new opportunities. We are providing support through a contract the government have entered into with the Skilling Australia Foundation, who will be engaging with local communities and with the involved employers and ensuring that teachers, parents and students have the support of the curriculum that they need, that the models that IBM have developed are rolled out in a way that complements the Australian curriculum and Australian learning environments so that we are
building on the best of our education system. Local advisory boards will be in place to help both of the pilots operate. I acknowledge the support of the Victorian government in that regard, as well, who are working cooperatively with us because they recognise this initiative, brought to Australia at the instigation personally of Prime Minister Abbott, will provide students in Geelong and Ballarat with the work-ready skills for the future. (Time expired)

**National ICT Australia**

Senator **WANG** (Western Australia) (14:35): My question is to the Minister representing the Minister for Industry and Science, Senator Ronaldson. We learned this week that up to 200 jobs are at risk while the apparent merger of National ICT Australia, NICTA, with CSIRO is being negotiated behind closed doors. NICTA is projected to contribute over $3 billion to Australia's GDP and has been incubating and producing start-up business at an average of one new company every three months. Minister, are we going to discover that this so-called merger is a backdoor for cost-cutting and how do government promises square with the continual shedding of valuable jobs in the research sector?

Senator **RONALDSON** (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:36): I thank the honourable senator for his question. I understand that the CSIRO board agreed to this proposed merger at its meeting on 30 April, that the NICTA board has agreed to it in principle and that CSIRO anticipates that NICTA members will be asked to agree to changes required to its board and to the NICTA constitution. The two organisations have begun working together on some projects. Formal ratification is required, but I understand that the merger will build a more impactful ICT capability for Australia by creating one of the largest single digital innovation teams in the world.

In relation to the staff, I have a note here from the minister saying that it 'will create one of the world's largest cohorts of highly qualified ICT staff and the collective skill of this team will be used to keep Australia at the leading edge in science and innovation.' The current reduction in funding to NICTA requires a close inspection of all aspects of the merged body to reduce cost.

In relation to the recent Senate estimates hearing, which I think you might be referring to, and the 200 job losses, it may have an impact across both organisations, but I am confident CSIRO will do its utmost to increase external revenue to minimise this. Just in the last 13 seconds, you will appreciate that indeed—

*Opposition senators interjecting—*

**The PRESIDENT:** Order on my left!

**Senator RONALDSON:** I suppose that has—

**The PRESIDENT:** Thank you, Minister. That was appalling. I trust that senators understand that you are televised. I expect better behaviour than this. That was very pathetic.

**Senator Abetz:** Mr President, on a point of order: I would invite you to write to the Leader of the Opposition, Mr Shorten, in the other place to indicate the behaviour of his frontbench during question time and that, unless there is some sort of discipline in this place, there will be the farcical situation that we just witnessed egged on by the leader of the
opposition in this place. If leadership, Mr President, cannot be shown in this place by Senator Wong, Mr Shorten, clearly, will need to step in.

**Senator O'Sullivan:** Mr President, on a point of order: the crossbenchers get a rare chance to ask a question and hear an answer. I think you should consider restarting the clock to allow the minister to answer this question fully.

**Senator Ian Macdonald:** Mr President, on the point of order: I was about to take the same point of order. Senator Wang is entitled to hear the answer to his question without the members of the Labor Party shouting down the minister so Senator Wang cannot hear it.

**The PRESIDENT:** Order! I just want to make the comment that I think this has been one of the worst question times—and there has been bad behaviour on both sides—but what we have just witnessed from my left was very disappointing. Could I ask that all senators just consider their behaviour, consider the duty they have to the public of Australia to behave respectfully in this chamber and let's move on with question time with a lot more decorum, fewer interjections—humorous and intellectual interjections occasionally are very good but not constantly, in a raised voice and continually from the same senators. Can we move on and demonstrate to the public of Australia that they should have confidence in this Senate.

**Senator Ian Macdonald:** Mr President, on a point of order—

**The PRESIDENT:** Senator Macdonald, if you think this is really going to help.

**Senator Ian Macdonald:** Senator Wang is entitled to be able to hear the answer to his question—

**The PRESIDENT:** I agree with you.

**Senator Ian Macdonald:** and I am asking that you give Senator Ronaldson at least 13 seconds to finish his answer to Senator Wang.

**Opposition senators interjecting—**

**The PRESIDENT:** Order! Was anyone listening in the last few minutes? We are going to proceed, and I want order. Senator Wang, you have a supplementary question.

**Senator WANG** (Western Australia) (14:41): Mr President, I ask a supplementary question. Why does the government insist that research institutions such as NICTA must be self-sustaining instead of viewing well-founded ICT driven productivity gains as a boon to our economy and to our standing in this globally aggressive digital age?

**Senator RONALDSON** (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:42): I thank Senator Wang for his question before that rather extraordinary event just before the end of my last question. I was going to say to you that CSIRO is of course an independent body. They will make decisions about how they think the organisation can best go forward. The merger with NICTA, clearly, is from the board's view an appropriate way forward for both organisations. Like you, I would hope that they would manage any potential job losses on the way through.

In relation to your broader question, the relationship between—

**Senator Conroy:** The silence isn't helping!
Senator RONALDSON: I am sorry, Senator, but there are some in this chamber who refuse to grow up, and I will continue with my answer. (Time expired)

Senator WANG (Western Australia) (14:43): Mr President, I ask a further supplementary question. Yesterday an ABC report stated that early-stage businesses in Australia are being starved of funding, because venture capital is drying up. What is the government doing today, apart from MRFF, to restore confidence in Australia's research capabilities and address the insecurities that are impairing the motivation of our research workforce?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:43): I say to Senator Wang that the relationship between science, scientific organisations, the business community and education institutions is the only way that this nation will advance. The day before yesterday we announced an advanced manufacturing institute in Geelong.

We are determined to ensure through a variety of programs—and I will get you further information as I have only got 21 seconds left—that the entrepreneurship that drove this nation's growth is at the heart of what this government wants to achieve. We believe that appropriate partnerships between government, education and commerce will indeed drive that and we have many, many programs in place which will achieve that. (Time expired)

Business Services Wage Assessment Tool Payment Scheme

Senator EDWARDS (South Australia) (14:44): My question is to the Assistant Minister for Social Services, Senator Fifield. Will the minister update the Senate—

Senator Cameron interjecting—

Senator EDWARDS: You are a disgrace. You bring dishonour to the role you are elected to.

The PRESIDENT: Senator Edwards, just ask your question.

Senator EDWARDS: Will the minister update the Senate on progress in implementing the Business Services Wage Assessment Tool Payment Scheme?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:45): Thank you, Senator Edwards, for your question. I think most colleagues would be aware of the great work done by Australian Disability Enterprises around the country, giving employment and the dignity of work to around 20,000 Australians. I think colleagues would also be aware that employees of Disability Enterprises are paid pro-rata wages, determined by wage assessment tools which are registered with Fair Work Australia.

When we came into office, we inherited a situation where there was some uncertainty around the Business Services Wage Assessment Tool, which is used in about half of Disability Enterprises. So what we sought to do was something to deal with the present, the past and the future. To deal with the present, we sought a temporary exemption from the application of the Disability Discrimination Act to the Business Services Wage Assessment Tool to try and provide a certain environment for enterprises. We also put in place $173 million to help the development of a new wage assessment tool for enterprises and also to help those enterprises supplement what would likely be higher wages. The other very important thing we did to try and address the past was to put in place the Business Services
Wage Assessment Tool Payment Scheme, which would seek to give a one-off payment to eligible supported employees of Disability Enterprises who had been paid a pro-rata wage assessed by the BSWAT. I am very pleased to advise that that payment scheme is now open for registration. Applications can be received and the government will be communicating with employees who are potentially eligible for the scheme in the coming weeks, but it is important that people who have been employed in ADEs are aware of this.

**Senator EDWARDS** (South Australia) (14:47): Mr President, I ask a supplementary question. Can the minister inform the Senate how employees with disabilities will benefit from the introduction of this scheme?

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:47): The payment scheme will guarantee a payment to all eligible supported employees and will be an alternative to the legal proceedings which are currently underway in the courts in relation to previous payments under the Business Services Wage Assessment Tool. We wanted to provide a straightforward process for people with disabilities. The payments will be calculated on what individuals were actually paid plus indexation for each year in the period. Importantly, payments will not affect the social security payments of individuals or those of carers. There will also be favourable tax treatment. If participants have to pay additional tax on the payment, an extra amount will be provided to minimise that liability. Also, the lump sum in arrears tax offsets will be applied to payments under the scheme.

**Senator EDWARDS** (South Australia) (14:48): Mr President, I ask a further supplementary question. What protections are there for people with disability in determining if they should participate in this arrangement?

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:48): As I said, social security payments will not be affected, an individual's tax situation will not be adversely affected and no-one's rights will be affected. They will have the choice between this scheme and their rights at law, but importantly the government does require that individuals will have sought independent legal and financial advice before being eligible to take part in the payments scheme. Also, importantly, the Commonwealth will pay for that legal advice and financial advice—it is important that people know what is in their best interests.

I thank my coalition colleagues for supporting the legislation, but I also convey my thanks to Senators Madigan, Day, Xenophon, Wang, Muir and Leyonhjelm. I know that there are many people with disabilities and their families who are deeply appreciative of the support from those crossbench senators.

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**Wind Farms**

**Senator DAY** (South Australia) (14:49): My question is to the Assistant Minister for the Education and Training, Senator Birmingham, representing the Minister for the Environment. On 3 August, the Senate Select Committee on Wind Turbines tabled its final report. In chapter 2 it states:

… there has been a clear disconnect: between the official position that wind turbines cause no harm to human health and the strong and continuing empirical, biological and anecdotal evidence of many people living in proximity to turbines suffering from similar physiological symptoms and distress.
The committee noted that evidence from at least 15 countries has started piling up on similar adverse effects and are reported by people with no geographical, linguistic or other personal associations with each other. Does the government accept the committee's recommendations insofar as they relate to adverse health impacts?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:50): I thank Senator Day for both the question and some advance notice of the question.

Mr President, through you to Senator Day: of course, as you acknowledged in your question, the Senate Select Committee on Wind Turbines tabled its final report on 3 August. That was just nine days ago. The government will respond in good faith to the recommendations of that report, but of course it will take a little longer to consider the detail of those recommendations. It is worth noting that, while the government is still considering its response to all of the recommendations, we are taking action in a number of ways. The government has agreed to appoint an independent scientific committee to provide research and advice on the impact on the environment and on human health of wind turbine sound and infrastructure. The government has also committed to establishing a wind farm commissioner to resolve complaints about the operation of wind farms. While the consideration is taking place the government certainly will make sure that it gives full consideration to the details of the report, which I know you, Senator Day, and other members of that committee worked very hard on, and the evidence that you received. We will make sure that we have all thought and proper consideration and we will respond in the usual way, as the government does to Senate reports.

Senator DAY (South Australia) (14:52): Mr President, I ask a supplementary question. Australia has over 1,800 turbines in 71 locations, with more on the way. Paul Hyslop, from ACIL Allen, says that Labor's 50 per cent renewable energy pledge by 2030 would require an additional 10,000 wind turbines to be built. Given that the government now knows the potential adverse health effects of wind turbines and bearing in mind the potential future liability arising from that knowledge, does the minister acknowledge that the government must now act. (Time expired)

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:53): As Senator Day and all senators would be aware, the parliament recently passed the revised renewable energy target. The current large-scale target is 33,000 gigawatt hours, which will, by 2020, see around 23 per cent, it is estimated, of renewable energy generated in Australia. It is remarkable, though, that despite having agreed to this legislation and supported the compromise, as Senator Day rightly highlights, the Australian Labor Party now proposes a 50 per cent target. Estimates are that Labor's 50 per cent target could saddle Australians with about $85 billion of additional costs. When challenged on this, what does the Labor Party say? They say, 'We don't know, because we have not done any modelling, we have not done any assessment and we have not done any analysis.'

Senator Abetz: Oh, yes, they have.

Senator BIRMINGHAM: You are right, Senator Abetz; in relation to the carbon tax costs, which are even greater in terms of what Labor are seeking to bring back—and they know very clearly that the expense to Australians of that carbon tax will be very, very dear indeed. (Time expired)
Senator DAY (South Australia) (14:54): Mr President, I ask a further supplementary question. The government has directed the $10 billion Clean Energy Finance Corporation to invest in newer renewable technologies. The Australian Financial Review reported last month that the CEFC is fighting the directive and has sought legal advice. What exactly has the CEFC been directed to do? What will be the real effect? What confidence does the government have that the CEFC will obey that directive?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:54): I have some information in that regard. Matters of the CEFC are rightly matters for the Minister for Finance, but I am advised that the government has been working constructively with the CEFC. Under section 64 of the Clean Energy Finance Corporation Act, the Minister for Finance and the Treasurer can issue an investment mandate to the board to provide direction on the performance of the CEFC’s investment functions. These responsible ministers must consult with the CEFC board on that investment mandate and, once finalised, the investment mandate is tabled in parliament. A consultation process is underway with the CEFC. The government will not pre-empt the outcome of this process, but our expectation is that the CEFC’s focus will be on its original policy intent when the CEFC was established, so that it is investing in innovative clean energy proposals and technologies rather than more mature technologies, which can be financed by mainstream lenders.

Climate Change

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (14:55): My question is to the Minister representing the Prime Minister, Senator Abetz. Can the minister confirm that the Abbott government’s emissions reduction target is not consistent with its own commitment to limit global warming to no more than two degrees Celsius?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:56): As the honourable senator would or should know, the two per cent target is in fact a collective goal of the international community. Being responsible for about 1.3 per cent of global emissions, it stands to reason that, even if we were to reduce our emissions to zero, we would not be able to achieve the two per cent target. As a result, there will be a conference in due course in Paris, where countries from around the world will gather and seek to achieve that through combined action.

In relation to Australia’s target, which we have now indicated, we will be reducing by 50 per cent per capita our CO₂ emissions. That is the biggest effort of any country in the world. Let us put that into perspective. This is a very good achievement by Australia. It is something the Australian Labor Party should be celebrating, rather than having this ludicrous proposition—in a bid to gain Green preferences in inner-city seats—which will mug our economy and severely compromise household budgets.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (14:57): Mr President, I ask a supplementary question. Can the minister confirm that the Minister for the Environment spent $660 million to buy just 15 per cent of the required abatement to meet Australia’s 2020 emissions reduction target? How much more taxpayers’ money will be doled out to the big polluters under the coalition’s so-called Direct Action Plan—a polluter’s pot of gold—to fund the government’s new weak emissions target?
Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:58): The Australian people have a choice between that which the coalition has put out there and the Australian Labor Party, who would allow Australia's GDP to be 2.6 per cent lower in 2030, with a $633 billion cost between 2015 and 2030. I am happy to talk figures anytime.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (14:58): Mr President, I ask a further supplementary question. Is the Australian Industry Group correct to assess that it will cost between $100 billion and $250 billion to reach the new target through Direct Action?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:59): There are various cost assessments in relation to the achievement of targets, and we look at those very carefully. I would invite the Australian Labor Party to have a look at their costings—

The PRESIDENT: Pause the clock.

Senator Wong: Mr President, I rise on a point of order. There was one question, not about various assessments but about the Australian Industry Group suggesting that it would cost up to $250 billion to reach the new target through Direct Action.

Senator Ian Macdonald: What is your point of order?

Senator Wong: Thank you; I am indebted to you, Senator Macdonald. The point of order is direct relevance.

Senator ABETZ: Mr President, I have finished my answer.

Netball World Cup

Senator McKENZIE (Victoria) (14:59): My question is to the Minister Assisting the Prime Minister for Women, Senator Cash. Can the minister update the Senate on the government's involvement with the Netball World Cup competition, which commenced in Sydney on Friday?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (15:00): I thank Senator McKenzie for the question. On behalf of, I think, everybody in the chamber I congratulate the Australian Diamonds on their outstanding 10-goal win against England last night and wish them the very best for their future games in the World Cup. Last Friday I was honoured to join the Prime Minister and Minister Payne in Sydney for the opening ceremony of the 14th Netball World Cup. The Netball World Cup is held every four years and it is the premier event on the netball calendar. Sydney is this year playing host to the 16 nations playing in the tournament, which will conclude on Sunday. This is the second time this pinnacle event has been held in Sydney and the third time it has been held in Australia. It was held in Sydney in 1991 and, for the Western Australians here, we were privileged to hold the event in Perth in 1967.

The Australian Diamonds are the defending champions, having defeated the New Zealand Silver Ferns in 2011. This year's competition is truly global in nature with qualifying teams from Barbados, England, Fiji, Jamaica, Malawi, South Africa, Samoa, Scotland, Singapore, Sri Lanka, Trinidad and Tobago, Uganda—who appear for just the second time—Wales and
Zambia. The opening ceremony on Friday night was a truly spectacular event and a celebration of all things netball. It was capped off with an outstanding win by the Australian Diamonds against Trinidad and Tobago. Our Australian Diamonds are exceptional examples of elite sportswomen in Australia. They show us what can be achieved through hard work and determination, and they certainly give girls the confidence to be successful in any arena they choose. *(Time expired)*

**Senator McKenzie** (Victoria) *(15:02)*: Mr President, I ask a supplementary question—and I am sure the minister also supports the parliamentary netball team, which will be playing the New Zealand polies on Friday, though not at quite the same standard! Can the minister inform the Senate how the Netball World Cup is promoting women in sport?

**Senator Cash** (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) *(15:02)*: I think everybody here can agree that in no sport does Australia dominate like we do in netball—and in no competition do our Australian Diamonds shine like they do in the Netball World Cup. Since 1963 we have won the Netball World Cup 10 out of 13 times. That is over 75 per cent of World Cup titles. That figure would be astonishing in any other sport, but for our Australian Diamonds and our netballers it is just business as usual. We all know about netball's profile in Australia. It has the highest female participation rate of any sport in Australia with 350,000 registered players and an estimated one million players nationwide. It is without doubt a truly grassroots movement, with approximately 80 per cent of games being played at local or state clubs. I hope that in hosting this World Cup we are helping women's sport—*(Time expired)*

**Senator McKenzie** (Victoria) *(15:03)*: Mr President, I ask a further supplementary question. Will the minister inform the Senate how the government has supported the Netball World Cup and women in sport more broadly?

**Senator Cash** (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) *(15:03)*: The Abbott government recognises the importance of netball to women's sport in Australia. I am pleased to say that we have invested $3 million to assist Netball Australia in delivering a world-class Netball World Cup. We have also invested $3 million towards one of the two host venues, Netball Central, ensuring another legacy from this great event, and we have provided more than $2 million this year to support high-performance in netball through the Australian Institute of Sport. I am delighted to say that the government also provided additional funding of $300,000 to support the participation of qualified teams from Zambia, Uganda, Sri Lanka, Malawi and Samoa. During the Netball World Cup we will also be continuing to encourage kids to get involved in our new $100 million Sporting Schools program which aims to boost participation in sport.

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

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

**Answers to Questions**

**Senator Kim Carr** (Victoria) *(15:05)*: I move:

That the Senate take note of the answers given by ministers to questions without notice asked by Opposition senators today.
BAE in Williamstown this morning announced that they were shedding a further 125 jobs, bringing the total number of jobs lost since October last year to 600. The Minister for Defence put out a statement after that announcement to say that the government was disappointed by this decision but had no control over the commercial decisions of a company such as BAE. This is despite the fact that this government, upon coming to office, sent two supply vessels to be built offshore. The shipyards in either Korea or Spain—probably Korea—will benefit directly from the actions of this government at a time when the government knew that the prospects of Australian shipbuilders were bleak because contracts were coming to an end. What we have today is in example of how the government does not appreciate that its own decisions are having such dire consequences for the defence capabilities of this nation.

Last week we saw in Adelaide the Prime Minister announce that there would be a continuous build for contracts for future frigates and offshore patrol vessels. He failed to mention that his pre-election promise to build future submarines in Adelaide had been breached. What we know is that this action by the government is driven by the dire opinion polls for their Liberal colleagues in South Australia and has nothing to do with maintaining the defence industry capabilities of this nation. What we know is that the government's calculations are based on its electoral fortunes, not on the industrial needs of this nation. We are now facing a situation where shipyards like BAE will not be able to share in any of the government's announcements. The offshore patrol vessel project is due to start in 2018. The Future Frigate project is due to start in 2020. BAE's existing contracts, involving the air warfare destroyers and the landing helicopter dock ships, will be completed by the end of 2016. The yards will be empty. The direct consequence of that is that the yards will be laying people off and may well close.

What was the situation in the United Kingdom when it was faced with a similar situation under a Conservative government? Did it send its warships offshore to be built as this government has done? No, it did not. The Conservative government of the United Kingdom awarded patrol boat contracts to BAE in order to avoid a shutdown—a specific build for BAE. So the situation in this country could have been avoided. The Prime Minister has nothing to offer the 125 workers who have found out today that they are losing their jobs, just as he had nothing to offer the 600 in total since October last year. There have been no assurances for the workers at Forgacs in Newcastle or Austal in Western Australia. He has not conceded the need to have expert advice on the Future Submarines project. We are seeing a similar pattern in defence materiel purchases. We saw, for instance, in my office today employees of Workwear Group in Footscray who are facing dismissal because of this government's decisions with regard to the supply of uniforms for the ADF. The defence minister's decision will mean the loss of some 45 jobs and the closure of the factory, adding further to the loss of industrial capabilities in the defence industries. Some of these workers are visiting parliament today.

This of course reflects the pattern of decisions by this government—a government that likes to wrap itself in the flag but, when it comes to a commitment for the defence of Australia and the industrial capabilities of this nation, has nothing to say. The government is treating the Australian people as fools and as fodder in its campaign to offshore work. It is failing to fulfil its responsibilities to meet the defence procurement needs of this nation. And
the only time it changes its view is based on its electoral calculations, not on the defence capability needs of this nation.

**Senator IAN MACDONALD** (Queensland) (15:10): Senator Carr is correct when he says that this could have been avoided. It could have been avoided if the previous Labor government had done something in its six years. Instead the Labor government in the six sad years when it was in power did absolutely nothing except buy a warship from the United Kingdom. Senator Carr should remember when his government purchased the HMAS Choules from the British government. Why did they not do something then? Senator Carr is walking out the door, not interested in this debate at all. I remind the Senate that in 2012 BAE offered the then government, the Labor government, the opportunity to build supply vessels in a hybrid build—part of it in Australia and part of it overseas. What did the Labor government do with that offer from BAE? They did absolutely what they did all the way through their sad six years in office: absolutely nothing. Had they accepted that offer from BAE at the time there would be people involved in that shipbuilding at present.

The Abbott government has nothing to be ashamed of in relation to shipbuilding. Indeed, conservative governments, Liberal governments since time immemorial have built ships in Australia. I remember the patrol boats that were built in Cairns very many years ago. Senator McLucas, who is based in Cairns, will well remember this. There was a Cairns company that built those ships. They were tendering under the last Labor government for a new lot of ships. In fact they had been given the tip-off that they were going to get the contract. At least then the Labor government would have done something with shipbuilding in Australia. But what happened at the last minute? The Labor government of Queensland and the Labor government federally cut the ground from under them and refused to give them that contract—Senator McLucas: Tell the truth!

**Senator IAN MACDONALD:** as a result of which the Cairns shipbuilding industry, once very vibrant and successful and employing people, was shut down. And Senator McLucas has never criticised the Labor government for that horrendous decision that destroyed a shipbuilding industry in my state of Queensland. The coalition government is working towards a shipbuilding industry, and I am delighted that this has been done. I thank my colleague Senator Sean Edwards for his part in building this industry in Australia back up.

The motion before the chair is to take note of all Labor questions. I will briefly mention a couple of other questions that came up at question time. One of them related to the issue of emissions of carbon. I just point out to the Labor Party and the Greens, who criticise the government all the time, that it was the Howard government that committed to a target in Kyoto and that the Australian government is one of the few governments around the world that actually met and exceeded its Kyoto targets. We will do this under the plans put forward by the Prime Minister just yesterday. It is important that we concentrate on this issue. Again, we will see in Paris that Australia will make commitments that it will keep—unlike other countries, which will make commitments and not keep them, unlike the Labor Party, who will make commitments that they know they have absolutely no chance of committing to.

Finally, there was a question about same-sex marriage. I again point out to those who might be interested: unlike the Labor Party, which is directed by the unions to vote in a particular way, in the coalition we have a full debate on these issues and come to a conclusion.
that is guided not by the unions and some faceless men in the Labor Party but by the people of Australia, represented by their representatives in this parliament. *(Time expired)*

**Senator SINGH** (Tasmania) *(15:15)*: I would like to particularly take note of questions asked by Senator Wong to Senator Abetz regarding marriage equality.

To pick up on Senator Macdonald's remarks in relation to marriage equality, in fact it is the Liberal Party which is not looking at representing the people of Australia. He would know very clearly that the majority of the people of Australia want marriage equality. It is, in fact, this government that is denying that outcome.

We saw very clearly yesterday—and this came through in the opaque answer given by Senator Abetz—a Prime Minister who is actually prepared to manipulate his own party room and subvert the Liberal Party of Australia from allowing a free vote on this issue. I thought the Liberal Party supported that kind of proposition. No; of course not, because Tony Abbott, the Prime Minister, is fighting tooth and nail to remain yesterday's man, to take everyone back to the 1950s when the Australian people simply do not want to go back there. All he has done, of course, is make this an election issue when he could have given his Liberal Party members a free vote, a conscience vote, on this issue, which the Labor Party allows, so that people can vote on this issue—which is incredibly personal for a number of people in a number of opinions that the Labor Party allows, so that people can vote on this issue—which is incredibly personal for a number of people—according to their conscience. I ask Senator Abetz to answer to the nearly 2,000 Tasmanians who turned out at City Hall in Hobart last Saturday to urge the Liberal Party to allow a conscience vote.

No matter what your views are on this issue—and I understand Senator Abetz's views, as they equate to the views of the Prime Minister, and I respect the views of others on this issue—I would expect everyone to respect other people's views.

*Senator Ian Macdonald interjecting—*

**The DEPUTY PRESIDENT:** Order! Senator Macdonald, you are not in your seat.

**Senator SINGH:** Senator Abetz knows that the only way to offer that respect is to offer a conscience vote on this issue. That was denied to the Liberal Party caucus yesterday after some six hours of debate. Instead, yesterday was very much a day of disappointment, disunity, duplicity and division, all at the hands of a Prime Minister exploiting every heavy-handed tactic that he could use. To Senator Abetz and to those senators who think, for some reason, that the Prime Minister's ham-fisted approach is a good way forward for this nation, I say: times have changed, although your Prime Minister has not. Unlike the Prime Minister, Australians do recognise the dignity of this country's people by wanting all of us to have an equal opportunity to realise our dreams and have access to community life in our cultural expression, in our work and in the ambitions we can pursue. However, the legal definition of marriage, as it stands, denies same-sex couples the dignity that Australian values would rightly accord them. Currently, in our Marriage Act, the love between two people of the same gender is not worthy of the same recognition granted a relationship between heterosexual people. That institution of marriage can evolve. I believe it does need to evolve, although the Prime Minister cannot himself evolve.

The time is right. That has been evidenced by the turnout of people right across the country and by the surveys and the polls that have been done. The time is right for Australia to embrace marriage equality and leave behind that discrimination, as we have seen happen in so many other ways and in so many other countries, like Ireland, the United States and New...
Zealand. On top of that, yes, it would be good for our economy to actually have marriage equality here, rather than same-sex couples having to fly to New Zealand and New Zealand benefiting from that. It was a sad day. I hope that there is some reconsideration in the party room and that the voices of those who support marriage equality are heard loud and clear.

(Time expired)

Senator LINDGREN (Queensland) (15:20): I would like to respond to the question on the issue of climate change and the environment that was asked.

It is absolutely absurd that those opposite would attempt to bluff their way though the debate after questioning the credentials of the coalition when it comes to climate change. On this side of the chamber, we get it. We recognise that the environment is important. We just go and get the job done, ultimately in a responsible manner. Under the Labor Party, these fiscal bandits of the 20th century, emission reduction is simply about taxing mums and dads, small businesses and the great employment drivers of this country. When will the penny drop? I hear the mantra daily from those opposite: 'We are protecting jobs, we are the party that is about the worker and employment.' My bet is that the penny will never drop, because it will have already been spent on their electricity bills. It can be seen that those opposite, sadly, are more interested in stripping away employment opportunities by taxing—I say 'taxing' again, although they choose the words 'emissions trading scheme'—the people who create employment in this country.

These persistent rants about the government's credibility on emissions reductions are pie-in-the-sky fancifications, which seek to distract the public from the real truth about the deep policy void that exists within the Labor Party.

Our record speaks for itself. Australia will reduce its greenhouse gas emissions so they are between 26 and 28 per cent below 2005 levels by 2030. We will halve our per capita emissions and reduce two-thirds of our emissions per dollar of GDP—more than any other major developed country, including the EU, the US and Canada. This is a responsible and achievable target. It is comparable to the targets of other developed countries and it allows our economy and jobs to grow strongly.

The target builds on Australia's excellent record. We met and beat our first Kyoto target and we expect to do the same in 2020 through the government's Direct Action Plan. Under our guidance, Australia is making a strong credible contribution to the international effort to tackle climate change and, importantly, it is achievable and sustainable. A target of 26 to 28 per cent below 2005 levels is prudent, proportionate and stands in clear contrast to Labor's target.

Time and time again, the Labor Party seek to disparage our proud results-driven delivery on environmental issues. If they took the time to look over their shoulders at the wreckage strewn across the landscape from bungled schemes and job-destroying taxes they may, in fact, see the light. The magic light bulb, which I spoke about, that pops out when the penny finally drops may never actually occur. This is not about them or their ideologies; it is about the people in the communities of this country who just cannot shoulder any burden from a party that just does not get it.

Let us talk about job creation and job growth. The Abbott government is about job creation and job growth. Those opposite continue with their fanciful fairy tales and semantics, while
we continue to simply get on with the job. Six years of nothing—that is right—six years under Labor and they want to lay claim to being the godfathers of shipbuilding in this country when they have delivered absolutely zero. Casting my mind back to those six years, there were a lot of zeros. They came about in the way of zeros on the end of electricity bills and massive price increases to business and households from the carbon tax—a tax that destroyed jobs and growth across this nation. And, lo and behold, what is the Labor Party offering up as an entree at the next election? Another carbon tax and job desecration. We on this side of the House are the friend of the worker, the friend of business and are the party that provides the platform and environment for jobs growth. This party—and not those opposite—are champions in the House of job growth. Those who sit opposite are fiscal bandits; they just do not get it. Their idea of job creation is tax, tax, tax. Time and time again, we just keep cleaning up their mess. We could go on and talk about our achievements—there are many of them. But let us just remind those who sit across from us: we just keep cleaning up your mess.

Senator GALLAGHER (Australian Capital Territory) (15:25): I rise to take note of the answer given by Senator Abetz this afternoon to Senator Wong on marriage equality. The talk of the nation today, again, is about marriage equality, the unfinished business that lies before the nation around ensuring that we end discrimination against same-sex couples on the ground of marriage.

Again, it is a water-cooler discussion and the subject of the day because the current government is absolutely determined to do absolutely everything it can to prevent Australians achieving equality before the law.

Marriage equality really is a simple issue. It is an issue about love, about inclusion and is centred on ending discrimination. It has been some time since we have seen an issue like this that has created the level of division and disunity amongst the Liberal-National coalition. Yesterday, people around the country could watch on their social media accounts and the media on TV a six-hour extraordinary meeting of the coalition party room. The whole point of this meeting, it seems, was for the Prime Minister to ensure that his position became the majority one and that all coalition members were bound to accept his conservative view on this subject, despite at least one-third of his team wanting a free vote.

Last year the ACT government attempted to end discrimination for same-sex couples who wanted to get married. I reflect on this, having been the Chief Minister at the time. Marriage equality was achieved, albeit for a short time—seven days—when the laws were challenged and the High Court overturned those laws. It was always a risk, as we were passing the marriage equality laws, that the High Court would find that they were unconstitutional. However, we pressed on because we felt that ending discrimination for same-sex couples in the ACT was important and that every attempt should be made to achieve it. The result was disappointing in the sense that the laws were overturned. But one thing it did provide was a High Court decision that found, without doubt, that the only place that this question could be resolved was in the federal parliament. Whilst for the last 10 years state and territory legislatures have amended their statute books, as has the federal parliament, to end discrimination on the ground of sexuality in a whole range of areas, whether it be in areas like access to superannuation in local or state and territory governments or areas like adoption, all of those laws have been passed and attempts at various levels have been made around civil unions and civil partnerships. But every one of these stopped short of actually achieving
marriage equality. The decision by the High Court made it very clear that only the federal parliament could resolve this and that it had jurisdiction on this matter. Since that High Court decision, every attempt to pursue this matter has been rejected, refused and blocked by this government.

Yet last night, I think it is fair to say, the hearts of those who support marriage equality and those who want to see it debated and people given the opportunity to vote with their conscience went out to all of those young gay and lesbian couples and individuals who, quite properly, felt that the Prime Minister of this nation and the party who support him are prepared to treat them like second-class citizens for at least the next year and then for several years after that, whilst they refine their position on a plebiscite. And let's be clear that the plebiscite is being used as a softener to try to ameliorate the backlash that is, quite rightly, coming from those who support marriage equality, who are railing against the decision of yesterday. This is the placation and the softener. The government say, 'We're sorry, we don't want to see you have marriage equality, but we're going to give you this faint hope that, in a couple of years, we'll get around to having a plebiscite after we've had our other plebiscites on it. Then we might listen to you.' It is not good enough. The campaign will not go away. People will maintain the campaign. (Time expired)

Question agreed to.

Marriage

Senator RICE (Victoria) (15:31): I move:

That the Senate take note of the answer given by the Minister representing the Prime Minister (Senator Abetz) to a question without notice asked by Senator Rice today relating to marriage equality.

I was very saddened by the response that we got from Senator Abetz and his decision to focus on the technicalities of whether what happened in their party room yesterday amounted to denying their members a free vote or not, rather than go to the crux of the issue and what the result of that decision of their party room actually means to thousands and thousands of Australians who are suffering discrimination and are not being treated as citizens equal to the rest of us. I was saddened by the total lack of care, the lack of compassion and the inability to listen to the people concerned. There are real people involved in this debate—real people who are suffering discrimination—whose voices are not being heard by this government. It is a very callous approach, denying the reality of what delaying the achievement of marriage equality in Australia means to thousands of gay, lesbian, bisexual, transgender and intersex Australians and their families. And it is just a delay; it is just dragging our heels, lagging behind the rest of the world—because we know that eventually love is going to prevail. We will eventually get marriage equality, but there is this unnecessary delay that, because of yesterday's decision of the Liberal-National party room, people are being put through.

There is the person I mentioned in my question today, Gerard, who called in to ABC Radio this morning. At 62 and not in good health, he was despairing that he was not going to be able to solemnise his relationship with his partner because of this delay. There are people like a young man whom I met this year, Harry. Harry is 17 and a young gay man. He has a teacher who is gay and who, he said, is very fortunate to have developed a very caring relationship with and who can help him through the issues and the discrimination that he is facing. He has uncles who cannot marry like his other uncles. These are the messages being sent by this government that these people are all second-class citizens.
I think of another young friend, Sean, who has just got engaged to his partner and wants to marry. He was hoping that we would be able to take another step forward to them being treated the same as the rest of us—normal—where it does not matter whether you are lesbian, gay, bisexual, transgender or intersex, you are just treated as a normal person, able to share in the symbols, the traditions and the culture of our society. But no. Think of the impact it will have on people like my wife, Penny. Penny and I are married, but it means that Penny cannot change her birth certificate to say that she is female because, if she were to change her birth certificate as a transgendered person, we would have to get divorced. They are the implications of not having marriage equality in this country. There are real people who are suffering discrimination. Huge mental health issues are associated with this. We know the huge benefits for the wellbeing of thousands and thousands of Australians that would be achieved as soon as we attain marriage equality in Australia.

The other part of Senator Abetz's response to my question today which I was astounded by was his dismissal of the visit this morning by the members of the clergy who presented to parliament. He dismissed them as 'just some' members of the clergy. The members of the clergy who were at the parliament today represent Australian Christians for Marriage Equality and they said, in the letter that they presented to parliamentarians today, that 'the voices of Christian people who support marriage equality are often lost in the public conversations' and that 'the Christian organisations that advocate the ongoing exclusion of GLBTI people from the rights and responsibilities of civil marriage do not represent the views of the majority of Christians'. Fifty nine per cent of Australian Christians support marriage equality. Amongst Roman Catholics, they told us, 67 per cent support it. There were many of those clergy members here this morning, and they presented this letter, which was signed by over 100 members of the clergy from all around Australia and from all Christian faiths—Anglican, Salvation Army, Uniting Church, Baptist and Metropolitan Community Church. There is wide and broad support from the Christian community. For them to be dismissed by the government today is an appalling lack of representation. (Time expired)

Question agreed to.

NOTICES

Withdrawal

Senator XENOPHON (South Australia) (15:36): Sadly, I withdraw business of the Senate notices of motion Nos 1 and 3 standing in my name for today.

Presentation

Senator Singh to move:

That the Senate—

(a) notes that:

(i) on 6 August and 9 August 2015 many organisations and individuals around Australia held vigils and events to mark the 70th anniversaries of the atomic bombings of Hiroshima and Nagasaki, and

(ii) despite the end of the Cold War more than two decades ago, there are still close to 16 000 nuclear weapons in the world today, including an estimated 1 800 kept on high-alert status; and

(b) welcomes:

(i) the three conferences convened since 2013 by the governments of Norway, Mexico and Austria on the humanitarian impact of nuclear weapons, which the Australian Government attended,
(ii) the Humanitarian Pledge, endorsed by 113 nations, to identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons, and

(iii) the growing movement of nations supporting the negotiation of a global treaty banning nuclear weapons.

**Senator Rhiannon** to move:

That the Senate—

(a) notes that:

(i) the Abbott Government’s attempts to deregulate university fees and slash public funding to higher education have been defeated twice in the current Parliament,

(ii) the Minister for Education and Training (Mr Pyne) has so far spent $150 000 of public money hiring a private consultant to conduct parliamentary negotiations on his behalf, and

(iii) this spending is a significant waste of public resources at a time when the Government is inflicting huge cuts to public services such as health and education; and

(b) calls on the Abbott Government to stop wasting public resources in its attempts to wreck public higher education in Australia.

**Senators Leyonhjelm and Day** to move:

That the following bill be introduced: A Bill for an Act to amend the *Fair Work Act 2009*, and for related purposes. *Fair Work Amendment (Penalty Rates Exemption for Small Businesses) Bill 2015*.

**Senator O’Sullivan** to move:

That the Senate—

(a) notes:

(i) that the Tasmanian specialty timber industry accounts for over 2 000 full-time equivalent jobs, thousands more part-time hobbyists and contributes over $70 million a year to the state’s economy,

(ii) the support of both the Tasmanian Premier (Mr Hodgman) and the Leader of the Opposition (Mr Green) for the long-term sustainability of the iconic specialty timber industry, and

(iii) that the Australian Greens and the Australian Labor Party previously supported the continued low impact harvesting of special species timber in the 2013 extension of the Tasmanian Wilderness World Heritage Area; and

(b) calls on the Australian Greens to abandon their policy backflip and work with the Tasmanian Government to protect the future of the mostly small-scale businesses that produce high value products that embody the essence of Tasmania’s culture and history.

**Senator Xenophon** to move:

That the following bill be introduced: A Bill for an Act to amend the *Parliamentary Entitlements Act 1990* and other legislation, and for related purposes. *Parliamentary Expenses Amendment (Transparency and Accountability) Bill 2015*.

**Senator Muir** to move:

That the Senate—

(a) notes that:

(i) the Adler A110 lever-action shotgun is currently a Category A firearm,

(ii) lever-action shotguns similar to the Adler A110 currently exist and are in the possession of law-abiding firearm owners in Australia,
(iii) the decision by the Government to temporarily suspend the importation of the Adler A110 lever-action shotgun was taken without consultation with the firearms industry, or the 800 000 plus law-abiding recreational firearm owners, and

(iv) the firearms and hunting industry contributes over $1 billion annually to the Australian economy; and

(b) welcomes the Government’s announcement which will ensure licensed firearms users and industry representatives have meaningful input into the review of the technical aspects of the National Firearms Agreement.

Senator Waters to move:
That the Senate—

(a) notes:

(i) the fact that the southern cassowary is listed as endangered under the Environment Protection and Biodiversity Conservation Act 1999, and that estimates of the remaining population range from 1 000 to 4 000 individuals,

(ii) the recovery plan for the southern cassowary, published in 2007, which estimated a total cost for recovery of the southern cassowary of $994 000 over 5 years, including $50 000 for a cassowary rescue program, and

(iii) the funding uncertainty surrounding the Garners Beach Cassowary Rehabilitation Centre, which has reportedly seen local vets instructed to euthanase injured adult cassowaries and their then-orphaned chicks, rather than sending them for care in the Centre; and

(b) calls on the Federal Government to:

(i) urgently update the recovery plan and ensure that it is implemented, including by prioritising habitat protection and restoration, allocating adequate funding for reducing vehicle strikes, protection from predation by dogs, rehabilitation and protection from other threats, and

(ii) work with the Queensland State Government and urgently consider providing federal funding to allow the Garners Beach Cassowary Rehabilitation Centre to remain open to rehabilitate orphan cassowary chicks, and to expand its operations to enable injured adult cassowaries to be cared for.

Senators Madigan and Xenophon to move:
That the Senate notes the importance of an automotive transformation scheme to Australia’s economic prosperity and development.

Senator Siewert to move:
That the Senate—

(a) welcomes the $9 million for Purple House to deliver dialysis services in Alice Springs and remote communities in Central Australia, and the $10 million in accommodation infrastructure funding;

(b) congratulates the advocates who have ensured that dialysis accommodation funding, which was first promised in 2011, has finally been delivered to remote communities;

(c) urges the Federal Government to work closely with the Northern Territory Government to ensure that the renal infrastructure funding is quickly translated into outcomes for remote communities; and

(d) calls on the Federal Government to ensure remote communities in the north of the Northern Territory are resourced to meet their need for on-country dialysis.

Senators Ludlam and Sterle to move:
That—

(a) the Senate notes the failure of the Minister representing the Minister for Infrastructure and Regional Development to comply with the order of the Senate of 10 August 2015, namely for all documents
relating to the Infrastructure Australia evaluation of the Perth Freight Link and the business case presented by the Western Australian Government and related documents; and

(b) resolves that the decision to commit funding to the Perth Freight Link project be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 26 November 2015, with particular reference to:

(i) the decision-making process that led to the announcement that the Perth Freight Link would receive Commonwealth funding,

(ii) the information relied upon by state and Commonwealth governments informing the decision to fund this project,

(iii) the importance of transparency of decision-making in relation to infrastructure decisions,

(iv) evaluation of options for managing growth in the Perth freight task, and

(v) any related matters.

Senators McAllister and Edwards to move:

That—

(a) the Senate notes that, although the increasing participation of women in the workforce has contributed significantly to Australia’s economic productivity and to women’s financial independence, significant socio-economic disparity remains between men and women, illustrated by the pay gap between men and women which sits at 18.8 per cent and the gap in superannuation at retirement is 46.6 per cent; and

(b) the gender retirement income gap be referred to the Economics References Committee for inquiry and report by the first sitting day in March 2016, with particular reference to:

(i) the impact of inadequate superannuation savings on the retirement outcomes for women,

(ii) the extent of the gender retirement income gap and causes of this gap, including the gender pay gap and women’s caring responsibilities,

(iii) the effect of any structural inequities in the superannuation system,

(iv) the adequacy of the main sources of retirement income for women, and

(v) what measures would provide women with access to adequate and secure retirement incomes; including:

(A) assistance to employers to assist female employees’ superannuation savings, and

(B) Government assistance, with reference to the success of previous schemes.

BUSINESS

Leave of Absence

Senator McEwen (South Australia—Opposition Whip in the Senate) (15:37): by leave—I move:

That leave of absence be granted to Senator Peris for today, for personal reasons.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

Government business notice of motion no. 1 standing in the name of the Assistant Minister for Social Services (Senator Fifield) for today, proposing the introduction of the Aged Care Amendment (Independent Complaints Arrangements) Bill 2015, postponed till 13 August 2015.
MOTIONS

Trade

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (15:38): I seek leave to amend general business notice of motion No. 793.

Leave granted.

Senator O'SULLIVAN: I move the motion as amended:

That the Senate:

(a) notes that:

(i) the opportunity now exists for Australian mango growers – a $110 million a year industry that produces the best mangoes in the world – to nominate for export to lucrative markets such as the United States of America, China, Japan and Korea,

(ii) a key to increasing farm gate returns for Australian producers is through creating new trade opportunities for Australia’s agricultural sector, and

(iii) since September 2013, the Government has achieved 42 key market access gains or restorations of suspended markets, and 14 key market access improvements or actions to maintain market access; and

(b) calls on the Australian Greens to reconsider their opposition to free trade agreements, placing in jeopardy Australian producers’ access to new markets and the growth of primary production export industries.


The PRESIDENT: Leave is granted for one minute.

Senator WHISH-WILSON: Mr President, this is a dog whistle. This is nothing short of an attempt to wedge the Greens, because we have been doing some fantastic work on so-called free trade deals. Unfortunately, Senator O'Sullivan, through you, Mr President, there is no such thing as a free trade agreement. The Greens believe in fair trade, that is fair trade for cattlemen, fair trade for producers in this country, fair trade for workers and fair trade for the environment.

We are the only ones who have been raising issues on what is in the national interest. What is in the national interest of these so-called free trade deals? We are not anti-trade all. Let us make that very clear. The Greens support fair trade. Unfortunately, as the Senate has recommended, the parliamentary system, the treaty process in this country, is broken and desperately needs reform. There is no evidence at all that these so-called free trade agreements are going to benefit agricultural producers. This is purely a dog whistle. (Time expired)

Senator XENOPHON (South Australia) (15:40): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator XENOPHON: It pains me to say so, but I cannot support Senator O'Sullivan. It is not because I do not support the mango industry, which is a wonderful Australian industry. Simply attaching a subparagraph at the end of that motion saying that if you oppose a free trade agreement you oppose the mango industry is, I suggest, not a fair way of putting the question. I support free trade agreements but I do not support Australia's sovereignty being compromised, and that is something I am happy to discuss with Senator O'Sullivan, who I
have great respect for. The ISDS clauses do compromise Australian sovereignty, and I just want to set my concerns about the motion, commend Senator O'Sullivan for his passionate advocacy of Australian agriculture, in particular the mango industry, but note that clause (d) is a deal breaker.

Question agreed to.

**Beef Industry**

**Senator WILLIAMS** (New South Wales) (15:41): I, and also on behalf of Senators Canavan, O'Sullivan, McKenzie and Day move:

That the Senate notes that:

(a) the beef industry is worth $8.5 billion to Australia;
(b) a report released by the Australian Bureau of Agricultural and Resource Economics and Sciences [ABARES] shows that farm incomes are increasing for Australia’s beef producers;
(c) beef producers in northern Australia have enjoyed a 98.1 per cent increase or around 50 per cent above the average for the previous 10 years;
(d) beef producers in southern Australia have seen their farm cash income increase from $38 100 a farm in 2013-14 to $64 000 a farm in 2014-15;
(e) increases in the numbers of cattle sold for live export and higher prices have resulted in the farm cash income in the northern live cattle export region increasing from an average of $143 000 in 2013-14 to $277 000 in 2014-15; and

(f) that the Australian Government’s free trade agreements with China, Japan and Korea, combined with the live cattle trade negotiations with China, ensure a strong and prosperous future for the beef industry.

**Senator WHISH-WILSON** (Tasmania) (15:41): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

**Senator WHISH-WILSON:** Thank you, Mr President. The major problem we have with this motion is the word 'ensures' which indicates that these free trade agreements, which we are signing up with in our region at a rapid rate, are somehow going to ensure the prosperity of our beef industry. I have in my hands a chart, a piece of paper that I would be quite happy to table, of how our six-monthly exports have fallen to the lowest level in five years since we signed the Korean deal, since we were told it was going to be good for our agricultural exporters and since we were told it would be urgently needed to pass through JSCOT and this parliament. It is absolute rubbish, Senator Williams. These things have always been oversold and have always under delivered. If you want to help the beef industry in this country then get behind the Senate recommendations to fix the grass-fed levy in this country. Senator Joyce, previously, had done absolutely nothing for cattle producers in this country. If you really cared about it your government would do something about it— *(Time expired)*

Question agreed to.

**COMMITTEES**

**Joint Standing Committee on Electoral Matters**

**Meeting**

**Senator McEWEN** (South Australia—Opposition Whip in the Senate) (15:43): At the request of Senator Brown, I move:
That the Joint Standing Committee on Electoral Matters be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 9.40 am to 11 am, as follows:
(a) Wednesday, 12 August 2015;
(b) Wednesday, 19 August 2015;
(c) Wednesday, 9 September 2015;
(d) Wednesday, 16 September 2015;
(e) Wednesday, 14 October 2015;
(f) Wednesday, 11 November 2015;
(g) Wednesday, 25 November 2015; and
(h) Wednesday, 2 December 2015.
Question agreed to.

MOTIONS

Netball World Cup

Senator McKENZIE (Victoria) (15:44): I, and also on behalf of Senators Cash, Wong, Fierravanti-Wells and Hanson-Young, move:
That the Senate—
(a) notes:
(i) that netball is the largest female community-based sport in the world, with more than 70 nations competing and more than 21 million participants,
(ii) that netball is ranked as the leading women’s participation team sport in Australia for 15-24 year olds, boasting more than 350 000 registered members with an estimated 1.2 million people nationwide who are involved in the game as players, umpires, coaches and administrators,
(iii) the important role netball plays in empowering young women and girls through competitive sport and teamwork,
(iv) that the Netball World Cup is being held in Sydney, from 7 to 16 August 2015, with 16 nations playing a total of 64 matches over 10 days,
(v) that Australia has a strong record of success in World Cup matches, winning the sport’s first gold medal in 1963 as well as a total of 109 of its 116 World Cup matches, and securing a record 10 World Cups, and
(vi) that the Australian Government invested $300 000 to support the participation of qualified teams from Zambia, Uganda, Sri Lanka, Malawi and Samoa at the 2015 Netball World Cup, removing the financial barriers for these nations to ensure they can compete in Sydney; and
(b) wishes:
(i) the Australian Diamonds, led by captain Ms Laura Geitz and coach Ms Lisa Alexander, great success as they chase a record 11th World Cup in Sydney, and
(ii) a successful and enjoyable World Cup for Australia and the 15 other competing nations.
Question agreed to.

Deaths in Custody

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:47): I move:
That the Senate—
(a) notes:

(i) with sadness that 4 August 2015 marked one year since the death of Ms Dhu in police custody in Western Australia, and

(ii) that the inquest into Ms Dhu’s death still has not occurred and will not until the end of 2015, and that meanwhile fine defaulters are still being gaol in Western Australia; and

(b) calls on the Federal Government to continue to work with its state and territory counterparts to implement the remaining recommendations from the Deaths in Custody report.

I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator SIEWERT: I would like to inform the chamber that three other Aboriginal people have died in custody since Ms Dhu's death and that there is yet to be an inquest into the deaths of those three Aboriginal people or a date set for their deaths. Ms Dhu is one of a large number of Aboriginal and Torres Strait Islander peoples who continue to die in custody and, because people do not necessarily know how to raise the issue, their deaths, unfortunately, are not being followed up by inquests. It is really important that we recognise that fact.


The PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: The government does take all deaths in custody seriously. State and territory governments are responsible for both corrective services and the investigation of deaths in custody. The West Australian government has announced the commencement of an inquiry into the death of Miss Dhu, and it would be inappropriate for the government to discuss the case while an inquiry is underway.

Question agreed to.

DOCUMENTS
Higher Education
Order for the Production of Documents

Senator RHIANNON (New South Wales) (15:47): I move:

That there be laid on the table by the Minister representing the Minister for Education and Training, no later than 11 am on Wednesday, 19 August 2015, all documents held by the Government in relation to the modelling or costings of impacts of the Government’s proposed changes to higher education or funding for students, universities or other related changes regarding higher education not previously provided to the Senate, including but not limited to:

(a) the impact of removing caps on university fees charged to students;

(b) calculations of the potential impact on student fees, accumulated student HELP debt and loan costs, and interest rates where applicable;

(c) the effects of accumulated fee and loan costs for female graduates over their working lives;

(d) the level of public funding to public and for-profit higher and VET education providers, including potential cost of cuts for individual institutions;

(e) cuts to course funding; and

(f) the assessment of impacts of deregulation and funding on regional public universities; and
(g) access by lower income, regional and other students suffering disadvantage to a full choice of university courses.


The PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: The government does oppose this motion. The Administrative Appeals Tribunal has found that release of documents prepared as part of deliberative processes during the development of government policy on higher education would at this time be contrary to the public interest.

Question agreed to.

MOTIONS

Leadbeater's Possum

Senator RICE (Victoria) (15:48): I move:

That the Senate—

(a) notes that:

(i) in April 2015, the Minister for the Environment up-listed Victoria’s animal emblem, the Leadbeater’s Possum, to critically endangered which is one category level prior to becoming extinct in the wild,

(ii) the ‘Threatened Species Strategy Action Plan 2015-16—20 mammals by 2020’ released by the Government on 16 July 2015 states that emergency intervention is required for this species, and

(iii) the scientific evidence states that the main threats to the Leadbeater’s Possum habitat are native forest logging and fire, and that fire risk is exacerbated by logging activity; and

(b) calls on the Government to:

(i) take urgent action to immediately protect the Leadbeater’s Possum from extinction, including:

(A) immediately listing the montane ash forests of the Victorian Central Highlands on the Register of Critical Habitat, and

(B) working with the Victorian Government to implement an immediate moratorium on logging in the native forests of Victorian Central Highlands, while the taskforce considering the future of logging in these forests carries out its investigations, and

(ii) scrap the Regional Forest Agreement which entrenches industrial scale clear fell logging in these forests.


The PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: As you know, Leadbeater's possum is Victoria's animal emblem. It is important not to confuse it with Victoria's marine faunal emblem, the weedy seadragon, or Victoria's bird emblem, the helmeted honeyeater. I can share with colleagues that Minister Hunt is already taking emergency action to protect Leadbeater's possum. On 16 July 2015 he launched Australia's first threatened species strategy, which set out specific actions and targets to turn around the decline of 20 mammals, including Leadbeater's possum, by 2020. We have committed over $110 million towards threatened species conservation, including to help Leadbeater's possum. The government looks forward to continuing to work with the
Victorian government on a new recovery plan for Leadbeater's possum that will detail further actions to turn around the species's decline. The government supports regional forest agreements, as they balance the environmental, social and economic objectives for native forest management.

Question negatived.

**MATTERS OF PUBLIC IMPORTANCE**

**Climate Change**

_The President (15:50):_ I inform the Senate that at 8:30 this morning Senators Moore and Siewert each submitted a letter in accordance with standing order 75, proposing a matter of public importance. The question of which proposal would be submitted was determined by lot and, as a result, I inform the Senate that the following letter has been received from Senator Siewert:

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

The Abbott Government's weak and dangerous carbon pollution reduction targets.

Is the proposal supported?

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

I understand that informal arrangements have been made for today's debate allocating specific times to each of the speakers.

With the concurrence of the Senate, I would ask the clerks to set the clock accordingly.

_Senator Di Natale (Victoria—Leader of the Australian Greens) (15:51):_ Again it is with great disappointment that I rise for the second time today to speak on an issue on which this Prime Minister has failed the nation. He has failed to show the leadership that is necessary to tackle the great issue of our generation—that is, the issue of catastrophic global warming. He has failed to show any respect for the great body of scientific evidence that demonstrates the need for urgent action. He has failed to acknowledge the community view that has shifted so profoundly since he has taken office, in which there is a great demand from the community for their political leaders to show action on climate change. It is because of that failure that we were treated yesterday to the spectacle that was the announcement of this government's climate change targets. We were bamboozled by graphs and power point presentations from the Minister for the Environment, Greg Hunt, in this Svengali-like presentation—Al Gore it was not—in which he tried to confuse and obfuscate the issue of what Australia is doing in order to tackle the great issue of our generation. It was a deliberate change of tack.

Until recently, climate change was 'absolute crap', according to the Prime Minister, who described himself as a weather vane on the issue. Of course, the many climate change sceptics within the coalition were egging on the Prime Minister to do nothing but he knew he could not go out there and maintain what this government has done since it has taken office—that is, to sit on its hands, to do nothing. He knew that he had to give the impression of action when the reality was that they would do nothing. So this was a political fix designed to convince the Australian public that the government had learnt that it was important now to
start taking global action on the issue. But what it did was tricky, it was deceptive and it was misleading because it tried to give the impression that somehow Australia was in the middle of the pack when it came to tackling the issue. Instead, with some closer scrutiny of those numbers, we learnt that the baseline the government chose was the baseline when Australia was a significant contributor to global carbon pollution. He chose that 2005 baseline very deliberately and then tried to compare how we were acting with the rest of the world, not comparing like with like but using different starting points and, in some cases, a different end point.

The simple fact is this. Before the announcement yesterday, Australia was the world's biggest greenhouse gas polluter per capita— anywhere in the world. Yesterday's announcement does not change that. Tomorrow, the next day and well into the next decade we will continue to be the world's biggest greenhouse gas polluter per capita. We will continue with that unenviable record and at a time when we are desperate for the transformation that is necessary in our economy to decouple economic prosperity with carbon pollution, we have a government which has hitched its wagon on a business model which belongs in the last century, not in this century. Yesterday's announcement has deprived this country of its potential—the enormous potential that exists in the renewable energy industry, the enormous potential that exists in making the transformation away from those energy-intensive, polluting industries that belong in another era, with those pollution-free, jobs-rich industries which this country must adopt if we are to create economic opportunities and jobs for this generation and for generations to follow.

The good news is we can change this. We can these measly targets. We can ensure that over the coming decades we take the action that is absolutely necessary. We now know that we have significant segments of the business community behind us, we have significant segments of the scientific community behind us and, most importantly, we have the community behind us.

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (15:56): I rise to speak on this matter of public importance. I disagree fundamentally with the arguments Senator Di Natale has made in relation to the target set by this government and to the motion before the chamber. We have outlined a strong, credible and responsible target. It is a very clear target that sets Australia not as a lagger, nor as a leader, but as one of the responsible citizens of the world, complementing and comparable to the rest of the world.

Our target, that Australia will reduce its greenhouse emissions by 26 per cent from 2005 levels by 2030 and by up to 28 per cent should circumstances permit, is a very appropriate target. It is especially appropriate and in fact is world leading when you shift beyond looking at the raw figures to look at the relativities of its impact on a per capita basis or on an economic basis. Our target will see per capita emissions at least 50 per cent lower than by 2030. Emissions per dollar of GDP will be at least 64 per cent lower. In terms of emissions intensity reductions around the world, the target the Abbott government has set is the largest for any developed country. This is a target range that people should strongly support. It has been set by a government that has put in place the policies to meet our current 2020 target of five per cent reduction, which we will meet, which we may well exceed and, as a country, will be another demonstration that when Australia makes a promise and a commitment in relation to emissions reduction targets we will deliver on it. That is not the
case for every other country around the world but when Australia made a commitment in
relation to the Kyoto protocol, we delivered on it without a carbon tax. When we make a
commitment in relation to 2020, it is one we will deliver on and without the need for a carbon
tax because we can deliver with the sound policies that achieve effective reduction in our
emissions profile at appropriate low cost to our economy.

I look forward in this debate to hearing the Labor Party's position. Are they committed, as
indeed their party platform indicates, to a 40 per cent to 60 per cent target for reductions? Is
that the Labor Party's policy? It is certainly what the platform indicates, so we assume that
indeed that is the range the Labor Party supports.

If that is the case, we know from modelling that the Labor Party themselves had done when
they were in office that it will deliver a $633 billion hit to the Australian economy. It was
modelling produced for the then Labor government by the Climate Change Authority,
established by the then Labor government. Effectively, it is their modelling and it
demonstrates that the type of target range they are talking about would result in a fall of per
capita national income in the order of six per cent—a six per cent reduction in per capita
incomes! It would see a reduction in the order of $4,900 in take-home pay, and to be met it
would require a carbon price of more than $200 per tonne.

We think that a responsible target is one that sets Australia to play its part on the world
stage, to make a sensible contribution in Paris and to make a sensible contribution in
achieving the right outcomes in addressing climate change, but which is not one that provides
an excessive impact on Australia's economy, on the competitiveness of Australian businesses,
on jobs and, of course, on the cost of living for Australian households.

We are committed to meeting this target by building on our existing successful policies.
Our Direct Action plan is proving successful and is delivering emissions reductions that will
meet our 2020 targets, and it can be part of the package of measures that will meet our 2030
targets. The very first auction of the Emissions Reduction Fund secured 47 million tonnes of
abatement. That is a great result but, most importantly, it secured that at a price far below the
Labor Party's price for their carbon tax at a much cheaper cost to the Australian economy and,
in fact, is an investment in making sure that Australian businesses who are most able, cost
effectively, to reduce their emissions are the ones who are supported to do so.

We stand by a policy of this nature—the Emissions Reduction Fund—as a way to continue
to achieve the reductions required. In contrast, those opposite want to bring back the carbon
tax on which they were so roundly rejected at the last election. Labor propose a carbon tax
that, to meet the targets that are set out in the platform that they signed up to at their recent
national convention, would see enormous prices and a far greater impact on the Australian
economy, on the cost of living and on the competitiveness of Australian businesses than has
been the case under their previous tax. It is remarkable that they were rejected by the
Australian voters for having a carbon tax of $24.15 and yet their proposal is now to have a
carbon tax that, to meet the targets they are talking about, would have to skyrocket to some
$209 per tonne—$209 per tonne!

The Labor Party's impact on Australian households of that order would be enormous. The
impact would be in terms of lower wages, lower incomes and a lower GDP—a GDP that
would be 2.6 per cent lower in 2030 than would otherwise be the case. Compare that with the
target range that our government has committed to, which has a GDP impact in the order of
0.2 to 0.3 per cent, but which still sees us signing up to contribute in the range that puts us as a leader in terms of per capita reductions and reductions on the basis of GDP, and in the middle of the pack in doing more than Korea and Japan and comparable amounts to other countries.

Frankly, I am staggered that the chamber can be debating a motion that is critical of the target that Australia has set under the Abbott government and will take to the Paris discussions, because our target is one that everybody in this chamber should be very supportive of and should recognise as a strong target—an ambitious target, but an economically responsible target as well. It is a target that, as a country, we are well placed to meet and that we will meet, as we have done before.

But, instead—of course—we have this carping from the Greens. The Greens, we know, would not have been happy with any target set in relation to climate change reduction. They would have expected, I am sure, and would only have supported complete elimination of emissions and economic activity. And even that probably would not have been enough for them. So maybe I should not be surprised that they put this motion forward. But I do look forward to those opposite and their contributions on this motion, because they need to give clarity in this debate about whether they support the position that this government will take to Paris or whether they support the position in their policy platform of a 40 to 60 per cent reduction range by 2030.

Their position on that will dictate what their carbon tax actually is under the models they are talking about. It will dictate just how high that carbon tax has to go and it will therefore dictate what the impacts on Australian households and the economy will be. So I look forward to Labor being crystal clear with this chamber and in this debate about where they are going. The Abbott government has been clear: we have outlined a target that is competitive in the world and that puts us in good stead to go to Paris and make a sound-- (Time expired)

**Senator LINES** (Western Australia) (16:06): I know the Abbott government have been dealing with their own internal chaos with the marriage equality question over the last few days—they spent six hours yesterday trying to come up with a position, only to come up with the same position they have always had—but I am very surprised to hear Senator Birmingham ask if Labor has been crystal clear, or if we are going to be crystal clear, on clean energy and climate change. I can tell him that we have been nothing but crystal clear. Our leader, Mr Shorten, and our shadow environment minister, Mr Butler, were out there way before our national conference, putting Labor's position loud and clear on clean energy and on climate change. We are not the climate sceptics; they are on the other side of the chamber.

At our national conference we were very clear on what we would achieve in government. And we have been very clear since the national conference. So I appreciate that there are issues within the Abbott government—that the cabinet was split yesterday on the issue of marriage equality—but I still do not believe, even with all of that chaos and dysfunction, that Senator Birmingham managed to miss Labor's very clear statements that were made way beyond our national conference, putting Labor's position loud and clear on clean energy and on climate change. We are not the climate sceptics; they are on the other side of the chamber.
Now more than ever Australia needs a government that looks to the future, not one that looks to the past. Their position on marriage equality looks to the past; 'direct action' looks to the past; and a range of their other policies look to the past. Even in question time today we had Senator Cash proudly talking about how Western Australia held the netball championships in 1967! It is just indicative of the Abbott government that everything is about the past.

The Abbott government attacks industries and closes them down. Labor's strategy, the strategy we have been loud and clear about, involves growing industry and creating more jobs while fostering a cleaner environment. This requires a long-term vision, which is something the Abbott government, as a backward-looking government, is incapable of delivering. We need a government that can understand the changes needed to secure Australia's prosperity into the future. Again, this is not an attribute of the Abbott government.

One of the biggest changes impacting our economy will be climate change. We know the number of climate sceptics there are within the Abbott government—including the Prime Minister himself. Climate change is driving the most profound restructuring of the world economy this century. I have never heard the Abbott government acknowledge that that is what is driving the world economy, that profound change that is climate change. And what about the transition from fossil fuel based energy to renewable energy? All we hear them say over there is 'coal is good'. It is not a theoretical exercise. It is happening right now. Labor understands the fundamental importance of this transition and the massive opportunities it brings. Only Labor in government will put a strong renewable energy sector at the centre of Australia's response to the challenge of climate change. Our policies will create jobs. They will drive investment and push down power bills for families and small business. The Abbott government has done everything in its power to try and destroy Australia's share in one of the world's fastest-growing industries, with devastating consequences for our country. Mr Abbott has undermined the Small-scale Renewable Energy Scheme and the large-scale renewable energy target. There is no debating that. That is exactly what he has done.

Mr Abbott wants to abolish the highly successful and innovative Clean Energy Finance Corporation. Mr Abbott and his government also want to abolish the Australian Renewable Energy Agency, destroying our substantial R&D successes. With his Treasurer, he has made embarrassing statements about the aesthetics of renewable energy. Who could forget wind turbines being described by the Treasurer as 'utterly offensive'. I can think of many things that are utterly offensive; wind turbines are not one of them. 'Ugly and noisy' and 'visually awful' is how the Prime Minister described wind turbines. No wonder no competent person believes anything this Abbott government has to say on climate change.

Thank goodness we have more sensible people such as Senator Birmingham. Unfortunately he has to toe the Abbott government line, but how embarrassed was he today when he got that question on wind turbines! He shifted around and gave a complete non-answer because he does not believe the nonsense we hear about wind turbines from those opposite.

Transitioning electricity generation to renewable energy is also critical to dealing with carbon pollution. I was very proud when I heard Mark Butler say that a Labor government would undertake a full-scale first-of-its-kind complete review of the energy sector in Australia. It is long overdue. It is not something you hear from the Abbott government. They
hide their heads and think that electricity is okay and that we will be able to generate electricity from coal forever. We will undertake that review because only Labor in government is committed to clean energy, to addressing climate change and to making Australia a better place to live in. We will do that, while respecting good jobs, respecting the role of trade unions and respecting the role of business. Thank you.

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (16:13): I rise to speak on a matter of public importance, the weak and dangerous climate targets we saw yesterday from this weak and dangerous Prime Minister.

First of all, science has been completely absent in the calculation of this target—if you can even call it a target. The Prime Minister has taken the very sneaky approach of changing the base line here on which to calculate the target. It is like standing on a box so you can claim you are taller. Well, you are not any taller and you have not fooled anyone.

When you convert the so-called target back to the proper base line that most of the rest of the world uses—the one that Australia was using until yesterday—it is actually only a 19 per cent reduction on 2000 levels by 2030. That is less than half of the bare minimum that the actual independent science body says Australia needs in order to play its part in trying to constrain global warming to two degrees. They actually say that it should be a 40 to 60 per cent reduction, so in fact it is less than a third of their positive-high ambition range.

So the science has been absolutely absent in the calculation of these targets, which is fitting given that this government wants to abolish that very body, the Climate Change Authority—the independent science advisers that are meant to say, ‘Here is how you avoid dangerous global warming to safeguard our way of life, to protect our economy and to protect our very planet.’ No—the Abbott government wants to abolish them. They do not like science and they sure as hell are not going to start listening now—more's the pity.

These targets are a recipe for dangerous global warming. They put us on track to not keep global warming to two degrees, which the world has agreed desperately to try to do because beyond that you reach ecological tipping points from which there is no coming back. Instead, this government's targets set us on a track for three to four degrees of global warming. If there is time later I will go through precisely what that will mean for Australia, and it is incredibly sobering reading.

They have shifted the goalposts to try to make their pathetic target look slightly less pathetic and then they have claimed that Australia is in the middle of the pack internationally. Again, that is absolute fabrication. When you actually compare the targets of other developed nations and comparable economies, we are at the back of the pack. You have heard it said, and that is because it is true. We are below the US, we are even below Canada and we are below the EU. The only nation which is anywhere near close to us is Japan. So we are not in the middle of the pack; we are in fact at the back of the pack. And this is from a nation that has some of the best renewable energy resources in the world. We have some of the best sunshine, some fantastic wave and tidal potential, some pretty good wind deposits and some solid geothermal deposits, and still the Prime Minister is happy for us to be at the back of the pack internationally rather than leading and creating prosperity and the jobs of the future, which is what I thought a Prime Minister's job was.
The tragic thing is that, at the minute, Australia is the world's worst polluter per person. The even more tragic thing is that, if these targets are adopted, we will still be the world's worst polluter per capita. Do the figures. For all of the bluster from the Prime Minister, nobody believes you, Prime Minister, because science has not come into your equation. Instead, 'coal is good for humanity', 'wind farms are ugly' and you want to abolish the independent science advisory bodies.

We have heard that coal is good for humanity from the Prime Minister. We have heard that wind turbines are ugly and in fact we heard at the Prime Minister's press conference yesterday, 'The only way to protect the coal industry is to go with the kind of policies that we have.' That is on announcing his carbon pollution reduction targets. He is actually talking about protecting the coal industry. Please, will somebody get this man a briefing from some scientists? I met today with some of the authors of the IPCC fifth assessment report—some of the leading global climate scientists—

Senator Brandis: The Prime Minister is one of the most intelligent people of his generation.

Senator WATERS: I will take that interjection and I again would invite the Prime Minister to perhaps meet with those scientists who are in the building today. In fact, any scientist will do, frankly. It would, I hope, change the Prime Minister's mind. They would, however, have to get through the door, which is currently packed with donors from the coal industry, who have inordinate influence over this government and, I might add, also over the opposition. They need to make sure that it is not the fossil fuel companies but actually the scientists that are dictating Australia's climate policy.

The reason for that is that coal is in fact not good for humanity. We have already seen in the last 18 months that coal mines have sacked 32 per cent of their workforce. The transition is on, folks. Where is your plan to help those workers? Where is your plan to ensure that those folks in mostly regional and rural communities actually have long-term, sustainable employment? There isn't one, yet the transition is on globally.

I welcome that transition. It is exactly what we need to safeguard our planet and to safeguard the industries that we have that are dependent on a healthy climate—like the Great Barrier Reef, which is an employer of 63,000 people in my state of Queensland and brings in a good $6 billion a year to our economy and which could actually provide those sustainable jobs into the foreseeable future rather than the short-term coal industry, which has sacked one-third of its workforce in the last 18 months. But no; the Prime Minister has well and truly belled the cat when he says that his climate policy is the only way to protect the coal industry.

I have talked about the need for a transition plan. Australia has such wonderful potential. The global trend is on. The coal price has tanked, the workers are being sacked and there is no plan from this government to help provide them jobs. The options are there. We could be creating the prosperity, the employment and the economic growth in clean energy production, in manufacturing for clean energy, in public transport, in high-speed rail, in protecting those other industries that need a livable climate like ecotourism and agriculture—the new economy based on innovation and based on our brains, rather than just a dig-it-up-and-ship-it-out, quarry mentality.
Instead, we heard Senator Birmingham say, 'The Greens will never be happy with anything we say.' I have to agree with Senator Birmingham. Until the government bases their policies on science, we will continue to criticise them for ignoring science and being in the pocket of the coal industry.

As I said, I met with those IPCC authors today, and one of them said something very significant that I thought worthwhile sharing with the chamber. They said, 'Climate change is not an issue for the future; it's an issue for now.' The decisions that we are making now, that this government is making now will shape how we all live. They are shaping the fact that we already have a prevalence of increased extreme weather events. They are dooming us to more frequent and more severe extreme weather events, and I want to illustrate that because I get the sense that the government members are just chatting amongst themselves rather than engaging with the debate.

Perhaps I will give them a few concrete examples. In the Murray-Darling, which they profess to occasionally be concerned about, there was a proposed reduction in average flow by 40 per cent—40 per cent less flow in the Murray on a normal year. That is under climate scenarios that already exist.

We know that there will be an increase in category 3 to category 5 cyclones, we know that heatwaves will get more extreme and we know of course that global coral reefs, being incredibly susceptible to climate change—in fact susceptible to even as low as 1½-degree increase, which sadly we are on track to exceed—will collapse. Now that is an absolute tragedy when we can take the actions to do our best to avert that absolute environmental meltdown. Yet we have the jokers on this side who think it is hilarious and who refuse to engage in the actual science and refuse to perhaps cognate the importance of the decisions that we are making here today. Instead they say that they want to try and help the world's poor by trying to flog off Australia's coal. Well, the World Bank disagrees with them. It says that coal is no solution to energy poverty. Since when did this government care about poverty anyway? They slashed our foreign aid budget for heaven's sake. In rural India, they do not have an electricity grid and our coal will be too expensive for them.

What Australia can provide to the world and to ourselves is clean, affordable, renewable energy that will help us meet this global challenge, do our bit and safeguard our economy. I thought those opposite were meant to care about that, but, no, they just care about the old economy, just the donors, not about the potential for jobs in clean-energy industries. That is where the future lies and that is what we will keep fighting for.

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (16:23): What an extraordinary contribution we have just received from Senator Waters, gloating about the fact that 32 per cent of the people who work in the coal mining industry have lost their jobs. I am quite sure that the 32 per cent of people who have actually lost their jobs probably would not be viewing her comments and her glee at the loss of those jobs particularly well.

Senator Waters: Mr Acting Deputy President, I rise on a point of order. The senator is wilfully misrepresenting me. I certainly did not gloat; I called for a transition plan so that those workers were not abandoned.
The ACTING DEPUTY PRESIDENT (Senator Back): You are debating, with respect. Resume your seat, Senator Waters.

Senator RUSTON: Gloating or not gloating, the fact that the senator did seem to take some joy and some pleasure and was referring to it in a very positive way, I would suggest, would be something that those workers who had lost their jobs would probably view as rather disappointing from somebody who constantly comes into this chamber purporting to support jobs in this country.

But that is not what we are here today to talk about. We are here today to talk about what is a responsible and an achievable target for Australia to be able to meet its obligations and play its part in ensuring that we have responsible and sustainable industry into the future but at the same time we do not completely and utterly decimate our industries, that we do not end up with a situation in Australia where we just push the cost of doing business here so far through the roof that we become a country that it is no longer possible to do competitive business in. This government is a responsible government and it will come up with a balance between what is in the best interests of our environment and what is in the best interests of our economy so that together we can move forward on both of those fronts so that the triple bottom line gets delivered every time, instead of just putting the entire emphasis on one component of the outcome at the detriment of the others.

Mr Acting Deputy President Back, you were in this place when we saw the extraordinary damage that was done when we ignored the triple bottom line with the Murray-Darling Basin Plan. In the initial proposals for the implementation of the economic and social impacts on the communities along the Murray River, the Darling, the Murrumbidgee and all the other rivers that make up the connected basin were completely overlooked in the interest of just making sure that we had the most healthy environment we possibly could. Well a healthy environment is all well and good and I would imagine, if there was no longer any capacity whatsoever for any community to exist on the river because the environmental outcomes that were sought were so totally restrictive and over the top that these communities could no longer exist.

What we have seen in the last couple of days is a responsible government come out and say, yes, we understand that we have to play our part in emissions reductions. We have said that by 2030 we will reduce those emissions by 26 per cent, possibly even up to 28 per cent. We have done so on the basis that it will be sustainable, it is a deliverable outcome and it is an affordable outcome. So I think this is a strong, credible and responsible target. It is not some pie-in-the-sky thing that you put out there and say we are going to achieve 50 per cent or 60 per cent, which we know is going to be unachievable without massive damage to our economy and possibly unachievable anyway given the kind of economy that Australia is and the industries that Australia has. So why do we not just be honest and set ourselves a target that is responsible and also a target that is not going to completely and utterly destroy our budget, the budget that has already been destroyed by those opposite over the last six years with the help of Labor's colleagues the Greens.

The other thing too is that what we are proposing here is to achieve a target without putting a punitive tax or a punishing tax like a carbon tax on the Australian economy. I think the one thing that we do need to realise is, as much as we would like to see a clean-energy future with us immediately, the reality is that you cannot just go from where we are today to where the
Greens and the Labor Party seem to think that we should be by 2030 with the speed that they are proposing. It is just completely unrealistic, unreasonable and unachievable. The fact is that if we did seek and if we did choose to go to a 40 per cent to 60 per cent target reduction, first of all it is projected that it is going to cost $633 billion to be able to achieve that target. Now I am not quite sure where we are supposed to find $633 billion to achieve this target without completely decimating the Australian economy, without turning us into a Second World or a Third World country. It is the most irresponsible proposition that I have ever heard.

It has also been further predicted that there will be a six per cent fall in national income per capita, a $4,900 reduction in take-home pay and a carbon price that would be in excess of $200. I do not know where that quite fits on the world stage when we are out there quoting numbers about the comparative targets that are being sought by countries that we respect. I mean there is not a country in the world that would have a carbon price of over $200 per tonne. Nearly every coal generator in Australia would be closed, and you can imagine the devastation that that would cause for our regional communities, particularly places like Victoria's Latrobe Valley, the Hunter Valley in New South Wales and Central Queensland—the state that Senator Waters purports to be representing. As you can see, it is all well and good to come in here and put out big flashy numbers that are going to go out there and grab the Green vote on election day when we know that there is absolutely no possibility for it to be achieved without such extraordinary damage to our economy, to our communities and to Australia. It is just the most ludicrous thing I have ever heard.

I need to reiterate that this government, I believe, has the right balance in place for a healthy environment, an economy that will flourish and communities that will remain vibrant. There are a lot of things that the Australian government is doing to ensure that we take a responsible approach to our environment. I could sit here and quote many things, but I will put just a couple on the record to reinforce that this government has a very good track record in environmental behaviour. The amount of money that we have put into the Great Barrier Reef—the commitment of $100 million to the Reef Trust—is an example, and that is in addition to the $40 million that we announced in the 2014 budget. Between us and the government of Queensland, over $2 billion will be invested in the Great Barrier Reef over the next decade. It is all well and good for those down the other end of the chamber to start rabbiting on, but we only have to realise that a lot of the scaremongering that they came up with over this particular issue first of all did a massive amount to damage the reputation of one of the great icons of Australian tourism and, in the process, provided a whole heap of false information. At the end of the day the benefit to the reef, our commitment to its ongoing sustainability, was reinforced with the decision recently that the Great Barrier Reef did not need to be put onto the endangered list.

Another thing is the money that has been invested into water infrastructure. I mentioned the Murray-Darling Basin Plan at the start of my contribution, but that is not the only water infrastructure that we are putting in place to make sure that we have sustainable water delivery into the future with a minimum amount of impact on our river systems. Of course, in the driest continent on the planet it is extraordinarily important that we make sure that our water infrastructure is such that we do not waste a drop of the very precious water that sustains this country and, particularly, allows us to be leaders in primary production and to grow the food that we would like to think that the rest of the world aspires to have. We need
to remember that for all the badgering, bantering and misinformation that gets put out into the public domain—particularly by those at the other end of the chamber in this space—this Australian government has a great track record of delivering on the promises in the environmental space.

Finally, before I conclude I would like to make the point that it is all well and good for us to have all these wonderful targets, particularly in relation to renewable energy and that we no longer burn fossil fuels, but until we can actually come up with a system that allows us to store the power that is generated from our renewable energy sources—wind and solar—we really are being very foolish. We still will require baseload power. Unless we can store this power in such a way that, when the wind does not blow and the sun does not shine, we have a source of continued and reliable energy we have a situation that is completely unsustainable. If we close all of our coal fired stations down before we are able to store this energy in a way that is cheap enough to be affordable to the Australian community then all we are doing is condemning this nation to a very backward and retrograde place. (Time expired)

**Senator SINGH** (Tasmania) (16:34): For two reasons yesterday was both was both a fateful and a painful symbolic day in our Australian national life. One reason was Tony Abbott sabotaging the push towards marriage equality, but it was also a painful, fatefu

**The ACTING DEPUTY PRESIDENT (Senator Back):** Point of order. Refer to—

**Senator SINGH:** Mr Abbott—pardon.

**Senator Conroy:** You do not need to call a point of order when you are in the chair.

**The ACTING DEPUTY PRESIDENT:** I do not; you are right. Order! Thank you, Senator Conroy.

**Senator SINGH:** One reason was Mr Abbott sabotaging the push towards marriage equality, but it was also a painful, fateful day and a symbolic day on the fundamental human challenge of climate change. If ever a single day highlighted a government stuck in the past, up against Labor's responsible vision for the future, it was yesterday. If ever a single day highlighted a government wedded privately to climate change denial and political game playing up against Labor's vision to protect our children's future and provide jobs for tomorrow, it was indeed yesterday. If ever a single day highlighted a dangerous and cynical government putting itself ahead of the future survival and security of Australians, as well as humanity more broadly, it was yesterday. Yesterday's emissions reduction target announced by the Abbott government was a cynical political exercise and nothing more. It was a cynical and ham-fisted attempt to con Australian voters that Mr Abbott actually gives a damn on climate change and therefore actually gives a damn about their future health and security. It was indeed a cynical attempt to minimise and neutralise, at least on the Australian political stage, one of the most fundamental issues facing humanity.

This government knows it is losing the hearts and minds of concerned Australians on the crucial issue of climate change, and yesterday was a cynical attempt to con voters with a token one-off dog whistle that said: 'Trust us, folks. We've ticked the box on this climate change stuff. Now let's forget all about it all and talk about other stuff.' But Australians are too smart and too concerned to fall for that.

Independent polling commissioned by the Climate Institute and conducted by Galaxy Research in recent weeks shows that 70 per cent of Australians believe climate change is
happening and nine out of 10 of those people accept that human activity like carbon pollution is to blame. That means climate change deniers and sceptics now represent less than a third of the Australian population. Furthermore, 65 per cent of Australians oppose cutting investment in wind farms and household solar, in stark contrast to the Abbott government's savage attacks on those crucial industries and their jobs of tomorrow. Fifty-nine per cent of Australians think our nation should be a world leader in finding solutions to climate change—in stark contrast to the Abbott government unveiling one of the weakest pollution reduction targets in the developed world. And, even before yesterday's weak and token gesture, 59 per cent of Australians believed the Abbott government underestimates the seriousness of climate change. Only 16 per cent think he is actually committed to it.

Labor will take real action on climate change, and we will not be intimidated by ridiculous, deceitful scare campaigns. We will fight to give young Australians a secure and healthy future, on a secure and healthy planet, in a secure and healthy economy that is geared towards the jobs and markets of tomorrow. We will fight climate change through an emissions trading scheme and a renewable energy target of 50 per cent by 2030.

Despite the Abbott government's immediate, predictable and deceitful scaremongering, the vast majority of Australians have shown support and understanding for Labor's vision. Essential Report polling in recent weeks has shown that 65 per cent of Australians approve of Labor's renewable energy target of 50 per cent by 2030. And it showed that even 45 per cent of coalition voters approve of Labor's target. Not only is the coalition's policy a woefully hollow con; it is also scarcely credible.

We and other Australians deserve to see the modelling and the data on which the government has based this poor decision. An emissions reduction target without scientific modelling and methodology to explain it is not really a target at all. It is just a token cop-out. It is just buying political time. Already, expert commentators are suggesting that even the Abbott government's target announced yesterday will be impossible to meet without some kind of market-based mechanism similar to Labor's proposed emissions trading scheme and renewable energy target. In other words, they cannot even achieve their weak, token target without adopting something similar to the very Labor policies they constantly mislead and deceive and scaremonger about. Only last week RepuTex modelling showed that, in the next decade, the Abbott government's policies will see Australia's emissions rise by 20 per cent—not decline, but rise by 20 per cent.

While tragic, the coalition's latest climate failure is no surprise. It continues a pattern of private denial, distraction and betrayal and it endangers Australia's very physical and economic future. The Prime Minister cannot undo the momentum around the globe that is being led by the United States, the United Kingdom, China and so many other countries. Let us just have a quick look at that momentum in regard to the time frame of 2005 to 2030. The United States has made a commitment to 41 per cent by 2030. Germany has made a commitment of 46 per cent. The United Kingdom has made a commitment of about 48 per cent by 2030. So the Prime Minister has to stop deceiving Australians. In contrast, Labor will keep faith with future generations on climate change. We will embrace the jobs and opportunities available with a clean energy future and we will pursue the genuine, proactive policies that help protect and employ Australians for generations to come.
Senator MADIGAN (Victoria) (16:41): The government think we may be able to reduce emissions by up to 28 per cent on 2005 levels by 2030. They think this commitment balances Australia's environmental and economic responsibilities. They say we can achieve the target through low-cost abatement while still being able to maintain strong economic and jobs growth. Let us hope so.

The Labor Party endorsed the Climate Change Authority's target of 40 to 60 per cent at their national conference recently. The opposition had already flagged its obedience to the wind industry and union owned super funds when it announced its hypothetical, uncosted 'aspirational' 50 per cent renewable energy target thought bubble.

One of the objectives of the Renewable Energy (Electricity) Act 2000 is to 'to reduce emissions of greenhouse gases in the electricity sector'. The RET is already costing electricity consumers in the order of up to $45 million. The RET is a rising stealth tax on electricity which relies on the premise that electricity created from renewable energy infrastructure will reduce emissions.

Are modern-day wind turbines capable of reducing emissions and, if so, at what social, economic and environmental cost? We know all too well the divisive social impact wind farms have on rural communities. The economic benefits of wind turbines flow to offshore, subsidy-hungry wind farm operators. And environmentally? It is not possible to build, operate or maintain a wind turbine without a reliance on fossil fuels. In 2012 the founder of the Greens, Dr James Lovelock, described wind turbines as monuments to a failed society. He said:

I am an environmentalist and founder member of the Greens but I bow my head in shame at the thought that our original good intentions should have been so misunderstood … We never intended a fundamentalist Green movement that rejected all energy sources other than renewable, nor did we expect the Greens to cast aside our priceless ecological heritage because of their failure to understand that the needs of the Earth are not separable from human needs.

Back in 2004 Dr Lovelock told Australia's 60 Minutes:

At the best, wind power cannot provide more than a tiny fraction of the energy needs of civilisation. It's a nice idea. It looks good. It's showy. I think it's one of those things politicians like because it can be seen that they're doing something. But in practice, it's not really a useful remedy.

Those in the chamber who want an emissions target higher than the government's are the same senators who mindlessly advocate for the installation of environmentally destructive, fossil fuel dependent, industrial wind turbines. These senators seem happy to burden Australian families, farmers, manufacturers, food processors and businesses with the extra financial pressures that will come with increased emissions reduction costs. They threaten Australia's competitiveness. Perhaps, too, they just want to look good, showy and like they are doing something.

Why don't those who are howling with selective moral outrage who want to commit this country to an irresponsibly higher emissions target and potentially put Australia's social and economic prosperity at further risk do us all a favour? Don't get in a dirty, polluting Comcar to travel to and from the airport. Don't get on a fossil fuel dependent flight to Canberra when parliament sits 20 weeks a year. Think of all those emissions you will be saving. Do your bit to supplement what Senator Siewert says is the Abbott government's week and dangerous carbon pollution reduction target and stay at home. Lead by example and perform your Senate
duties, low emissions style by skype or teleconference. Make some use of the recklessly expensive NBN. Better still, make sure your computer is only powered by electricity that is created by wind turbines. At least that way, we are only likely to hear from you 30 per cent of the time.

**Senator URQUHART** (Tasmania—Deputy Opposition Whip in the Senate) (16:46): What we have seen this week is a government that have proven once and for all that it is stuck so far in the past it cannot even see what is going on in the world around them. In so many areas, the government have firmly shackled themselves to last century thinking and last century policy. And while the rest of the world moves forward, the Liberals are determinedly trying to drag Australia backwards with them. There is no better example of this than in the area of climate change. Make no mistake: the climate reduction figure announced by the Abbott government yesterday is an utter abrogation of Australia's international responsibilities.

As the highest per capita emitter on the planet, not to mention one of the wealthiest countries, we have an obligation not only to pull our weight but also to set an example for other countries. Australia should be frontrunners on climate action, but the meagre target of 26 to 28 per cent reductions by 2030 set by the Abbott government puts us close to the back of the pack. All the countries we normally compare ourselves with have significantly higher targets than the ones proposed by the Prime Minister yesterday. The US target to 2030 would be 41 per cent. Germany will be aiming for 46 per cent. The United Kingdom is looking toward 48 per cent.

In this light, it is hard to disagree with UK climate target advisor, and former minister in Margaret Thatcher's conservative government, Lord Deben, when he calls Australia's target 'pathetic'. On this matter Lord Deben said:

Australia is fundamentally out of step and this decision puts Australia among the 'don't cares' of the international community.

Australia made a commitment, along with 194 other countries, to keep global warming below two degrees. But The Climate Institute has confirmed that the target established by Prime Minister Abbott and his merry band of climate deniers will lead to three to four degrees of warming. These are very dangerous levels indeed. If we reach them, the consequences will be dire. This complete lack of action is appalling. But, of course, it is not surprising. In fact, this government has a litany of climate crimes on its rap sheet.

It was the Abbott government that axed the Climate Commission, which communicated authoritative information on climate change. It was the Abbott government that was so blinded by its hatred for renewable energy that it tried to shut down the Clean Energy Finance Corporation, which actually delivers a profit to the government through investing in clean energy projects. It is the Abbott Government that, failing to axe the CEFC, has changed its mandate so it cannot invest in the most cost-effective forms of renewable energy generation: wind and solar.

At the same time, it is the Abbott government that also wants to shut down Australia's renewable energy solutions body, ARENA. It was the Abbott government which tried to give $4 million of taxpayers' money to climate sceptic Bjorn Lomborg—up to $2.8 million of which was to going to be spent on marketing and events. It was the Abbott government which turned its back on the pre-election promise that there would be no changes to the renewable
energy target, causing renewables investment to plummet 88 per cent. It was the Abbott government which appointed a noted climate sceptic to head up the review of the renewable energy target.

It is the Abbott Government that ignored expert opinion to do a dirty deal with crossbenchers and establish a wind committee and research committee. This is an absolute waste of taxpayers' dollars that is not only unwarranted but duplicative and expensive. And, of course, it was the Abbott government which was the only government to dismantle a market-based approach to climate emissions reduction.

But the problem does not just lie with the measly target announced yesterday. The real issue is the complete, utter and total lack of a plan from the government as to how they are going to reach its target. Clearly, it is not going to be through its climate policy fig leaf, Direct Action. We all know that Direct Action is little more than a multibillion taxpayer funded slush fund for big polluters. It throws out the well-respected tenet of polluter pays and sends the bill to the taxpayer instead.

Economists and climate scientists agree that Direct Action is expensive, inefficient and completely unable to address climate change in any meaningful way. Even the Australian Industry Group recognises the sham that this policy is, estimating that it will cost between $100 billion and $250 billion if the government wants to reach its climate reduction targets using Direct Action. Clearly, this is not the way forward and, clearly, this government does not have a clue what is the way forward.

While the rest of the world is embracing the transition to low-carbon economies, Australia may find itself in an economic and environmental backwater through the government's refusal to accept climate reality. Let's be serious here. This climate policy of this government is dangerous. They have turned their backs on our global obligations, they have sold out our environment and they have levied the consequences of their recklessness on future generations of Australians.

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

DOCUMENTS

Consideration

The government document tabled today and general business orders of the day relating to government documents was called on but no motion was moved.

COMMITTEES

Privileges Committee

Report

Senator JACINTA COLLINS (Victoria) (16:53): Pursuant to order and at the request of the chairs of the respective committees, I present the 161st report of the Committee of Privileges entitled Possible imposition of a penalty on a witness before the Rural and Regional Affairs and Transport References Committee. I also table a volume of documents received by the committee.

Ordered that the report be printed.
Senator JACINTA COLLINS: I move:

That the Senate adopt the recommendation at paragraph 1.47 of the report that no contempt be found in respect of the matter referred to.

In February of 2013, an employee of the Civil Aviation Safety Authority, or CASA, gave in camera evidence to the Rural and Regional Affairs References Committee inquiry into aviation safety. CASA later initiated code of conduct proceedings against the employee, leading to a recommendation that his employment be terminated. Those proceedings related to the employee's use of IT systems, but the references committee was concerned that they were linked to his appearance as a witness. The question for the privileges committee was whether a contempt may have been committed.

Improper interference with a witness ranks amongst the most serious of all possible contempts, so any suggestion that a penalty has been imposed on a witness is treated very seriously. In this case, it was not disputed that action was taken against the employee. What was at issue was whether that action was taken as a result of his giving evidence.

The privileges committee concluded that, on the evidence before it, the requisite causal connection could not be demonstrated. Without that connection, the committee cannot recommend a contempt be found. In reaching this conclusion, it was significant that CASA did not know that the employee had given evidence and did not know what evidence he gave.

Although the code of conduct proceedings were indirectly prompted by subsequent use of the in camera evidence, the committee considered that CASA's actions were reasonable in the circumstances, particularly given its limited knowledge of the relevant matters.

I want to draw to the attention of senators comments in the last part of the report about the protection of witnesses. The committee notes the increasingly prevalent but incorrect view that the protection of committees afford their witnesses is akin to whistleblower protection. This view is founded on a misunderstanding of the Senate's contempt powers, which are significant but apply only in respect of conduct tending to improperly interfere with the Senate, its committees or senators.

The immunity of parliamentary proceedings before courts and tribunals under the Parliamentary Privileges Act more closely approximates whistleblower protection, but the interpretation and application of that immunity is a matter for the courts, not for the Senate.

It is important that committees and individual senators give witnesses accurate and measured information about their protections so that they are aware of the scope, source and limitation of that protection. It is equally important that committees are as forthright as possible when dealing with people they apprehend will take adverse actions against witnesses in dealing with their concerns.

The processes which require committees to investigate adverse actions against witnesses provide the opportunity to caution against conduct which might amount to a contempt but can only be effective when parties have sufficient information to guide their actions.

The committee emphasises the preventative and remedial nature of these processes. Experience has shown that effective intervention by committees while their proceedings are in train generally will often provide a more satisfactory outcome than recourse to the Senate's formal contempt powers.
If no other senator wishes to speak at this time, I seek leave to continue my remarks to preserve the matter for any further debate.

Leave granted; debate adjourned.

**Scrutiny of Bills Committee**

**Report**

**Senator URQUHART** (Tasmania—Deputy Opposition Whip in the Senate) (16:58): On behalf of Senator Polley, I lay on the table Scrutiny of Bills Alert Digest No. 7 dated 2015 and the 7th report.

Ordered that the report be printed.

**Regulations and Ordinances Committee**

**Delegated Legislation Monitor**

**Senator O'SULLIVAN** (Queensland—Nationals Whip in the Senate) (16:59): On behalf of Senator Williams, I present Delegated legislation monitor No. 8 of 2015 of the Standing Committee on Regulations and Ordinances.

Ordered that the document be printed.

**Human Rights Committee**


Ordered that the report be printed.

**Senator O'SULLIVAN**: I move:

That the Senate take note of the report.

I seek leave to have the tabling statement incorporated in Hansard.

Leave granted.

*The statement read as follows—*

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights' Twenty-fifth Report of the 44th Parliament.

The committee's reports examine the compatibility of bills and legislative instruments with Australia's human rights obligations, and this report considers bills introduced into the Parliament from 22 to 25 June 2015, and legislative instruments received from 29 May to 11 June 2015.

The report also includes the committee's consideration of responses to matters raised in previous reports.

Of the 22 bills and two instruments examined in this report, 18 are assessed as not raising human rights concerns, and six raise matters in relation to which the committee will seek a response from the legislation proponents. The committee has concluded its examination of six bills, and has deferred consideration of one bill.

A number of the bills examined are scheduled for debate during the sitting week commencing 10 August 2015, including:

- the Migration Amendment (Strengthening Biometrics Integrity) Bill; and
- the Social Services Legislation Amendment Bill.
In this report the committee has examined the Australian Citizenship (Allegiance to Australia) Bill 2015, which is an important and complex bill that raises a number of human rights questions. In keeping with its usual approach, the committee has determined to ask the Minister for Immigration and Border Protection for further information to help the committee assess the human rights compatibility of the bill. In particular, the committee wishes to understand:

- whether there is reasoning or evidence that establishes that the stated objective of the bill addresses a pressing or substantial concern;
- whether there is a rational connection between any limitations on rights and that objective; and
- whether any limitations on rights are reasonable and proportionate to achieving that objective.

These questions reflect the analytical framework that the committee has applied since its inception, and which allows the committee to assess whether any limitations on human rights are justifiable.

In relation to the committee's consideration of responses to matters raised in previous reports, I would like to highlight what is an excellent example of the scrutiny dialogue between the committee and the executive working as intended.

In its initial examination of the Safety, Rehabilitation and Compensation Amendment (Improving the Comcare Scheme) Bill 2015, the committee raised concerns about the human rights compatibility of a substantial number of measures in the bill. In response, the minister provided an extensive and detailed human rights assessment of the measures, which directly addressed the matters raised by the committee. Clearly referencing the committee's analytical framework and expectations, the response explained the legitimate objective of the measures, set out the safeguards and processes in place to protect human rights, and provided clear and compelling evidence to underpin this analysis. On the basis of this response, the committee was able to assess almost all of the limitations on rights as being reasonable and proportionate, and therefore compatible with human rights.

This can be helpfully contrasted with the response provided in relation to the Seafarers Rehabilitation and Compensation and Other Legislation Amendment Bill 2015, which was also considered in this report. The response to the committee's inquiry on this bill was very brief, did not address the specific question asked by the committee, and did not reflect the application of the committee's analytical framework. Although the response contained an assurance that amendments to the bill during its passage adequately addressed the committee's concerns, there was no attempt to explain how these complex amendments in fact addressed the human rights issues identified by the committee. Looking at the substance of those issues, it appears quite possible that a more helpful and informative response could have enabled the committee to conclude that the bill was likely to be compatible with human rights. However, in the absence of the information sought, the committee was unable to assess the extent of the limitation on the right to social security and was therefore unable to conclude that the bill was compatible with that right.

The key element of the committee's work is the scrutiny dialogue it maintains with executive departments and agencies regarding the consideration of human rights in the development of policies and legislation. As this tale of two responses demonstrates, the committee's ability to appropriately perform its scrutiny function in assessing bills and instruments for compatibility with human rights is greatly influenced by the quality of the dialogue it undertakes with the proponents of legislation.

As always, I encourage my fellow Senators and others to examine the committee's report to better inform their understanding of the committee's deliberations.

With these comments, I commend the committee's Twenty-fifth Report of the 44th Parliament to the Senate.

Question agreed to.
Joint Committee of Public Accounts and Audit

Report

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (17:00): On behalf of Senator Smith and on behalf of the Joint Committee of Public Accounts and Audit, I present report No. 449, Regional Development Australia Fund, military equipment disposal and tariff concessions: review of Auditor-General reports Nos 1-23 (2014-15), and move:

That the Senate take note of the report.
I seek leave to continue my remarks later.
Leave granted; debate adjourned.

DOCUMENTS

Perth Freight Link

Order for the Production of Documents

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture) (17:01): I table a document relating to the order for production of documents concerning the Roe 8 extension and the Perth Freight Link.

COMMITTEES

Foreign Affairs, Defence and Trade Legislation Committee

Select Committee on the Murray-Darling Basin Plan

Membership

The ACTING DEPUTY PRESIDENT (Senator Sterle) (17:01): The President has received letters from party leaders requesting changes in the membership of committees.

Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture) (17:01): by leave—I move:

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

Foreign Affairs, Defence and Trade Legislation Committee—

Appointed—

Substitute member: Senator Rhiannon to replace Senator Ludlam for the committee's inquiry into the International Aid (Promoting Gender Equality) Bill 2015

Participating member: Senator Ludlam.

Murray-Darling Basin Plan—Select Committee—

Appointed—Participating member: Senator Muir.

Question agreed to.

BILLS

Crimes Legislation Amendment (Powers, Offences and Other Measures) Bill 2015

First Reading

Bill received from the House of Representatives.
Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture) (17:02): 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 COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture) (17:02): 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—

The Crimes Legislation Amendment (Powers, Offences and Other Measures) Bill 2015 delivers on the Government's commitment to tackle crime and make our communities safer. By providing our law enforcement agencies with the tools and powers they need to do their job, and by ensuring Commonwealth laws are robust and effective, this bill reflects this Government's efforts to target criminals and reduce the heavy cost of crime for all Australians.

The bill contains a range of measures across various Commonwealth acts. These include measures to:

- implement tough penalties for gun-related crime
- ensure our criminal offence regimes are robust and effective, and
- ensure efficient arrangements for administering criminal law and related provisions.

I will address the key measures in the bill in further detail.

Penalties for firearm trafficking offences

It is the Government's strongly held view that now, more than ever, we must do everything we can to ensure the safety of all Australians. Critical to this is disrupting the illicit firearms trade.

We know that firearms trafficking is a deadly crime and a huge threat to the safety of our communities.

That is why the Government took to the election a commitment to implement tougher penalties for gun-related crime.

The bill will again introduce mandatory minimum sentences of five years imprisonment for offenders charged with the trafficking of firearms or firearm parts under the Criminal Code Act 1995.

Mandatory minimum sentences send a strong message that gun-related crime and violence is a serious threat to the safety of all Australians.

These mandatory minimum sentences are not without safeguards. They do not include specified non-parole periods, nor do they apply to minors, providing courts with discretion to set custodial periods consistent with the particular circumstances of the offender and the offence.

These mandatory minimum sentences and the offences introduced through the Crimes Legislation Amendment (New Psychoactive Substances and Other Measures Bill) 2014 reflect the seriousness with which the Government views gun-crime, and the gravity of supplying firearms and firearm parts to the illicit market.
**Robust and effective criminal laws**

A key part of keeping our communities safe is ensuring that criminal laws remain up to date and able to deal with changing forms of offending. The bill contains a series of measures that support this aim.

**Serious Drug Offences**

Schedule 1 of this bill aims improve the operation of the serious drug and precursor offences in the Criminal Code. In particular, these measures will make recklessness the fault element for attempted offences and remove the intent to manufacture element from offences relating to the importation of border controlled precursors.

The amendments to the border controlled precursor offences are particularly important in supporting the Government's response to the growing problem of methamphetamine and ice, and the widespread devastation and destruction that it causes. The domestic production of methamphetamine and ice is increasingly using precursor chemicals sourced from overseas. The Australian Crime Commission has noted a steady increase in the number of detections of precursors in recent years, up from 937 in 2011-12 to 1,043 in 2012-13.

These amendments will make the enforcement of the border controlled precursor offences simpler and more effective, without affecting legitimate industry. They will improve our ability to bring persons who seek to profit from and propagate the trade in illicit drugs to justice, and ensure that they face severe punishments for their crimes.

**Forced marriage**

The bill will expand the definition of forced marriage in the Criminal Code. The forced marriage offences currently apply where a person does not freely and fully consent to a marriage because of coercion, threat or deception.

Since the offences came into force in 2013, the Australian Federal Police has become aware of cases such as that of a 12 year old girl who purportedly consented to marry a much older man. These amendments will make clear that the forced marriage offences apply where a person is incapable of understanding the nature and effect of a marriage ceremony, including because of their age or mental capacity.

Forced marriage offences currently carry a maximum penalty of four years imprisonment for a base offence and seven years imprisonment for an aggravated offence. The Government has conducted a review of these offences and has determined to increase the penalties to seven years and nine years respectively, to ensure they are commensurate with the most serious slavery-related facilitation offence of deceptive recruiting.

The increased penalties reflect the seriousness of forced marriage as a slavery-like practice, a form of gender-based violence and an abuse of human rights, which puts people at risk of emotional and physical abuse, loss of autonomy and loss of access to education. These amendments will assist authorities to protect the most vulnerable in our society from this insidious crime.

**Knowingly concerned**

The Bill will ensure there are sufficient prosecuting options in Commonwealth criminal law, by making those who are 'knowingly concerned' in the commission of an offence liable for their involvement. This will ensure that people who actively participate in crime, but cannot currently be held liable for it because they don't neatly fit within existing categories of liability, can nonetheless be prosecuted.

The concept of 'knowingly concerned' was previously included in the crimes act, but was not carried over to the Criminal Code when it was drafted in the 1990s. Its absence has since attracted judicial comment, and the Commonwealth Director of Public Prosecutions has found its absence has hindered prosecutions, often making them more complex and less certain.
The bill will ensure those knowingly involved in supporting and enabling crimes like importation of illegal drugs, fraud and insider trading are held responsible, despite the fact that they weren’t the person taking delivery of the drug, handing over the money or forging the signature.

**Foreign bribery, war crimes**

Certain measures in the bill are designed to ensure that Australia meets its obligations under international laws.

The bill will strengthen the offence of bribing a foreign public official to clarify that proof of intent to influence a particular foreign official is not required to establish the offence. This reflects Australia’s obligations under the OECD Anti-Bribery Convention and sends a strong message that Australia takes a zero-tolerance approach to corruption.

The bill will also amend war crime offences relating to violations of dignity of deceased persons in non-international conflict zones. These amendments support Australia’s international obligations and reflect our strong commitment to hold those responsible for atrocities in conflict zones to account.

**Effective powers for law enforcement**

The Government has consistently expressed its strong commitment to supporting law enforcement agencies and providing them with the right tools and powers.

**Anti-money Laundering and Counter-Terrorism Financing**

This bill will make several amendments to the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 to address enforceability issues and reduce operational constraints that have been identified by the Australian Transaction Reports and Analysis Centre (AUSTRAC).

A robust anti-money laundering and counter-terrorism financing regime is essential for Australian businesses to remain competitive in the global market and to ensure financial integrity and stability.

These amendments will ensure that AUSTRAC has the necessary operational flexibility to both more efficiently undertake its role as Australia’s anti-money laundering and counter-terrorism financing regulator, and more effectively protect the Australian community and businesses from the economic, social and national security impacts of terrorism and organised crime.

**Australian Commission for Law Enforcement Integrity**

This bill will make a range of minor amendments to the Law Enforcement Integrity Commissioner Act 2006 to improve the general operation of the act and empower the Integrity Commissioner to perform his or her functions efficiently and effectively, while also providing sufficient safeguards around the exercise of those functions.

In particular, the amendments will ensure that the Integrity Commissioner’s powers under the act are clear and consistent and that he or she may delegate those powers where appropriate. The amendments will give the Integrity Commissioner greater discretion about how to deal with law enforcement corruption issues.

These amendments support the Government’s election commitment to stamp out corruption within Australia’s law and border enforcement agencies.

**Australian Crime Commission**

This bill will improve the efficiency and effectiveness of special operations and investigations undertaken by the Australian Crime Commission. The bill will clarify who is eligible to apply for a search warrant under the act, expedite the return of items produced in an examination, and update references to secrecy provisions that preclude an agency from disclosing information to the ACC.

**Controlled operations, State anti-corruption bodies**

This bill will make minor amendments to clarify the Commonwealth’s controlled operation provisions. In particular, the bill will make it clear that only the most senior officers in the Australian
Federal Police may authorise certain variations to controlled operations that involve high risks to operatives.

**Ensuring effective arrangements for administering criminal law and related provisions**

The bill also contains a range of measures aimed at streamlining processes for administering criminal justice measures.

**Federal offenders**

This bill will make several minor amendments to improve a range of processes in relation to federal offenders.

Technical amendments to Part 1B of the Crimes Act 1914 will improve clarity and enhance the administrative efficiency of decisions made under the act relating to sentencing, imprisonment and release of federal offenders.

This bill will make minor amendments to the Transfer of Prisoners Act 1983, which will improve the interstate transfer processes for approved federal prisoners.

The bill also provides clear legislative authority to facilitate information sharing relevant to federal offenders between Commonwealth, State and Territory agencies for the purposes of performing specified legislative functions. The amendments will ensure informed decisions are made in line with legislative obligations.

**Proceeds of Crime**

The Government is committed to depriving criminals of the proceeds and benefits of criminal conduct. To this end, the bill will make minor technical amendments to the Proceeds of Crime Act 2002 to:

- increase existing penalties for failing to comply with a production order or with a notice to a financial institution in proceeds of crime investigations
- increase the integrity of the process for appointing persons to conduct proceeds of crime examinations
- facilitate the administration of confiscated Commonwealth asset by the Official Trustee in Bankruptcy, and
- address ambiguity in existing provisions.

**Technical corrections and consequential amendments**

Finally, the bill will make a series of technical corrections and minor and consequential amendments to various Commonwealth laws.

The first series of minor amendments follow on from changes to State and Territory laws. These amendments will extend information access provisions to the newly established Independent Commissioner Against Corruption of South Australia, consistent with the approach taken for other State anti-corruption bodies, and will update various Commonwealth laws to reflect the new name of Queensland's Crime and Corruption Commission, which changed its name in July 2014.

Finally, the bill makes minor editorial amendments to the *Classification (Publications, Films and Computer Games) Act 1995* to fix errors and provide consistency with current drafting practices.

**Conclusion**

This bill contains important measures that will protect Australian's from gun-crime. The bill will also ensure Commonwealth criminal law remains robust, and provide the tools our law enforcement agencies need to combat crime.
In this way, the Government is delivering on our commitment to tackle crime and keep our community safe.

Debate adjourned.

REGULATIONS AND DETERMINATIONS
Amendment to List of CITES Species
Disallowance

Senator LEYONHJELM (New South Wales) (17:03): I move:

That the Amendment to List of CITES Species, Declaration of a stricter domestic measure, made under subsection 303CB(1) of the Environment Protection and Biodiversity Conservation Act 1999, be disallowed.

This motion would prevent the Minister for the Environment, Greg Hunt, from moving African lions from appendix II to appendix I of the Convention on International Trade in Endangered Species, known as the CITES treaty. Mr Hunt's decision to move African lions to appendix I is made under provisions of the Environment Protection and Biodiversity Conservation Act. It will have the effect of banning the importation of all African lion specimens into Australia, including those legally and sustainably harvested under fair chase conditions. This is ministerial overreach in a most authoritarian manner. It seeks to curtail activities in a foreign country based on the minister finding them distasteful. This is not the kind of governance Australians need. Disapproval is not a basis for government policy, and governments have to accept the fact that people do not want them interfering in their lives.

Supposedly, the minister's decision was motivated by a genuine attempt to help reduce the unethical practice of 'canned hunting' by not allowing the import into Australia of lion specimens obtained in this manner. The problem is that the ban will bring to an end the substantial financial support that Australian hunters provide to poor African villagers via hunting fees paid in the course of legally harvested free-range fair chase hunting. The regulation that this motion seeks to disallow does not distinguish between lion trophies gained through such hunting and trophies gained through canned hunting. But this is not the full explanation. Greg Hunt's decision was motivated by an intense personal dislike of hunting per se, promoted by animal rights activists who had been lobbying Liberal Party MPs. 'Canned hunting' was just a convenient shroud to mask a ban on the importation of all lion hunting trophies.

Documents obtained under Freedom of Information reveal multiple errors by the Department of the Environment in its advice to the minister. This advice was a mass of misinformation and obfuscation, as I shall show with three examples. First, the ministerial brief stated that canned hunting is allowed in South Africa. This is simply not true. Canned hunting was explicitly prohibited by South Africa's Threatened or Protected Species Regulations in February 2007. Second, the ministerial brief stated that African lions meet the criteria for listing on CITES appendix I. This also is not true. A comprehensive report prepared for the CITES Animals Committee meeting in May 2014 expressly stated that the African lion does not meet any of the three biological criteria required for listing on appendix I and is appropriately listed in appendix II. Third, the ministerial brief stated that a 'precautionary' approach in relation to lion conservation decisions was warranted due to uncertainty regarding the lion's population size and distribution. This is also not true.
The report to the CITES Animals Committee again expressly stated that precautionary measures are unnecessary because adequate information to assess the status of African lion and the impact of trade already existed. The report, a product of systematic analysis of the most recent scientific data available, stated that the population of African lions is not small, according to the accepted CITES definition; the species does not have a restricted area of distribution; and there has not been a 'marked decline' in the population, according to the accepted CITES criteria.

Jason Wood, the Liberal MP for La Trobe who lobbied Minister Hunt to implement the ban, is an outspoken opponent of canned hunting. Unfortunately, Mr Wood has, either by design or ignorance, failed to differentiate canned hunting from hunting wild lions. If Mr Wood read the Biodiversity Management Plan for the African Lion, recently released by the South African government for public comment, he would see that canned hunting of lions is in no way comparable to hunting wild lions. It is curious that Mr Wood steadfastly refuses to accept the collective professional expertise of the International Union for the Conservation of Nature, the IUCN but instead accepts anti-hunting dogma from animal rights activists.

Well-managed trophy hunting is fully supported and endorsed by the IUCN, the CITES treaty and the Convention on Biological Diversity, the CBD. Australia is a signatory to all three agencies. These respected organisations all recognise that well-managed trophy hunting is sustainable, generates much-needed funds for wildlife conservation and anti-poaching programs and provides employment and an income for thousands of low-income people living in rural Africa. Just recently—in the last few days, in fact—Zimbabwe lifted restrictions on big game hunting imposed after the killing of Cecil the lion, no doubt recognising that the ban was counterproductive to furthering the conservation of big game and deprived local communities of much-needed income. Minister Hunt's decision to ban the importation of the African lion is not only an act of cultural imperialism but also a suppression of sustainable use, a central tenet of effective conservation held dear by the IUCN, CITES and the Convention on Biological Diversity. If Mr Hunt is so affronted by the concept of sustainable use, then perhaps he should withdraw Australia as a signatory to these organisations.

Finally, I want to read a few comments about Minister Hunt's ban from two of Australia's internationally recognised professional wildlife management experts. Professor Michael Archer, at the School of Biological, Earth and Environmental Sciences at the University of New South Wales, commenting on Hunt's announcement, said:

While all his prayers and ill-informed comments are probably well-intentioned, he clearly has no idea that IUCN advocates Conservation through Sustainable Use strategies as demonstrably among the most important compatible conservation strategies ...

In stopping sustainable hunting many vital programs that would continue to have positive conservation outcomes, with wildlife being valued and hence cared for by local communities, will collapse.

At some point this wisdom, which is in fact promoted by IUCN, must sink in to people like the Minister who appear to have no understanding about the importance of Conservation through Sustainable Use …

Professor Grahame Webb, founder of Wildlife Management International in Darwin said:
Mike Archer is 100% correct in his assessment. The real question is whether Minister Hunt is aware of the reality and chose to ignore it, or whether he is not aware of the reality and simply waded into the issue in ignorance. Another dark day for science-based and evidence-based conservation.

Today I have outlined the ill-informed basis on which this decision has been made and how Minister Hunt has turned his back on scientific evidence and fact. Science and evidence must prevail over the misleading emotive rhetoric which has served conservation matters so poorly in the past. For the sake of lions and their survival, I urge senators to support the disallowance motion.

Senator LINDGREN (Queensland) (17:13): I rise in favour of protecting the African lion and other animals by supporting the ban on importing and exporting trophies. I congratulate the Hon. Greg Hunt, Minister for the Environment, for his stance on this important issue. One of the measurements of a society is how we treat animals. Regardless of how powerful or agile they may be, they have little protection against a rifle or other human weapons and even less protection when placed in a fenced-off area.

We want to be seen as a modern 21st century developed nation that has a raft of animal welfare laws.

But now some of us want to ignore what happens in other countries and to encourage cruelty and unnecessary killing in the name of sport. I ask: where is the sport in canned hunting? One could hardly call himself or herself a hunter if the animal is lured, baited or caged. We were all horrified at the greyhound racing live baiting scandal and we were all shocked by the other appalling treatment of animals in Australia, and yet some not only want to turn a blind eye to what happens outside Australia; they now want to be allowed to bring their gruesome trophies back into the country.

For those who state conservation and the need to cull: while at times this is legitimate, it needs to be undertaken by properly managed programs in the hands of professionals who have no need to boast about hunting canned animals. And for those who state that income goes to aid in the development of developing nations: feel free to donate to charities; feel free to go and volunteer and bring back pictures of wild animals, not trophies of misery. I am sure $50,000 would go a long way in a school or a village. Build much-needed infrastructure rather than exchange money for an endangered species's life. Development does not come from a quick buck, it comes from hard work—hard work that a community can take pride in and own. Hunting, canned or otherwise, does not create a resilient local industry, does not give villages future direction, does not encourage localised economic development and it certainly does not create civic pride. Economic participation is zero. It creates another form of welfare, where a cash grant is given to a community to essentially do little other than to provide some accommodation and a guide. That is not development. It is not nation-building. It is not capability development. It is welfare based on cruelty to animals.

Money not well earned is potentially money not well spent. What is there to stop basic human greed when animal after animal is sold by communities to make a quick, easy buck? They only need to overstate the number of animals available to have permission to sell wild animals for hunting, while all the time not having to look to the future and develop inclusive industries for their communities. With so many people finding this abhorrent, it will not encourage a broad-based tourism industry with greater employment potential. Canned hunting—where a lion is bred in captivity, becomes reliant on humans for food and even...
grows to trust humans, is contained in a fenced-off area and is placed in a position where death is a certainty—is not sport. It is not a skill. It is unfair, it is unethical. It is a vile killing and nothing else.

What comes after canned hunting? Wild hunting, and when you cannot find game fairly, you find game unfairly? To say that it is a well-regulated industry is a fallacy. With no disrespect to those developing nations, we have seen that the rule of law struggles in many of these countries. Naturally, they will prioritise their struggling law enforcement resources to human populations, leaving their wildlife as a low priority. We as a developed nation have a duty to support their law enforcement to actively prosecute illegal activities. We have recently seen evidence that hunting is not a well-regulated activity—when a male lion known as Cecil was lured away from his sanctuary, shot with an arrow, wounded and in pain for 40 hours and tried vainly to survive while a trophy hunter returned to his camp, had a meal and a good night's sleep, only to return the next day to finish off his prey. How is this any different from an injured possum being thrown to the ground and laughed at or being used to blood a greyhound? Why is that not okay here in Australia but perfectly fine when we set foot overseas?

Let us be realistic. It does not take much to arrange documents claiming to be from a legal entity in a developing nation that states that the wanton killing was legal. They may even be from a legal entity but inappropriately paid for. A line must be drawn in the savannah. This ban shows the world that we do not support this cruel and unethical practice. I stand in full support of maintaining the ban on bringing hunting trophies into Australia.

Senator SINGH (Tasmania) (17:19): Labor does not support this disallowance motion. Every year foreign hunters export the carcasses of 665 wild lions from Africa—an average of nearly two lions every day. In Zimbabwe, the country where Cecil the lion was killed just last month, hunters exported 49 lion trophies in 2013 alone. Since Cecil's death in early July it is likely that at least a dozen other lions have been shot by trophy hunters. Banning the import and export of lion specimens—implemented following robust public consultation—is an important step towards greater protection of the African lion, and is welcomed by Labor.

A century ago there were some 200,000 African lions prowling the savanna. Now, according to the last complete assessment in 2012, there are as few as 32,000 left—that is 200,000 down to 32,000—living on less than 20 per cent of the land that they used to roam on. They are considered vulnerable by the IUCN Red List, and last October the US Fish and Wildlife Service proposed to list the species as threatened under the Endangered Species Act. Labor believes it is effectively impossible to justify the continued hunting of a species that has declined by more than 80 per cent in the past 50 years by invoking benefits to local communities and by mentioning that areas leased to hunters increase the scope of habitat available to wildlife beyond that available in protected areas. Therefore, Labor cannot support this disallowance of the ban on importing lion specimens or lion hunting trophies. Research has also shown us time and again that trophy hunting of African lions is a threat to the survival of lions in the wild. On top of that, it simply does not flow that there are any social or economic benefits to local communities from trophy hunting.

I am aware of awful reports that travelling Australian wildlife volunteers have unwittingly worked in African shelters to help hand-rear lions and other animals that were later used for
canned hunting, where relatively tame animals are lured before waiting hunters with meat and are then shot with rifles or crossbows.

Personally, I find the act of hunting for pleasure or trophies unconscionable and I find it is sad that many trophy hunters resort to the default argument that killing animals is good for conservation. Countries that are active in the trophy-hunting trade have seen the biggest decreases in lion populations, putting genuine conservation efforts at risk. Recent studies have shown that in areas in which trophy hunting has been permitted by government authorities, lion populations have severely declined even in the absence of other threats.

Research also found that the social and economic benefits of trophy hunting do not flow to local communities. Research published by the pro-hunting International Council for Game and Wildlife Conservation and the UN Food and Agriculture Organization found that hunting companies contribute only three per cent of their revenue to communities living in hunting areas. And according to a 2013 report by the International Fund for Animal Welfare, trophy hunting accounts for 0.27 per cent or less of the GDP of each African country in which it is conducted.

Labor supports the appropriate use of powers under the Environment Protection and Biodiversity Conservation Act to further the protection of threatened or endangered species around the world and therefore does not support this disallowance motion.

Senator WILLIAMS (New South Wales) (17:23): I am going to put a different attitude on this. First of all, why would you want to shoot a lion? That would be the last thing I would want to shoot, but some people do. I remember back in the 1970s when I sheared about 100 sheep a day, I would get paid $40. I bought myself a 0.17 calibre rifle, the same calibre as an air rifle, specifically for shooting foxes. I would shoot two foxes each night and skin them. I would get $40 for the two fox skins, the equivalent of a full day's shearing wage. Given I was not a gun shearer, 100 or 120 a day was my limit in those days.

People do go trophy hunting, shooting these animals. I think what happened to Cecil the lion was a disgrace. It was shot with an arrow, lured out of the national park and then left for 40 hours until it was put out of its misery. That is a disgraceful act. No-one should be shooting animals in national parks, especially lions with the need to keep their numbers up. Canned hunting is a disgraceful act. It was banned years ago. Canned hunting is where they drug the lions and let them out of a cage. They have no hope of survival. People shoot them and then bring the trophies back.

These days farming lions goes on. They might be on 10,000 acres and past their breeding cycle. Someone might want to pay $50,000 to shoot a lion and then have the animal stuffed and brought back to America or Australia. It is something I would never do but the reason I think this regulation is over the top is that it takes so much money out of the poor communities that rely on this activity to put food on their plates—whatever they eat; I have never been to Africa—to look after very poor people and to give them a job.

Canned hunting is disgraceful. Luring animals out of national parks is disgraceful. I would never want to shoot a lion. I have shot many wild pigs and many foxes in my day and will continue to do so. Imagine if you were out on a station in western New South Wales or western Queensland and wild dogs were killing your sheep, and if some American doctor came out and said 'I'll pay you $50,000 to shoot that dingo on your property' and you want the
dingo gone. Dingoes are nothing but animal killers, the way they prey on lambs, and now in Queensland wild dogs are killing calves as they are being born. It is a huge cost to agriculture and to the export of our food supply. If they want to pay $50,000 and take the trophy home, then so be it. The reason I do not agree with this regulation is that it will take money out of the communities where they farm lions, where they protect their numbers and run a business.

If my wife and I ran a business on our farm and allowed the wild pigs to breed up, which we would never do, we could charge people to shoot wild pigs. Wild pigs do tremendous damage to our country through soil erosion, the death of animals and the destruction of fences. They are a huge cost to agriculture in Australia. For people who do want to shoot lions for trophy, if they play by the rules, so be it. They are the rules of that country. It brings money to those places. It is something I would never ever do and would never want to do, but I do not want to see us cutting money off from poor people. Not allowing the trophy to be brought back to Australia still does not stop the lions being shot. An Australian can go there and pay to shoot a farmed lion that is on a 10,000 acre property, hunted down or whatever. I do not know why you would want to do it, but people do. Then they cannot bring the trophy back. That will probably prevent them from doing it and that will leave it to wealthy people from western countries to go over there to do exactly that.

The other problem I have is that Ray Hammond at Guyra has informed me that when the guillotine came down on the day the minister announced this, they could not bring the trophies, the lions which had already been shot, back to Australia. It takes months to get an export permit out of a place like South Africa by the time the lion is stuffed and prepared. It might be 42 days to get the permit to bring it into Australia. Those trophies are now not being brought in. The minister should have been given extended time to allow trophies to be brought here. The hunters have paid their money.

As I said, I would never want to shoot a lion or any such animal, but I disagree because it cuts off money from the people who farm lions for a business. They rely on that money for income. They are very poor communities, in Zimbabwe especially. We know how their economy has gone after the disgraceful things their government has done over the last 10 years. That is why I have some reservations about this regulation.

I will not be crossing the floor. I will not be supporting the disallowance. I just want to put on the record that people have the right to go to the farmed lion areas—not canned, not national parks—where they farm the animals for an income. I see nothing wrong with that.

Senator RHIANNON (New South Wales) (17:29): Monday of this week was World Lion Day, a special day to celebrate the wonder of this majestic species. I think all of us have enjoyed lions in every way—they are just such extraordinary animals—from storybooks for young children to enjoying wildlife documentaries. There are many species in the world that are incredibly unique, but the lion figures in so much mythology and in so many childhood stories and scientific studies that have brought wonder and enjoyment to so many people.

I think it is very understandable that a worldwide day has been established. Then we heard a few weeks ago about the shocking killing of the lion, Cecil, that has mobilised so many people around the world. Why were they mobilised? Because of such extreme cruelty done to one animal. That speaks volumes, that people do care and that they value it when governments like the present government make these changes to regulations so that there is increased protection for this important species.
We have this disallowance before us, and the Greens will certainly not be supporting it. I think that if the mover, Senator David Leyonhjelm, had any decency he would have withdrawn this disallowance motion, particularly after what happened to Cecil the lion. That really did highlight public opinion and how important this change is—the change that he now wants to disallow with his attempt to change that section of the EPBC Act.

Other members have spoken in the debate on aspects of how this industry works. Indeed, it is an industry; it has nothing to do with conservation. People who promote this canned hunting and the spin-offs associated with that use issues to do with conservation as cover, but that is certainly not the intent here. It actually works in completely the opposite direction.

First off, I have a few comments on canned hunting. I think people have heard that canned hunting is described as 'shooting fish in a barrel' because that is just to try to get it across to people that it is not hunting; it is something that has been manufactured. Largely, what we are talking about here are rich, white men going to these countries to shoot elephants, rhinoceros, lions and probably other extraordinary species that one finds in Africa in a way in which they know they will get a result. They will be able to kill the animal. Then they stuff the parts of the animal—the paws of the lion and its head. In the case of elephants it is even parts of their feet that are stuffed so that they may become tables. I just find the whole thing extraordinary, that it is something that people would want to do.

I certainly cannot call it a sport; I can barely even call it hunting. That is why people have come up with this description, 'canned hunting'. Again, I emphasise this: there is no conservation benefit in this. It is actually a negative in terms of conservation. And there are no benefits to local communities. I noticed that an earlier speaker, Senator John Williams, made out that there were benefits that go to local communities. He had no basis for that, or evidence to back that up. I think it is important that the impact it does have on local communities is set out.

Firstly, research published by the pro-hunting International Council for Game and Wildlife Conservation and also by the United Nations Food and Agriculture Organisation—and this has been supported by other researchers in the area—have found that hunting companies contribute only three per cent of their revenue to communities living in hunting areas. Obviously, that is an average—in many cases there may be some that are higher but there are a lot which are much lower. The vast majority of their expenditure does not accrue to local people and businesses. We find that the firms involved, government agencies that might be trying to drive this and some individuals who are looking to make a profit out of it have few links to local communities near lion habitats. This is quick money and often big money for those pushing behind the companies, and the locals are left in an even worse situation—often with the lion's habitat destroyed.

Canned hunting is also often called 'trophy hunting'. Trophy-hunting advocates present the industry as very large. They cite figures as high as $200 million in annual revenue. But in the context of national economies—and we are talking about Africa here—the industry is tiny, contributing at best a fraction of a per cent of the GDP. Nature based tourism does play a significant role in national development. This is where countries like Australia can assist countries in Africa to develop that side of their tourism. That is the way this should be going. This is a debate that we should not be having in the 21st century. This is the big, white hunter going to Africa and killing these majestic species. It should have ended long ago.
Nature based tourism, as I said, does play a significant role. Across the countries which have been investigated, trophy hunting revenue was only 1.8 per cent of tourism revenue while nature tourism is bringing increasing amounts of financial benefit to local communities.

Conservationists and many MPs, particularly in countries across Europe, are pushing for the European Union to ban the import of lion parts—the heads, the paws and the skins—as trophies from African countries. Sadly, it is not just lions. As I said before, the situation for elephants remains very serious. The European Union has banned trophy-hunting imports of elephants from Tanzania and Mozambique. I understand that it is also banned in Botswana. Unfortunately, the European Union has not placed a full ban on trophy hunting; that is a campaign that continues. I congratulate Botswana’s government. It is a very poor country, and it has brought in a self-imposed ban on trophy hunting—further confirmed after the death of the lion Cecil. So this is a huge campaign, and again I congratulate the government for taking this action.

We needed this change to the law. Why did we need it? We needed it not just because of issues of cruelty but because of issues that are literally about the future of this species. There are 32,000 lions left in Africa. North Africa no longer has lions. They are already extinct in that part of that huge continent. The numbers in West Africa are in the hundreds, possibly 500. In central Africa, east Africa and southern Africa, the numbers are obviously higher. But 32,000 overall is not a huge number of animals for this species.

You heard earlier from an earlier speaker in this debate that this species has gone from being classified as vulnerable to being classified as threatened. The lion population is in serious decline. This is an issue that should concern all of us. Anyone who stops to think about would have to find this shocking. While the lion is not our native species, so many of us have grown up with lions in our children’s books—just reading about lions, just appreciating this creature that is at the head of the food chain in Africa. Certainly it does engender some fear at times, understandably; they are a tough species looking after their young. The wonder of life that is encapsulated in the lion species is something that we should not threaten in any way. Certainly trophy hunting does that.

I will mention a few more details about this industry. When I read about the tragedy of Cecil the lion, and then saw it, I checked out some of the issues going down with this industry. It really is deeply shocking. Lions are being bred purely for people to come along and kill them. That is not hunting at all. I do not think hunting of wild animals should occur in any form. But it is particularly wrong that they are captured in a certain area and then there is an absolute guarantee that the big white hunter can come in and kill off a few of these majestic big cats.

Research that has been done in this area has found that there are 160 farms in parts of southern Africa that are legally breeding more than 5,000 big cats per annum purely for this canned hunting market. Really that is quite sick. In South Africa in 2012 canned hunting was so popular it generated US$70 million. And, again, barely any of that money stays with local communities. This is money that is quickly going overseas or to big companies in Johannesburg and other key parts of South Africa.

Regulation of this industry is virtually nonexistent. What it comes down to is: if you have the money to pay, you buy a dodgy permit and you can go off and shoot these animals. What happens then? You shoot the animal; you take the skin; you take the head; you have your
trophy; you go home. I guess you then put it on your wall and invite your friends over. I mean, really!

But there are other aspects. It is not just trophies. There is also a trade in the bones of these animals. The lion bone trade is part of a lucrative medicine market in China and parts of South-East Asia. The concern here is that the canned hunting market of lions is actually providing cover for an illegal trade in wild lion bones and tiger bones also. This is another very worrying aspect of how this industry is playing out.

There is yet another aspect. Many of you would have heard about the puppy farms in Australia. We now have cub farms as a spin-off of this industry. This is to supply lion cubs. How cute are little lion cubs! You do want to cuddle them. They are absolutely gorgeous. So I can understand that people want to go along and pat a little lion cub. As part of this industry people are breeding up the cubs so that people can come along and pay good money—bring their children along—to pat a lion cub, in fact many lion cubs. It is a tourism attraction. They actually have these petting parks.

It is presented again that this is something wonderful for conservation because these poor little lion cubs have been orphaned and now we need to ensure we conserve the species. 'Come along. You can pat a lion cub. We are looking after it.' The implication is that it will go back out to the wild. But virtually none of those lion cubs go back out to the wild. By far the majority of them have been bred specifically to go to these petting farms. It is something that is very abusive. It is done in the name of conservation but it is factory farming at its worst.

Also, what happens to the mothers, the lionesses? It is very unnatural in terms of the way the lionesses are treated—like with puppy farms here. Often lionesses are giving birth to two and three litters per year, which is well beyond the pattern of a lioness in the wild. Again, this is deeply wrong. Then the breeders remove the cubs from the mother lionesses at a very early age, disrupting the whole natural way that prides of lions, these most beautiful animals, live. I have read that in some cases the cubs can be taken off the mother within an hour. That is another form of cruelty.

There was cruelty in the way Cecil was shot; there is cruelty in the whole notion of canned farming and canned shooting; there is cruelty in the way hunting is undertaken; and there is cruelty in the way these lionesses are treated.

I noticed, when the mover of this disallowance, Senator Leyonhjelm, spoke, he said that the people who were against canned hunting had an 'intense personal dislike' of hunting. That is quite an abusive phrase. It is again trying to misrepresent these people. Yes, we do strongly oppose canned hunting. But think about why it is done. It is not some intense personal thing. It is actually very objective. What we are saying is that these animals should not be treated so cruelly; bred purely to be shot, for the pleasure of someone who has the money to kill these animals, in a very easy way. They will get their shot sooner or later, and then they can cut up the animal and take it home in parts. That is what people are objecting to. It is very objective in terms of how they have made their decision. Yes, they might feel very concerned and upset by it, but it is certainly a judgement that they have made on a very reasoned basis. It is also a judgement has been made for biodiversity reasons. We know the loss of species around the world, the loss of our glorious biodiversity, and all of us should take a stand on that. That is another reason people are speaking out against the cruelty to lions and other wildlife in Africa and why all of us should vote against this disallowance.
Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (17:45): I would like to make a short contribution to this disallowance motion. As Senator Lindgren so clearly articulated when she made her contribution, I think society is judged by the way we treat our animals. To shoot or maim an animal for entertainment is a pretty sad indictment on mankind. And to suggest this is okay because the animals are actually bred for this specific purpose I think to some degree actually makes it worse. To have an artificial environment created where you put animals in a confined space and you make them behave in a way that is unnatural to how they would behave in the wild and then to turn around and shoot them for sport is one of the most heinous things I can possibly think of.

Society accepts that the humane use of animals for food and for clothing is an acceptable thing to do. I think we all accept the fact that we have to eat and have to be clothed and that using animals for a specific purpose, as long as they are reared and killed in a humane way, is something that society accepts. Society does not accept canned hunting, and I cannot see that there will ever be a time when society does.

I think the contributions of others that have risen and spoken on this particular disallowance motion and against the position that has been put forward by Senator Leyonhjelm—that this practice should be allowed to continue and that we should continue to import the by-product of this activity—have been very good. It is an abhorrent activity, and even things like duck hunting, which has received quite a lot of adverse publicity in this country, is better than this. At least the animal gets to live in the wild and gets a sporting chance and at least the hunter's intent is to take that animal home to eat. This is not the case with the canned hunting.

But it is not just about lions; it is about any animal that is slaughtered, killed, maimed, teased or tormented for the purpose of sport. This is the thing that we should be condemning. Any country in the world, any person on this earth who thinks it is okay to kill, main, hurt or scare an animal for the simple pleasure of a sport, without any intention whatsoever to use that animal for food is an absolute disgrace.

So I condemn the farming of wild animals for the purpose of killing them for sport and I commend the minister for the action that he has taken in moving this particular regulation. I support the minister's action and I support every other speaker today who stood up in support of banning the importation of this particular by-product into Australia.

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (17:48): I rise to address some of the issues in relation to this disallowance motion on behalf of the government. The regulation in question before the chamber is one that means that African lions would be treated as though they are listed under Appendix 1 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. This convention, known as CITES, is a convention in which Australia is one of some 180 signatories. CITES is specifically aiming to ensure that international trade in wild animals and plants does not threaten their survival. Approximately 5,600 species of animals and 30,000 species of plants are listed under the CITES convention, and the species are listed on one of three appendices to CITES according to how threatened they have become through trade. Appendix 1 is the most restrictive list and is applied to the species most threatened by trade.

Australia's national environment law, the Environment Protection and Biodiversity Conservation Act 1999, gives effect to the requirements of the CITES convention.
accordance with CITES and the EPBC Act, Australia may introduce stricter domestic measures that restrict trade in certain CITES-listed species. The mechanism for giving effect to a decision to put in place a stricter domestic measure for a CITES-listed species is a declaration in a legislative instrument. Such a legislative instrument is of course disallowable, and that is what we are debating today—the instrument that was created by Minister Hunt in relation to the importation of African lion parts that Senator Leyonhjelm has moved a disallowance motion on.

This has come about because of genuine community concern, and I do want to acknowledge in this debate the member for La Trobe, Mr Jason Wood, who is in the chamber. The member for La Trobe campaigned extensively and argued passionately for this regulation to be brought in for this protection of African lions.

He deserves all credit for that and obviously is passionate enough about it that he has come to the chamber to witness this debate around the proposed disallowance of the regulation. The government does not support the disallowance. We obviously stand by the decision taken by Minister Hunt at the encouragement of the member for La Trobe and others, because we believe that it is important as a government to offer this additional protection to African lion species. This will prevent the trade in African lion parts, except for a limited number of circumstances such as scientific or conservation purposes.

Extensive consultation on the ban was undertaken by Minister Hunt and the government more generally with the African lion range states, businesses, hunters, conservation organisations and researchers. Existing measures in South Africa do not prohibit canned hunting of African lions. South Africa prohibits canned hunting of a number of species, including leopards and cheetahs, but not lions. Canned hunting as has been discussed in the chamber is when lions are raised in some form of captivity and hunted within fenced enclosures, where the odds of course are stacked in favour of the hunter. Of the 18 African lion specimens imported to Australia as hunting trophies for both commercial and personal use between 2010 and 2013, all originated from South Africa where the canned hunting of lions is not prohibited, and 15 were declared as being captive bred.

A Department of Environment analysis concluded that other options to specifically target canned hunting would not be effective given the challenges in determining whether a specimen was obtained through canned hunting versus other measures. And because canned hunting, we believe, is a deplorable activity, we took this action as a government to protect African lions from this barbaric practice by banning the import and export of trophies through the use of this regulatory measure.

This practice can hardly be called hunting, as other speakers have considered, let alone be called a sport. It is cruel and barbaric and we want it to be a thing of the past. We have seen more recently, as other speakers acknowledged, the public outrage that has followed the killing of Cecil the lion in Zimbabwe. Australians do not support this type of brutal activity against these majestic creatures. The ban importantly sends a signal to the international community that we do not support this cruel and unethical practice. Many major international airlines have joined the fight against this trade with Lufthansa, Emirates, British Airways, American Airlines, United Airlines and Delta Air all banning hunting and trophy shipments. It has attracted international attention with members of the EU parliament calling upon their
jurisdiction to take a lead from Australia, which has of course brought attention to the issue of canned hunting within South Africa as well.

I welcome the contribution of many speakers from different sides in this debate where they have indicated their support for the government's stronger actions to protect African lions. I welcome the fact that their indications suggest Senator Leyonhelm's motion will be unsuccessful, as it should be. And I urge all senators to vote against this motion to ensure that the ban on the importation of these parts of African lions remains in place and that we actually send a very strong message of support from this Senate for this ban and a very strong message that we will not condone this unfair, unethical and barbaric treatment of lions.

Question negatived.

BUDGET
Consideration by Estimates Committees

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (17:55): On behalf of the Chair of the Senate Legal and Constitutional Affairs Legislation Committee, I present the report on the 2015-16 budget estimates together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

BILLS

Migration Amendment (Strengthening Biometrics Integrity) Bill 2015
Second Reading

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

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (17:56): For the benefit of the Hansard record, I will continue from where I was cut off when debate on this bill was last interrupted. This is in regards to the privacy impact assessment I tabled during my previous but short contribution.

For Australian Privacy Principle 5, it is recommended that the department update its relevant public notices in relation to identifying information and privacy and that signs be installed in airports where verification checks are being conducted. These signs will say that the checks are being conducted and that personal identifiers collected will not be retained by the department. I am advised by my department that these recommendations will be implemented shortly after the bill becomes law.

The purpose of this bill is to strengthen the Department of Immigration and Border Protection's powers to collect biometrics for the purposes of the Migration Act or the migration regulations. The bill removes current restrictions and inconsistencies in the collection of biometrics from people at the border and from noncitizens seeking to enter and remain in Australia. Recent terrorism related events here in Australia and overseas reinforce the need to use new technologies to detect persons of concern at Australia's borders. Equally important is the capacity to resolve concerns about the identity and previous histories of noncitizens who are currently living in the Australian community. While the department's
biometric program has been effective in detecting people who may seek to harm us, the current provisions of the Migration Act for the collection of biometrics were introduced more than 10 years ago, and obviously a lot has changed in this time.

The bill provides the department with the flexibility to respond to increasing volumes of travellers and increasingly sophisticated attempts by criminals to circumvent Australia's border protection measures. In 2013-14, over 35 million passengers arrived and departed through Australia's borders. This is estimated to rise to in excess of 50 million by 2020. It does this by allowing the use of new and emerging technologies that facilitate increased movement across the border and enables the verification of a person's identity in a quick and nonintrusive way. The reforms in the bill will strengthen border controls. The broad power applies to citizens and noncitizens who arrive and depart at Australia's airports and seaports and will be exercised where identity or security concerns arise. It is important to note that most people will not be affected by the bill and will move seamlessly and efficiently across our border. It is only those travellers who are identified as posing a higher risk who may be asked to provide additional biometrics. The ability to collect personal identifiers from visa applicants offshore strengthens Australia's national security and the integrity of our visa system by detecting presence of concern well before they reach our shores.

Furthermore, the bill will enable the department to detect noncitizens identified as being of concern after arrival in Australia. This will ensure that adverse information relating to noncitizens' behaviour while living in the Australian community is available to inform decision making in regards to an existing visa or grants of a subsequent visa to remain in Australia.

If I could now turn to the reports of the bill from the Senate Legal and Constitutional Affairs Legislation Committee, the Scrutiny of Bills Committee and the Parliamentary Joint Committee on Human Rights, I commence by thanking each of the committees for their contributions to the consideration of this bill. In response to a recommendation by the Senate Legal and Constitutional Affairs Legislation Committee, I foreshadow that I will be moving an amendment to the bill during the committee of the whole stage. This amendment will put it plainly on the face of the legislation that persons providing personal identifiers are not required to do so in a cruel, inhuman or degrading way, or in a way that fails to treat the person with humanity and respect for human dignity. This has always been the government's policy intention, and the amendment puts it on the face of the legislation. This government-sponsored amendment in fact goes beyond the amendment that is being proposed by the opposition, which relates only to minors and incapable persons. I note issues relating to the breadth of discretion, safeguards and removing restrictions on the collection of biometrics from minors and incapable persons raised by the committees and by senators during their debate. I remind senators that this particular bill relates to the collection of biometrics only. Existing provisions in the Migration Act which provide a series of rules and offences that govern the access, disclosure, modification and destruction of identifying information will not be changed. These existing provisions will apply to all biometrics collected and retained under this bill. Existing legislative safeguards that apply to conducting an identification test which involves the collection and retention of biometric information will also remain largely unchanged.
These same safeguards are not necessary when checking a biometric using a handheld scanner at the border. This is because the check will occur in public in just the same way as other checks. Many people will be familiar with the explosive trace detection test which is currently used at airports. This check does not involve the retention of a person's biometric information.

The bill removes existing consent and presence requirements for minors and incapable persons in order to protect vulnerable individuals, including children—and this is an exceptionally important part of this bill—from trafficking and exploitation, and to detect radicalised individuals who may seek to harm the Australian community. When required, additional safeguards for the collection of biometrics from minors or incapable persons will be provided for in departmental policies, and these policies will be made publicly available.

I now turn to the issue of mandatory reporting requirements in the event of a data breach. The bill does not amend the robust legislative framework that regulates how personal identifiers are to be accessed and used. This framework creates criminal offences for unauthorised use and disclosure of personal identifiers. The government's view is that this framework is appropriate and the amendment is not required.

Can I just turn to the discussions that I had with Senator Xenophon in relation to this bill, and I thank Senator Xenophon for the exceptionally constructive way in which he approached those discussions. Can I also confirm that the government has agreed that, 12 months after the operation of this bill has commenced, a report will be provided by the Australian Border Force to the minister to be tabled in the parliament. Therefore, it shall be made publicly available and this shall occur within 18 months of commencement. The report will look at issues of the operation of the bill's provisions, including the relevant training of Australian Border Force officers looking at complaints and how complaints are handled. In particular, the report will look at how the Australian Border Force would be alerted to complaints of cruel, degrading or inhuman treatment and how they appropriately handle them.

In summary, the bill establishes a practical framework for the efficient movement of the majority of travellers across Australia's border. It expressly limits the collection of personal identifiers to the purposes of the Migration Act or the migration regulations, it provides the ability to require personal identifiers on a case-by-case basis, and it provides the flexibility to conduct quick and non-intrusive verification checks. Again, I remind people who are listening in to the debate: if you have ever been through an airport in Australia, you may have been one of those people who were chosen for an explosives test. It is quick and unobtrusive, and you keep on moving through the process.

The bill does not amend the defined types of personal identifiers that can be required under the Migration Act, and importantly it does not expand the circumstances for which Australian citizens can be required to provide personal identifiers at Australia's borders on arrival and departure. This bill is part of this government's commitment to ensuring the protection of the Australian community and strengthening the integrity of our migration programs. Measures in the bill are central to continuing to protect the Australian community from the threat of terrorism and other serious criminal activity and, so importantly, to providing greater protection to vulnerable people, including children at risk from trafficking or exploitation. With those comments, I commend the bill to the chamber.
The ACTING DEPUTY PRESIDENT (Senator Bernardi): The question before the chair is that the second reading amendment moved by Senator Ludlam be agreed to.

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (18:06): I seek leave to speak briefly as to why I will not be proceeding with that amendment.

Leave granted.

Senator LUDLAM: I do not wish to detain the chamber unnecessarily, but the substance of the second reading amendment was that the privacy impact assessment that Senator Cash referred to be tabled before the debate proceed. Technically that did not occur. In fact, we were all the way through the second reading debate before the minister put that document on the table in her summary remarks a couple of days ago. Nonetheless, that document is in the public domain. When we come to the committee stage, we will be asking a few very quick questions about it, but I will not need to proceed with the amendment for that reason.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): So you have withdrawn your second reading amendment. Thank you. The question now is that the bill be read a second time.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator KIM CARR (Victoria) (18:07): by leave—I move opposition amendments (1), (2), (3) and (4):

(1) Schedule 1, item 34, page 7 (after line 27), after subsection 257A(7), insert:

Personal identifiers for minors or incapable persons

(7A) If a minor or an incapable person (the person) is required to provide one or more personal identifiers under subsection (1), the personal identifiers must be provided:

(a) in circumstances affording reasonable privacy to the person; and

(b) in such a manner that ensures particular care is taken to treat the person with humanity and respect for human dignity.

(2) Schedule 1, item 50, page 9 (lines 24 and 25), omit the item, substitute:

50 Subsections 261AL(5) and (6)

Repeal the subsections, substitute:

Persons present while identification test is carried out

(5) If a person who is a minor provides a personal identifier, in accordance with a requirement under Division 13AA of this Part, by way of an identification test carried out by an authorised officer, the test must be carried out in the presence of:

(a) a parent or guardian of the minor; or

(b) either:

(i) if the minor is female—2 female independent persons; or

(ii) if the minor is male—2 male independent persons.

(6) However, if the Minister is the minor’s guardian, the test must be carried out in the presence of:

(a) if the minor is female—2 female independent persons (other than the Minister); or
(b) if the minor is male—2 male independent persons (other than the Minister).

(3) Schedule 1, item 53, page 10 (lines 3 and 4), omit the item, substitute:

53 Subsection 261AM(4)

Repeal the subsection, substitute:

Persons present while identification test is carried out

(4) If a person who is an incapable person provides a personal identifier, in accordance with a requirement under Division 13AA of this Part, by way of an identification test carried out by an authorised officer, the test must be carried out in the presence of:

(a) a parent or guardian of the incapable person; or
(b) either:
   (i) if the incapable person is female—2 female independent persons; or
   (ii) if the incapable person is male—2 male independent persons.

(4) Schedule 1, page 10 (after line 4), after item 53, insert:

53A After section 336L

Insert:

336M Identifying information—serious data breach

Serious data breach

(1) If:

(a) a person is the responsible person for identifying information; and
(b) the person holds identifying information; and
(c) there is unauthorised access to, or unauthorised disclosure of, the identifying information; and
(d) the access or disclosure is in circumstances which may result in a real risk of:
   (i) the unauthorised use of the identifying information; or
   (ii) a serious interference with the privacy of an individual;

then:

(e) the loss is a serious data breach in relation to the identifying information; and

(f) an individual is significantly affected by the serious data breach, if, and only if, the individual is the person to whom the identifying information relates.

Notification

(2) If a responsible person believes on reasonable grounds that there has been a serious data breach in relation to identifying information, the responsible person must, as soon as practicable after forming that belief, notify, in writing:

(a) the individual who is significantly affected by the serious data breach; and
(b) the Information Commissioner;

of the following:

(c) a description of the serious data breach that the responsible person believes has occurred;
(d) the kinds of information concerned;

(e) recommendations about the steps that the individuals should take in response to the serious data breach that the responsible person believes has occurred;

(f) such other information (if any) specified in the regulations.
Senator Brown, on behalf of the Labor Party, made a speech on the second reading pointing out Labor's position on this legislation—namely, that the collection of personal identifiers at the border is an important part of Australia's national security procedures; it is important that we know precisely who is entering and leaving Australia at any given time; and it is important too that we confirm the identities of those who apply for and those who are given visas to live and work in Australia. Preventing identity fraud is essential. Collecting biometric data allows us to do all of these things. However, we must do so in a way that respects human dignity and the privacy of those who provide biometric identifiers.

As has been previously indicated, Labor also believes that some measures in this bill need to be amended. Our amendments which I have moved today—and I am more than happy to have them voted on as a block, because they do complement one other—are amendments responding to the concerns raised by the Parliamentary Joint Committee on Human Rights and the submissions to the Senate inquiry into the bill by the Law Council and other groups. I know the government has acknowledged the essential truth of those submissions and has moved an amendment of its own, which Labor will be supporting. However, our amendments go further.

The amendments are intended to protect the privacy and the human dignity of minors and incapable persons. They are designed to provide a clear and appropriate response to a serious breach of security in the storage of biometric data. The Migration Act does contain protections for minors and incapable persons, but the human rights committee noted that there are no specific protections in this bill. The act requires biometric data to be collected in circumstances providing reasonable privacy, excludes the presence of unnecessary persons and states that the collection must not involve more visual inspection, or the removal of more clothing, than is necessary. You would have thought they were quite reasonable propositions to put to this chamber. This bill, however, allows the minister and authorised officers to require that data be collected in a way different to that that is set out in the act. The avowed intent is to allow quick finger scans, but nonetheless the lack of specific privacy protection remains a problem, and therefore we will be seeking the support of the chamber for the amendments that we have moved.

The amendments insert specific references to 'circumstances affording reasonable privacy' and taking care 'to treat the person with humanity and respect for human dignity'. The same requirement is also extended to the collection of data from noncitizens. The amendments also specify that the collection of data from minors and incapable persons should be carried out in the presence of a parent or guardian—again, not an unreasonable request—or two independent persons of the same gender as the person providing the data. If the minister remains the minor's guardian, the requirement is for the presence of two independent persons.

Amendment (4) defines what a serious data breach is, who a person considered to be 'significantly affected' by such a breach is and what action might be taken by a responsible person in the event of such a serious breach. A serious data breach occurs when there has been unauthorised access to, or disclosure of, identifying information that may result in serious interference with the privacy of an individual. A significantly affected person is an individual to whom the identifying information relates—again, a very straightforward
proposition which I believe can be reasonably expected to enjoy the support of the chamber. If a responsible person has reasonable grounds for believing that a serious breach has occurred, that person must notify in writing the affected person and the Information Commissioner as soon as is practicable. The notification must include a full description of the breach and recommendations about the steps that an individual should take in response.

Labor is confident that amending the bill as we propose would allow it to operate more effectively, with more potential to protect the rights of individuals. I commend these amendments to the chamber.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (18:13): I commence by tabling a supplementary explanatory memorandum relating to the government amendment to be moved to this bill. I will now just briefly address the amendments that have been moved by Senator Carr on behalf of the opposition. Amendment (1) on sheet 7725 will amend the new broad power to introduce a requirement that, when a minor or an incapable person is required to provide a personal identifier, it be done in circumstances affording reasonable privacy and taking particular care to treat the person with humanity and respect for human dignity. The government will not be supporting this amendment, and I will just outline to the chamber why. One of the primary aims of this bill is to facilitate the use of new and emerging biometric technologies to conduct quick and non-intrusive checks of identity in public—for example, using a hand-held device to conduct a verification check of a person at Australia's border. The requirement outlined in this particular amendment to afford reasonable privacy will actually have the effect of undermining the ability to efficiently conduct these checks at Australia's border and in other circumstances. The whole purpose of what we are doing with this bill is to ensure we conduct a very quick and a non-intrusive check of identities, most importantly, in public.

The other reason as to why the government will not be supporting this amendment is, as I have already stated in my summing-up speech, that the government itself is going to be moving an amendment in relation to this bill. The proposed government amendment will ensure that the face of the legislation makes it clear that all persons who are required to provide personal identifiers under the broad power are treated with humanity and respect for human dignity, whilst the amendment moved by Senator Carr on behalf of the opposition is limited to just minors and incapable persons. So our amendment is far broader than that put forward by the opposition.

The government will not be supporting amendment (2) on revised sheet 7725. The amendment amends the safeguards in relation to the collection of personal identifiers from minors or incapable persons under the separate power to require personal identifiers from immigration detainees. These safeguards, for those in immigration detention, are not proposed to be amended by this bill. The Migration Act will continue to provide that when collecting personal identifiers from immigration detainees who are minors or incapable persons under division 13AA a parent, guardian or independent person is required to be present. Division 13AA of the Migration Act will continue to provide that an immigration detainee can request an independent person to be present during an identification test and that the test be carried out by an authorised officer of the same sex. The government considers that these safeguards
are adequate and that it is not necessary to provide for the presence of two independent persons of the same gender as the minor or incapable person.

Finally, the government will not be supporting amendment (4) on revised sheet 7725. The bill does not amend the existing legislative framework and processes regarding the use and disclosure of identifying information under the Migration Act. The government's view is that the framework is appropriate and robust, and the amendment is unnecessary. The department is committed to openness and transparency in regard to data breaches. In the event of the authorised disclosure of personal information, including personal identifiers, the department's usual practice is to consult with the Australian Privacy Commissioner in relation to the breach and comply with the recommendations of the Australian Privacy Commissioner about notifying affected individuals of the breach.

Where a breach of privacy that meets the threshold for harm has occurred, as per the Australian Privacy Commissioner's guidelines, the department reports all such breaches to the Australian Privacy Commissioner for advice and feedback and guidance where required. The threshold for harm is where that breach would pose risk of harm, personal, financial or emotional to the individual; or is of a significant nature given the volume of the data disclosed. Those are the reasons the government will not be supporting these amendments.

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (18:18): As Senators Carr and Cash have done, I will speak to all the amendments and then we can vote in sequence, if that is the will of the chamber. Before we do that, I have a two-part question to Minister Cash. In the privacy impact assessment that the minister tabled the other day on the bill, there were two recommendations relating to Australian Privacy Principles 3 and 5. The first one recommends that, to ensure staff compliance with the legislative requirements under the bill, appropriate training must be provided in addition to the new policy and procedural guidelines on the collection of personal identifiers under the bill. The second relates to administrative consequences of doing that—forms being reviewed and updated, as required, to ensure that Australian Privacy Principles 5 requirements are met. Then it goes through a number of points that are relevant to that. I am seeking from the minister some detail, firstly, as to whether she, on behalf of the government, agrees that those recommendations are sound and what the government will be doing to uphold those.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (18:20): I thank Senator Ludlam for his question. I did have the opportunity to address that during the debate on Monday, but given that I was cut off I am more than happy to address it again. The assessment was completed in consultation with the Australian Information Commissioner and I, therefore, tabled a copy of the statement, which you now have. The privacy impact assessment, you are correct, makes two recommendations in relation to Australian Privacy Principles 3 and 5.

In relation to Australian Privacy Principle 3, it is recommended that the department ensure that its officers are fully trained in using the new provisions under the bill. For Australian Privacy Principle 5, it is recommended that that department updates its relevant public notices in relation to identifying information and privacy and that signs are installed at airports where verification checks are being conducted. These signs will say that the checks are being conducted and that personal identifiers being collected will not be retained by the department.
I am also advised by the department that these recommendations will be implemented shortly after the bill becomes law.

In relation to the training, I can provide you with advice that the Australian Border Force Act sets out that the Australian Border Force Commissioner can prescribe rules governing the conduct of Australian Border Force officers, including a strict integrity regime. The Australian Border Force college, the facility training Australian border force officers, has a number of arrangements and partnerships in place with government agencies and commercial partners for the provision of specialist training and facilities.

With regard to biometrics training, if I could just refer you to the undertaking that I have given to Senator Xenophon—and I am happy to go through that again during my summing-up speech—a report will be provided 12 months after the commencement of this particular piece of legislation and within 18 months. As part of this review, the department will look into the training that is being provided to officers and whether or not enhancements are required.

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (18:22): I thank the minister for that additional information. I take it that that report, that 12-month review, would either be tabled in here or published.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (18:22): Yes, I have said it will be tabled in the parliament.

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (18:22): I thank the minister. I will just quickly provide some comments on the three opposition amendments that Senator Carr has moved together and the government amendment. The Australian Greens will be supporting all four.

I think the government amendment in part goes some way towards upholding the principle and the spirit of some of the comments that were made by senators during the committee review process into the bill and some of the witnesses who spoke out quite strongly against some of the clauses in the bill. Nonetheless, we do not think that it goes far enough.

In fact I think the opposition amendment is more specific, probably has more teeth and will be more effective in terms of who is present when identification tests are being conducted on minors or incapable persons. I want to acknowledge and thank Senator Carr on behalf of the opposition for bringing those amendments forward. I think they are very worthy. They obviously do not go very far in satisfying the Greens’ concerns about the bill which were echoed by many submitters as we expressed during the second reading debate.

I want to draw attention to the fourth opposition amendment around mandatory data breach notification—if anything, this is probably the most significant of the amendments that the opposition has brought forward. The idea that if agencies with considerable power over very, very highly personalised and intimate information, including this biometric data, lose control of it, they are not under any obligation at all to inform the people whose privacy has been breached that that has happened. This is not an abstract or hypothetical concern, given that the department in its former incarnation let slip personal identifiers of nearly 10,000 asylum seekers—people fleeing violent regimes in the region and in our part of the world—for whom the consequences were not merely inconvenient but potentially life threatening. This is a
department that does not have excellent form as I identified in my second reading contribution.

Mandatory data breach notification exists in many—not quite all—similar jurisdictions to ours with three basic principles: you collect the minimum data that you require; you protect it with systems of robustness and integrity; and, if those protection mechanisms fail, you have an obligation to the people whose privacy has been violated—or potentially their safety—to let them know so that they can take countermeasures or at least be aware of what is going on.

We are strongly in support of the fourth opposition amendment on the running sheet and, were Senator Singh here, through you, Mr Chair, I would encourage her to bring forward mandatory data breach notification—and I believe she still has a private senator's bill on the Notice Paper—so that these mandatory data breach provisions do not simply apply narrowly to Border Force's operations but in fact to any entity of the Commonwealth that is holding people's private information in trust. I am very happy to commend all of these amendments to the chamber.

The CHAIRMAN: The question is that opposition amendments (1) to (4) on sheet 7725 revised be agreed to.

The committee divided. [18:30]

(The Chairman—Senator Marshall)

Ayes .................. 31
Noes .................. 32
Majority .............. 1

AYES

Bilyk, CL
Bullock, J.W.
Carr, KJ
Dastyari, S
Gallacher, AM
Hanson-Young, SC
Lambie, J
Ludlam, S
Madigan, JJ
McAllister, J
Moore, CM
Rhiannon, L
Siewert, R
Sterle, G
Waters, LJ
Wright, PL

NOES

Back, CJ
Birmingham, SJ
Canavan, M.J.
Colbeck, R
Edwards, S
Fierravanti-Wells, C
Heffernan, W

Bernardi, C
Bushby, DC (teller)
Cash, MC
Day, R.J.
Fawcett, DJ
Fifield, MP
Johnston, D

CHAMBER
I move government amendment (1) on sheet GN118:

(1) Schedule 1, item 45, page 9 (lines 13 to 15), omit the item, substitute:

45 Section 258F

Person must not be required to provide personal identifiers in a cruel, inhuman or degrading way etc.

For the purposes of this Act, a requirement to provide a personal identifier, or the provision of a personal identifier, in a particular way under section 257A is not of itself taken:

(a) to be cruel, inhuman or degrading; or

(b) to be a failure to treat a person with humanity and with respect for human dignity.

However, nothing in this Act authorises the Minister or an officer to require a person to provide a personal identifier under section 257A in a cruel, inhuman or degrading way, or in a way that fails to treat the person with humanity and with respect for human dignity.

The Senate Legal and Constitutional Affairs Legislation Committee reported on the bill on 5 June 2015, and I thank the committee for their consideration of the bill and their report. The committee recommended that consideration be given to ensuring that the protections in line with those found in sections 258E and 258F of the Migration Act apply to any means of collecting personal identifiers under the proposed broad power contained in the bill. In response to that recommendation I move an amendment to schedule 1 item 45 of the bill. That amendment will omit the current section 258F and substitute for it the proposed wording extending the protections found in that section to any means of collecting personal identifiers under the proposed broad power. The amendment will affirm an individual's right to physical integrity and freedom from cruel, inhuman or degrading treatment and ensure that personal identifiers are collected with respect for human dignity. Through the bill the government seeks to strengthen the Department of Immigration and Border Protection's powers to collect personal identifiers for the purposes of the Migration Act and migration regulations. These measures in the bill affirm the government's commitment to border protection, and I commend the amendment to the Senate.

Question agreed to.

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

Third Reading

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (18:35): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Building and Construction Industry (Improving Productivity) Bill 2013


Second Reading

Debate resumed on the motion:

That these bills be now read a second time.

Senator O’SULLIVAN (Queensland—Nationals Whip in the Senate) (18:36): I am pleased to be able to continue to make my contribution on the Building and Construction Industry (Improving Productivity) Bill 2013. I will, in effect, pick up where I left off in arguing first and foremost for the foundation and for the need for the restoration of the Australian Building and Construction Commission in part.

If this chamber wanted to consider why there was a need for a commission to oversee and regulate the behaviour of stakeholders and some of the unions associated with the building industry, one need do no more than consider what is currently happening before the royal commission into the construction union, the CFMEU. It is not very pleasant; in fact, for some, it will be a repetitious contribution from our side, as it is a matter that has been canvassed here in this chamber on any number of occasions in the term of this particular Senate and this parliament.

This industry, and the union involvement in this industry, has been a very difficult space for a very long period of time. There have in fact been no fewer than four royal commissions, excluding the current royal commission. Four royal commissions have previously examined matters relating to the construction industry. Mr Stoljar, special counsel, pointed out to this current royal commission, the Cole royal commission, that each of those four inquiries had pointed to systemic unlawfulness and corruption within the industry, and the interim report of the current commission suggested that little, if anything, had changed. Counsel also said the findings of the past royal commissions as well as the current royal commission suggest that there is still within that industry a systemic culture of lawlessness and defiance of the law which threatens productivity, established freedoms and the rule of law more generally. I will revisit that a bit later in my contribution, because I think it is important that we establish the effect of this sort of systemic unlawful behaviour on, in this instance, the construction sector.

The building and construction industry represents around eight per cent of the GDP of our country. That represents a value of $172 billion. Let me say that again in slow motion. The contribution to the GDP of this nation by the building and construction industry—which is plagued by this systemic pattern of unlawful behaviour—is $172,000 million. Without having to break that down any further, what that means—and this should be of interest to all the
colleagues in this Senate—is jobs, jobs, jobs and probably more jobs. More jobs, or the existing jobs if they can be preserved—many of which are high-paying jobs—feeds more money into the national economy, into state economies, into regional economies and into small community economies. More jobs equals more money, more money equals more productivity and further investment and that leads, if the enterprises are viable—and many in the construction industry are finding it difficult to be viable because of the impact of the behaviour of the likes of the CFMEU—to more tax receipts for this country. These are very, very simple economic principles—economy 101. More tax receipts leads to allowing governments of the day to invest in more infrastructure and that in turn of course means more construction and more construction means more jobs—and around and round we go again.

I am very pleased to see that one of Labor's leading luminaries, Senator Joe Ludwig, has decided to join us on this side of the chamber tonight as we make our contributions to this debate. Welcome Joe. It has taken you a while to come and back us, but I am very pleased to see that you are able to do it this evening!

_Senator Sterle interjecting_

_Senator O'SULLIVAN:_ I am sorry. It was a cheap shot. I am sorry, Joe. The bill, if passed—if it gets the support we need—will re-establish the Australian Building and Construction Commission. It will establish a genuinely strong watchdog to maintain the rule of law and protect workers and people in the construction industry—small businesses, medium businesses and large businesses. If they have certainty in their marketplace, where they can go along and, with certainty and confidence, plan their project contributions without the unknown impact on productivity caused by the behaviour of organised workforces under the control of what I would almost refer to as an illegal organisation, the CFMEU, they can go on and create profits.

Let me go back to our cycle, because it is a cycle worth talking about. More profits means more jobs. That means better investments and more investments. It means bigger tax receipts to the Commonwealth that they will definitely invest, at least in part, in things like more infrastructure—and more infrastructure brings about more jobs. It is the job circle; it starts with jobs and it ends with jobs. Because of that this ought to be a unity ticket for everybody in this parliament and certainly in this chamber. Job creation is a very important objective of a coalition government and is a particularly important objective of this coalition government, which has done so much over the period that they have been in power to do things to make sure the private sector—those small businesses, those engine rooms of the nation's economy—are productive and profitable. The reason is that more profits means more taxes, more spending on infrastructure, more jobs and more input into the economy.

Under the former Labor government the regulator that was there was put under pressure. I think there are many men and women in the Labor government and in the Labor movement generally who, if they had thought this through, may well have taken a different course of action. They, like me, share the unity view of more jobs. But Labor is not good at understanding what that means. They know about more jobs; they want more jobs; they know there is a need for money going into the economy—though they are not sure quite how that works, they know that, if it is there, there is greater investment—and I think they understand about there being more tax. They certainly know about government spending; my colleagues across the hall have learnt that practice over many years. But the bit they miss and the bit that
we need to keep in the crosshairs of the objective of getting the construction industry back into a viable and profitable environment is this question of productivity.

I raised it earlier in my speech, but it is worth repeating given that this contribution is a continuation. I say this as an observation, not necessarily a criticism. Many of my friends in the Labor Party, my colleagues in this chamber, who have made it through to hold senior and influential positions within the Labor Party have made their journey through the trade union movement.

Senator Sterle: Hear, hear!

Senator O'SULLIVAN: And very proudly so, Senator Sterle. You are very proud of that. My references are not particularly to you; but, as a general rule, what happens is that the union movement does not create wealth. Their sole objective, and what they are very good at, is to take something off somebody else. And that is a legitimate claim. I am in business myself; I have employees who need to be rewarded in the partnership that they have with enterprise as they go through. But the problem is that, if your sole focus is simply to take more out of a sector—in this case the construction sector—without putting something back in, without improving the productivity, without creating the profitability that is required for enterprises to survive, then of course what happens is that those enterprises go belly-up and the jobs are lost. The people are back out there looking for work again, many of them having to take work in lower paid positions or moving away from the sector or the industry they are in altogether, and for some of these people the whole vicious cycle starts again.

We have something in common: we both want to see those people keep their jobs. We all want to see this sector viable and profitable for all the reasons I espoused earlier and, to do that, it has to operate within the framework of a rule of law. One of the problems we have is that, even after four royal commissions and one current royal commission—and certainly in my last 18 months I suspect some of the organisers from the CFMEU have been mentioned in this place more often than any other entity or identity—we get to a point where, for example, one of their numbers are referred to the Australian Federal Police. This respected organisation brought about charges of blackmail against one of the members of the union, and I suspect the union's response is a response by the CFMEU Construction Division National Secretary, Dave Noonan. I would bet you London to a brick that this is the only statement that Noonan has ever made that I would agree with, because he demonstrates his understanding in his response to a colleague being charged with blackmail when he says:

… police had totally overreacted by charging Mr Lomax with blackmail in relation to what was, after all, normal negotiations of enterprise agreements.

Here we have the contrast: we have the Australian Federal Police, who believe that they have a brief of evidence to indict this individual for blackmail and, relying on the same facts—for I imagine they are not in dispute—Mr Noonan says that this is how enterprise bargaining agreements are negotiated. That alone, in my view, says that this is an industry populated with people like Mr Noonan and dozens and dozens and indeed hundreds of others. There have been something like 670 prosecutions and investigations on individuals. There have been over $6 million of fines levied against this body. We have had Federal Court judges and royal commissioners refer to it as systemic unlawful behaviour. When you look at that in a holistic sense, to an industry that is worth over $170,000 million to this nation, imagine the yield to this country if we were to remove these issues that attack the heart of productivity, to take
away the corruption, to take away the special payments and all the charges, imagine how many jobs would be created, imagine the uplift that that would give to communities in our major cities and in some of our smaller regional areas, imagine the tax increases we would appreciate as a nation because of the increases in productivity. These are very simple economic principles. And imagine what our government could do if we had better economic circumstances as a result, the investments it could make, to come back to doing what you and I want to see happen and that would be jobs, jobs and more jobs for the people you and I represent. I thank you for the opportunity to make this contribution.

Senator STERLE (Western Australia) (18:53): I look forward to making a contribution tonight to the Building and Construction Industry (Improving Productivity) Bill 2013 and Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013, but before I do, there are a few things I really want to put on the table. It is imperative so that there can be no slurs and no innuendo. I am very close to the CFMEU in Western Australia. I do not hide that. I was very close to the CFMEU in my previous life as a union organis......
Joe, you are doing a great job and you have done for many years. I applaud you, Joe McDonald. Good on you, Mate, for sticking up for building workers in Western Australia.

Senator O'Sullivan talks about jobs. Absolutely are we in it to make sure there are jobs? Yes, we all want to see jobs. We want to see good-paying jobs and we want to see safe jobs. We want to see Australians given the golden opportunity of an apprenticeship for an Australian job with decent Australian wages—no argument. But to listen to some of Senator O'Sullivan's contribution, that unions do not know how to create wealth, only to take, as an ex-union official, I take offence to that because my reputation is on the line and has been on the line for many years in the transport industry in Western Australia. I always made it very clear that unless employers are viable, those jobs are not there. I get that, as does every member on this side of the chamber in this place and on the other side. I find it quite condescending of him to paint the picture that all we want to do is to kill off jobs and to kill off employers so that there are no jobs. That could not be further from the truth. There is a myriad of other things that unionised workforces take to their members and they assist employers.

Good employers do not have anything to worry about. As Senator Back could probably tell you, if he had some issues in his workforce when he was running the Shell tankers down in Launceston, he had no reason to fear the unions. He was a decent employer. His people were paid properly. So decent, honest employers have no problem. Senator O'Sullivan's contribution makes it sound as though these builders—and the CFMEU are on massive sites. Make no mistake about that; they are not in cottage industries. These are massive jobs which all end in six zeros. Do you know what? When you are spending on buildings like the new children's hospital in Perth—I was with the CFMEU the week before last for a candlelight vigil. Unfortunate we were there because there had been a death, not on the site but a very high-profile ceiling company employer unfortunately had taken his own life. That is a very sad thing, and I do not wish to use that as a political football in any way. This is a $1.2 billion job in Perth. It is a government funded job, of course. I think John Holland is the contractor on it—anyway, that can be checked out. But it is well documented through that wonderful organ, The West Australian newspaper, that contractors had not been paid and that there was stress on certain contractors.

It is absolutely disgraceful, because the contractors are employing their workforces—the builders, scaffolders and whatnot. What the hell message does that send when it is a government job? There has been a lot of conversation about it. The government is obviously embarrassed. I do not know what John Holland's excuse for it is—I have not spoken to John Holland. But I just put this to the chamber: it is not a union site. What I do say, very clearly, is that if it were a union site I can guarantee that the contractors and their employees would have been paid.

It is all very well for the Abbott government to attack the CFMEU in particular. I have sat in this chamber and I have heard some of the nonsense commentary, and I have read some of the nonsense commentary about someone swearing at someone on a building site. Well, crikey! If that is a crime then you probably would not find too many truckies who would not be incarcerated every time they went to work. And that is understandable because that is also a very tough industry. And I mean 'tough' in terms of diligence, safety and trying to get your money out of people who are trying to cut every damn corner that they can.
Senator O'Sullivan also made a slur on us on this side of the chamber. I was actually taking some notes at the time so I am not sure if he was slurring the union movement or if he was slurring the Australian Labor Party, but I am a proud member of both so I will take it as a slur on both. He said that we know about government spending. Well, I was reading the paper last week and I saw that this government, the Abbott government, know how to spend too. There is $100 billion more in debt than what there was when they took over.

People listening to all this sort of nonsense would think, 'Gee whiz, senators are saying it; it must be the truth!' I just want to make it very clear that sometimes people are very loose with some of their commentary in this building. You can talk about construction profitability and viability; as I said, the union movement and the Australian Labor Party want the employers to be profitable. We want them to be viable. I do not know how many times I have to say that. I have never met a union organiser who has rubbed their hands together because an employer has gone broke and a certain amount of jobs have been lost!

Going back to the ABCC: I just find this unbelievable. I think it may have been in 2001, and that Mr Abbott may even have been the minister at the time, when the Cole royal commission was born. I remember the Cole royal commission—I remember it very well. If anyone was out there in construction land or voter land they would have asked, 'What is this bogie called the CFMEU? What the heck is going on?' I believe that $66 million was spent through the Cole royal commission, to find what? Nothing.

Once again we have the rerun; it is history repeating itself. The coalition finds itself back in power, so it says to itself, 'Crikey! We have some shortcomings on this—misguidance as a government. We've absolutely stuffed up everything we've told people. We've backflipped on so many election promises we can't deliver. We've got no idea, but the three-word slogans were working perfectly. We know what we'll do! We'll distract ourselves.' This is what I reckon goes on out there in the cabinet room. 'We'll distract ourselves; let's have some more royal commissions! And, crikey! Let's pick on the union movement.'

I have this very clear picture that the majority of all workers in Australia owe the union movement a heck of a lot. Now, the emails might start and I will have all the experts out there saying, 'What's the union ever done for us?' I have to say that the unions have done just about everything they possibly could to put a decent wage, respect in the workplace and dignity in the workplace front and centre. If it were not for the union movement there would not be superannuation. If it were not for the union movement does anyone think we would have paid leave? Does anyone think we would have sick leave? Does anyone think we would have annual leave? Does anyone think we would get 10 days paid holiday a year to have some quality time with our kids?

Going on that side over there, they hate it—they absolutely despise it. We know that. And we know the pressure that the government is under. We know that business is seething behind the scenes; their wallets have snapped shut. If I am saying something that is wrong, then they can jump up and tell me that it is. This is because there has not been the desire in this term for the Abbott government to take on industrial reform, 'Look—no, placate the tribe. Let's have a royal commission. Let's spend'—what is it now?—'-$80 million.' I think that is what we are up to so far. Could we not build some hospitals with that—could we not do some wonderful stuff?
It is just history running itself again. Take it out and target the CFMEU. But the CFMEU will not back down. They will do everything they can to make their worksites safe and they will do everything they can to make sure that Australians are employed. I want this to be clear too: you would think that the Labor Party and the CFMEU, like the wider union movement, were anti foreign workers, because that is the defence that the government and some people like to run because we want to stand up for Australian jobs first. That is important. One of the most important things for us is to make sure that Australian kids—

Senator Back: Oh—

Senator STERLE: You can raise your eyebrows over on that side! I would love to hear your contribution. In fact, I will go even better: we can go outside and debate it all around the country—not a problem. The union movement is not against foreign workers. The union movement is against foreign workers being used to knock out Australian kids and the opportunity for them to have a job. The union movement is opposed to foreign workers being exploited. That is nothing new. We have always done that and we will always continue to do that—we in the Labor Party and in the union movement.

I will come back to the bill. There was a Senate inquiry that looked into it. I note that the Senate inquiry made a number of recommendations—not from the government senators but from the Labor senators. Of course, you would not expect the government senators to look too deeply into it. With all fairness to the government senators, they are following the instructions of their ministers and the instructions of the Prime Minister. When you really are as bad a government as the one we have here at the moment then—what is that thing you can get on with the Twitter bird?—you get on Twitter and see that there is actually #worstpmever. I can understand that they want all these distractions, so they say, 'Let's go knock Australian workers.'

Let me just touch on something that I found out in Perth last week. There is a job at the Old Treasury Building, which is a union site. There are union wages and the CFMEU have the membership there—the guys and girls are all proud members of the CFMEU and enjoying a decent wage. I do not know how many hundreds of millions of dollars it is worth.

I spoke to a carpentry contractor, a chippie, at a candlelight vigil—he was there supporting the workers of a ceiling contractor who unfortunately lost his life—and he told me that he has more-than-competent employees, fully qualified tradesmen and fantastic chippies, but he cannot get on the site because there are foreign workers. I am not going to say what nation they are from; it does not matter what nation they are from. He raised it with me. He said to me: 'Do you know what I want? All I want is honest politicians.' I thought he was having a dig to start with—I had never met him before—so I said, 'There's a racehorse called that'. But I worked out that he was not having a dig; he was being deadly serious. He just wanted honest politicians who would stand up there and defend Australian jobs.

I think he said he had about six guys. He said: 'My guys are now taken off the job and there is some fitting being done'—I do not know exactly what the extent of the work was. He said: 'Why have foreign workers been brought in? Why aren't we good enough to do that work?' How do you argue with that? I am not going to be silly enough to think for one minute that it just happened that one employer had a heap of workers all from the same country. This is the sort of nonsense that goes on.
It really does annoy me no end when all the government can do is attack the CFMEU. They make these absolutely ridiculous statements. You would think there are lawless gangsters on these sites. If there is a bad apple—the whole union movement has made this very clear—deal with the bad apple. There are laws in the land that this falls under. Police have those powers—whatever the issue may be. Why do we have to have one entity that will just target one industry?

If you are going to be fair dinkum, if you are going to be honourable and concerned about the viability of employers, then get out on the farms and find out if those workers are working safe hours, find out if they are here on the right visas. They should not be exploited. We just saw a show on the ABC on Monday night—Four Corners—about the great exploitation of foreign workers on farms. This is not new. We have been saying this for years. For years we have been talking about it. In my home state of Western Australia we have had a number of occasions. There is a case going on now—a farm up north of Wanneroo somewhere. I do not know if it was strawberries—whatever it was—very high profile. Why isn't the government worried about that? Why aren't Mr Abbott and his ministers targeting that sort of nonsense? Not a word! We have to wait for it to come on TV.

There was the unfortunate situation that was also on TV about three Filipino workers killed on one ship. What the hell is that all about? Was the government saying: 'My goodness me! What is going on with these foreign workers on these foreign vessels?' No, not worried about it one little bit. We had to bring it in to the Senate with the support of the crossbenchers to get an inquiry going. I am going to chair that inquiry and we are going to do a dam good job on it. We are going to tour around and listen to what is going on; because the government is not worried about three Filipinos on one ship. Two were killed, and one is missing overboard somewhere—just mysteriously fell off on the way back from China.

Do we have the government saying: 'Crikey, what is happening out there? And what are we creating if we are going to try and deal with Australian ships and Australian jobs?' The silence is deafening. I have not heard one senator stand up and say 'This is not on. Maybe my son, my daughter or my grandkids might want to be seafarers. Maybe they want to work on Australian ships and maybe they want decent pay.' What is it with this nation that we all raise our eyebrows—you want to throw stones at us because we stand up for decent pay? Or is it only us politicians who are allowed to have decent pay? 'How dare we let Australian workers on construction sites have decent pay? If they have decent pay and they want to be safe there is something drastically wrong. Let's blame the CFMEU.'

The hypocrisy that I have witnessed in this place for 10 years! I worked on transport sites for 14 years prior to that and, before anyone else wants to have a cheap dig, for 14 years I was an owner-driver running my own little business. So I do not come here as some apparatchik who went through university and thought, 'I wouldn't mind being a senator one day'. Like the majority of my mates on this side of the chamber—Senator Urquhart and Senator Moore here beside me, for example—I actually have had dirt under the fingernails. We know what it is like to have to get up in the morning you are crook as a dog; it is 5.30 in the morning; it is freezing cold; you have to go to work.

Senator Back: And I don't?
Senator STERLE: Senator Back, I am not arguing with you. No-one would ever argue against Senator Back's credentials. We may have a difference of opinion about this bill; I have no doubt about that.

But I know darn well how it is when you come home from Darwin; you are absolutely buggered; you have been doing ridiculous hours—because in the wild west fatigue management was 'keep driving until you fell asleep at the wheel or go home'. And you come home and see bills. I remember the famous old bills they used to have in the eighties, with a picture of a finger with a ribbon around it on the corner because it had not been paid. I have not stopped working but I have not paid my tyre bill or my fuel bill, and it is building up.

Why do we have to sit here and continuously watch coalition governments that unfortunately want to at every opportunity attack unionised labour and unionised sites? Not only that; what about the indignity where an employer has come to an arrangement with their workforce and done a collective agreement, with the union helping out as the third party? Guess what? 'We better not give them any government work'. I do not suggest for one minute it is every member opposite, but I tell you what: there are a lot of them. And I will be absolutely gobsmacked if I ever hear one on the other side get up and defend workers. And, if any of you were employers, I would expect you to defend your employees. What difference are they to the construction workers on these sites. (Time expired)

Senator BACK (Western Australia) (19:13): I preface my comments this evening on the Construction Industry (Improving Productivity) Bill 2013 with the observation that I am the proud grandson of Mr Tom Back, who was the secretary of what was then the Lumpers Union on the wharf in Fremantle in the 1930s until his death working in 1945. The Lumpers Union became the Waterside Workers Federation. I think Senator Sterle will agree with me that the Waterside Workers Federation became the MUA. So I come from a background as both an employer and from a family in which the value of unions was always there to see.

The ACTING DEPUTY PRESIDENT (Senator Seselja): Order! Sorry to interrupt you, Senator Back. I just wanted to check—do you recall whether you have spoken before on this bill?

Senator Back: I do not believe I had. I thought this was the first time the bill has come in.

The ACTING DEPUTY PRESIDENT: It is resuming from March. And I understand you may have spoken on 4 March, I am told.

Senator Back: Gracious me, I'm just winding up, and I'm giving my first and only credit to Senator Sterle! That's why they have called time!

The ACTING DEPUTY PRESIDENT: It is unfortunate perhaps, but I am informed that you have spoken on 4 March on this particular bill. So in the absence of any advice to the contrary I would ask you to resume your seat, as you would be well aware that speaking twice on such a bill is not—

Senator Back: It is very disappointing. I had so much to contribute.

Senator Ronaldson: Mr Acting Deputy President, I rise on a point of order. Is it your intention to go to another government speaker on the back of that?

The ACTING DEPUTY PRESIDENT: I would go through the list, and I have Senator McGrath on my list, who coincidentally is running into the chamber as we speak. So I would
be intending to go to Senator McGrath. Senator McGrath, I just advise you that you only have a few minutes.

Senator Ronaldson interjecting—

Senator McGrath (Queensland) (19:16): Memo to self—I probably need a bit more exercise, because you shouldn't get out of breath in the distance from my office to the chamber!

It gives me great pleasure to speak on this bill—

Senator Moore: I'm sure it does!

Senator McGrath: And I think Senator Moore, who has this ability to give me the giggles—and I would ask you to stop giggling, Senator Moore, because I would have to look away from you, and we would not want that!

Senator Moore interjecting—

Senator McGrath: I think it might be something to do with this bench, because I think Senator Smith last night had the giggles also and it might be contagious. It is a very serious piece of legislation that we are looking at here.

What I want to talk about is the government's commitment to re-establishing the ABCC and returning the rule of law to the building and construction industry. The evidence that the construction industry stands apart from the rest of Australian industry is beyond doubt. The rule of law has little if any currency in the construction industry, and that is unacceptable. It is unacceptable to Australians and it is especially unacceptable to those of us on this side of the chamber, who proudly believe in the rule of law as being one of the most important values of a liberal democracy.

The problem is that for far too long there has simply not been an effective deterrent or a consequence in the building industry when people break the law. When the laws are weak and ill-suited to the problem and there is a weak regulator it is hardly surprising that people in the industry would continue to break the law, because they know they will probably get away with it. The this is what the ABCC is designed to deal with.

When it was first established it was starting to be effective in showing industry participants that their unlawful conduct had consequences and that they were more likely to be brought to account for breaking the law. This realisation in the building industry that breaking the law had consequences was starting to make a difference.

Regrettably, at that crucial time the Labor Party gave into union demands and abolished the ABCC and instituted a weakened shell of a regulator. Labor cut the maximum penalty for breaking the law by two-thirds and slashed the replacement agency's budget and ability to enforce the law. Who can then be surprised that almost immediately parts of the Melbourne CBD were shut down in defiance of Supreme Court orders?

There remains a pressing need to fix the current legislation to re-establish the ABCC so as to re-establish meaningful penalties that actually deter people considering compliance with the law as optional and stop them repeatedly from breaking the law as it suits them.

Debate interrupted.
SENATE
Wednesday, 12 August 2015

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Seselja) (19:20): Order! It being 7:20 pm, I propose the question:

That the Senate do now adjourn.

Sense-T Program

Senator CAROL BROWN (Tasmania) (19:20): I rise to speak about cutting-edge research in my home state of Tasmania being conducted by Sense-T.

My colleague Senator Bilyk and I were fortunate enough recently to receive a briefing from Sense-T’s acting director Amanda Castray, program manager Clare Rutherford, and communications manager Andrew Rhodes on the groundbreaking work being done.

Sense-T uses sensors and historical, spatial and real-time data to help solve problems and allow people to make better decisions or, as one researcher said, ‘make a mathematical smoothie.’ It is that so-called mathematical smoothie that can transform our economy by making industry and business more competitive, more efficient and sustainable.

Sense-T is about solving problems like by telling farmers how much their grass will grow, asthmatics when they might need to stay indoors or tourist operators where tourists are going. It is driving innovation, and the work Sense-T is doing further adds to the excellent international reputation that Tasmanian researchers have established.

The Sense-T team provided me with an update on some of the stage 1 projects that have been completed in the agriculture and aquaculture industries and which are already having a big impact on farmers and fishers. Importantly, Amanda was also able to outline plans for 14 projects under stage 2 and how Sense-T’s 60 researchers are expanding their work beyond agriculture into areas including health, tourism, transport and financial services.

Sense-T was set up in 2012 with $3.6 million in funding as part of the federal Labor government's Tasmanian jobs plan and through the intergovernmental agreement on forestry. It is a partnership between the University of Tasmania, CSIRO and the Tasmanian government. When it was established, Sense-T focused on the regions most affected by the downturn in the Tasmanian forest industry and its initial projects were centred on agriculture. It is well known that Tasmania produces some of Australia's best beef and dairy products. One of Sense-T's key projects in stage 1 was aimed at boosting productivity and efficiency in the beef and dairy industry. One of the major successes was the development of the Pasture Predictor. This is an online tool that gives farmers a 30-day forecast of pasture growth. This is a huge help to dairy farmers, who can decide how long to keep their cows in milk or when they might have to buy in feed.

The University of Tasmania has also established Sense-Co as the commercial arm of Sense-T, to commercialise the outcomes of Sense-T's research. For example, dairy farmers might want to put sensors on their own properties to give more localised information about their pasture growth and on-farm conditions than those provided at a regional level by Sense-T's free online Pasture Predictor. I am pleased that this government has continued Labor's investment in Sense-T at a time when it is cutting funding to universities.

One of the new areas that especially caught our attention was the AirRater project, which aims to improve the health and quality of life for people with asthma and hay fever in
Tasmania. We know how debilitating asthma and hay fever can be and how air quality and weather can make these conditions much worse, resulting in admission to hospital and in some cases death. The AirRater project has two parts. Equipment will be installed around Tasmania to record information on temperature and air pollution including pollen, smoke and some gasses which will be fed into a central database. Tasmanians will be asked to use the free smartphone AirRater app to report their daily symptoms of asthma, allergies and hay fever. Once that information is entered, they will be given a reading of the current levels of potential triggers in their immediate area. Over time, individualised reports will be able to be generated showing each user how the weather or pollen will impact on their symptoms and provide them with alerts when these conditions exist or are forecast. Tasmanians will be able to much better manage their daily activities and improve their quality of life. Temperature and air pollution information can also be used by firefighters and landowners. Sense-T hopes that this app will be ready for use in October this year.

I commend the work of Sense-T and look forward to more of their ground-breaking work which confirms Tasmania as the intelligent island.

Asylum Seekers

Malawi

Senator RHIANNON (New South Wales) (19:25): ‘After two years, Australia’s experiment in offshore detention has been a disaster. Even the few people provided refugee status have been denied freedom of movement and the right to work. All should be allowed to move on with their lives in dignity and security.’ That is a comment from Elaine Pearson. Elaine Pearson recently visited Manus Island in her capacity as the Australian director of Human Rights Watch. She visited Manus Island with Daniel Webb from the Human Rights Law Centre.

More than 850 asylum seekers and 87 refugees are detained indefinitely in poor conditions on Manus Island, two years after Australia announced it would process and resettle boat people—as the government continues to call them—in New Guinea. The PNG authorities granted Ms Pearson and Mr Webb access to the transit centre but not the detention centre, where most of the men are. The main concern that they identified was that the absence of a PNG resettlement policy means refugee men have not been able to move on with their lives. After almost two years on Manus they remain in limbo, they reported, unable to leave the island or work. Such a prolonged period in limbo is affecting their mental health and some men appear to suffer from depression and anxiety—clearly that is not surprising.

They also said that they were very concerned about the lengthy processing times because this means far too many refugees remain in detention. They have been determined that they are refugees but they are still in detention. Some vulnerable men, including some gay men, are in detention and they have faced abuses from other detainees without proper protection.

Detaining asylum seekers for any amount of time in criminal justice institutions is clearly inappropriate. It is 2015 and you would have hoped that we would have learnt from past mistakes. Yet what was found from this investigation was that in January this year up to 60 asylum seekers were held without charge in a single cell for several weeks. In this time, two of the people held in these appalling conditions attempted to commit suicide. PNG immigration officials allegedly beat one refugee. Those charged with the assault included the
camp manager. However, he continued to work at the centre. Obviously this is very distressing for the refugees.

The Australian government should stop sending asylum seekers to PNG. Human Rights Watch and the Human Rights Law Centre have both called for this to occur and for both the Australian on the PNG governments to treat asylum seekers in accordance with international standards and implement a refugee resettlement policy. Our two governments at the moment detain asylum seekers, all adult men, in the overcrowded conditions at a facility on Manus Island's Lombrum Naval Base. Humans rights organisations and media have no regular access to these facilities. Again, why the secrecy? Why the lack of transparency? It certainly adds to people's concern that the abuses continue.

Two asylum seekers sent to Manus Island have died, one after being allegedly beaten to death by contract staff at the detention centre and another from septicaemia after cutting his foot. Daniel Webb, the director of legal advocacy at the Human Rights Law Centre, who is one of the people who visited Manus, has said:

People found to be refugees deserve a real solution—not a transfer to a facility down the road where they remain in limbo.

Human Rights Watch and the Human Rights Law Centre have summarised their concerns following their visit. These include pressure on asylum seekers to return to home countries, lengthy delays in refugee processing, mental health problems linked to prolonged and indefinite detention, arbitrary detention of asylum seekers and refugees in the police lockup and prison, restrictions on refugees' freedom of movement and work rights, assault of a refugee by alleged authorities in Lorengau town, and mistreatment of gay asylum seekers by other detainees. Yes, this is happening in PNG and the PNG government has some level of involvement, but the main responsibility rests with the Australian government. The fact that the Abbott government failed to, and has refused to, honour its treaty obligations and has forced these people onto PNG brings hardship, misery and suffering to those individuals as well as more pressure on PNG—a low-income country that we were the former coloniser of and continue to abuse.

These two organisations have made two significant recommendations: (1) that Australia should cease all further transfers to Manus Island and (2) that Australia should press PNG authorities to immediately adopt and implement a comprehensive local integration policy for refugees and to provide all recognised refugees in PNG with ordinary residency, freedom of movement, employment authorisation and other common identity documents.

Another matter concerns Malawi, which is also one of the low-income countries of Africa. In fact, it is regarded as the poorest country in the world according to the World Bank development indicators. The former Prime Minister Julia Gillard brought in the Mining for Development initiative, a new approach to overseas development where the mining industry is given aid money supposedly to assist it for its work in low-income countries, the argument being that this will benefit people in those countries. However, what we see is that benefits flow enormously to the mining companies.

I understand the example I am going to give was not involved in the Mining for Development initiative, but there is a very worrying trend with overseas aid of giving more assistance to mining companies. Malawi has lost out on US$43 million in revenue over the last six years from a single company—the Australian mining company Paladin. The money
has been lost through a combination of harmful tax initiatives, and the Malawian government is having a real problem in managing this. What the company also does to minimise the tax that it pays, and therefore the profits that it can walk out of that country with, is what is called treaty shopping.

Let's remember that this is valuable money in such a poor country. This money could have paid for 431,000 annual HIV-AIDS treatments, 17,000 annual nurses' salaries, 8,500 annual doctors' salaries or 39,000 annual teachers' salaries. This comes from the very important work of ActionAid that is really identifying this abuse that many low-income countries are experiencing at the hands of big mining companies. I do note that what has happened is not illegal. On the contrary, the combination of tax breaks and tax planning is how mining companies in low-income countries are maximising their profits.

ActionAid have made some specific calls to the Australian government on this issue. They have called for our government to provide leadership in calling for the establishment of a UN intergovernmental body on tax by 2017 in order to further democratise the international tax reform processes and ensure decision making extends beyond the OECD countries and G20 finance ministers, to include lower income countries. Their second recommendation is for our government to review its tax policies to ensure adequate public funding of essential services for those that need them, including services that facilitate women's participation in the workforce and reduce their unpaid burden of care—and I congratulate ActionAid's work with women in communities in low-income countries. Their third recommendation is to ensure the focus on private sector development, under Australia's new aid program, promotes ethical conduct of Australian corporates overseas by actively challenging corporate tax avoidance and not promoting tax incentives for companies at the expense of essential public services in low-income countries.

Workplace Gender Equality Agency

Senator MOORE (Queensland) (19:35): I want to make some comments this evening on the Workplace Gender Equality Agency, which as all of us know was created by the Australian government with the Workplace Gender Equality Act 2012. The agency was created to administer that act. It followed on from its previous incarnations as the Equal Opportunity for Women in the Workplace Agency and prior to that the Affirmative Action Agency.

The vision of the agency is for all women and men to be equally represented, valued and rewarded in the workplace. The agency, amongst its many tasks, prepares annual reports on what is happening in Australian workplaces around the issues of equity. There is quite an extensive data collection process, which involves all employers in the private sector and university sector that employ over 100 employees, and this data is collected and then gathered together to provide extraordinarily valuable reports to the Australian community.

When the Commission of Audit was put in place by this government very early in its term, there were a number of issues raised about efficiencies in the public sector, and one of the agencies that seemed to be questioned in terms of its value for purpose was the Workplace Gender Equality Agency. This created an immediate response from women's organisations and business organisations in the community, and an alliance was formed called the Coalition for Working Women. This alliance is made up of the Australian Local Government Women's Association, BPW, the Financial Services Institute of Australasia, Local Government
Managers Australia, the National Council of Women of Australia, the National Foundation for Australian Women, the Work and Family Policy Roundtable at the University of South Australia, Women on Boards, the Women's Electoral Lobby, YWCA and the ACTU, who gathered together because they understood that there was a real value in the work that the agency did. They did not wish it to be subsumed into any other organisation or somehow displaced in its importance. So there was immediate lobbying. I think the minister, Minister Abetz, was impressed by the advocacy that he received from this group and, as a result of discussions, implemented an inquiry to look at the reporting processes of the agency.

This was a widespread inquiry which got representation from business organisations, women's groups, people who were interested in what the agency did and what the report should entail. Out of that research came some changes to the way that reports will operate. On 25 February, Senator Abetz and Senator Michaelia Cash announced changes to the workplace gender equality reporting requirements. There is no change, most importantly, to the act. It will continue to apply to all employers in the private sector and higher education with 100 or more employees. Employers will continue to provide information against six gender equality indicators: gender composition of the workforce; gender composition of governing bodies; equal remuneration between men and women; availability and utility of employment terms, conditions and practices relating to flexible working arrangements; consultation with employees on issues concerning gender equality in the workplace; and sex based harassment and discrimination in the workplace.

The changes will occur for the reporting period 2015-16. Employers will be required to provide detailed information about their employee groups by gender, manager or non-manager occupational category and employment status; management categories and reporting distance from the CEO; annualised average full-time equivalent base salary and total remuneration for employees; and the gender composition of governing bodies. That is looking particularly at the vexed issue of the gender gap in Australia. I will get onto that, because one of the core aspects of the agency's job is to look at the issue of the gender pay gap in Australia.

One of the things that came out of the consultation was: we know there is a gender pay gap; in fact, it is over 18 per cent at the moment—the last report, from 2014, said it was 18.8 per cent—and it has been staying at this high level for a considerable period of time. Everybody knows it exists. Everybody knows it is bad. No-one actually says that they like a gender pay gap. There just seemed to be some concern from employers about what they had to do to make it go away, what kinds of reports they needed to provide and what their responsibility was as employers to look at gender pay gaps or gender variations in the wages and conditions of their employees.

The Workplace Gender Equality Agency provides a report annually on what the current status is of the gender pay gap and does an analysis based on the reports that have been provided to it across industry, across region, across level, to see where these gaps actually are. That is such a valuable tool. Having this information is not an end in itself; it is a tool for all of us in the community, in the business community, in parliament and in employer and employee organisations not only to see and acknowledge that the gender pay gap is wrong—and it is palpably wrong—but to see what is actually happening in the workplaces which can cause this inequity to happen.
Not only are employers asked to put information down about the actual wages; they also need to look at parental leave and the take-up of those provisions; availability, conditions and practices relating to flexible working arrangements; consultation undertaken with employees on workplace gender equality; grievance processes; and the existence of strategies or policies to provide real, practical support in the workplace about: gender equality; selection for governing body members; equal pay, including bonuses and access to overtime; flexible working arrangements; and the very important aspect of sex-based harassment and discrimination. And now, as part of our National Plan to Reduce Violence against Women and their Children, employers are asked to put information down about family or domestic violence processes, strategies and support mechanisms they have in their workplaces. This, gathered together with the particular data about pay rates, builds a picture about what is happening in individual workplaces, what works and what does not and how we can together bring down this horrific pay gap—which is across the board; every industry expresses that there are some issues around gender pay inequality in their industry—how we can work together to find out why it happens and how to stop it.

The economic benefits to our community are manifold. Everybody understands that, if we can ensure that there is true equity in the workplace, that will create more productivity, the jobs will be more worthwhile and we will be able to build employment processes and an employment model that will ensure that we will encourage and maintain workers at every stage of their lives, because this process operates from the time people come on until the time they retire, whether they choose to retire or it is a process of age discrimination.

It is important that we understand the work that the Workplace Gender Equality Agency does for the community and for workplaces and value the professional skills that it has to provide support to workplaces and to individuals about the best way that we can make workplaces safe, attractive and equal. We are now almost at the stage of looking at the data collection for the next round of reports, and we should have the first round of the reports from the last one made public towards the end of this year. From that, we will be able to have benchmarks to see what improvements have occurred and what needs to happen in the future. This is a proactive element which supports our community.

I particularly want to pay my respects to the women who gathered together so strongly and so quickly when they thought that this valuable agency and the work that it does could be in any way devalued or lost to the ongoing work that we have to do to make sure that that vision of the Workplace Gender Equality Agency—which is to provide workplaces which are equal and safe—is accepted and achieved across Australian workplaces.

**Senate adjourned at 19:44**

**DOCUMENTS**

**Tabling**

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

*International Monetary Agreements Act 1947—Extension of the loan agreement between the Australian Government and the Republic of Indonesia for a standby loan for A$1 billion—National interest statement, dated August 2015.*

*Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 1001825, 1001828, 1001850, 1001870, 1001899, 1001901, 1001907, 1001918, 1001919,*
1001930, 1001941, 1001944, 1001954, 1001960, 1001976, 1001977, 1001979, 1001983, 1001984, 1001985, 1001986, 1002008, 1002017, 1002046, 1002050, 1002058, 1002079, 1002085, 1002086, 1002102, 1002103, 1002104, 1002106, 1002109, 1002113, 1002147, 1002178, 1002190, 1002206, 1002224, 1002242, 1002260, 1002267, 1002268, 1002321, 1002345 and 1002347—

Commonwealth Ombudsman's reports, dated 12 August 2105.

Government response to Ombudsman's reports, dated 4 August 2015.

Treaty—Multilateral—Australia's ratification of the *Asian Infrastructure Investment Bank Articles of Agreement* (Beijing, 29 June 2015)—Text, together with national interest analysis.