### INTERNET
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### SITTING DAYS—2015

<table>
<thead>
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<th>Month</th>
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### RADIO BROADCASTS
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- **BRISBANE** 936AM
- **CANBERRA** 103.9FM
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- **PERTH** 585AM
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FORTY-FOURTH PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

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

Senate Office holders
President—Senator Hon. Stephen Parry
Deputy President and Chair of Committees—Senator Gavin Mark Marshall
Temporary Chairs of Committees—Senators Christopher John Back, Cory Bernardi, Sam Dastyari, Sean Edwards, Alexander McEachian Gallacher, Susan Lines, Deborah Mary O'Neill, Nova Maree Peris OAM, Dean Anthony Smith, Zdenko Matthew Seselja, Glenn Sterle, Peter Stuart Whish-Wilson and John Reginald Williams
Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC
Deputy Leader of the Government in the Senate—Senator Hon. Mathias Cormann
Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator Hon. Stephen Conroy
Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield
Manager of Opposition Business in the Senate—Senator Claire Moore

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

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

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<th>Senator</th>
<th>State or Territory</th>
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<td>Abetz, Hon. Eric</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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<td>Peris, N. M.</td>
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(1) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr), pursuant to section 15 of the Constitution.
(2) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice J Faulkner), pursuant to section 15 of the Constitution.
(3) Chosen by the Australian Capital Territory Legislative Assembly to fill a casual vacancy (vice K. Lundy), pursuant to section 15 of the Constitution.
(4) Chosen by the Parliament of Queensland to fill a casual vacancy (vice B. Mason), pursuant to section 15 of the Constitution.
(5) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice C. Milne), pursuant to section 15 of the Constitution.
(6) Chosen by the Parliament of South Australia to fill a casual vacancy (vice P Wright), pursuant to section 15 of the Constitution.
PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party;
AMEP—Australian Motoring Enthusiast Party; CLP—Country Liberal Party;
FFP—Family First Party; IND—Independent, LDP—Liberal Democratic Party;
LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; PUP—Palmer United Party

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Acting Secretary, Department of Parliamentary Services—D Heriot
Parliamentary Budget Officer—P Bowen
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<th>Title</th>
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<tbody>
<tr>
<td>Prime Minister</td>
<td>Hon Malcolm Turnbull MP</td>
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<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator Hon Nigel Scullion</td>
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<tr>
<td>Minister for Women</td>
<td>Senator Hon Michaelia Cash</td>
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<tr>
<td>Cabinet Secretary</td>
<td>Senator Hon Michaelia Cash</td>
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<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator Hon Michaelia Cash</td>
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<tr>
<td>Minister Assisting the Prime Minister for Digital Government</td>
<td>Senator Hon Mitch Fifield</td>
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<tr>
<td>Minister Assisting the Prime Minister for Counter Terrorism</td>
<td>Hon Michael Keenan MP</td>
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<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>Hon Alan Tudge MP</td>
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<tr>
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<td>Senator Hon James McGrath</td>
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<tr>
<td>Assistant Minister for Productivity</td>
<td>Hon Dr Peter Hendy MP</td>
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<tr>
<td>Assistant Cabinet Secretary</td>
<td>Senator Hon Scott Ryan</td>
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<tr>
<td>Minister for Infrastructure and Regional Development (Deputy Prime Minister)</td>
<td>Hon Warren Truss MP</td>
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<tr>
<td>Minister for Resources, Energy and Northern Australia</td>
<td>Hon Josh Frydenberg MP</td>
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<tr>
<td>Minister for Territories, Local Government and Major Projects</td>
<td>Hon Paul Fletcher MP</td>
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<td>Hon Steven Ciobo MP</td>
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<td>Minister for Tourism and International Education</td>
<td>Senator Hon Richard Colbeck</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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Thursday, 26 November 2015

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

DOCUMENTS

Tabling

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

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

COMMITTEES

Corporations and Financial Services Committee

Meeting

The Clerk: A proposal to meet has been lodged by the Parliamentary Joint Committee on Corporations and Financial Services for a private meeting on 30 November from 10.02 am.

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

BILLS

Freedom of Information Amendment (Requests and Reasons) Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator MOORE (Queensland) (09:31): I had to look very carefully to see the last time I had the honour of taking part in this discussion about freedom of information. When I checked the Hansard, I saw that I had made my first incredibly important three-minute contribution in this discussion on Thursday, 18 June. I know that people would be really interested to know where we are moving on this particular piece of legislation. It is quite simple. Senator Ludwig has, through his Freedom of Information Amendment (Requests and Reasons) Bill 2015, put forward a proposition to the Senate to make freedom of information more open and transparent and to allow the public to know exactly what is going on with applications across the range of government agencies.

Many people in the chamber have had the opportunity to make a contribution on this bill, as the bill has arrived in private members’ business on a few occasions. I think it is important to understand that the original designers of the bill had a very straightforward sense of what freedom of information truly is. When they began looking at these issues, particularly around the early 2000s, at both the federal and state levels, it was felt that we needed to have effective freedom of information mechanisms. In my own state of Queensland it was actually a bit earlier than that, in the late 1990s, that the Queensland state government acted in response to concerns from the community—the legal community and people who had been involved in the system. The concerns were that, whilst there had been attempts made to put systems in place to help people understand decisions, processes had not been stringent enough...
to effectively allow not only the applicant making the freedom of information request but also other people who might well have been interested in that issue to know what requests had been made and what the government's responses had been. That is indeed what Senator Ludwig is putting forward for the Senate to consider in this private member's legislation.

We have the system. All departmental websites publicise information about their commitment to issues around freedom of information. You can go through the dot points on these websites that say how it operates, what the process is for applicants and what the time frames are for freedom of information requests and responses. They also tell you that in some cases the department will be able to charge for providing the information, based on the amount of time it would take. The websites also tell you that you may not always be able to get the information you are seeking, because there are some things that departments decide cannot be released.

But there must be justifications for those decisions. That is one of the key elements of Senator Ludwig's private member's bill: that those explanations of why a request has not been successful should be articulated in a way that is understandable not just to the applicant but to other people interested in the issue—because the motivation for freedom of information requests varies across the board. Some people have very personal circumstances they are trying to obtain information about, but others are looking at policy areas that are of interest or are disputed—decisions of government or decisions of departments that they may want to question. When you are seeking information that you have not been able to get in any way other than a freedom of information request, there should be public notification about why the decision was made—why decisions were made to not allow access to information and indeed why decisions were made to allow access.

With this bill we are moving forward to strengthen the existing legislation, the act that is in place, the one that the Labor government committed to in our 2007 campaign—the commitment that we would strengthen freedom of information and make sure it operated as it was intended to. Indeed the title gives you a hint about what the whole idea was. It was to have information about government actions available freely to the public. Freedom of information, by its very nature and its very title, sets up an expectation in the community that you will be able to have access to information. That is what Senator Ludwig's bill addresses. The bill will strengthen the existing legislation to deliver on the original core principles which are enshrined within the act—the core principles that say there should be transparency, there should be understanding of decisions that have been made and there should be policy processes that are observed.

I mentioned on 18 June that there are some areas, particularly around issues of security and anything that has the word 'ASIO' attached to it, where there is no way you are able to get the full detail of some decisions. There is probably an understanding that this is true because it is indeed linked to issues that are of national security sensitivity. But that should be clearly identified. It should not just be dismissed with a one-line explanation. If a request for information is put forward and a decision is made that it cannot be released because it has national security implications, that should be fully explained. Without going into any specific examples, that is what we are asking for. We understand that there are limits. We are not saying that every document should be released—no-one can say that. But what we are saying is that, when decisions are made, we should understand them.
Senator Ludwig's bill goes into detail. The whole idea is that we are allowing the public to see specific and detailed reasons as to why freedom of information requests have been denied. I do not think that is an unreasonable expectation. If we are committed to transparency of government, if people are to understand what decisions of government and parliament will mean for them and their community, when people exercise their right to access the system and put in an FOI application they should expect to get a reasonably detailed, focused and personal response. That was the expectation of the original legislation.

There were concerns raised by some on the government side about possible workload issues and difficulties in the operation of the system with the details in this legislation around the timeliness and amount of information that can be released. However, on balance, the expectation of having freedom of information legislation operational in government departments should mean that there will be decisions to make those resources effectively funded. Government departments already have a section that is linked to freedom of information—and they are often linked to other communication activities such as ministerial correspondence. But resource priority should be given to the responsibility of freedom of information in government departments.

In a time of budget restrictions in government departments—and I have no particular evidence of the current administrative arrangements in government departments—it may well be that administrative decisions around how many people are working in this area may have some impact on the timeliness of decisions and perhaps the fullness of information provided. If that is the case, Senator Ludwig's proposed amendments to the FOI Act would ensure that there will now be a legislative basis to make sure funding is provided. A clear definition of timeliness and the types of explanations that must be available to the public when they make an FOI request would be set out in the legislation so that government departments would have the stimulant to say, 'This is what we have to do and, therefore, we have to resource it effectively.'

That is a very important element of the legislation. If Senator Ludwig's private member's bill is accepted, people working in this very important area will no longer be free to not meet the deadlines—which is 10 days in this legislation—and the requirement to provide transparent and detailed responses to requests. That would be set out in the resourcing decisions that the department makes. They would know the volume of FOI requests they get—and that varies from department to department. Some departments receive a much larger number of FOI requests than others. Nonetheless, it is clearly the responsibility of government departments to provide this service.

I had a quick look at a range of government department websites. Their websites state that they provide an FOI service—as they must. Tightening up the time frames and the expectations around the type of response that must be made would be part of the government departments' decision making about their distribution of resources. We get complaints from the community about time delays in getting a response and, when you get a response, the limited nature of it. Therefore, the administrative processes would be strengthened so that there would not be a time delay or the very curt responses I have seen to some FOI requests.

The bill before us does not make a large number of changes. What it does is remind us of the original intent of freedom of information for government and the public sector. It puts in place the clear responsibility to make information available, to give an effective response to
requests and also to engage with the person or group who has put in the request. That was the expectation when freedom of information was originally introduced in the Commonwealth and state parliaments. Over that time, people have had a chance to evolve in terms of the way it operates. There have been numerous discussions and conferences among professionals in this area to look at best practice and to examine how best the system should operate. Out of those discussions, particularly by professionals who work in the field and by the community, who have been requesting freedom of information responses over many years, has come a view that there needs to be tightening of the system; there needs to be a reinforcement of what freedom of information really means. There is also a clear expectation of the government that, when citizens—and this is a term used a lot in public sector discussions currently; talk of citizens accessing the services seems to have come into vogue over the last couple of years—put forward a request under freedom of information, they should be allowed to see specific and detailed reasons for the response to their request, and that there should be timeliness around when this information is provided.

Also—and this is one of the things I like about this bill—it would mean that, published on the websites, people would be able to see the nature of the requests and the responses. Another element has been that, when individuals access the system, sometimes that stimulates more action from other people in the community. So, on a particular issue, there could be a series of requests for information, and that could be built upon by seeing what had already happened by the website discussions around a particular issue. That seems to be a step forward in the way freedom of information should operate. It also seems that this shows genuine respect not just for the community but for the people who worked so hard to ensure that freedom of information legislation was introduced and implemented in our Commonwealth departments.

Senator SESELJA (Australian Capital Territory) (09:46): I am very pleased to contribute to the debate today on the Freedom of Information Amendment (Requests and Reasons) Bill 2015. I, along with the coalition government, support the Freedom of Information Act and support transparency in government. It is one of our country's greatest strengths that we ensure the decisions of government are put under scrutiny and, where possible, are out in the open. This government has a strong record over the last two years of making the small improvements to regulations and legislation necessary to make the operations of government simpler and more transparent. But this bill does not do anything to help with transparency in government. It does not relieve the administrative burden of FOI requests. It will, in fact, increase the costs and complexity of FOI processing and result in significant processing delays. Of course, it certainly is an admirable intention to improve the FOI system wherever possible. This government would be quite happy to support such improvements if they are well thought through—but this bill is not well thought through. This is typical of the back-of-the-coaster policy style of the modern Australian Labor Party. One of the reasons we will not be supporting the bill is that it has a range of unintended consequences, which often arise when you have not properly done the policy work.

To explain why the bill will not work, we should take some time to consider what the bill intends to achieve. This bill seeks to amend the Freedom of Information Act 1982 to require government agencies and ministers to publish the exact wording of freedom of information requests. The amendments will also require agencies and ministers to publish a statement of
reasons concerning the decision to allow or refuse the release of requested documents. The bill has the stated aims of: ensuring transparency and accountability are included within the framework of government decisions concerning freedom of information requests; allowing the public to view requests that have been made and the reasons why documents were or were not released; allowing applicants seeking similar documents to build upon previous requests; and reducing duplication of requests. Furthermore, the explanatory memorandum to Senator Ludwig's bill states:

Publishing the reasons for decisions will allow for scrutiny of departmental decisions and open the door to further reform to allow review of requests by parties other than the initial applicant.

Section 11C of the FOI Act currently requires agencies and ministerial offices to maintain an online disclosure log. The disclosure log must either publish information made available in response to an FOI request or provide details of how the public may obtain that information. Senator Ludwig's bill proposes to amend these requirements by: removing the option of providing the details of how the public may obtain information; requiring the publication of the exact wording of the FOI request; and requiring publication of a statement of reasons concerning the decision to allow or refuse the release of the requested documents.

The current disclosure log requirements, together with the information publication scheme, or IPS, were part of the previous Labor government's package of FOI reforms in 2010. These reforms were intended to reduce the number of FOI requests over time, with the FOI Act providing access to information through agency driven publication, rather than only in response to requests for documents. Again, these are all pretty reasonable sounding goals and, on a cursory reading of the proposed legislation and seeing those intentions, this could be a bill worth looking at. However, as reported in the Hawke FOI review, implementation of the IPS and disclosure log requirements have, in many cases, increased FOI processing costs, with resources being diverted from other key areas to assist with FOI processing. As well as increasing the costs of FOI processing, these initiatives have not resulted in any reduction in the number of FOI requests received by agencies and ministers. In fact, since the FOI reforms commenced in 2010, the number of FOI requests have increased from 23,605 in 2010-11 to 28,643 in 2013-14. So a close reading shows that what this bill proposes does not in fact work. So we on this side of the chamber do not support this bill—because we do not support legislation that says it will do one thing but, in fact, does the opposite.

Let us look, then, in some further detail at how this bill will work as opposed to what it intends. Item 1 of Senator Ludwig's bill inserts a new definition of 'working day' in the interpretation section of the act, which applies in relation to a requirement in a provision of the FOI Act to publish information to mean a day that is not a Saturday, a Sunday or a public holiday in the place where the function of publishing the information under the provision is to be performed. As the term 'working day' is only used in section 11C, it is difficult to see how this will 'eliminate confusion concerning time frames for publishing information' as is the suggested intent of the amendment. Items 2 and 3 of Senator Ludwig's bill remove the option for an agency or minister to publish details of how information may be obtained rather than the information itself. Currently subsection 11C(3) provides that the information disclosed in the request must be published on the agency or ministerial website by: making the information available for downloading from the website; publishing on the website a link to another website from which the information can be downloaded; or publishing on the website
other details of how the information may be obtained. Items 2 and 3 of Ludwig’s bill amend
subsection 11C(3) to remove the option of simply publishing on a website details of how the
information may be obtained rather than the information itself.

Senator Ludwig states that this amendment is designed to provide the public with easy
access to documents released under the Freedom of Information Act 1982. The current
requirement is for information that is released to be published to the public, generally on a
website. Some agencies publish the documents released on their websites and the FOI request.
What this will do is remove the flexibility, where the information cannot be readily published
on a website, of providing details of how the information can be accessed. The current
flexibility ensures that there is no impediment for those who are interested in accessing the
particular information, while at the same time not imposing an onerous administrative burden
on the agency.

It may not be straightforward for an agency or minister to publish some documents in
accessible formats on a disclosure log or to convert documents to such formats within 10
working days. This may be an issue, for example, if information has been redacted from a
document or where a voluminous document is only available as a hard copy or in a PDF
format. Removing flexibility will impose an administrative burden on agencies and
ministerial offices in preparing documents for publications within 10 working days of
information being released. This could create challenges for agencies and ministers in
managing increased FOI workload and impact on the processing of FOI applications

Item 5 of Senator Ludwig’s bill amends the FOI Act to insert a new provision, section 11D.
This proposed new section requires agencies or ministers: where access is given to the whole
document, to publish the FOI request itself and the reasons for decision within 10 working
days after the person is given access; where access is given to an edited document, to publish
the FOI request itself and the notice that an edited copy has been prepared and grounds for
deletion within 10 working days after the notice is given; if a request for reasons for decision
is made for the refusal to the whole document, publish the reasons within 10 working days
der the reasons are given; and where access is not given to a document at all, to publish the
FOI request itself within 10 working days after the decisions and the reasons for decision
within 10 working days after the reasons are provided. Essentially, this provision will require
agencies and ministers to publish the exact wording of FOI requests.

New section 11D will also require agencies and ministers to publish a statement of reasons
concerning the decision to allow or refuse the release of requested documents. Section 26 of
the FOI Act currently provides for statements of reasons to be given where a decision is made
to refuse access. Section 22 provides reasons to be given where an edited copy of a document
is provided. The difference with the new provision is that a statement of reasons is also
required when access is granted in full and that all statements of reasons, as well as the
requests themselves, must now be published within 10 working days. Once again, this new
 provision will impose a substantial administrative burden on agencies and ministerial offices
which could result in significant processing delays in other aspects of FOI processing. Senator
Ludwig states that this measure will facilitate more practical use of freedom of information
requests, will reduce duplication of requests and open the door for further reform by parties
other than the initial applicant. But as I have already said, it is more likely that publishing
reasons for decisions will result in overburdened agencies struggling to manage increasingly

heavy FOI workloads, taking short cuts and adopting published reasons rather than making a decision based on the circumstances of the particular FOI request.

It is for all of these reasons outlined by me over the past few minutes that the coalition will not be supporting Senator Ludwig's bill.

Senator XENOPHON (South Australia) (09:57): I do support this bill for a number of reasons. I note that Senator Seselja has given an articulate exposition of the reasons why the government does not support this bill, and I respect that. It is a good thing that Senator Ludwig has introduced this bill because, at the very least, it puts FOI on the agenda. It may not be a very sexy topic, FOI, but it is absolutely crucial in the transparency and the good working of government. It is important that this topic is debated in this way, with good ideas coming forward. FOI is one of the few avenues that Australian citizens can access the information and documents held by government agencies. I believe Senator Ludwig's bill improves the quality and access to FOI decisions and makes that FOI framework more transparent and accessible.

The bill requires government agencies and ministers to publish the exact wording of FOI requests and a statement of reasons concerning the decisions to allow, refuse or edit the release of requested documents. In this way, it would set up a paper trail, an electronic trail of what FOI requests have been made and what happened to them. It improves the ability of FOI to ensure that information from government agencies is 'readily available to persons affected by those government agencies'. The bill will make it easier for applicants to build on the decisions of previous FOI applications and avoid unnecessary duplication of requests. So when the government says this is going to be unwieldy and it is going to cost more, in fact it will not. It will mean, by having this electronic trail of requests, fewer unnecessary FOI requests. People will be able to see what has been requested and what the response has been rather than putting in another application. This will reduce red tape—and I know that the government loves reducing red tape. I think Senator Ludwig is here to help the government to reduce red tape by having a more streamlined system of FOI. I believe it protects the privacy of individuals by making sure personal information is removed. The government needs to acknowledge that its record on FOI, since coming to office, is a very patchy record.

The government remains committed to defunding the Office of the Australian Information Commissioner—an office that provides oversight of large numbers of FOI decisions in a way that is far more cost-effective than having to go to the AAT, with all of the costs that involves. I am currently in the middle of an issue involving some Defence documents that I am looking for through the Office of the Australian Information Commissioner—and I have just reminded myself that I need to provide a response to the Office of the Australian Information Commissioner's request to respond to Defence's position. Who knows, I may end up in the AAT over that request relating to defence issues arising from the Winter-White report that I believe ought to be disclosed to the people of Australia.

Office of the Australian Information Commissioner figures reveal that in the 2014-15 financial year it finalised 482 applications for review of FOI decisions and finalised 82 FOI complaints. If you consider what it does and what the costs would be if you went to the AAT, you can see it is a very cost-effective agency. It is a false economy to defund that office. I think it is interesting to reflect on an opinion piece by Sean Parnell, The Australian's FOI editor, headed, 'Open government? We're still waiting'. He said:
The introduction of tougher security laws and secrecy provisions in Canberra has yet to be balanced out by any increase in government transparency or citizen engagement.

He made the point that:

While Malcolm Turnbull became Prime Minister promising to be “truly consultative” and support “open government,” any such change has so far been internal, with no obvious policy or cultural shift.

He refers to the Office of the Australian Information Commissioner and the cuts to that office—the attempts to defund that office—which are very disturbing.

Senator Jacinta Collins: Contrary to the will of parliament, too.

Senator XENOPHON: Contrary to the will of the parliament—that is right, Senator Collins.

It is interesting what the opinion piece of Mr Parnell makes of the whole issue of Australia joining the Open Government Partnership:

The former Labor government also committed Australia to join the Open Government Partnership, a global transparency and citizen engagement initiative. Under the Coalition, however, nothing has happened, with responsibility for the OGP shifting between ministers and becoming a “captain’s pick” for Abbott.

Mr Parnell concludes his opinion piece by saying:

While there are rumours Turnbull will soon have Australia re-embrace the OGP, cultural issues remain. Several requests last week for the Prime Minister’s office to clarify his position on the OGP failed to elicit any response, let alone a positive one.

I am hoping that this is something that the new Turnbull administration will consider.

To be a truly consultative and open government, as the Prime Minister said—and I take him at his word about his desire to do so—embrace the OGP; embrace reform to the FOI laws, such as the bill that Senator Ludwig has put up, which I think will lead to greater transparency and greater efficiency in FOI; and ensure there is appropriate funding for the Office of the Australian Information Commissioner. I support this bill.

Senator JACINTA COLLINS (Victoria) (10:03): The Freedom of Information Amendment (Requests and Reasons) Bill 2015 builds on Labor's long commitment to the principles of freedom of information and the public's right to know, and on a 2007 pledge to reform freedom of information legislation to promote a pro-disclosure culture. I know some senators are cynical about major parties in government maintaining commitments to freedom of information, but I believe it can be clearly demonstrated that that is, in fact, what Labor has done. This bill builds on that work. Labor recognises that further reform is needed to meet current and future challenges to freedom of information legislation, and we will continue to advocate for such reforms in opposition and in government.

Good governance depends on integrity within government and the public's trust in the fair, accountable and transparent operation of government instruments and processes. This is where the current Abbott-Turnbull government falls down. Just to pick a snapshot, we see today issues in the press around Mr Brough and ministerial accountability, and issues around Senator Brandis' slush fund and the creation of that. Senator Xenophon has raised the issues around the Office of the Australian Information Commissioner and this government's attempt to defund that very important freedom of information agency, despite the will of this parliament. And the list goes on.
Perhaps the most stark example, in my mind, were the comments by Prime Minister Turnbull about cabinet ministers utilising non-official sources of communication. On the face of it, and in the discussion around metadata and sexy forms of communication, social media and the like, this may not seem that important. But I remind senators and those who closely followed our discussions on retention of metadata, it is quite contrary to this government's rhetoric in other areas, such as national security—and certainly with respect to freedom of information. Senator Xenophon, just before you leave, I hope that, in the matters you are pursuing with Defence, we do not find that this culture has permeated even organisations such as the Department of Defence and that the material you are seeking does not ultimately end up being encrypted and/or deleted, as the current Prime Minister is encouraging cabinet ministers to contemplate.

These are very serious matters and, if anything, they remind me of the reckless behaviour of the Prime Minister in his former role, before his position as Leader of the Opposition was terminated in the OzCar-Godwin Grech saga. Those senators who may not have followed this closely may not understand that metadata was a key issue in that case as well, as was access to freedom of information, or indeed this parliament's or this Senate's access to information. What occurred in that case was that the Senate Committee of Privileges in investigating that matter was provided with detailed metadata from the Treasury which identified quite reckless behaviour by the then Leader of the Opposition in relation to his direct communications with Godwin Grech and his pursuit of the OzCar affair. I had hoped that Mr Turnbull had learnt from that experience. But, in recent times, in hearing him talking about cabinet ministers utilising non-official sources of communication, those hopes were of course dashed. If he demonstrates further examples of recklessness like this, I suspect that the honeymoon will not last as long as some commentators think.

As I said, good governance depends on integrity within government and the public's trust in fair, accountable and transparent operation. And certainly while there is talk at the moment at the senior levels of government, we will see in the not-too-distant future whether this government can walk that talk. Good governance also requires balancing the need for confidentiality with the legitimate right of the public to know about departmental operations. In our previous reforms to freedom of information legislation, Labor has always strived to strike that balance. Unfortunately, though, as noted by Senator Ludwig when he introduced the bill in May this year, the Abbott—now Turnbull—government 'jeopardised the balance that Labor had put into the Freedom of Information Act to favour secrecy, which has led to less transparency in government'. Indeed, the Public Service Commissioner went as far as to suggest, in comments noted in the Canberra Times in March this year, that government changes to freedom of information laws were 'pernicious'. Can you imagine a Public Service Commissioner suggesting that the behaviour of the government of the day is 'pernicious'?—that is a good word for Senator Brandis, although I doubt that he has taken those thoughts into account. But these comments reflect broader concerns about the government's attempts to weaken freedom of information rights by introducing a 2014 bill to abolish the Office of the Australian Information Commissioner.

Let's move to a little bit more detail about how the government's behaviour with that office demonstrates its lack of commitment to freedom of information. That bill would remove the role of oversight from the independent Information Commissioner. The bill has not been
debated in the Senate, because the government cannot progress it, cannot convince the crossbench that this is a measure that we should support. But Senator Brandis continues to avoid directly addressing concerns about the future of the Office of the Australian Information Commissioner. Can we take it that Senator Brandis's recalcitrance on these issues reveals a deeper distaste among his colleagues for the public's right to know how the Abbott-Turnbull government operates?

Despite numerous estimates sessions in which I have questioned Senator Brandis on these issues, and in light of the fact that the government closed the Canberra office of the Office of the Australian Information Commissioner in December 2014, almost 12 months ago, leaving the Information Commissioner and the Freedom of Information Commissioner to work from home—in his kitchen, I recall, and I suggested that maybe he had the Thermomix in there to jumble up the data that the government seeks to conceal—there is still no sign of the government responding to these concerns and indicating whether it will proceed with this legislation or whether it will reaffirm the freedom of information culture that has been painstakingly fostered in Australia over many decades.

At least there are voices of reason urging them to make their position clear, such as a former New South Wales state Liberal Attorney-General John Dowd, who in August this year cautioned Senator Brandis that the Office of the Australian Information Commissioner can be abolished only by statute, not by defunding it—which is, of course, Senator Brandis's preferred method of operation, if you look at his experience with the Australia Council, setting up slush funds, and I can think of a few other agencies where this method applies. In his role as president of the Australian section of the International Commission of Jurists, which aims to protect the rule of law, John Dowd went on to warn the Attorney-General that attempts to undermine statutory authorities by executive government through non-legislative means threatened the separation of powers and—one of Senator Brandis's favourite phrases—the rule of law. How he can stand in his current portfolio and continue to utilise these sorts of methods astounds me.

But in reference to Senator Ludwig's bill, the fact that requests under the Freedom of Information Act can currently be refused or documents edited without explanation from agencies or ministers serves only to undermine public trust that government is adhering to those principles. This bill seeks to ensure transparency and accountability within the framework of government decisions concerning freedom of information requests by amending the Freedom of Information Act 1982. The bill's other main purposes include allowing members of the public to be informed about requests made and to receive an explanation as to why documents have not been released, allowing applicants seeking similar documents to build on requests, and reducing duplication in requests. It would achieve these goals by requiring government agencies and ministers to publish the exact wording of freedom of information requests. It will also require government agencies and ministers to publish a statement of reasons concerning their decision to allow, refuse or edit the release of requested documents.

Supporting these measures by passing this bill will make it clear that the government is as committed to good governance based on freedom of information principles as is the opposition. Either way, Labor will continue to defend transparency and accountability in
government by protecting the public's right to know, keeping pace with modern challenges to freedom of information through reform.

Senator McKENZIE (Victoria) (10:13): I rise this morning to speak on the Freedom of Information Amendment (Requests and Reasons) Bill 2015. This bill amends the Freedom of Information Act 1982, which deals with issues of FOI, to require government agencies and ministers to publish the exact wording of freedom of information requests. The amendment will also require agencies and ministers to publish a statement of reasons concerning the decision to allow or refuse the release of requested documents. The bill has the stated aims of ensuring that transparency and accountability are included within the framework of government decisions concerning freedom of information requests, allowing the public to view requests that have been made and the reasons documents were or were not released, allowing applicants seeking similar documents to build upon previous requests, and reducing duplication of requests.

Furthermore, Senator Ludwig's bill states:
Publishing the reasons for decisions will allow for scrutiny of departmental decisions and open the door to further reform to allow review of requests by parties other than the initial applicant.
Section 11C of the FOI Act currently requires agencies and ministerial officers to maintain an online disclosures log. The disclosure log must either publish information made available in response to an FOI request or provide details of how the public may obtain that information. Senator Ludwig's bill proposes to amend these requirements by removing the option of providing details of how the public may obtain information, requiring the publication of the exact wording of the FOI request and requiring the publication of a statement of reasons concerning the decision to allow or refuse the release of the requested documents.

The government does not support this bill for several reasons. One of them is that there is now going to be a new definition of 'working day'. Item 1 of Senator Ludwig's bill inserts a new definition of 'working day', in the interpretation section of the act, as follows:

working day, in relation to a requirement in a provision of this Act to publish information, means a day that is not:

(a) a Saturday; or
(b) a Sunday; or
(c) a public holiday in the place where the function of publishing the information under the provision is to be performed.

As the term 'working day' is used only in section 11C, it is difficult to see how this will eliminate confusion concerning time frames for publishing information, as is the suggested intent of the amendment.

I could go on and on about why this side of the Senate will not be supporting Senator Ludwig's bill. I know my colleague Senator Johnston has much to add to this debate. I will consider leaving my remarks there, and allowing Senator Johnston to make his contribution. Madam Acting Deputy President Lines, can I just get some clarification? Once I finish speaking, will we be going to Senator Ludwig, as the mover of the bill, to close the debate?

The ACTING DEPUTY PRESIDENT (Senator Lines): My understanding, Senator McKenzie, is that it is whichever senator is standing has the call.
Senator McKENZIE: Okay. Another reason why this side of the Senate will not be supporting the bill concerns in relation to publication of information and access to documents. Items 2 and 3 of Senator Ludwig’s bill remove the option for an agency or a minister to publish details of how information may be obtained rather than the information itself. Currently, subsection 11C(3) provides that the information disclosed in the request must be published on the agency or ministerial website by making the information available for downloading from the website, under 11C(3)(a), or by publishing on the website a link to another website from which the information can be downloaded, under 11C(3)(b), or by publishing on the website other details of how the information may be obtained, under 11C(3)(c). Items 2 and 3 of Senator Ludwig’s bill amend subsection 11C(3) to remove the option of simply publishing on the website details of how the information may be obtained, rather than the information itself.

Senator Ludwig states that this amendment is ‘… designed to provide the public with easy access to documents released under the FOI Act.’ The current requirement is for information that is released to be published for the public generally on a website. Some agencies publish the documents released on their websites. I know Senator Johnston has a great interest in this area, so I might sit down.

Senator JOHNSTON (Western Australia) (10:19): This is a very interesting piece of private member’s legislation requiring agencies and ministers to publish the exact wording of freedom of information requests or the answers thereto. The amendments, as I understand them, in the brief time that I have had to review them, will also require agencies and ministers to publish a statement of reasons concerning the decision to allow or refuse the release of requested documents. Of course, whenever someone is asked to present reasons, clearly those reasons will be the subject of judicial review at some further point in time, or pursuant to the review provisions contained in the Freedom of Information Act. Asking ministers to provide reasons that will be the subject of review is a very heavy burden and one which should not be undertaken lightly in terms of increasing and exposing the executive to legal process.

The bill has the stated aims of: ensuring transparency and accountability are included within the framework of government decisions concerning freedom of information requests; allowing the public to view requests that have been made and the reasons documents were or were not released. The current situation, as the law provides for today, allows for just that; allowing applicants seeking similar documents to build upon previous requests; and reducing duplication of requests. All of these appear, superficially, to be quite laudable objectives. One has to ask the question, given that the opposition were in power for six years in Australia from 2007-2013: why these amendments and changes were not brought forward then. I think I have a bit of an inkling as to why that was: transparency was not something that was high on their agenda at the time. Indeed, one just momentarily needs to reflect on the modelling for the carbon tax and how that was unavailable to any members of parliament or to the public and was continually denied in supporting the financial workings of that carbon tax. In six years, there was no change, no transparency, under Labor, and now we have a private senator’s bill that seeks to put an enormous administrative burden upon the government of the day—namely, the Turnbull government.

Section 11C of the FOI Act currently requires agencies and ministerial officers to maintain an online disclosure log. The disclosure log must either publish information made available in
response to an FOI request or provide details of how the public may obtain that information. Providing details to the public as to how to go about obtaining the information is a stock standard, usual and understood methodology in the accessing of government documents. Why would you want to muck around with that? That is a bit of a mystery that the good senator, Senator Ludwig, needs to explain to us.

Senator Ludwig's bill proposes to amend these requirements by removing the option of providing details on how the public may obtain the information. That seems to me to be a very retrograde, backward step. The bill is entitled 'freedom of information' and yet we are not going to tell the public how to access that information. Secondly, it requires the publication of the exact wording of the FOI request and, thirdly, it requires publication of a statement of reasons concerning the decision to allow or refuse the release of the requested documents. I have dealt with the matter of providing those reasons.

The current disclosure log requirements, together with the Information Publication Scheme, or IPS as it is called, were part of the previous Labor government's package of FOI reforms in 2010. These reforms were intended to reduce the number of FOI requests over time, with the FOI Act providing access to information through agency-driven publication rather than only in response to requests for documents. However, the Hawke FOI review found that the implementation of the Information Publication Scheme had, strangely, the completely opposite effect—that is, instead of making things easier, more accessible and more transparent, the IPS and disclosure log requirements in many cases increased the FOI processing costs, with resources being diverted from other key areas to assist with FOI processing.

Of course, Senator Ludwig has a very illustrious record of asking page after page of quite superfluous questions at both Senate estimates and in FOI requests. As well as increasing the cost of FOI processing, these initiatives have not resulted in any reduction in the number of FOI requests received by agencies and ministers. So the Labor Party's reform measures of 2010 actually achieved, in my understanding and in my argument, the opposite of what was intended. Things became more process bound and more costly and it became more difficult for the government of the day to respond to and answer the FOI requests, which I would have thought was completely contrary to what was intended. Similarly, this private senator's bill is going to exacerbate the situation, because it simply has not been thought through properly. If it has been thought through, I think it has an ulterior motive to it. In fact, since FOI reforms commenced in 2010, the number of FOI requests has increased from 23,605 in 2010-11 to 28,643 in 2013-14.

I note that the bill seeks to change the definition of 'working day'. I find that very interesting and a little incongruous. 'Working day' has a common or garden-variety meaning in the minds of most normal people. A working day is a day where people are actually working. Monday to Friday is the Interpretation Act's assessment of what are working days, in my understanding. The term is only used once in the legislation, in section 11C. It is very difficult to see how an artificial, contrived definition of the words 'working day' will eliminate confusion concerning time frames for publishing information. As is usual with legislation that has not been thought through, this will be even more confusing. Accordingly, it is a significant flaw in this legislation. It provides for unintended consequences, which is rather
typical of the sort of half-baked legislative understanding that comes to this place from the Labor Party from time to time—only rivalled, usually, by that of the Greens.

Items 2 and 3 of Senator Ludwig's bill remove the option for an agency or minister to publish details of how information may be obtained rather than the information itself. Currently section 11C(3) provides that the information disclosed in the requests must be published on the agency or ministerial website, by, firstly, making information available for downloading from the website—that is section 11C(3)(a)—and, secondly, publishing on the website a link to another website from which the information can be downloaded, which is in section 11C(3)(b), or, thirdly, publishing on the website other details of how the information may be obtained. That is found in section 11C(3)(c). Items 2 and 3 of the good senator's bill amend section 11C(3) to remove the option of simply publishing on a website details of how the information may be obtained, rather than the information itself.

I must say I find this legislation and the intent behind it very, very vexing and troubling. Why would you want to close off an avenue for members of the public to find and access further information? This is very, very peculiar. I am not sure what the good senator's intentions are here. Senator Ludwig states that this amendment is designed to provide the public with easy access to documents released under the FOI Act. The current requirement for information to be released is that it is published for the public, generally on a website. Some agencies publish the documents released on their websites together with the FOI requests. What this will do is remove the flexibility, where the information cannot be readily published on a website, of providing details of how the information can be accessed. And so references to the Australian Bureau of statistics and other annual reports where there is a wealth of other information—all of those sorts of things—apparently cause some angst to the senator in the presentation and motivate him to present these amendments. I must say I find all of that very, very confusing.

It may not be straightforward for an agency or minister to publish some documents on a disclosure law in an accessible format or to convert documents to such formats within 10 working days. Those difficulties and disabilities are not addressed in the legislation; as one would expect, the details have not been considered—to use a colloquialism: the whole thing is a bit half-baked.

This may be an issue, for example, if information has been redacted from a document or where the voluminous nature of the document is only available as a hard copy or in a PDF format. Removing flexibility will impose an administrative burden on agencies and ministerial offices in preparing documents for publication within 10 working days of the information being released. This could create challenges for agencies and ministers in managing an increased FOI workload—and I come back to the numbers that I gave previously: we started off with the Labor Party's amendments with 23,605 FOI requests in 2010, and the amendments have generated an increase to 28,643 in 2013-14. As I was saying, these amendments are going to generate challenges for agencies and ministers in maintaining an increased FOI workload and impact on the processing of FOI applications. That all converts to one thing: cost.

We all know on this side of the chamber that the very last thing the Labor Party—and its senators—ever think of in legislation is the cost. They have absolutely no regard for the
respect required for taxpayers' money in these crazy schemes that they seem to want to implement.

Item 5 of Senator Ludwig's bill amends the FOI Act to insert a new provision—a new section 11D. This proposed new section requires agencies or ministers, firstly, where access is given to the whole document, to publish the FOI request itself, and the reasons for the decision, within 10 working days after the person is given access. Secondly, it requires agencies or ministers, where access is given to an edited document, to publish the FOI request itself and the notice that an edited copy has been prepared, and the grounds for deletion, within the 10 working days after notice is given. If a request for the reasons for the decision is made for the refusal to the whole document, they are to be published within 10 working days after the reasons are given. Thirdly, where access is not given to a document at all, they are required to publish the FOI request itself within 10 working days after the decision, and the reasons for the decision within 10 working days after the reasons are provided. Essentially, this provision will require agencies and ministers to publish the exact wording of FOI requests. If someone has ever seen some of these FOI requests, they go on for page after page after page.

The new section 11D will also require agencies and ministers to publish a statement of reasons concerning the decision to allow or refuse the release of requested documents. Section 26 of the act currently provides for statements of reasons to be given where a decision is made to refuse access. Whether you grant or refuse, it appears that you will have to provide reasons as to why you are granting.

Section 22 provides reasons to be given where an edited copy of a document is provided. The difference with the new provision is that a statement of reasons is also required when access is granted in full—I would have thought that is completely ridiculous and quite stupid, but what am supposed to expect here? In addition, all statements of reasons, as well as the requests themselves, must now be published within 10 working days. What that means, given the change in definition of 10 working days, I am not sure. I think we are all left to wonder why we are taking the definition of 10 working days and turning it into something not readily understood. Ten working days—if it were Monday to Friday days—or two weeks are still not a lot of time.

Once again, this new provision will impose a substantive administrative burden on agencies and ministerial officers, which could result in significant processing delays in other aspects of FOI processing. Of course that is something which the good senator has completely ignored.

Senator Ludwig states that this measure will facilitate more practical use of freedom of information requests, reduce duplication of requests and open the door for further reform by parties other than the initial applicant. I would like to see that because, as I have said, having tried once at reform, we now know that those reforms and their unintended consequences made the process more difficult, more expensive, challenged schedules and generally achieved objectives in complete opposition to what the original intent of those reforms was. Once again, the Labor Party lived up to everybody's expectation that they really have no idea what they are doing when it comes to reform.

It is more likely that publishing reasons for decisions will result in overburdened agencies that are struggling to manage increasingly heavy FOI workloads, taking shortcuts and
adopting published reasons rather than making a decision based on the circumstance of each particular request. I think that is a very logical and likely outcome which I would emphasise to anybody listening to me speaking now.

In conclusion, the government is committed to being a transparent, accountable and open government. The FOI Act is an important accountability measure, which facilitates the open and transparent operation of government, and the dealing with individual proprietary rights and privacy matters of people from time to time, as it must, in carrying out all of the heavy burden of the day-to-day activities of good government.

Rather than ensuring accountability and transparency, the measures in the bill will compromise the effectiveness of the decision-making processes under the FOI Act—and compromise in a very substantial way. It is very unlikely that the measures in the bill will reduce duplication of requests, as requests cannot be refused where information is publicly available free of charge or where information that would substantially address the subject matter of the request is regularly made available—for example, in annual reports or otherwise; and I have dealt with that.

Nor can a request be refused if the request is substantially the same as another FOI request that has already been made. So every second day of every month of every year you can ask for the same information because it inconveniences the government. That, I think, is the nub of what this might be all about. An applicant will not need to provide a reason for making an FOI request. So what this does is open the floodgates to some form of process here that is designed to stand on the hose, to be expensive and to cause the government of the day a lot of administrative woe and problems. That is all very well but, at the end of the day, I think ordinary citizens of this country need the government of the day to work in a cost-effective and efficient manner and not be completely focused on the process of FOI requests.

This bill will not reduce duplication of requests and it will not reduce the number of FOI requests. As has been clearly set out, their reforms failed to deliver. Notwithstanding that they expressed an intent to reduce the number of requests, those requests have increased. Instead, the bill will impose further unnecessary steps and procedures into existing processes for access to government information under the FOI Act. This will increase the costs, as I have said, and will increase the complexity of FOI processing. Remember: FOI is for ordinary citizens. They are not lawyers; they simply want information. So this bill is seeking to increase the costs associated with processing FOI requests and increase complexity and will result in significant processing delays. I would have thought that that was completely in opposition to what we in this place should want to do. It is a mystery to me why a senator of Senator Ludwig's standing would want to come forward with such a nonsensical, stupid bill.

Debate adjourned.

**Mining Subsidies Legislation Amendment (Raising Revenue) Bill 2014**

**Second Reading**

Debate resumed on the motion:

That this bill be now read a second time.

**Senator WATERS** (Queensland—Co-Deputy Leader of the Australian Greens) (10:39): I rise with great pride to speak to the Mining Subsidies Legislation Amendment (Raising Revenue) Bill 2014, which was a bill introduced by former Senator Christine Milne in this
place. It is a fantastic bill, because it goes right to the heart of the fossil fuel subsidies that this government continues to provide to the big mining companies. Even when we have a so-called budget emergency—I am not too sure what has happened to that one—still they were dishing out $10 billion of subsidies in cheap petrol to the big mining companies. It is not as if they need the help. Does Gina Rinehart, with $20 billion in wealth, really need an extra subsidy while the rest of us pay 39c tax on our petrol? I do not think so, but apparently the government still does. This bill would remove that fuel tax credit for big miners and it would say, 'No; you shouldn't get a free ride on your 39c when everybody else has to pay that fuel tax.'

This bill would also scrap the accelerated depreciation for vehicles used for fossil fuel extraction—of course not covering agricultural vehicles. The bill would say, 'No; you can't depreciate the acquisition of these assets faster than anybody else can, just to rip this stuff out of the ground.' Lastly, the bill would scrap the deductions available for mining exploration, which of course is effectively immediate depreciation and it promotes mining exploration. Again, nobody else gets special fast-track depreciation rules. I have looked in great detail at these depreciation rules. This is a free ride that this government gives to the big mining companies—who it is so cosy with—in order to get this stuff out of the ground even faster.

We are heading into a climate conference in just a couple of days, and the Prime Minister desperately needs some good news. He has already done a deal with the National Party, saying that he is going to take Tony Abbott's targets to Paris, in order to shore up his own leadership. We hope that he is searching around desperately for something positive to say to the world. He cannot just stand up there and just not be Tony Abbott. That is not enough. He is taking the targets that are the worst of the developed nations—targets which are between one-third and one-half not as good as the science requires. The Climate Change Authority has said, 'You've got to do at least twice or three times as good in order to even have a chance of keeping to two degrees of warming.' And we know that the science is now saying that even two degrees is too much for our coral reefs, for our biodiversity and for our way of life.

So Prime Minister Turnbull desperately needs some good news in the climate space, and we are very happy to give this idea to him. It is a revenue-raising measure. They are grasping around trying to find revenue-raising measures, and of course raising the GST is the latest measure that is on the table that they keep trying to distance themselves from. Rather than attacking the poor folks, why don't you look at the cheap petrol that you are giving to big mining companies? They do not need the support. In fact, it is the renewable energy industry that could do with a bit more support—instead of the attacks that this government has wreaked upon that industry. We have already seen that the renewable energy target has been completely slashed—sadly with the complicity of the opposition in this place—and now we have free tax breaks going to the big mining companies right when there is an abolition bill on foot for ARENA and for the Clean Energy Finance Corporation. This government has it all back to front.

I think the Australian public had really hoped that there would be a change in policy when there was a change in leader. It is not enough that we have a new Prime Minister who can speak in sentences; we actually need a change of policy—and climate policy is the most pressing change that is needed. Instead, we have this continuation of tax breaks to big miners, which is simply promoting global warming—and it is missing out on revenue raising. We had
the Parliamentary Budget Office cost this proposal, and it was found that it would raise $10 billion over three years. Of course, we have a whole range of other revenue-raising proposals as well—like fixing up superannuation, tax breaks, looking at negative gearing and looking at a tax for those who earn over a million dollars. There is a whole range of revenue-raising opportunities that the government could be turning their minds to, but instead they keep wanting to attack the poor. Of course, the GST is the latest in a long line of thought bubbles that will have a disproportionate impact on the vulnerable in this country.

So we are heading to Paris, and we have the worst target of comparable developed nations and we have a Prime Minister who needs to do more than just not be Tony Abbott. At the very least, he needs to remove the abolition bills on ARENA and the Clean Energy Finance Corporation. Those bodies are making money for the government whilst promoting clean energy and, hence, constraining global warming and generating economic prosperity and employment. That is the good news story that Australia is so desperate to hear. Instead we have this government that wants to abolish those bodies and keep tax subsidies for big mining companies to give them cheap petrol.

We put up a bill to say, 'Let's bring in some vehicle fuel efficiency standards', which many countries around the world have, of which Australia does not have any at all. We said, 'Let's bring those in because it will actually help consumers in the long run to save money on their petrol costs.' It was costed at saving about $850 a year. But, no, this government thinks that that is not a great idea at all because they have to review. They are going to look at that in two years time, and in five years time they might do something about it. Wow, what a pace of reform! In five years time we might do something to stop, say, VW dumping their dodgy vehicles on Australia. No, instead let us look at some revenue raising. Let us save consumers' costs and let us take away these unfair subsidies that the big mining companies get when the rest of us have to pay that tax on petrol. These folks, particularly in the coal and gas sector, are perpetuating global warming and stopping that transition to clean energy, which we so desperately need in this nation.

Of course, this comes off the back of a long line of other supports for the fossil fuel sector. The government repealed the mining tax, and we know, as history showed, that they repealed the carbon price. There has been a change at the helm, but there has been no change of policy. This government are still utterly wedded to the fossil fuel sector, and they are still in denial—despite all of their talk of innovation—about the possibility and the excitement of clean energy in this country. It breaks my heart, because the rest of the world is getting it and that transition is on, and we are missing out on economic opportunities. We get that they do not care about the environment, and many of them do not think that climate change is real or driven by humans, but I would have thought that they could see the economic opportunities in making that transition to clean energy.

This is a revenue-raising opportunity. This could save the budget $10 billion over three years. It could help support the clean energy sector, instead of all of the attacks that it has had rained down upon it by this government—the cuts to the RET and the abolition bills that are on the Notice Paper. Instead, we could actually see that positive vision, and that employment generating clean energy future, which Australians want. They get it. We have got the highest uptake of solar in the world. In Queensland we have the highest per capita solar uptake of the whole country. Of course, we have got fantastic sunshine, and people want to not only save...
money on their power bills but also do their bit towards global warming and towards protecting the Great Barrier Reef from what is the biggest threat to its existence. Things like this that can raise revenue as well as help clean energy and stop the unfair tax break that the big mining companies get is exactly what Australia needs. But instead we see the Prime Minister doing a deal with the Nationals to not change a thing, to keep Tony Abbott's climate policy and effectively to keep our economy in the dark ages.

The coal price has tanked, and many economists are saying that this is not just a temporary dip but is actually now structural decline. Our economy has been very dependent on coal in the past, but the transition is on and, if we do not see that and plan for that, then I am worried about the economic shocks that that will bring, and I am worried about the job losses. We have already seen, in the past three years, huge numbers of coal workers laid off. Where are they going to go? Where is the government's plan for those people?

I have been in Mackay recently. It is funny because I have been asking Senator Brandis about coal recently and he keeps inviting me to Central Queensland. I am happy to inform him that I have just been there. They are desperate for a transition plan. They can see that the Galilee Basin is uneconomic. They can see that there are now 15 banks that have ruled out funding that project. They know those jobs are not going to eventuate. They do not want to stuff-up the Great Barrier Reef or bring even more extreme weather events down upon themselves. They want a positive, long-term solution to employment, and clean energy is it with, of course, other industries like eco-tourism, services, innovation and technology. That is the economy of the future. Instead, we have this prescription from the government to keep propping up the fossil fuel sector—in denial that the rest of the world is making a change—and refusing to raise a good $10 billion over three years.

I invite the Prime Minister to take this proposal to Paris and announce it. We will applaud you for it. It is just one of the ways that we could not only raise revenue but also address global warming.

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (10:50): I will start my contribution to this debate in recognising that I respect Senator Waters as a very intelligent senator and contributor to this place. I am sure she is very well read and considers these matters very deeply. I was surprised in her contribution, because I am sure she would be aware that basically no respected economist—not Treasury, not the Productivity Commission and no government agency—in this country considers the diesel fuel tax rebate arrangements as a subsidy. None of them define it as a subsidy for the mining industry. I will go through the reasons for that later.

I would have thought an intelligent and well-read senator like Senator Waters would (1) know that, and (2) if she is arguing a different position,—to Treasury, to the Productivity Commission and to almost every economist that I have known in respected circles in this place—she would deal with those issues. She would have raised them, rebutted them and pointed out why all of these eminent public sector agencies were wrong and the Greens were right.

We have just heard throughout her whole speech not a mention, not even an engagement, on that side of the debate. Instead, unfortunately, we had a contribution that was full of vitriol. It was full of denigrating of a former Prime Minister. It was full of attacks on particular wealthy mining investors. It was full of emotion about free tax breaks to rich people and all
these conspiracy theories that the Greens like to meddle in. That is unfortunate because I do believe the Greens have a higher intelligence than that, and they do not need to resort to the lowest common denominator in these types of debates. It is unfortunate that they are not engaging with the real issues on this particular matter. They are certainly not even trying to rebut or put forward an alternative argument to these respected institutions that I will quote from in my contribution.

It is important, when we are discussing any change to a particular tax or rebate, that we properly understand the history and reasons behind the tax arrangements we have. The fuel excise system was first established in the 1920s, obviously to provide a regular revenue stream to fund new roads—many countries have this type of arrangement. In the 1950s, it was extended to diesel; previously, it was levied only on petrol mainly for road vehicles. In the 1950s, the arrangements were that the mining sector did not pay the tax. There was no rebate; it just was not levied on the mining sector. I believe it was collected at the retail fuel pump, which generally the mining sector would not use.

Later on those arrangements were changed, so that the excise applies to all sales of fuel, both petrol and diesel, but a rebate is provided to those industries which do not use our roads. The reason the mining sector was not levied the fuel excise is that the excise was established to fund roads and the mining sector, along with the agricultural sector, which also receives a rebate, do not often use established roads. They have their vehicles and they use the diesel for equipment off road, either on roads they build on their mine sites or farms or for equipment that does a lot of the digging and waste disposal. That is a perfectly reasonable public policy rationale. We are setting up a system to fund roads, so of course we would charge road users to fund those investments. The mining sector and farmers are not using those roads, so we do not charge them the tax.

There is also a more technical economic argument about why we do not impose taxes on business inputs. It is commonly recognised that a tax on inputs to business is a particularly distortionary one because it will change how businesses decide to allocate their capital, to employ labour and will cause inefficiency in the economy. It is why, for example, the GST is a value added tax. We do not charge it on all transactions that occur in our economy; it is only levied on the value added of each individual sector of the economy. That is how businesses get input tax credits.

If the Greens were being economically consistent here, they would also be saying that all of those input tax credits that exist through the GST system are also a subsidy to businesses because it is exactly the same system that we use for the fuel tax rebate. Businesses which buy particular products on which GST is levied get a rebate, an input tax credit, which they record on their business activity statement and then the GST they pay is reduced accordingly. That is exactly how the fuel tax rebate system works. It works because that is a more efficient tax to fund it on the value added that each sector produces, not on the business inputs because just taking the cream, taking the valued added, will not distort the decision making, will not make businesses make massively different decisions and therefore, by definition, inefficient decisions.

That is why we have the system and it is also why it is not a subsidy. It is not a subsidy; it is simply a reflection of the fact that miners do not use roads and, as a general rule across all our taxation arrangements, we do not tax inputs to business. That is why, as I said in the
introduction to my remarks, the Australian Treasury, the pre-eminent economic agency of our public sector, do not define the fuel tax credit system as a subsidy. In a 2011 submission to the G20 Energy Experts Group, Treasury stated that:

Fuel tax credits are not a subsidy for fuel use, but a mechanism to reduce or remove the incidence of excise or duty levied on the fuel used by business off road or in heavy on-road vehicles.

That is pretty clear. Apparently Senator Waters mentioned there will be another Green senator contributing to the debate this morning. In good faith, if they are serious about this, rather than just running a political campaign to bash the mining industry again, would she please outline why the Greens disagree with Treasury and why their particular and expert evidence is wrong. I would also add that each year Treasury compile what is called a Tax Expenditures Statement, a summary of all the reductions in tax rates we provide to particular sectors and how much that costs the budget. In that document you will see the cost of things from the superannuation guarantee right through to forestry managed investment schemes, different arrangements the government has established to provide tax assistance or a tax credit to particular businesses through the economy. It is very important to note that, while that document is not per se about subsidies themselves, Treasury do not include the diesel fuel tax rebate as part of their assessment. They could easily do that. The Greens have had it costed by the Parliamentary Budget Office. It is not a difficult economic calculation, but Treasury do not do that because it is not a tax expenditure, it is not a reduction in tax; it is simply a historical reflection of the fact that we have not levied this tax on the mining sector or on the agricultural sector.

Likewise, the Productivity Commission compile a report each year specifically on assistance measures to business called the Trade and Assistance Review. Once again, consistent with Treasury practice, the Productivity Commission do not measure or estimate the fuel tax rebate as a subsidy. They have had ample opportunity to do so over many years. Indeed, I asked them about this at Senate estimates this year and they have made the judgment that this particular arrangement is not a subsidy. Therefore, the Greens are completely acting against all of the expert economic advice in defining it as such.

More generally in the Trade and Assistance Review that comes out every year the Productivity Commission measures the assistance given to different sectors of our economy across the board. It is very wide ranging and includes research and development funding; it includes the effective rate of assistance provided by tariffs—we used to have quotas, but we do not have them anymore; and it also covers other more general and specific business assistance provided to different industries.

I am sure the Greens have read this and I am sure they have heard this evidence before, but one thing they simply ignore and do not seek to rebut at all is that the Productivity Commission has concluded that, of all the sectors of our economy, the mining sector receives the least amount and the lowest rate of assistance from government. Remember that that assistance is very broad-ranging—it also includes generic R&D funding, and I will quote the exact figures in a second. Most of the mining sector’s assistance is made up of that research and development funding that is available through R&D Start and through the R&D tax concessions that have been a longstanding arrangement and, of course, are available to all businesses—they are not specific to any particular sector of the economy.
The PC concluded—and I think it is important to read out exactly what they said—in their latest report that was released in June this year:

The effective rate of assistance — net assistance per unit of value added — was around 4 per cent for the manufacturing sector, nearly 3 per cent for the primary production sector and less than 1 per cent for mining. At the industry group level—

which is a more disaggregated level—

the highest measured effective rates of assistance continued to be for the Motor vehicles and parts and the Textiles, leather, clothing and footwear industry groups.

The Productivity Commission said in that quote that the assistance to the mining sector was less than one per cent—the actual effective rate for the mining sector is 0.1 of a per cent. That is 0.1 per cent of their value added—that is the rate of assistance that the mining sector received from the government. That is a figure you will never hear the Greens quote—0.1 of a per cent—just registerable in one-tenth of a per cent. The other sectors—the manufacturing sector with four per cent and the primary production with three per cent—receive multiple times greater assistance than the mining sector receives, but that is not what the Greens quote. They ignore that; I am not sure why. I wait to hear how the Productivity Commission has got this wrong. I believe they have been doing these reports for nearly 40 years, but apparently they have got it wrong for that whole period. I continue to wait for a Greens senator who is arguing for these particular policies—and they do that regularly—to engage in this debate and to properly rebut that expert evidence from those organisations.

In other debates in this context I have heard some Greens use an Australia Institute report that has been completely discredited. I noticed that Senator Waters did not quote from that this time, so at least she did not go that far. We have established, though, that the diesel fuel tax rebate is not a subsidy. But the Australia Institute compiled a report, I think some time last year, which purported to show that the mining sector receives $17.6 billion in subsidies. That was made up partly by the diesel fuel tax rebate which no-one, except for the Greens and their supporters, thinks is a subsidy. They also had some other things in this report that are even more absurd, so perhaps that is why Senator Waters did not mention it. I do not exactly know how the Australia Institute came to this, but in their $17.6 billion they included the costs of providing subsidised passenger rail travel in Queensland. Apparently that costs $1.05 billion a year in Queensland, and they included that in their $17.6 billion figure. They got lots of media and stories at the time this was released, saying, 'The mining sector is receiving $17.6 billion', and various media outlets reported it without any question.

Included in that figure was not just this diesel fuel tax rebate, which is a complete red herring as well, but also $1 billion from subsidising passenger rail services in Queensland. How does that relate to the mining sector? How could you seriously put forward that subsidising passenger rail services in Brisbane—because that is the only place that has passenger rail services in Queensland—gets a billion bucks, and that that is a subsidy to the mining sector? I do not know if the Australia Institute has been to any mines recently, but none of them is in Brisbane. They are all outside of Brisbane, and I do not think there are any TITO—train-in train-out—mine workers in this country. There are FIFO workers—fly-in fly-out—and there are DIDO workers—drive-in drive-out. I do not think there are any TITO—train-in train-out—workers; I do not think they exist. Again, perhaps the Greens have evidence of these mine workers who put on their 'don't kill me' vests in the morning, wait for
their train at the Yeerongpilly station and then, at the end of it, pop off at the Cavall Ridge mine near Moranbah, but I did not know that that service existed. Maybe that accounts for some of the billion dollars that was provided. But I have not heard of that before.

They also included in these estimates nearly another billion dollars—$831 million—to cover the costs of port services that various state governments own or provide, and some own rail services as well. These are a bit more connected to the mining sector because they are services that mines actually use—unlike passenger rail services, mines do use freight rail lines and they do use ports to export their coal. But they included the total costs of providing those services in these subsidies—this $831 million a year. I am sure that the Australia Institute, and Dr Richard Denniss, who is a very intelligent person, would realise that state governments actually charge the mining sector to use those services. They charge them a fee to use a rail line, and they certainly charge them a price to use a port. Indeed, they are charging them such a price at the port at the moment that it is seriously hurting the mines because they signed many take-or-pay contracts a few years ago, and that is causing them quite a bit of grief. But, nonetheless, the state government do very well out of those things.

If you were being serious, then, sure, include that $831 million, but on the other side of the ledger you would, of course, include the charges that the state governments apply to the mining sector to use those services. I am not sure exactly how it works, but generally all of these services are regulated by various state-based regulators like the Queensland Competition Authority in Queensland, and they calculate what the appropriate charge should be. They look at the costs of providing those services and they include a rate of return for the government. And I do not think they are doing all that badly. I am sure they are actually making money from the mining sector, so it is the opposite of a subsidy—they are making a return from it. Notwithstanding that, it was also included.

I should get off this topic because there are other things I want to say, but I will say one more thing on this Australia Institute report. There was one other element they included, a smaller element. Senator Nash would be very familiar with the Royalties for the Region program in Western Australia, a very proud policy initiative of the WA National Party. That is levied; it comes from royalties. Twenty five per cent of royalties in Western Australia are reserved for these regional programs.

The Australia Institute thought that that spending on the Royalties for the Region program was a subsidy to the mining sector. It was actually funded by a tax applied on the mining sector. They pay royalties, of course. But the institute did not include that tax in it; they included the payments for the Royalties for the Region funding as part of that $17.6 billion. For example, and I think Senator Nash would be interested to know, Ord Stage 2—which the Western Australian government is funding at the moment which is going towards expanding agricultural production—is apparently a subsidy on the mining sector. I do not quite see how that logic works. But, again, as part of that $17.6 billion, funding of an expanded agricultural irrigation project is apparently a subsidy to the mining sector. That is amazing logic on behalf of the Australia Institute, and the Greens have quoted that figure up hill and down dale, and it is completely discredited.

What is not discredited is that the most subsidised sector in our economy is renewable energy. It gets enormous amounts of subsidy. In August this year, a Principal Economics study found that in 2013-14 the renewable energy sector received subsidies of around $2.8
billion—these are actual subsidies, things like the renewable energy target, which pushes up power prices for poor people to pay for solar panels on the roofs of rich people; feed-in tariffs, which do exactly the same thing; and other green subsidies that we make to the renewable energy sector. While $2.8 billion is a lot of money, it is even much, much greater when you take it in the context of what the renewable energy sector actually produces, which is only a small amount of our power needs.

On that basis, on a megawatt per hour basis, the solar sector receives a $412 subsidy; the wind sector $42; other renewable sources $18. I think it is important to compare that with the coal fired sector, which receives less than $1 per megawatt hour and natural gas receives less than 1c per megawatt hour delivered. The subsidies to solar are almost 500 times that of mining and about 48 times higher than wind. But we are here debating a bill seeking to remove a nonexistent subsidy to the mining sector while completely ignoring the billions of dollars of subsidies that go to renewable energy. It shows the hypocrisy of the Greens, their lack of engagement in the real policy debate, and this bill should be voted against in this parliament.

Senator DASTYARI (New South Wales) (11:10): Let me begin by thanking the Greens for bringing forward this private member’s bill, the Mining Subsidies Legislation Amendment (Raising Revenue) Bill 2014. I think it is a worthy debate for this chamber to be having. Whenever there is an amount as large as $5.1 billion in credits, it is worthy that, from time to time, that is justified and that we have this kind of debate in this place. It is also worth acknowledging the role of former Senator Christine Milne, who actually first introduced this private member’s bill. Former Senator Milne was very passionate about these issues and had very strong views about these issues. While they were not issues that I necessarily always agreed, I came at them from a very genuine place. She is currently in Paris and no doubt she is watching this debate, because she cannot possibly get enough of this place!

I will not be supporting this Mining Subsidies Legislation Amendment (Raising Revenue) Bill 2014 and the Labor Party will not be supporting this bill, unless they are going to surprise me and all vote differently to the way I am going to vote. It is worthy for us to ask questions when there is an amount as large as $5.1 billion in credits. We believe this is a worthwhile pursuit and a worthwhile credit to have in place. Senator Waters gave a passionate and detailed speech, and she outlined her case quite well. But I do not think Senator Waters would disagree that she does not come at this from an industry-blind perspective. Her views are shaped by the impact that she believes the fossil fuel industry is having—something which I agree with. Nonetheless, she is not looking at the issue as to whether this is a worthwhile credit in itself; she is looking at the industry as a whole.

There is no doubt that Senator Waters and others come at this from the viewpoint of wanting to see as much damage as possible done to certain sections of the industry. It shapes their views. Just as we say in the education space, which I am now in on a policy level, that the debate has to be sector blind; this debate about whether this is a worthwhile credit has to be industry blind. We have to be careful that sometimes the arguments that are being used for removing this are being used by Greens and others to argue the exact opposite on other industries, be it manufacturing or other industries. I think a little consistency here is needed.

Let us be clear here—and I think Senator Canavan outlined this more eloquently than I will be able to—there are no fossil fuel subsidies in our tax system. The fuel tax credit scheme was
originally intended as a road-user charge. It pays for our roads and it pays for their maintenance. The excise on petrol and diesel is a tax on business inputs as well as on final use by households. Businesses that are using petrol and diesel as inputs into their production processes pay an excise of 38.143c per litre. Under the fuel tax credit scheme, eligible businesses can claim a rebate in full or part of the excise they have paid.

In 2010-11, the value of these credits amounted to $5.1 billion, which is a very, very significant amount. Again, that is why I think this is a worthwhile debate to be having in this chamber. The main recipients were—and these are the 2010-11 figures, the best set of figures available to me—the mining industry at just over $2 billion; transport, postal services and warehousing at just under $1 billion, at $998 million; and agriculture, forestry and fishing at $646 million. And the theory goes that taxes on intermediate goods—that is, goods used to produce other goods—can reduce productive output and, ultimately, living standards.

The diesel fuel rebate has the effect of preventing the taxation of a 'business input', and what I mean by that is the cost of fuel as a business cost, which is an accepted principle of good taxation policy. Public finance theory says that taxes should not be imposed on these intermediate goods, as it would distort the allocation of resources. Thus, reducing taxes on intermediate goods reduces distortion and increases output. The fuel tax credit scheme is designed to relieve industries of the excise that they pay on the petrol and diesel they use. As Treasury itself notes:

Fuel Tax Credits are not a subsidy for fuel use, but a mechanism to reduce or remove the incidence of excise or duty levied on the fuel used by businesses off road or in heavy on road vehicles.

The Productivity Commission prepares a Trade and Assistance Review every single year. These reviews identify and, where possible, quantify government assistance to different industries. The reviews do not include the rebates paid under the fuel tax credit scheme as a form of assistance. The easiest and most efficient way to administer that charge is to tax all fuel and then rebate those using the fuel for off-road or private use. A road user charge should not apply to a diesel-powered ship or boat conducting environmental surveys off the Great Barrier Reef. If the government were to keep these tax receipts, it would become a tax on business input. Business input taxes are widely known, recognised and seen as poor tax policy. The diesel fuel rebate applies to all businesses.

There is no preferential treatment for the resources industry in our tax system, but it is worth noting that they are the largest beneficiary of a program that is available to everyone. If we are going to find the resources of the future that we need to support and grow our economy, we need the best technology driving the exploration processes. Most exploration—let's be clear here—actually finds nothing. It is difficult. It is a risky kind of business to be in but, once a resource is found and the work is done, all expenses have been made and an efficient tax treatment makes sense. Significantly, neither the Treasury nor the Productivity Commission consider the rebate to be a form of industry assistance.

Unjustifiably taxing business inputs is inefficient, distorts investment decisions, distorts Australia's export competitiveness and creates uncertainty for Australian businesses large and small. What worries me is that I suspect that, to a certain extent, those who are proposing this bill have no issue with that and would actually like a system that would distort investment decisions away from the resource industries and the resource sector. I do not agree with that. I
do not support that. I do not think that is the way we should be tackling this and the challenges of this.

I note that Senator Canavan went on earlier about the subsidies that are given in the renewable sector and the environmental space. I believe that, if government wants to be encouraging certain types of business activities, giving that kind of assistance and support to industries that government wants to promote and help is the right way of doing it. I do not think unfairly creating this kind of treatment of business inputs simply because this happens to be an input that is used more by the mining industry than by other industries is a sensible or efficient way of doing this. I just want to stress this, because I think there has been a bit of distortion in some of the facts that have been presented. There is no fuel subsidy. This is not a fuel subsidy. The fuel tax credit scheme was originally intended as a road user charge, and it was used to pay for roads and the upkeep of roads.

So Labor will not be supporting this bill. Labor has a proud record of striking the right balance between ensuring and supporting a growing resources industry and making sure that we obtain a fair price for the mineral resources that we own as Australians and that there is not a free ride or an unfair system in place to favour some of these mining companies. Labor recognises that the resources sector is an important contributor to Australia’s economic growth. The Australian investment pipeline overseen by a Labor government was the largest that any country in the world has ever seen. While there are people like me who have been very critical of how some mining companies and LNG companies have behaved in terms of their tax paid and how they have structured their companies, be it through Singapore trading hubs or through internal loan arrangements, to minimise their tax liabilities, none of that should discount the importance of the industry to our economy. Direct employment in resource operations is over 250,000 Australians, over double the 136,000 that were employed in the resources sector when Labor came to government in 2007. When Labor left government, there was a pipeline of an estimated $268 billion of committed capital investment in around 73 committed resources and infrastructure projects.

There are challenges in this sector. I think we have to be quite clear and serious. We have to make sure things like the tax treatments in this area are correct. I believe we have a sector that will take advantage of opportunities if they are provided and will try to minimise their own tax liabilities and what they pay, and they have demonstrated that they will do that. That having been said, however, this particular case is not an example of where that problem occurs. The rationale behind this is that business inputs should not be taxed and the fuel excise and road user charge should not be applied to private road user. This is not a policy that is about the mining industry. It was never about the mining industry. It is about improving roads and providing the funds for improving roads. Because the end user is the one paying for a business input cost, it would make poor taxation policy—and in fact, in some cases, double taxation—to pursue that path.

I note that there are other speakers that want to get to the debate today, so I am not going to drag on for longer than necessary. I will make sure there is sufficient time, because I note that Senator Di Natale wants to get a speech in as well.

I do want to just very quickly say that the policy here needs to be divorced from the ideology. The ideology being proposed by some is that the mining industry is a bad industry, that it is a dirty industry and that we should do whatever we can to make it as difficult or as
unprofitable as possible for those in that sector. I do not support that. I think that is conflating two very, very different issues. This is a specific piece of legislation that has been proposed about a specific tax credit, and it would be unfair and wrong to be treating it differently simply because it relates to a sector that some people in this chamber do not support. That is the wrong way of handling it.

That being said, this is a worthy debate to have. I thank Senator Waters for pursuing this private senator's bill, and again I acknowledge the incredible work that Senator Milne did on that.

In conclusion, in a final act of completely unparliamentary behaviour, can I just say a very big happy birthday to Sarah Coward, from my office. Thank you.

Senator Di Natale (Victoria—Leader of the Australian Greens) (11:23): I rise today to speak in support of the Mining Subsidies Legislation Amendment (Raising Revenue) Bill 2014. Just to be clear about what the bill does: it removes the fuel tax credit for resource companies which gives them effectively 39c a litre off their fuel. So, while the rest of us pay 39c in fuel excise when we go to fill up our cars, the large resource companies get a 39c discount. The bill also scraps accelerated depreciation. Let us not forget that this is not simply about the question of the fuel tax credit; it is also about other benefits given to the mining industry: accelerated depreciation for fossil fuel infrastructure and the immediate deductions that are available for mining exploration. It is a suite of measures.

We can have a long debate about whether this is a subsidy, a tax concession, a handout or a business input. We can have a long debate about that. There are many economists who describe this as a subsidy. There are others who would call it a business input and do not like the fuel tax credit being called a subsidy. We can get into that long argument about what it is, but we know what its effect is. Its effect is very simple. It means that, if you are in a mining operation, you get a big discount on the fuel that you use within that operation. Some people, of course, argue that the excise exists for road use and exclusively for road use. That argument is a straw man. Mining companies can claim fuel tax credits right across their operations, including those operations' heavy trucks and road freight vehicles that do use roads.

I think Senator Canavan said that it is not economically efficient to charge taxes on business inputs. There would be pizza delivery drivers and taxicab drivers right around the country who would argue, 'Well, why are we being treated separately from the mining industry?' So let us be clear. It is a specific concession given to the mining industry. It is absolutely a concession, and it is a concession that is worth a staggering $3 billion to $4 billion a year, which goes into the pockets of some of Australia's most profitable companies. So, while we can get into a semantic argument around whether we call it a subsidy or a concession, the bottom line is that this is $3 billion or $4 billion that is going to the mining industry and that other industries do not benefit from. Let us be absolutely clear about that.

I would also like to suggest to Senator Canavan—he had a long treatise on economic theory—that the biggest subsidy that is available to the mining industry is the externalities they create that permeate the economy. They get a free ride on the back of those externalities. When you look at it, this is a very simple, straightforward proposition. This is where I think there is a bit of cognitive dissonance within the coalition. We get these long economic arguments about why the mining industry should not have to pay this $3 billion to $4 billion
concession but not a word about the enormous externalities that permeate right through the Australian economy as a result of the activities of that industry.

If you are being consistent and you accept the science of climate change—and here is where we get to a point. I accept that some of the dinosaurs in the coalition do not accept the science. Now, I do not argue with them on that basis. It is the same thing as having an argument with someone who believes in chemtrails or some of the antivaxxers or about whether the moon landing happened or did not happen. There is no point in engaging in an argument around whether climate change is real or not. You either accept the science or do not. You either make your decisions based on the views of science or make them on some other basis that I think does not belong in this place.

If you accept the science of climate change and if you accept the evidence that is now almost unequivocal that, as a result of climate change, we are creating enormous problems right across the planet that are environmental, social and economic, then you have to be consistent with your own theory and acknowledge that the best and most efficient way of tackling those externalities is to price them so that businesses do not get a free ride. Effectively, we have businesses creating pollution which are getting a free ride on the back of the rest of us. That is where all of the bluster in the world comes unstuck because you are not prepared to be consistent with your own arguments.

Let us look at when the carbon price was introduced. The carbon price was introduced, and we finally did something about that enormous concession that exists with regard to cheap fuel. We had miners for the first time having to pay 6c—not the 39c that everybody else pays but 6c—in excise that reflects the carbon emitted in their fuel. When the carbon price was scrapped, that was $1.6 billion of revenue given straight back to the miners. It was an externality that finally was being priced, and any market economist worth their salt acknowledges that it is the most effective way to deal with the issue of carbon pollution—Senator Canavan is reluctant to go into that territory because that is a very slippery slope for the Nationals—and any economist worth their salt acknowledges we should ensure we are pricing these externalities. We finally did it. We had a 6c per litre price on fuel, and this government scrapped it, handing $1.6 billion back to the mining industry. It is an issue that is not being discussed much in this place.

In addition to the 6c per litre concession, the government also gave $574 million back to the industry for them not having to pay for their fugitive emissions on mining sites—another enormous externality dealt with through a market-based mechanism and scrapped by the economically illiterate government that we have taking us back to the last century. And just think about this: we finally get some rationality into the debate and we finally have a small price on fuel, pricing an externality, bringing in $1.6 billion at the same time as they were scrapping that bit of legislation, and what did they do? They tried to claw back almost the same amount from those kids under 30 looking for work, stripping them of income support for six months. That is this government's prescription for managing climate change and looking after people—scrap a price on carbon and sock it to young people under 30 who find it hard to find work. In this government's world, a job seeker filling up at the petrol station on their way to a job interview would pay 39c a litre in fuel and Gina Rinehart would not pay a cent. When you look at the latest BRW rich list you have Gina Rinehart, one of Malcolm Turnbull's 'battlers', valued at $20 billion, now doing a $200 million deal with Caltex for her
Roy Hill iron ore mine site worth 120 million litres of fuel. So that $200 million deal with Roy Hill iron ore provided 120 million litres of fuel, and as a result, if this bill was passed, we would get $45½ million for that agreement. But, no, this government thinks that money should be pocketed by Gina Rinehart. That is the same amount of funding that was cut from the ABC and SBS.

We have a big choice at the moment. We do have some structural budgetary challenges, there is no question about that, and we have a choice about how we raise revenue. We can look at fair measures like ending these huge tax concessions. We can look at ending the huge tax concessions that exist within the superannuation scheme and look at multinational tax avoiders, and there is a bill now before the parliament that would do that, but this coalition government looks like voting that down. We can look at ending negative gearing so that we do not have those distortions within the property market. Or we can do what this government proposes to do and keep all of those concessions that benefit some of the wealthiest countries and wealthiest individuals in the country or we can slug a great big GST on everybody—a tax that we know impacts most on those people who can least afford it.

But it is more than that. This is a debate about the economic direction of the country. These big concessions do not just cost us revenue, they also cost us huge opportunities. We have capital that is being attracted to the fossil fuel and mining sectors because of these huge tax breaks and to property through negative gearing and we get lazy investment. We get investors looking for a free ride when that investment could be used in much more productive places in the economy, and that is part of the reason we are in trouble right now. We have a one-dimensional economy that is over reliant on the mining industry as a result of the huge concessions that exist within that sector, causing investment to be diverted away from those other productive areas of the economy.

On Sunday, the Greens released what I think is a visionary, ambitious, forward-looking blueprint for how we can make that transition, a blueprint called Renew Australia. It is a plan to not only double our energy efficiency but to also increase the amount of energy that we generate. Under the plan we expect that energy use will grow by about 50 per cent by 2030, and part of that will be the enormous transformation that occurs within our transport sector.

We will see the electrification of transport and we will see a move away from those vehicles that use fuels like petrol and diesel and so on to electric powered vehicles and machinery. So instead of subsidising those industries of the last century, why not look at providing support for those industries of this century? This could be through a combination of measures including increasing the renewable energy target and having a 90 per cent target for 2030 through direct auctions, through the RET, through direct investment and through an increase in household solar. All of those measures would allow us to make the transformation that we need.

But it is not just happening within the domestic sector. Earlier this year the Australian Renewable Energy Agency partnered with Rio Tinto to install solar hybrid for their zinc mine in Weipa in Far North Queensland, instead of using diesel generators. So we have a solar hybrid system helping the operations of a zinc mine in Weipa rather than diesel generators. That is a first for mining in this country. The fact is that that technology has to compete against that subsidised diesel fuel provided for those dirty generators. If miners paid excise on that fuel, then solar would absolutely be more cost-effective for greenfield mine sites. It is
effectively a reverse carbon price. What you are doing at the moment is offering an incentive to those old, dirty ways of doing things, and it needs to be scrapped.

This bill does a number of things. When you look at the purpose of taxation and tax credits, what we are trying to do is discourage bad behaviour, encourage good behaviour and raise revenue to pay for the services that we all want and deserve. That is what this legislation does. It does all of those things. It helps to restore the government's budget position; it helps us to reduce our lazy reliance on fossil fuels; it helps us to create investment pathways in new industries—those industries that will take us forward; it helps to drive the rollout of cost-competitive clean technologies; and it supports new sunrise industries. That is what is needed. This century belongs to the nations that take advantage of those opportunities. Yes, it is true that Australia has benefited from a strong mining sector. That is absolutely true, but we now need to raise our gaze.

Our prosperity depends not on what lies beneath our feet but on those renewable energy resources in the sky—the sun and the wind—and on new and emerging technologies like geothermal and tidal. We have those competitive advantages; we are lucky. As Donald Horne said, we are the lucky country. We are lucky because we are blessed with those renewable energy resources. We can make that transition. The challenge now is up to us. Will we take advantage of the enormous opportunity that this transition brings? Will we renew Australia? Will we kick-start our economy? Will we help restore the government's budget position? Will we be able to pay for services like health care and schools? Will we do those things by tackling some of these unfair concessions or will we stick to the old ways? Will we stick with a regime that props up industries that have been hugely profitable at the cost of ensuring that we have a much more prosperous, innovative and forward-looking nation? That is the question before us today.

Senator BACK (Western Australia) (11:39): I am delighted to rise to speak to the Mining Subsidies Legislation Amendment (Raising Revenue) Bill 2014 and to correct the record in a couple of areas. First of all with regard to the supposed diesel fuel rebate, let us all be very clear. Originally a road maintenance tax was put on petroleum, an excise supposedly to improve and maintain roads. Of course, as we know, over time governments used that as a cash cow and very little of that money eventually ended up in road maintenance. But that was its original purpose, at a time when diesel was not particularly used in the transport industry. As you know, Mr Deputy President, from your background—

There obviously were purposes other than transport for which diesel was being used—and still is—such as, firstly, generation of electricity in remote areas; secondly, in farming where farm vehicles were not used on made roads; thirdly, in fishing, as fishing boats do not use much bitumen or require access to roads. The final purpose is mining. So let us be under no illusion. The reason there is a rebate on diesel for use off-road in mining, farming, fishing and stationary purposes such as power stations is because that diesel is not used on made roads and therefore does not cause deterioration of made roads.

Why the Greens political party wants to try to attack the very group of industries that have been underpinning this economy for the last few years is beyond me, and let me go to that
point right now by quoting Australian Taxation Office figures. The single biggest taxpayer in Australia last year and prior to that was Rio Tinto, the mining company. Close behind was BHP Billiton. In fact, in the period from 2006-07 to 2013-14, the mining industry paid $117 billion in company taxes and royalties. The industry itself in the final year of that era paid $21 billion, and that was double the 2006-07 figure. Again I quote Australian Taxation Office figures when I say that if you take taxes and royalties paid to federal and state governments, the contribution exceeded 40c in the dollar. The effective tax rate was greater than 40 per cent, according to the Australian tax office. But needless to say that is not the only contribution to government taxes. We know that these mining companies exist in rural communities—for example, Kalgoorlie in the goldfields area, Mount Newman, Tom Price and all of those communities feeding into Karratha and Port Hedland. We need to consider the income taxes paid by people who work in the mining industry, the contributions to shire rates, the contributions that flow on from a sector—and again it is claimed that the mining industries in this country are very, very small employers. In fact, the direct employment to July last year—it may have tapered off now—was 245,000 people, almost a quarter of a million people directly employed, and that was an increase of some 20 per cent to 2014 from 2010. I would accept that those numbers have now dropped off to some extent.

Let me talk about the effect that the carbon tax and the ill-fated and poorly-constructed mining tax had on the exploration and mining industries in Australia. These are figures I can quote to the Senate. In 2011, two-thirds of all ASX listed exploration companies had undertaken their mining exploration activity in Australia. By 2012-13, two-thirds of ASX listed exploration companies were engaged in exploration activity away from Australia. In 2011, two-thirds of those companies were spending on exploration here and a year later two-thirds were spending exploration funds out of Australia. That was the effect of the crippling mining and carbon taxes on that industry.

It reminds me that, of all exploration drilling holes that are undertaken, less than one per cent ever get to yield a mineralisation that is commercially viable. So, if we are to do as has been suggested in this bill before us today, we will further cripple a critically important industry for Australia and especially for my home state of Western Australia, being the largest iron ore exporter. One port alone, Port Hedland, exports one million tonnes of iron ore a day—365 million tonnes a year—with a benefit to the economy. The fact is that Australia is the most efficient iron ore miner in the world. Our expertise is strongly sought after throughout Africa, where most of the African mining activity is controlled by Australian companies, and also, increasingly now, in Latin America. I have spoken of our involvement there previously. And further opportunities exist in Mexico.

We need to reflect on the value of the mining and the LNG industries to this country. In her speech, in August 2014, then Senator Christine Milne made reference to the need for funding in the university sector. I do not know whether Ms Milne visited Western Australian university campuses to any great extent, but the most significant contributors from the corporate sector to the Western Australian universities are the mining and the oil and gas companies—BHP Billiton, Fortescue, Rio Tinto. Chevron alone has invested some $53 million into universities and research institutes to help build local academic excellence and research capability. There is value coming from that sector. There are employment opportunities at the high level for university graduates which are flowing through to the skills
development sector. Mr Deputy President Marshall, you and I have participated in Senate inquiries in the past demonstrating the value and the need in this particular sector. I say again that the sorts of issues put before us by the Greens in the Mining Subsidies Legislation Amendment (Raising Revenue) Bill 2014 will have the opposite effect.

I spoke a few moments ago about exploration. I was delighted that, with the permission of the then shadow minister Ian Macfarlane, whilst he was releasing our policy in 2013 on the east coast, I was able to attend the Association of Mining and Exploration Companies Convention in Perth and talk about the Exploration Development Incentive, which is now up and running and encouraging the small-cap mining exploration companies and investors to get back into exploration, because what we are not spending on exploration today we will not be yielding in five, 10 or 15 years time. Senator Milne, in her contribution in August of last year, drew attention to the gas industry, along with coal and oil, and the fact that she regarded that they were receiving unfair tax treatment.

I want to spend a couple of minutes on the contribution of one company. I understand that, in this place today, a motion will be moved to try to denigrate the influence and contribution of the Chevron Corporation and its partners. In this case it is Gorgon, Shell and ExxonMobil, and others in the case of Wheatstone. I want to place on record some statistics independently verified by ACIL Allen Consulting on behalf of Chevron. The contribution of those two major projects totals almost US$100 billion. It is the biggest, single investment ever made anywhere in the world on gas projects. But, of course, to this moment there has been no tax paid on Gorgon and Wheatstone outputs for the very simple reason that they have not yet started producing.

Those two projects and others on the north-west coast of WA will contribute over $1 trillion to the GDP of Australia, nearly $32 billion a year, when those projects and others are in full operation. They will generate 150,000 full-time equivalent jobs in Australia—5,000 jobs a year. The projected revenue to the federal government over the life of the Gorgon and Wheatstone projects is estimated by ACIL Allen at $338 billion, directly in company taxes, and another $320 billion—nearly $700 billion—from income taxes and other taxes. Not only will those projects be providing export wealth, they will be providing the very necessary domestic gas as well.

It is beyond me why the Greens want to completely and utterly try to emasculate the wealth-generating capacities of this country. In the case of gas, as the United States of America has found, it has been the biggest contributor to them meeting their greenhouse gas obligations.

Debate interrupted.

NOTICES

Presentation

Senator Simms to move:
That the Senate—
(a) notes that:
(i) the Council of Australian Governments has agreed to a target to end new HIV infections in Australia by 2020,
(ii) in 2014, there were 1,080 infections in Australia with about 750 of these amongst sex between men,
(iii) each new infection and lifelong treatment brings significant health and personal impacts, with
lifelong costs estimated at $200,000 to $300,000 per person,
(iv) there is now a strong evidence base and consensus amongst Australian non-government
organisations in this area that pre-exposure prophylaxis (PrEP) along with rapid HIV tests and home
self-tests are vital to add to the prevention tools currently available, and
(v) France is the latest jurisdiction to announce wide-scale access to PrEP, with many other cities and
states already having arrangements in place;
(b) calls on the Government to:
(i) demonstrate leadership on HIV by urgently removing regulatory barriers to access to PrEP, rapid
HIV tests and home self-tests, and
(ii) as an interim measure, urgently explore policy options, including expanded trials in states and
territories, to enable access to these important prevention tools.

Senator Whish-Wilson to move:
That the following matter be referred to the Foreign Affairs, Defence and Trade References
Committee for inquiry and report by 1 May 2016:
The suitability of the F-35 Lightning II (Joint Strike Fighter) to Australia’s strategic interests, with
particular reference to:
(a) the air defence needs that the aircraft is intended to fulfil;
(b) the cost of the program to Australia;
(c) changes in the acquisition timeline;
(d) the performance of the aircraft in testing in Australia and overseas;
(e) potential alternatives to the Joint Strike Fighter; and
(f) any other related matters.

Senator Xenophon to move:
That—
(a) noting that the Government announced:
(i) that the Jobs For Families legislation, including the Childcare Assistance Package, would be
tabled by Christmas 2015, and
(ii) the childcare package reforms will be implemented in July 2017; and
(b) there be laid on the table by the Minister for Education and Training (Senator Birmingham), no
later than 4 pm on 1 December 2015, all documents relating to the Childcare Assistance Package,
including, but not limited to, documents produced by and/or for, and communications related to the
reform package, including specifically:
(i) economic modelling on the impact of the reforms on families earning $65,000 to $300,000 plus
per annum, where either one or both parents are working,
(ii) reports from the focus groups conducted by the Government to inform the policy proposal,
(iii) clarification of the activity test, specifically relating to the hours of work correlating to the hours
of subsidised childcare available,
(iv) economic data and modelling used to determine where families will be $30 per week ‘better off’, and
(v) economic and social data and departmental modelling relating to the reform package.
Senator Di Natale to move:

That the Senate—

(a) notes:

(i) the efficacy of medicinal cannabis for managing crippling symptoms where other pain relief and medicines have failed; and

(ii) the urgency and importance of making medicinal cannabis accessible for patients;

(b) applauds the bravery of those families acting to ease the pain of their loved ones despite the anachronistic classification of medicinal cannabis;

(c) affirms the critical need for a framework that makes medicinal cannabis accessible through a doctor, legal, available and affordable; and

(d) urges the Australian Government to heed the voices and deeply moving stories of over a quarter of a million Australians who have called for legal and accessible medicinal cannabis.

Senator Williams to move:

That the Senate notes:

(a) on 12 January 1916, the people of Inverell, New South Wales, lined the town’s streets to farewell a group of 114 men who were answering the call to serve their country following terrible losses at Gallipoli in World War I;

(b) the body of men became known as the ‘Kurrajongs’, and at the time was the single largest group of men to leave a New South Wales country town together for war;

(c) in 1918 Inverell was presented with the New South Wales Governor’s Shield for attaining the highest number of recruits per head of population during a specific recruiting campaign in May and June of that year;

(d) that among the 114 Kurrajongs was Private Alan Mather who was killed in action and whose remains were discovered in Belgium in 2008 and were buried at Prowse Point Commonwealth War Graves Cemetery in 2010 with full military honours;

(e) on 10 January 2016, Inverell will host the re-enactment of the Kurrajongs march;

(f) on 12 January 2016, Inverell will host a commemorative service, and the re-enactment of the presentation of the New South Wales Governor’s Shield; and

(g) the Re-enactment Committee thanks the Australian Government and the former Minister assisting the Prime Minister for the Centenary of ANZAC, Senator Ronaldson, for the support and funding of the events.

Senators Rhiannon and Lindgren to move:

That the Senate—

(a) notes that:

(i) many of the puppies that will be given as presents this Christmas will have been bred in puppy farms and raised under inhumane conditions without the opportunity to socialize,

(ii) many of the bitches are forced to breed continuously in barren pens, often starting from as young as 6 months, and

(iii) the majority of puppies purchased informally, online and from pet shops cannot be traced;

(b) urges all customers considering purchasing a puppy as a present to only buy from registered and reputable breeders after inspecting breeding facilities;

(c) encourages customers to adopt rescued animals from pounds or animal shelters;
(d) calls on all state and territory governments to adopt a consistent National Register of organisations that are approved breeders, and issue permits to such organisations; and
(e) encourages all state and territory governments:
   (i) to regulate the sale of cats and dogs via online services, in pet shops and at local markets, and
   (ii) who do not have a register and breeder permit system to consider adopting such a system.

Senator Siewert to move:
That the Senate—
(a) acknowledges:
   (i) the importance of managing Phytophthora Dieback in protecting the vulnerable plant species and high value ecosystems in Western Australia, and
   (ii) the work that has been done by Project Dieback Partners on integrated management as part of implementing the threat abatement plan; and
(b) urges the Government to continue to invest in the ongoing management of Phytophthora Dieback.

Withdrawal
Senator WILLIAMS (New South Wales) (11:52): Pursuant to notice given on 25 November 2015, I withdraw business of the Senate notice of motion No. 1 standing in my name, for two sitting days after today, for the disallowance of the Corporations Amendment (Financial Advice) Regulation 2015.

COMMITTEES
Selection of Bills Committee
Report
Ordered that the report be adopted.
Senator BUSHBY: I seek leave to have the report incorporated in Hansard.
Leave granted.
The report read as follows—

SELECTION OF BILLS COMMITTEE
REPORT No. 15 of 2015
1. The committee met in private session on Wednesday, 25 November 2015 at 7.11 pm.
2. The committee resolved to recommend—That-
   (a) the Interactive Gambling Amendment (Sports Betting Reform) Bill 2015 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 12 May 2016 (see appendix 1 for a statement of reasons for referral); and
   (b) the provisions of the Omnibus Repeal Day (Spring 2015) Bill 2015 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 3 February 2016 (see appendix 2 for a statement of reasons for referral).
3. The committee resolved to recommend—That the following bills not be referred to committees:
   • Amending Acts 1990 to 1999 Repeal Bill 2015
   • Export Control Amendment (Quotas) Bill 2015
The committee recommends accordingly.

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

- Aged Care Amendment (Red Tape Reduction in Places Management) Bill 2015
- Australian Institute of Aboriginal and Torres Strait Islander Studies Amendment Bill 2015
- Automotive Transformation Scheme Amendment (Securing the Automotive Component Industry) Bill 2015
- Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2015
- Corporations Amendment (Publish What You Pay) Bill 2014
- Crimes Legislation Amendment (Proceeds of Crime and Other Measures) Bill 2015
- Family Law Amendment (Financial Agreements and Other Measures) Bill 2015
- Labor Budget Savings Bill 2015
- Migration Amendment (Free the Children) Bill 2015
- Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014
- Veterans' Entitlements Amendment (Expanded Gold Card Access) Bill 2015.

(David Bushby) Chair
26 November 2015

APPENDIX 1
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:

Name of Bill:
Interactive Gambling Amendment (Sports Betting Reform) Bill 2015

Reasons for referral/principal issues for consideration:
In undertaking the inquiry, the Committee should consider:
1. The prevalence of online sports betting and online sports betting advertising in Australia;
2. The impact of online sports betting on society, including the impact of gambling addictions;
3. The provisions of the current Interactive Gambling Act 2001 and whether those provisions adequately regulate online sports betting;
4. The effectiveness of currently available harm minimisation measures as well as those proposed by the Interactive Gambling Amendment (Sports Betting Reform) Bill 2015;
5. Any related matters

Possible submissions or evidence from:
Financial Counselling Australia
Northern Territory Racing Commission
Australian Communications and Media Authority
All sports book makers licensed in the Northern Territory
Australian Bankers Association
Australian Churches Gambling Taskforce
Committee to which the bill is to be referred:
Senate Environment and Communications Committee (Legislation)

Possible hearing date(s):
February 2016

Possible reporting date:
12 May 2016

(sign)
Senator Siewert

APPENDIX 2
SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:

Name of bill:
Omnibus Repeal Day (Spring 2015) Bill 2015

Reasons for referral/principal issues for consideration:
To scrutinise the repeals and the amendments in the bill to ensure no adverse issues or consequences - in particular:
Schedule 1, Part 1, Item 1
Schedule 3, Part 2
Schedule 5, Parts 3 and 4

Possible submissions or evidence from:
Department of Agriculture and Water Resources
Australian Communications and Media Authority
Relevant media industry stakeholders that would be consulted under the provisions being repealed in Schedule 3, Part 2 of the bill
Department of Communications
Department of the Environment
Environment related non-government organisations

Committee to which bill is to be referred:
Senate Finance and Public Administration Legislation Committee

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

Possible reporting date:
Wednesday 3 February 2016

(sign)
Senator Anne McEwen
BUSINESS

Rearrangement

Senator RYAN (Victoria—Assistant Cabinet Secretary) (11:53): I move:
That—
(a) government business orders of the day as shown on today's order of business be considered from 12.45 pm today; and
(b) government business be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today.
Question agreed to.

Rearrangement

Senator RYAN (Victoria—Assistant Cabinet Secretary) (11:53): I move:
That the order of general business for consideration today be as follows:
(a) general business notice of motion no. 963 standing in the name of Senator Siewert relating to Syria and Iraq; and
(b) orders of the day relating to documents.
Question agreed to.

Rearrangement

Senator RYAN (Victoria—Assistant Cabinet Secretary) (11:54): I move:
That general business order of the day no. 63 (Freedom of Information Amendment (Requests and Reasons) Bill 2015) be considered on Thursday, 3 December 2015 under consideration of private senators' bills.
Question agreed to.

Leave of Absence

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (11:54): by leave—I move:
That leave of absence be granted to Senator Macdonald for today, for personal reasons.
Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Conroy for today, proposing a reference to the Foreign Affairs, Defence and Trade References Committee, postponed till 30 November 2015.

Business of the Senate notice of motion no. 2 standing in the name of the Chair of the Education and Employment References Committee (Senator Lines) for today, proposing a reference to the Education and Employment References Committee, postponed till 30 November 2015.

General business notice of motion no. 961 standing in the name of Senator Rhiannon for today, proposing an order for the production of documents by the Leader of the Government in the Senate, postponed till 30 November 2015.
The DEPUTY PRESIDENT (11:55): Does any senator wish the question to be put separately on either of those proposals? There being none, I shall now proceed to the discovery of formal business.

COMMITTEES

Economics References Committee
Reference

Senator McEWEN (South Australia—Opposition Whip in the Senate) (11:56): At the request of Senator Carr, and also on behalf of Senators Rhiannon, Xenophon, Madigan, Lazarus and Lambie, I move:

That the following matters be referred to the Economics References Committee for inquiry and report by the last sitting day in June 2016:
(a) the future sustainability of Australia's strategically vital steel industry and its supply chain; and
(b) any other related matters.

Question agreed to.

Economics References Committee
Reference

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (11:56): I move:

That the following matter be referred to the Economics References Committee for inquiry and report by 22 June 2016:
(a) current and emerging international carbon risk disclosure frameworks;
(b) current carbon risk disclosure practices within corporate Australia;
(c) the role of carbon risk disclosure within existing Australian corporate governance and financial reporting framework and barriers to carbon accounting;
(d) implications of a global agreement to limit global warming to 2 degrees or stabilise at 1.5 degrees for Australia's financial system stability;
(e) Australian involvement in the G20 Financial Stability Board discussions on carbon risk impacts for financial stability;
(f) current regulatory and policy oversight of carbon risk disclosure across government agencies; and
(g) any other related matters.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (11:56): I seek leave to make a short statement.

Leave granted.

Senator RYAN: The government does not support adding additional red tape to businesses in an area where Australia is already providing very significant information. Businesses should be focused on creating new investment and jobs. Australia's National Greenhouse and Energy Reporting System is world renowned as best practice in terms of reporting on greenhouse gas emissions. Information is publicly available on Australia's National Greenhouse Gas Inventory and Australia's emissions projections on the Department of the Environment and Clean Energy Regulator websites. Many Australian companies
voluntarily provide information through the Carbon Disclosure Project and participate in the National Carbon Offset Standard. The government will shortly release a National Climate Resilience and Adaptation Strategy to outline how Australia is managing its climate risks for the benefit of the community, economy and environment, now and into the future.

The DEPUTY PRESIDENT: The question is that business of the Senate notice of motion No. 4 be agreed to.

The Senate divided. [12:02]

(The Deputy President—Senator Marshall)

<table>
<thead>
<tr>
<th>Ayes</th>
<th>Noes</th>
<th>Majority</th>
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<td>29</td>
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AYES

Bullock, JW  
Collins, JMA  
Dastyari, S  
Gallacher, AM  
Hanson-Young, SC  
Lazarus, GP  
Ludlam, S  
McAllister, J  
McKim, NJ  
Moore, CM  
Peris, N  
Rice, J  
Simms, RA  
Waters, LJ  
Xenophon, N

NOES

Abetz, E  
Bernardi, C  
Bushby, DC  
Colbeck, R  
Edwards, S  
Fifield, MP  
Johnston, D  
Leyonhjelm, DE  
Madigan, JJ  
McKenzie, B  
Nash, F  
Reynolds, L  
Ryan, SM  
Seselja, Z  
Smith, D  
Williams, JR

PAIRS

Bilyk, CL  
Cash, MC

CHAMBER
Before asking that the motion be taken as formal, I wish to inform the Senate that Senator Lazarus will no longer be sponsoring this motion but I wish to add Senator Bernardi to the motion. I, and also on behalf of Senators Madigan, Wang, Leyonhjelm and Bernardi, I move:

That the Senate—

(a) notes that:

(i) over one million Australian tertiary students are forced to pay up to $286 per year as a Student Services and Amenities Fee (SSAF),

(ii) students at the moment have very little say in how the SSAF monies are spent by their universities and student associations, and

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

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

Senator DAY (South Australia) (12:04): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DAY: The coalition strongly opposed Labor’s repeal of the voluntary student unionism laws passed under the Howard government. For many Liberals, guaranteeing students the basic right to freely associate and ensure they are not forced to join or contribute funds to an organisation merely because they are enrolled students has been a lifelong principle.

While the motivation behind this motion is commendable, it does not reflect the key principle of ensuring freedom of association for all students at all times. This motion supports creating the illusion of voluntary student unionism through the use of campus or institution-wide ballots. However, compelling all students to join and fund an organisation by a ballot of their peers is just as illegitimate on campus as if it happened in a workplace or anywhere else in our community.

Senator MOORE (Queensland) (12:06): Mr Deputy President, I seek leave to make a short statement.
The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator MOORE: Labor strongly supports effective and strong student representation and student services on university campuses. The student services and amenities fee and the SSAF help, as constituted, have enabled student services and culture to thrive on university campuses. The effect of the proposition advanced in this motion, if advanced, would be to see the defunding of student services at universities across the country, especially at regional and rural universities—an impact senators should keep in mind when voting on this matter.

Senator SIMMS (South Australia) (12:07): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator SIMMS: The Australian Greens also oppose this motion. We are strong supporters of the student services and amenities fee. Indeed, the Greens voted against the push to bring in voluntary student unionism that the Howard gave made in 2005. I notice that this is being championed by Senator Day. Apparently putting families first means cutting their penalties and now slashing student services and representation on campus. The Greens do not support that. We are always going to stand here and advocate student services and representation on campus.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 955 be agreed to.

The Senate divided. [12:12]

(The Deputy President—Senator Marshall)

Ayes .....................6
Noes .....................35
Majority ...............29

AYES

Abetz, E
Day, RJ (teller)
Madigan, JJ
Bernardi, C
Leyonhjelm, DE
Wang, Z

NOES

Bilyk, CL
Bullock, JW
Canavan, MJ
Conroy, SM
Di Natale, R
Hanson-Young, SC
Lambie, J
Lines, S
McAllister, J
McKenzie, B
McLucas, J
O'Neil, DM
Polley, H
Rice, J
Siewert, R
Sterle, G
Waters, LJ
Brown, CL
Cameron, DN
Collins, JMA
Dastyari, S
Gallagher, KR
Ketter, CR
Lazarus, GP
Ladlam, S
McEwen, A (teller)
McKim, NJ
Moore, CM
Peris, N
Rhiannon, L
Scullion, NG
Simms, RA
Urquhart, AE
Whish-Wilson, PS
Thursday, 26 November 2015  

SENATE  

9093  

NOES  
Wong, P  

Question negatived.  

DOCUMENTS  
Old Gosford Public School Site  
Order for the Production of Documents  

Senator McEWEN (South Australia—Opposition Whip in the Senate) (12:14): At the request of Senator O'Neill, I move:  
That the Senate—  
(a) notes that:  
That there be laid on the table by the Minister representing the Assistant Treasurer, Senator Cormann, no later than 3.30 pm on 30 November 2015, all documents recording contacts between:  
(a) the Commonwealth and New South Wales State Government relating to the purchase or lease of the old Gosford Public School site on the Gosford waterfront; and  
(b) the Commonwealth and the New South Wales State Government, Gosford City Council, the Central Coast Regional Development Corporation, the Doma Group and other tenderers relating to the proposed Australian Taxation Office building development in Gosford.  

Senator RYAN (Victoria—Assistant Cabinet Secretary) (12:15): Mr Deputy President, I seek leave to make a short statement.  

The DEPUTY PRESIDENT: Leave is granted.  

Senator RYAN: The Australian government is not purchasing land in Gosford and is not constructing an office building in Gosford; therefore, it is not correct that there is a proposed Australian Taxation Office building development in Gosford. The ATO released an expression of interest in October 2014 to commence the procurement process. The EOI specified required dimensions for the commercial offices' premises within a 1.5-kilometre radius of Gosford city centre. The EOI noted the ATO would consider premises to be constructed, or refurbished, or in existing condition. The preferred tenderer, Doma Group, will construct the new building on a site that Doma Group has secured from the New South Wales government. The Australian government will lease premises for 600 employees, the majority being ATO staff. As the Australian government is not building on the old Gosford Public School site, or purchasing the old site from the New South Wales government, the Australian government holds no documents concerning contacts with the New South Wales government about the purchase or lease of the site. Doma Group will seek a development application approval from the local council.  

Question agreed to.  

MOTIONS  
Agriculture  


Leave granted.
Senator CANAVAN: I, and on behalf of Senators McKenzie and Williams, move the motion as amended:

That the Senate—

notes:
(a) agriculture, fisheries and forestry is one of the biggest employers in rural and regional communities, employing more than 300,000 people;
(b) Australia’s 135,000 farmers provide 93 per cent of the domestic food supply, and support an export market valued at A$43.5 billion in 2014-15;
(c) Australia’s stringent biosecurity system and best practice farm safety standards underpin our agricultural export strength and our reputation as a producer of some of the highest quality produce in the world; and
(d) acts of illegal activism, that include ignoring a farmer’s right to say no to property invasions, which could lead to the potential spread of disease and/or pests which could jeopardise Australia’s hard won reputation for agricultural excellence, placing in danger the safety of activists, farmers and their families and the health of animals and crops.

Question agreed to.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:17): by leave—Mr Deputy President, under the standing orders I ask that the Greens be recorded as being opposed to the motion.

Pension Loan Scheme

Senator LAZARUS (Queensland) (12:17): I, and on behalf of Senator Lambie, move:

That the Senate—

(a) notes:
(i) the Pension Loan Scheme is currently available on a voluntary basis to retirees, and has been in existence since 1985,
(ii) That the scheme is not currently available for retirees on the full rate age pension, and
(iii) the Parliamentary Budget Office has costed extending the scheme, which could unlock $2.8 billion of home equity to boost retirement incomes, at a cost of $23 million over the forward estimates, with a positive budget impact in later years; and
(b) calls on the Government to investigate extending the availability of the Pension Loan Scheme to Australians who receive the full age pension, and increasing the maximum payment rate under the scheme.

Question agreed to.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (12:18): by leave—Mr Deputy President, under the standing orders I ask that the government be recorded as being opposed to the motion.

Genetically Modified Crops

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (12:18): I move:

That the Senate—
(a) notes:
   (i) the intention of the Western Australian State Government to repeal its Genetically Modified Crops Free Areas Act 2003, which will remove the legislative framework put in place by the former Labor State Government that creates genetically modified (GM) organism free areas within Western Australia,
   (ii) that this policy decision has the united support of both the state's major farming organisations, the Pastoralists and Graziers Association of Western Australia and The Western Australian Farmers Federation, and
   (iii) the large scale adoption of 'Round Up Ready' canola by Western Australian farmers following its introduction by the Western Australian Liberal National State Government in 2009;
(b) supports the recommendations of both the 2006 statutory review of the Gene Technology Act 2000, and the 2011 Review of the Gene Technology Act 2000 [report to the Department of Health and Ageing by the Allen Consulting Group], which noted that GM crops posed no adverse impact on markets, and concluded that state bans were having detrimental, rather than beneficial impacts; and
(c) condemns the Western Australian State Labor Party's anti GM policy, including the reintroduction of a ban on cultivating GM crops if re-elected.

Senator MOORE (Queensland) (12:18): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator MOORE: The condemnation of the Western Australian Labor government in this motion demonstrates that it is purely a political stunt. If the government members were serious about the issue they would be urging their PM to pursue these issues through the COAG process.

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (12:19): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator SMITH: This motion is about supporting the right of Western Australian farmers to make their own decisions about farming practices. With one in three WA farmers having planted GM canola it is high time to remove the former Labor state government's out-of-date regulations. GM canola has been grown in WA since 2010 when the state government granted an exemption to allow commercial cultivation of GM canola. Since then WA has had the most rapid uptake of Roundup Ready canola of all states which allow biotech canola to be grown. WA’s Roundup Ready canola plantings made up 74 per cent of the total 348,200 hectare GM canola crop planted in Australia last year. The shrill ideological opponents of GM have failed to provide any scientific evidence to prove that GM crops are unsafe or pose an economic risk for non-GM growers. All WA farmers are asking is for the right to make their own decisions and choices and have the same opportunity as eastern states farmers.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:20): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator SIEWERT: The Greens will be opposing this motion. In fact, it does not reflect the will of all WA farmers. There are many WA farmers who do not want to have to grow genetically modified crops or materials. They have been contaminated with genetically modified plants, and that has affected their bottom line. Mr Marsh is a classic example of that.
He did not ask to be contaminated. His economic bottom line was severely affected by contamination from genetically modified crops. We will not be supporting this motion and it is not true to say that, currently, every farmer in WA has a choice. They do not have choice when they are contaminated by genetically modified crops.

Question negatived.

**Paris Climate Summit**

**Senator WATERS** (Queensland—Co-Deputy Leader of the Australian Greens) (12:21): I move:

That the Senate—

(a) notes:

(i) That the 2015 United Nations Climate Change Conference to be held in Paris [COP 21] begins on Monday, 30 November 2015,

(ii) calls by the President of Kiribati, Mr Anote Tong, and other leaders for a global moratorium on new coal mines,

(iii) calls in the Suva Declaration on Climate Change from the Pacific Islands Development Forum and the Port Moresby Declaration on Climate Change from the Smaller Island State Leaders' for an ambitious international agreement to keep global warming below 1.5 degrees Celsius,

(iv) calls from civil society for Australia to commit at least $400 million per year to international climate finance that will allow developing countries to adapt to climate change and build the low carbon communities of the future, and

(v) That the Turnbull Government's pollution targets would keep Australia as the worst polluter per capita in the developed world by 2030; and

(b) calls on the Turnbull Government to:

(i) support a global agreement to stabilise global temperatures at 1.5 degrees by 2100,

(ii) raise Australia's weak and dangerous pollution reduction targets to meet this long term goal,

(iii) support a global moratorium on new coal mines, and

(iv) commit at least $400 million per year for four years to international climate finance.

**Senator RYAN** (Victoria—Assistant Cabinet Secretary) (12:21): I seek leave to make a short statement.

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

**Senator RYAN:** This is, again, grandstanding. Paris is about getting an agreement which puts us on the path to ensuring temperature rise stays below two degrees. Australia's target is strong and credible. It involves the largest reduction of per capita emissions of any major developed economy—the equal largest of G20 countries. Greens support for a global moratorium on new coal mines will condemn hundreds of millions of people to ongoing energy poverty. The Australian government is working to leverage all sources of finance to help developing countries address climate change. The Australian government's commitment to the Green Climate Fund builds on our existing support for climate resilience projects in developing countries, particularly in the Indo-Pacific region.

**The DEPUTY PRESIDENT:** The question is that general business notice of motion No. 967 be agreed to.
The Senate divided. [12:26]
(The Deputy President—Senator Marshall)

Ayes....................9
Noes....................37
Majority..............28

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

NOES
Abetz, E
Bernardi, C
Bullock, JW
Cameron, DN
Collins, JMA
Day, RJ
Gallagher, KR
Lambie, J
Leyonhjelm, DE
Lines, S
McEwen, A (teller)
McKenzie, B
Moore, CM
O’Neill, DM
Peris, N
Ryan, SM
Smith, D
Urquhart, AE
Williams, JR

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

Question negatived

COMMITTEES
Education and Employment References Committee
Finance and Public Administration References Committee
Select Committee on Health
Select Committee on the Murray-Darling Basin Plan

Membership

The DEPUTY PRESIDENT (12:29): The President has received a letter requesting changes in the membership of committees.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (12:29): by leave—I move:
That senators be discharged from and appointed to committees as follows:
Education and Employment References Committee—
  Discharged—Senator Ludwig
  Appointed—
    Senator Peris
    Participating member: Senator Ludwig
Finance and Public Administration References Committee—
  Appointed—
    Substitute member: Senator Waters to replace Senator Rice for the committee’s inquiry into
gender inequality
    Participating member: Senator Rice
Health—Select Committee—
  Discharged—Senator McLucas
  Appointed—
    Senator Moore
    Participating member: Senator McLucas
Murray-Darling Basin Plan—Select Committee—
  Appointed—
    Substitute member: Senator Urquhart to replace Senator McAllister on 8 December and 9
    December 2015
    Participating member: Senator McAllister.
Question agreed to.

BILLS

Foreign Acquisitions and Takeovers Legislation Amendment Bill 2015
Register of Foreign Ownership of Agricultural Land Bill 2015
Foreign Acquisitions and Takeovers Fees Imposition Bill 2015
Assent

Messages from the Governor-General reported informing the Senate of assent to the bills.

COMMITTEES

Legal and Constitutional Affairs Legislation Committee
Report

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (12:30): On behalf of the Chair of the Legal and Constitutional Affairs Legislation Committee, Senator Macdonald, I present the report of the committee on the Australian Crime Commission Amendment (Criminology Research) Bill 2015, together with the Hansard record of proceedings and documents presented to the committee.
Ordered that the report be printed.
BILLS

Shipping Legislation Amendment Bill 2015

Second Reading

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

Senator LAMBIE (Tasmania) (12:31): Yesterday Senator Abetz made an extraordinary contribution to this debate. He essentially tried to coerce me into voting for this legislation by using political standover tactics. As when Senator Abetz, Mr Whiteley and his Liberal mates tried to use mistruths and political blackmail with their unfair university deregulation, they have again been caught out using the same political tactics with their flawed shipping legislation.

Senator Abetz offered a promise of 40 extra jobs at the Burnie port through a proposed development. But he failed to mention that, with the Liberal shipping legislation, he is prepared to sacrifice 580 maritime jobs from his own state and, according to the maritime industry association, to place in jeopardy 31,000 Australian jobs and a $9 billion industry. I agree with the argument that Australian shipping must be reformed. The Burnie port proposal from DP World can still go ahead, but with changes that will not kill off our shipping industry. That is why I have been working very hard for the last six to eight months in meeting with maritime unions, Australian ship owners, captains of the Tasmanian industry and shippers—so that a consensus shipping reform package can be put before the parliament. The consensus shipping reform package will reduce shipping costs, promote efficiencies, open up domestic markets and enhance international markets while protecting Australian jobs and our national interest.

Senator Abetz is the senator who has single-handedly strangled Tasmania's economy for decades. This is the man who stood by and allowed an RET tax system to be imposed on our heavy industry, despite the fact they used almost 100 per cent renewable hydro energy. For nearly two decades, Senator Abetz's RET tax has cost our biggest employers almost $30 million a year in addition to their normal taxes—and now he has the gall to use his cheap, grubby, standover threat on me! I am glad that Senator Abetz has been preselected at No. 1 on the Liberals' Senate ticket, because with the Jacqui Lambie Network Senate candidates the people of Tasmania will have an opportunity to express their opinion of the party and the politician who tried to kill off our heavy industry and has now been caught out trying to kill off Tasmania's, indeed Australia's, maritime industry. They will be given an opportunity to vote for senators who will always put their state first—before any political party that is receiving funding from big corporate mates. I can assure you that, unlike the Liberal Party, I will not be taking political funding from people closely associated with the Chinese government.

A sitting royal commissioner, Commissioner Heydon, has told us that he discovered a grave threat to the power and authority of the Australian state during his investigations. He will not share that threat with the 'naughty' Senate because, apparently, we cannot be trusted with state secrets; but Commissioner Heydon will share that information with state premiers. Despite all those real threats to Australian sovereignty, security and national interests, politicians like Nationals Deputy Prime Minister, Warren Truss, present to the Senate this
treasonous document with a grin, a bit of straw on one side of the mouth and a chuckle like Goofy coming from the other side, saying, 'She'll be right, mate!' If this legislation passes then she will not be all right, mate—especially for Tasmanians. We will be hit hard with maritime job losses if the Liberals' and Nationals' plan to change our shipping laws succeed.

After a meeting with union representatives on 5 November and having consulted more broadly within the maritime industry over many months, I have discovered that 148 seafarer and stevedore jobs at Toll, 96 at SeaRoad and 436 jobs at TT-Line are being placed at risk by the Liberal shipping plans that the member for Braddon, Brett Whiteley, and other government representatives are trying to push through the Senate. A total of 580 direct Tasmanian maritime workers' jobs will be threatened by Mr Whiteley's plans for our nation's shipping industry, and the majority of those workers—400—will be from Mr Whiteley's own electorate. I wish him the best of luck in the next election.

I have not even begun to calculate the flow-on effect should our maritime workers lose their jobs to foreigners. In Tasmania alone, thousands of direct and indirect jobs will be lost if the Liberals have their way. Official proof this legislation does not protect our maritime workers is buried on page 156 of the government's own explanatory notes, where it clearly states what will happen if the Senate passes this legislation:

Many of the operators currently operating under the Australian General Register would likely re-flag their vessels in order to compete with the foreign operators who enjoy the benefit of comparatively lower wage rates. Australian seafarer jobs would be adversely affected as Australian operators re-flag from the Australian General Register.

Ship owners are likely to replace Australian seafarers (paid under EA rates) with foreign seafarers (paid under ITF rates).

That is why I urge my fellow crossbench senators to vote down this legislation on the second reading vote. This legislation is beyond saving with amendments. It does not deserve to be allowed through to the committee stage.

It is worthwhile to note what the overall state of shipping is like in the world at the moment, and what the big players and countries are doing. Examination of the big world picture will show again just how negligent and irresponsible our government is with its management and protection of our maritime and shipping industries. I will quote from a very interesting article examining different forms of world shipping in a recent *Economist* magazine article on 31 October:

The article, under the title 'The big-box game', opens by stating:

Since the financial crisis, the tide of recovery has not lifted all boats equally. Demand for oil tankers has boomed: a combination of weak spot prices, driven by the assumption that supply and demand for crude will eventually rebalance, has encouraged traders to hire tankers to store oil at sea and cash in on the price gap.

Meanwhile, bulk carriers - which carry such things as iron and coal, has been hit by massive over capacity, as Chinese demand for such commodities has collapsed.

Until the start of this year, container shipping business - which carries around 60% by value of all seaborne trade in goods - looked more like that for oil tankers.

And the article continues:

But since, the industry has been rattled by renewed weakness in freight rates, prompted by a fall in the volume of seaborne trade.
The cost of sending a container from Shanghai to Europe for instance has almost halved since March, according to the Chinese city's shipping exchange.

And the absence of the usual pre-Christmas pick-up is worrying both analysis and investors, according to Rhul Kapor of Drewry.

The article goes on to paint a picture where the big players in world shipping, Maersk and Hapag-Lloyd, are investing hundreds of billions in building new and bigger container ships, which will depress freight rates and profitability even further in a corrupt world shipping market which is falling. They have described this business strategy of building bigger and bigger ships as a 'flight to scale'.

The predicted winners from the flight to scale will be the world's largest three lines: Maersk, Mediterranean Shipping Company and CMA CGM. The losers in this highly competitive economic environment will be maritime workers and future generations in counties whose governments fail to protect their national shipping industry and national job security. China knows the importance of a state owned and controlled shipping industry. The shipping article in the Economist from 31 October illustrates that point, stating:

China's two biggest lines China Shipping Group and Cosco, were losing money before the current downturn started. They have recently swung back into profit, but only thanks to generous state aid to help them scrap old vessels.

The government regards it as vital to have a merchant fleet, so it will not let the two go to the wall. But it plans to merge them to save money, and to stamp out corruption at Cosco which, according to internal documents leaked this week, is another reason for its poor performance.

As you begin to study the world shipping market, it becomes apparent very quickly that it is not as the Liberal and National parties would have you believe: a free market governed by fair and free market forces. The world shipping market is highly subsidised, regulated, protected, monopolized and, in some cases, as we have heard, corrupted. America realises that fact and has strongly regulated with the Jones Act to protect their ship building industry and the jobs of maritime workers. And China realises that fact and uses her fat wallet to protect the Communist Party's interests and to cover-up the massive corruption and inefficiencies caused by the Communist Party bureaucrats.

But Australia refuses to acknowledge the world shipping game is rigged and wants to play by the rules, when quite clearly there are no rules. It is like a lawn bowler accidently hopping in the ring with a cage fighter. Australia is an island nation. Tasmania, my home state, is an island state in an island nation. If we destroy the maritime skills of our merchant marine and destroy our shipping capacity, and this legislation will surely do that, then we undermine and attack Australia's national security.

Why would any politician in their right mind degrade our ability to provide our families, business and industry with fuel and keep vital trade links open, especially in times of war and conflict, which we are now experiencing? Unfortunately, at this time in world history, we do not have to look far to see serious threats to Australia's national sovereignty. Firstly, we are at war with Islamic State and preparing for their next slaughter of innocents, in God's name. Secondly, China has threatened the lives of Australian and American sailors participating in freedom of navigation exercises in international waters. Thirdly, according to Royal Commissioner Hayden in a secret interim report, he has discovered 'a grave threat to the
power and authority of the Australian state'. This is not a time when we should pass laws which weaken Australia's national security; indeed, the opposite should occur.

The Australian Institute of Marine and Power Engineers, AIMPE, the registered organisation which represents qualified marine engineer officers throughout Australia says this about the government's legislation:

Firstly, AIMPE submits that the 2012 legislation, the Coastal Trading (Revitalising Australian Shipping) Act 2012 has failed in its objective to revitalise Australian shipping. The 2012 package has not revitalised Australian flag shipping. Australian flag shipping has continued to decline since 2012.

Secondly, the impact of the proposed Shipping Legislation Amendment Bill 2015 would be adverse for the few remaining Australian companies engaged in the shipping sector and adverse for the employment opportunities for Australian Marine Engineer Officers, Deck Officers and other Australian seafarers.

The most significant consequence of the enactment of the Shipping Legislation Amendment Bill 2015 would be to remove any priority for Australian flag ship operators over foreign flag ship operators.

Thirdly, because foreign shipping operators are effectively free from the payment of corporate income tax and because foreign seafarers are very often exempt from the payment of income tax, allowing foreign shipping to participate in the coastal shipping sector would place Australian shipping operators at an enormous disadvantage.

Australian shipping companies pay Australian company tax and employ Australian seafarers who pay Australian personal income tax.

Fourthly, the measures in the Bill which appear to favour the retention of a token presence of Australian Deck and Engineer Officers would be easily avoided by ship operators.

Fifthly, less frequent reporting requirements would reduce the transparency of the sector and provide Parliament with diminished insight into an industry which is generally 'out of sight, out of mind'.

For these reasons AIMPE urges Senators on the Committee to recommend that the Bill be rejected and that new legislation be drafted to require all commercial vessels consistently operating in Australian waters to be registered in Australia and comply with all Australian laws.

The Maritime Union's opposition to the Shipping Legislation Amendment Bill 2015 is strong and detailed. In correspondence to me, the MUA states in relation to Schedule 1:

The MUA states in relation to Schedule 1:

The MUA's principal concern with the proposed amendments to the CT Act contained in the SLA Bill is that they are specifically designed to eliminate any role for Australian ships in the Australian coastal trade.

The Bill removes support for Australian shipping as an Object, and it removes the right of an Australian ship to contest for coastal cargoes. It eliminates fair competition which the CT Act was designed to achieve.

The MUA submission and critique is comprehensive and measured, and I will not have time to speak to all its listed concerns. However, this is an important point: a major omission from the bill is that it does not seek to amend the Tax Laws Amendment (Shipping Reform) Act 2012—which amends the Income Tax Assessment Act 1997—to address a major flaw in the 2012 tax laws amendment act that has meant the Australian shipping tax laws remain inferior to foreign registries like Singapore, which has been the major reason why no ships are registered on the AISR and so few shipowners have taken advantage of the tax incentives. A solution for that problem has been put forward. It says:
Two reforms are required:

- Introduction of deemed franking credits in respect of dividends to resident shareholders—

(Time expired)

Debate interrupted.

**Tax Laws Amendment (Gifts) Bill 2015**

**Second Reading**

Debate resumed on the motion:

That this bill be now read a second time.

**Senator CAMERON** (New South Wales) (12:46): I rise to speak on the Tax Laws Amendment (Gifts) Bill 2015. This is a relatively minor piece of legislation which simply adds two new charities to the list of deductible gift recipients listed by name in Australia's tax act. Labor supports it in full, particularly acknowledging that one of the charities—the National Apology Foundation—has been established by former Prime Minister Kevin Rudd to continue building on the work that he did in office to close the gap between Australia's Indigenous and non-Indigenous communities.

But I would like to take this opportunity to say a few words about Australia's charity regulations more broadly. Australia's income tax law designates some charitable organisations as deductible gift recipients. Donations above $2 to these organisations may be claimed as a tax deduction by individual donors. In this way, deductible gift recipient status helps eligible funds and entities attract financial support from the public for their charitable activities.

In order to qualify as a deductible gift recipient, organisations must be registered with the Australian Charities and Not-for-profits Commission, the ACNC, and meet annual public reporting requirements to that agency. The ACNC is one of Labor's proud achievements from our time in government. We established it to act as a one-stop shop for charity regulation and a resource for Australians seeking to make good decisions about how to spend their donor dollars. By contrast, this government still has an official policy to scrap it. I was a member of the economics committee that had a look at this legislation, and I was very pleased to be part of that committee and to recommend that the Australian Charities and Not-for-profits Commission be established. It was clear that there was a complete lack of oversight for charities in this country for many years.

The commission opened its doors in December 2012, and the inimitable Susan Pascoe was appointed as its inaugural commissioner. She has held that post ever since, through some very trying times for the commission. Susan deserves to be acknowledged for the enormous contribution she has made in building the commission from the ground up and steering it through the significant milestones it has achieved in just a few years. Amongst those milestones are building the Australian-first national charities register, which now has over 58,000 charities on its list. Thanks to the register, we know that the two charities which this bill awards deductible gift recipient status to—International Jewish Relief Limited and the National Apology Foundation Limited—are properly registered charities which are up to date with their reporting obligations. It was never possible for members of the public to easily check these details before.
When Labor set up the charities commission back in 2012, we hoped to one day make it a national scheme like those in Ireland and the United Kingdom. Instead of operating parallel state and federal regulatory schemes, we would like to get to a point where any not-for-profit that registers with the national charities commission would automatically be registered in their home state as well. They would also qualify for state concessions and exemptions simply by becoming a deductible gift recipient at the federal level. That is how things already work for not-for-profits in South Australia and the ACT. Earlier in the year New South Wales Labor announced that a future Foley government would sign that state up too. The governments in those jurisdictions have progressively linked their charities rules to the national scheme over the past few years, cutting red tape for local groups and streamlining government in one go.

But we cannot move forward with this until the current government commits to keeping the charities commission open. Labor has been pushing for some years now to get such a commitment from the government, and there have been some welcome signs in the past few months that they may have reconsidered their position. Treasurer Scott Morrison has recently made some comments suggesting that the government has all but abandoned its election commitment to scrap the charities commission. I hope he formalises that by withdrawing the Australian Charities and Not-for-profits Commission (Repeal) (No. 1) Bill 2014 from the parliament. Some months ago now, senators in this place passed a motion formally calling on the government to withdraw the ACNC abolition bill from the lower house. They have not yet done that, but I will take this opportunity today in talking about the Tax Laws Amendment (Gifts) Bill to again urge them to do so.

Formally committing to keep the commission would give more state governments the confidence to link their own rules to it. There is no good reason that charities should continue filling out duplicate sets of paperwork when the commission could be their simple one-stop shop. Similarly, there is no real benefit to having state and federal governments both making rulings about which groups qualify as charities or what supports and exemptions they should be entitled to.

A future Shorten Labor government would give the sector more certainty by keeping the Australian Charities and Not-for-profits Commission and continuing to develop the kind of harmonised national scheme I have just outlined. That would be good for charities. It would be efficient. It would be effective. It would reduce red tape. It would be good for the two organisations that will receive deductible gift recipient status thanks to this bill, and it would be good for the hundreds of thousands of other Australian charities as well.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (12:53): Thank you, Senator Cameron, for your contribution. As I think we have canvassed, the Tax Laws Amendment (Gifts) Bill 2015 amends division 30 of the Income Tax Assessment Act 1997 to add two entities as deductible gift recipient specific listings from 1 January 2015, those being the National Apology Foundation Ltd and International Jewish Relief Limited. As is often the case, colleagues take the opportunity of these bills to talk on a wider range of matters. I commend this bill to the Senate.

Question agreed to.

Bill read a second time.
Third Reading

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (12:54): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Aboriginal Land Rights (Northern Territory) Amendment Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator CAMERON (New South Wales) (12:54): I rise to speak in relation to the Aboriginal Land Rights (Northern Territory) Amendment Bill 2015. I am pleased to speak in support of the amendments proposed in this bill. The Aboriginal Land Rights (Northern Territory) Act 1976 is one of the most significant pieces of legislation passed in this parliament. It is steeped in the history of Indigenous struggle for land rights and safeguards those rights now and into the future.

Just last night the Australian parliament was gifted a sacred churinga from the Yuendumu community, in the Northern Territory, which was presented to the Hon. Ian Viner when this historic law was passed, recognising the traditional ownership of the land. I too would like to thank the Yuendumu community for giving to the Australian parliament such a special and sacred piece of your culture and history.

I would also like to acknowledge the recent celebration of the 30th anniversary of the Uluru hand-back to its traditional owners, the Anangu peoples. Through these amendments, the Anangu peoples will gain more control over their land and increased capacity to pursue social and economic development opportunities. This is in keeping with the spirit in which the land rights act was enacted.

Labor supports a community model of leasing that enables traditional owners to decide how to progress their participation in northern Australian development, acknowledging the importance of their aspirations for their own future. The bill returns parcels of land in the Wickham River and Simpson Desert and the Vernon Islands to their traditional owners, under schedule 1 of the Aboriginal land rights act. I congratulate the traditional owners of the land on its return to their custodianship.

It is important that changes to this legislation have the full, free and informed prior consent of traditional owners. This has been done here. I note that all four land councils, representing traditional owners in the Northern Territory, have been consulted and have given their support for this legislative amendment. As such, Labor supports the amendments in this bill. The bill makes some important amendments in relation to the delegation of land council functions to Aboriginal and Torres Strait Islander corporations.

I am pleased that the minister has adopted a different approach than he has done previously in this place. Last time the Senate considered changes to the Aboriginal land rights act, it was in the form of a regulation proposed by the Minister for Indigenous Affairs to strip land...
councils of some of their most important functions. We could not offer bipartisan support in this place then. The Minister for Indigenous Affairs had not sought and did not have the consent of traditional owners and the land councils to effect those changes to the Aboriginal land rights act. Labor could not support that and, with the Greens, disallowed that regulation.

I am glad that the minister seems to have learned a valuable lesson since that time. The minister has undertaken to consult and, more importantly, to listen to the concerns and aspirations of land councils and traditional owners. Changes of such a serious nature should not be made without the genuine participation and free and informed consent of traditional owners. We welcome the amendments to repeal provisions that would impede the land councils' decision-making capacity in respect of traditional land. I am pleased to support the passage of this important bill today.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (12:58): Thank you, Senator Cameron, for your contribution. The Aboriginal Land Rights (Northern Territory) Amendment Bill 2015, which makes amendments to the Aboriginal Land Rights (Northern Territory) Act 1976, will empower Indigenous landowners and community members with localised decision making about the use of their land. It offers the opportunity to resolve tenure issues and streamline land council operations to promote landowners and community members playing an integral role in fostering economic development in their communities. It also meets this government's commitment to return Aboriginal land to Aboriginal people by scheduling three parcels of land, which will be granted to land trusts.

I would like to thank, on behalf of this government and the Minister for Indigenous Affairs, the Northern Territory land councils for their participation in developing this bill. It is a testament to our relationship and joint commitment to empower Indigenous landowners and improve outcomes for Indigenous communities. I commend the bill to my colleagues.

Question agreed to.
Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Williams) (13:00): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (13:00): I move:
That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Aviation Transport Security Amendment (Cargo) Bill 2015

Second Reading

Debate resumed on the motion:
That this bill be now read a second time.
Senator CAMERON (New South Wales) (13:00): It is a fact of life in 2015 that governments must be constantly vigilant about safety and security in transport systems, and this is especially the case with aviation. Travellers know only too well the levels of security checks that have become necessary in this day and age. Nobody likes the inconvenience or the queues, but we all know that this is serious business. Our approach must be based on the principle of 'safety first'. It is not only about aircraft passengers. We need to ensure that our systems for handling air cargo are also up-to-date and efficient and we have to balance that security requirement against the need to keep goods moving in the name of efficiency and productivity. The time involved in checking cargo is significant, and the Aviation Transport Security Amendment (Cargo) Bill 2015 seeks to grapple with the need to carefully balance the competing needs of public safety and keeping our economy moving.

The opposition will support this bill in the public interest. The impetus for this change has its roots in our relationship with the United States. US law requires that all airlines transporting cargo into the US inspect each and every item piece by piece, and the US has noted that existing arrangements in Australia do not meet that standard. As a result, Australia has negotiated a two-year transition period during which we will move to satisfy the US requirements.

The bill seeks to make industry a partner in this process. It establishes a 'known consignor' category in the transport security regulatory network. This invests the responsibility to screen cargo with the shipper or originator of the goods and establishes a system that maintains security across the supply chain. It will also mean that the cargo handled by a known consignor will not need to be inspected at an airport. In addition to this piece of legislation, the transition to a US-compliant system is already underway. Some businesses have already been approved to conduct their own security checks away from airports, removing the need for double handling at airports.

Labor treats aviation security as a non-political issue. We have our arguments here about policy, about ideology and about politics, but when it comes to securing the safety of the travelling public we are on a unity ticket. Our joint policy is 'safety first'. Labor can always be relied upon to take matters to do with aviation seriously. Labor will support this bill.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (13:03): I would like to take this opportunity to say that I am very grateful that the opposition do nominate Senator Cameron to lead the debate in these proceedings, because it is usually, and particularly during this period of the day, a pleasure to listen to his dulcet tones. With those words, I commend the bill to my colleagues.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Williams) (13:04): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.
Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (13:04): I move:

That this bill be now read a third time.

I will make a very short third reading contribution, simply to note that I have a sneaking suspicion that Senator Leyonhjelm may be going to speak on the next item of legislation, and I wonder whether we are going to see an encore performance today.

Senator Bilyk: Oh please no!

Senator FIFIELD: I see him shaking his head, but I do note that it was covered in the UK media, so it has had some wide coverage.

Question agreed to.

Bill read a third time.

Maritime Legislation Amendment Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator CAMERON (New South Wales) (13:05): I thank Senator Fifield for drawing attention to my 'dulcet tones', even when I cannot read properly!

The Maritime Legislation Amendment Bill 2015 seeks to amend Australian maritime legislation to better align it with our obligations under new International Maritime Organization conventions. It also amends the definition of 'dangerous goods' in the Navigation Act. The bill changes four acts. Critically, it closes a loophole that potentially allows heavy-grade oil to be used as ballast in Antarctic waters, and it ensures that the Australian Maritime Safety Authority can take appropriate enforcement action against vessel operators who do not carry appropriate insurance certificates.

There are few things more important than ensuring that the legislative framework for protecting our environment is as effective as it can be, and this is especially so in the area of shipping. When accidents occur on the high seas the consequences can be devastating. For instance, in June 2007 the Pasha Bulker ran aground off Nobby's Beach at Newcastle during a severe storm. In March 2009 the Pacific Adventurer lost 30 containers overboard in heavy seas with one or more piercing the hull as they tumbled overboard. A year after that accident, the Chinese bulk carrier Shen Neng 1 ran aground on the Great Barrier Reef east of Rockhampton. Not long after that, the Liberian-flagged vessel Rena hit the Astrolabe reef off Tauranga on the North Island of New Zealand, spilling 350 tonnes of oil into the Bay of Plenty. The accident shut down New Zealand's export sector.

Consider the consequences if there were a major shipping accident in Antarctica, one of the few pristine environments left on the globe. It hardly bears imagining. That is why Labor will support the bill before us today. As much as we value and want to encourage the maintenance of a vibrant shipping industry, we regard environmental protection as a key role of government. We will always take a conservative view when it comes to balancing economic activity and the environment.
The bill seeks to amend Australian maritime legislation to better align it with our obligations under the new International Maritime Organisation conventions. It also amends the definition of ‘dangerous goods’ in the Navigation Act. The bill changes four acts. Critically, it closes a loophole that potentially allows heavy-grade oil to be used as ballast and it ensures the Australian Maritime Safety Authority can take appropriate enforcement action against vessel operators who do not carry appropriate insurance certificates. Labor can always be depended upon to support legislation that ensures that laws protecting our environment are fit for purpose. We support this bill because it is the right thing to do. I commend the bill to the Senate.

Senator LEYONHJELM (New South Wales) (13:09): I assure Senator Fifield there will be no further singing, on the advice of my staff.

Winston Churchill said that if you have 10,000 regulations you destroy all respect for the law. We passed the 10,000 mark some time ago. Too much legislation goes through this place. Almost every aspect of our private life and our working day is regulated. On nearly every question of what is right and what is wrong, the government has introduced a law telling us what to do. As a consequence of this plethora of legislation, respect for the law is disturbingly low. I am a libertarian, not an anarchist, so I want government to be effective and the rule of law to be upheld. Because of that, I believe we need far less law.

The ceaseless churn of new legislation means that we end up with sloppy law. Bills go through this place that no one reads. Consider the bill before us today, the Maritime Legislation Amendment Bill 2015. I assert that no one representing the government here has actually read it. To test this assertion, I ask the senator representing the minister to tell me what schedule 2 of the bill does, and I challenge the public servants who whisper in the senator’s ear to answer from memory rather than look up the answer. I also assert that no parliamentarian has read the Maritime Legislation Amendment Bill 2015. Unfortunately, I cannot test that assertion because, as you can see, this bill is about to be waved into law through a virtually empty Senate chamber.

I have scanned the Maritime Legislation Amendment Bill 2015. It bans the use of heavy-grade oil as ballast in Antarctic waters. I oppose this provision on the grounds that there should not be special regulations just for Antarctic waters. The remainder of the bill removes supposedly unintended changes to maritime law made in 2012. This begs the question: how did unintended changes make their way into maritime law in 2012? The answer, of course, is that no one read the changes before they were waved through the parliament.

Those unintended changes made to maritime law in 2012 include: accidentally excluding certain waters of a state or external territory from bans on dumping; accidentally defining dangerous goods as those goods listed in a particular international code rather than a particular international convention; accidentally introducing requirements relating to insurance and pollution certificates that are impossible to enforce; accidentally referring to a division 3 rather than a division 4; accidentally inserting a non-grammatical sentence because someone forgot to type in an ‘or’ and did not bother to click on ‘grammar check’; and accidentally directing readers to section 10(3) for a definition of a domestic shipping voyage, despite the fact that section 10(3) does not exist.
I believe that we should keep these unintended features of maritime law as a monument to all that is wrong with Canberra. Preserving these unintended and sometimes nonsensical features of maritime law for posterity will do no real harm but will serve as a reminder, like a corpse left hanging in a village square, of the consequences of lax drafting, absent oversight and excessive regulation.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (13:13): I thank colleagues for their contributions. The nature of this part of the sitting week, as colleagues will appreciate but as might not be understood more generally in the community, is to deal with items of legislation that no individual senator or group of senators indicate that they have any issues with. Those bills are dealt with at this time of the day in recognition of the fact that they are, as we colloquially refer to them, non-controversial.

The operating premise is that the government, the relevant minister, has taken that legislation through the relevant processes of the government policy committee and the government party room. The operating premise is also that the opposition parties have gone through their own internal processes and that individual senators have had the opportunity to look at the legislation themselves. So that is the way that this particular part of the day operates. It is a mechanism to use well the available government business time in this place so that those bills that are of particular contention can be well ventilated and well debated, and those where there is essentially agreement can be dealt with in a way that is efficient.

Obviously, I take Senator Leyonhjelm's point that there are, on occasion, unintended consequences in legislation that do, from time to time, need to be corrected. Senator Leyonhjelm is doing and serving his role by reminding the government, reminding all senators, that we do have a duty and an obligation to pay close attention to legislation. I think one of the great benefits of the system that we have in this place is the Senate legislation committees, which look at a very large number of pieces of legislation in great detail. I think, if it were not for those Senate legislation committees, more of what Senator Leyonhjelm was referring to would happen.

I could suggest, and our colleagues in the other place might disagree, that perhaps there is closer attention paid, clause by clause, in this place and by the committees of the Senate than might be the case over on the other side of the building. But Senator Leyonhjelm does remind us of what our collective duties and obligations are in this place.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Williams) (13:17): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (13:17): I move:

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

Shipping Legislation Amendment Bill 2015
Second Reading

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

Senator MUIR (Victoria) (13:18): One of the great things about this job is that I get to learn of things that I had no idea about prior to taking my seat. Today's topic is Australian coastal shipping. It has been an interesting voyage, and I have navigated my way through some strong arguments. I have been involved in a lot of consultation on the government's Shipping Legislation Amendment Bill 2015 since it was introduced, and I would like to thank all those who have made contact with my office.

The purpose of the Shipping Legislation Amendment Bill 2015 is to increase access to Australian coastal shipping for foreign crewed ships in an attempt to make coastal shipping cheaper. The bill was referred to the Rural and Regional Affairs and Transport Legislation Committee, and some of the submissions were quite concerning. In its submission to the Senate committee, The Australia Institute stated:

Foreign flagged and crewed ships already have considerable access to the Australian coastal shipping market, making Australian coastal shipping possibly the only service sector facing competition that can use foreign labour while actually operating in Australia.

The Australia Institute's submission also notes that the cost-benefit analysis estimates only 88 Australian seafarer jobs will remain under the department's preferred option for policy change. This represents a loss of 1,089 Australian seafarer jobs, or 93 per cent of the current workforce.

The MUA stated in its submission that the passage of the Shipping Legislation Amendment Bill 2015 will 'destroy the Australian shipping industry' and, according to its own modelling, will have an impact of removing over 2,000 jobs. Maritime Industry Australia Limited stated in its submission that the passage of this bill 'will lead to the complete demise of the Australian flagged trading ship fleet.'

I do want to provide a bit of perspective however. Approximately 96 per cent of Australian shipping is for exporting Australian products overseas. This is not coastal shipping and it is not covered by the coastal trading act 2012. So we are talking about four per cent of Australia's shipping trade. It is a small percentage but is still important.

In reviewing the Senate committee report, I was astounded at some of the evidence given which demonstrates that there is a desperate need for reform. The committee heard about a ship, chartered by Incitec Pivot Limited, which could not unload additional fertiliser at Geelong due to the tolerance limits on the licence. As a result, the ship sailed from Geelong to its Adelaide destination only for the additional fertiliser to be loaded onto trucks and taken back to Geelong. According to Incitec Pivot Limited this was at an additional cost of about $75,000, but it also placed an additional 40 B-double trucks onto the road between Adelaide and Geelong.
I have also spoken to the Cement Industry Federation at length and know that they have been working very hard at trying to find a compromise position. The Cement Industry Federation provided me with some concerning statistics around clinker production and imports. The amount of clinker being imported has gone from 20 per cent in 2012 to 40 per cent in 2015. This may not be a direct result of the legislation but that does not mean we should not be taking steps now to ensure a strong manufacturing presence and reduce the need for imports. I believe there is a way forward that can protect the interests of both Australian seafarers and manufacturers.

I am concerned, however, that it is possible that the current legislation is effectively reducing the amount of freight available for Australian coastal shipping as manufacturing plants close and imports increase. There has been quite a bit of conjecture about how many jobs will be lost, but I do not want to get into a debate around whose modelling is wrong and whether these job losses have been underestimated or exaggerated. I think it can be said that jobs will be lost, so that is enough of a concern for me.

But I want to have a debate on how we can improve Australia's coastal shipping. I want to have a debate on how we can overcome some of the restrictive administrative burdens that currently exist within the Coastal Trading (Revitalising Australian Shipping) Act but still maintain an Australian presence. I want to have a debate on how we can successfully manage and protect the interests of Australian seafarer jobs and Australian manufacturing. Unfortunately, the government's bill does not allow us to have those debates. In my opinion, the government's bill goes too far in repealing the tiered licence system and replacing it with a single coastal shipping permit. I think that a better starting point would be to examine what amendments could be made to part 4 of the coastal trading act in order to create a more flexible, streamlined system while still maintaining an Australian presence.

Maritime Industry Australia Ltd has suggested that some changes could be made to the existing legislation which would improve the process of contestability and coastal trading in general. These proposals include removing the five-voyage limit, fast-tracking some applications and being more flexible with variations—voyages where there is no general-licence vessel available and/or willing to utilise the contestability provisions should be exempt from the existing contestability and notification requirements, thereby expediting approval. This should include waiving the need for 'voyage notifications', allowing pre-load flexibility and, in the liquid fuels industry, allowing on-water changes in the event of supply disruptions. Whilst there is no general-licence vessel able to utilise the contestability provisions, the reporting of voyage details could occur at the conclusion of each voyage.

The proposals also include removing the application of the Seagoing Industry Award part B and the Fair Work Act. The application of the Fair Work Act to ships trading under temporary licences should be removed as it adds no discernible benefit to the Australian industry or national economy and creates an enormous red-tape and compliance burden to the ships so affected. The proposals also include providing priority access to coastal cargo to AISR ships, thereby promoting their existence and use, providing a competitive Australian option; and moving away from a 'one size fits all' solution and tackling the issues specific to each trade type separately and, where necessary, distinctly.

I am not saying that I would support all these changes, but this is the debate that we should be having. We have an opportunity—or the government has an opportunity—to overcome the
administrative inflexibility that exists within the current legislation but still protect Australian jobs. I urge the government to engage in further discussions with the opposition, the MUA, Maritime Industry Australia Ltd, the Cement Industry Federation, the Australian Institute of Marine and Power Engineers and other stakeholders in order to reach a compromise on how the coastal trading act can be amended in a less destructive way. I will not be supporting this bill but I want to make it clear that I am more than happy to work with the government to improve Australia's coastal shipping trade but also maintain an Australian presence.

Senator LAZARUS (Queensland) (13:26): I will be voting against the Shipping Legislation Amendment Bill 2015. In my opinion, this bill is one of the most unpatriotic and un-Australian bills I have ever seen. As a senator for the great state of Queensland, I take great care to consult with the people of Queensland in relation to all government bills and policy to ensure the people of Queensland are consulted, their views are considered and their voices are heard. My approach with this bill has been no different. I have consulted widely with the maritime and shipping industry across Queensland to find out what people think about the bill and how it will impact on the maritime and shipping industry in Queensland. Every person I have spoken to is of the opinion that the bill will kill off Australia's maritime and shipping industry. The industry is strongly opposed to this bill and does not want it to pass under any circumstances. Unlike the government, I have listened to the people of Queensland and the rest of Australia, and I am voicing my disapproval of this bill. I am voting how the people of this country want me to vote. They want me to vote against this foul bill, and that is exactly what I am doing. Perhaps if the government had consulted with the maritime and shipping industry before drafting this bill, we would not be here today wasting taxpayers' time considering this load-of-rubbish bill.

As you may now be aware, I have many concerns regarding this bill. My first concern with this bill is strategic. For an island nation surrounded by coastline, it is absolutely imperative to have a strong, robust and effective shipping industry to transport goods around our coastline and overseas. We should not be placing our country in a position where we are dependent on the rest of the world for the transport of our own goods by water. In years gone by, Australia has boasted a very strong maritime and shipping industry. However, over the years, due to the actions of inept, stupid and short-sighted governments, we have witnessed a sharp decline in our maritime and shipping industry. I have included some statistics to demonstrate this. In 1962 there were 138 Australian flagged vessels operating in Australian waters under Australian law, employing Australian seafarers, moving our cargo around our coastline and overseas. In 1979 this number had reduced to 93. In 1987 there were only 89. By 2002 there were only 54. In 2012 the number had further reduced, to 28. Today, in the year 2015, we only have 15 remaining, and this is due to reduce to 14 very shortly. To summarise: in 1962 we had 138 Australian flagged ships servicing our waters, employing our people, and today we only have 15 ships remaining. Clearly, from a strategic point of view, we do not need legislation that is going to further destroy our maritime and shipping industry; we need legislation that is going to grow our maritime and shipping industry. We need policies that ensure our country is well positioned for the future.

On this issue, I would also like to mention fuel. Sadly, despite the fact that both sides of politics are receiving large donations from resource companies—Australia still lacks a national fuel security policy. Australia has about two to three weeks supply of petrol, diesel
and jet fuel. Since the year 2000, our dependence on imported fuel for our nation has grown from 60 per cent to a whopping 91 per cent today. Fuel is the lifeblood of our way of life. As an island, nation surrounded by water, it is vital that we have not only a robust shipping industry but a fuel refinery industry to produce our own fuel. Without this, our country could be brought to a complete standstill at any time.

My second concern with this bill is national security. By utilising Australian flagged vessels in our waters, we have more control over the operation of these ships, what is being transported and who is being employed on these vessels. We also have greater control over who comes into our waters, with what and for what reason. If we kill off our own industry, we will have no option other than to rely on the use of foreign owned vessels to operate in our waters, increasing the associated security risks.

Many other countries have already figured this out. For example in America, the US has what is called the Jones Act. The Jones Act requires all goods transported by water between US ports to be carried by US flagged ships, built in the US, owned by US citizens and crewed by US citizens and permanent residents. The Jones Act has assisted to protect the security of the US for many years as well as protect their important shipping industry, which employs many people. Why we cannot move to a similar system in Australia is beyond me.

In the current environment of increased terrorism, our coastline is something which requires increased, not reduced, protection. Currently, foreign ships are able to pull up to ports around our country, and the foreign crews simply disembark and make their way into our cities on buses and modes of transport, virtually unchecked. While government authorities maintain this does not happen, the reality is that it does. And it happens, because there is too little compliance and not enough resources on the ground to manage these issues.

When Australian ships pull into international ports overseas, Australian seafarers are required to undergo extensive checks before leaving ship. Other countries seem to get this basic stuff right, but not us. It saddens me that our own government does not seem to understand the real implications of their own bills and the impact on our country and the real associated risks.

My third concern with this bill is jobs. The bill will remove any residual right of a tax-paying Australian ship to have preference for Australian domestic shipping business opportunities over foreign flagged ships and will give equal rights to a tax-free foreign ship. The bill effectively sets aside the national transport system and replaces it with an international tax-free system in which Australian ship operators and Australian seafarers are not able to compete on the same tax-free terms. In effect, our Australian maritime and shipping industry is being asked to compete against the world in our own waters with a competitive disadvantage.

The result is that foreign flagged vessels with cheap foreign labour will take business, jobs and opportunities away from Australian flagged ships. This means asbestos-riddled ships, unacceptable under Australian legislation, will once again be permissible in Australia, making a mockery of Australian state and federal OH&S laws. Our maritime and shipping industry will simply collapse. Foreign owned companies operating in Australia will utilise cheap and nasty shipping options to move their goods by water instead of Australian ships.
The maritime and shipping industry predicts that, if this bill passes, up to 600 ship engineers will lose their jobs across the country, and many of these will be in my home state of Queensland. Thousands more jobs will be lost across other sectors of the Australian marine and shipping industry as a flow-on effect.

I should note the bill includes a feeble and insulting attempt to pretend to support a decent framework of entitlements for seafarers on foreign vessels, if a foreign vessel operates in our waters for more than 183 days per year. But we all know that this will be avoided as most international shipping fleets can cycle their vessels into and out of Australia in such a way that no single ship ever trips that entitlement.

My fourth issue with this bill is that it sells out Australia. My view is that this bill is nothing more than a direct attack on the Australian maritime and shipping industry and an attempt to give mining companies more power to ship coal and other resources around the country and overseas on foreign owned ships, using cheap foreign labour.

This bill gives all the rights to international companies and foreign countries seeking to buy up our country and exploit our country at the expense of our own people. Australia spends roughly $9.8 billion per year in freight costs to ship our export products overseas. This is money that is being spent on foreign flagged ships to move our own products to other countries. This is money that is going out of our country and into the hands of other countries. In contrast, Australia only makes $240 million in revenue from freight charges for freight carried on Australian flagged ships. These figures should be the other way round—Australia should be making money from shipping freight charges to carry our products overseas, not the rest of the world making money out of shipping our products.

In the context of what is happening across the world in the area of shipping, Australia is the fourth largest shipper of goods in the world. This is not surprising, given we are an island nation. So, in view of this, why would we not be seeking to grow our shipping industry? I have no idea why the Turnbull government is hell-bent on destroying the shipping industry, although, as I have said, I have my suspicions and they all relate to donations.

I strongly support Australia's maritime and shipping industry and I want to see it restored and strengthened in this country. I have actively support the implementation of a Jones-style act in Australia; additional tax incentives to help Australian shipping operators compete against foreign owned vessels including costs, labour, insurances, maintenance et cetera; the establishment of a grants program to activate a large-scale shipbuilding industry in Australia; additional tax incentives to assist with the management of depreciation in the Australian shipbuilding and maintenance industry; incentives to encourage Australian and international businesses in Australia to utilise the Australian shipping industry instead of foreign flagged ships; and incentives to encourage international shipping companies to utilise Australian seafarers.

I should also note that I want shipping engineers and masters excluded from the 457 visa and migrant visa lists as a matter of urgency. There are currently many Australian shipping engineers and masters out of work as a direct result of a diminishing Australian maritime and shipping industry. We do not need to be bringing in any more foreign visa holders to this industry, when our own people cannot get jobs. I am determined to work with the maritime and shipping industry and other crossbenchers to pursue a better outcome for Australia's maritime and shipping industry and our country.
In conclusion, I will be voting against this rotten bill, and I encourage the government to start listening to the people of Australia, because they want their elected representatives to put Australia first.

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (13:38): I was not going to contribute to this debate on the Shipping Legislation Amendment Bill 2015, but after those last two contributions from the crossbench I do want to add some thoughts. Firstly, I want to commend the contribution by Senator Muir. I thought it was a very considered and well thought through speech. He has obviously thought very deeply about these issues. While I am disappointed that he is not supporting the government on what I think are much needed reforms, I do commend his contribution and also his open mindedness to continue to discuss what might be the best way forward here.

Senator Lazarus is right that there are serious issues with our coastal shipping sector. He is also right that it has been in decline for decades. But that has of course occurred with a variety of different regulatory structures, including a very strong coastal shipping regime which was established to try to protect our industry. There is no doubt about that but, on that objective, it has seriously, seriously failed, on the numbers that Senator Lazarus presented. We may all disagree with what needs to be done and what needs to change—because we all want to support our shipping industry—but, clearly, the current system is failing and clearly something needs to change if we are serious about rebuilding a strong shipping sector in this country.

I take issue with some of Senator Lazarus's comments. He mentioned that, as a Queensland senator, he had consulted with a variety of Queensland stakeholder groups. He then went on to mention that he had not spoken to anybody who supported reforms to these regulations. He must not have consulted very wide, because he must not have spoken to the Queensland sugar industry—the second biggest agricultural exporter in the state; he must not have spoken to the cement industry and he must not have spoken to the beef industry, the biggest agricultural sector in the state. All of those industries do rely to some extent on our coastal shipping network—sugar more than most—and it is failing them. It is failing them because right now it is cheaper to import sugar from Brazil to Melbourne, where a lot of soft drink manufacturers are, than it is to send sugar from North Queensland to Melbourne. That is a problem. It is a problem if we want to maintain a strong cane-growing industry in our country—and, as a Queensland senator, I certainly want to do that. So I urge Senator Lazarus to take a leaf out of Senator Muir's book and come to this debate in a constructive fashion—and, if there are other ideas on how we can reform this legislation, to get what we all want, please bring them forward.

The government is only proposing to return the system to something very close to what was in place before 2009 when the Labor Party changed the regulations. Before then, there were permit systems available and there was still a process that had to be gone through, which is what is envisaged under this bill, and it was not open slather to foreign flagged vessels. There was a workable coastal shipping sector. Notwithstanding that there were pressures on our coastal shipping sector, it was a system which was able to support the needs of our agricultural sector as well as provide some business for our domestically flagged vessels. So I take with a grain of salt some of the more outrageous claims from Senator Lazarus that somehow this bill will open the gates to massive amounts of asbestos and security risks along
out coastline, when these laws were in place for more than a decade previously and there was no evidence of any of that occurring.

I want to finish by commending the efforts of the Deputy Prime Minister, Warren Truss, who has worked long and hard to find a solution to this. It is incredibly important not only for our shipping sector but also for our entire nation to find a way forward here. I am not hopeful that this particular solution today will receive the support of the parliament. However, I know the Deputy Prime Minister is committed to moving forward and trying to find a solution. I urge all senators, but particularly those senators on the crossbench to engage in good faith with the Deputy Prime Minister and try to find a solution for our shipping sector, for our agricultural users of shipping and for our entire nation.

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (13:42): As Senator Canavan has just indicated, the Shipping Legislation Amendment Bill 2015 is a really important piece of legislation not just in respect of shipping but also for industry and commerce generally in Australia. I say at the outset that the government is committed to a safe, secure and efficient transport system. Nowhere is this more important than in my home state of Tasmania, which, by virtue of geography, requires affordable and competitive shipping. It plays an incredibly important role in our economic prosperity.

Under Labor, the fleet of major Australian registered ships with coastal licences dropped from 30 vessels in 2006-07 to just 15 in 2013-14. The changes that Labor made were supposed to save the Australian shipping industry. Under Labor's changes, there is less freight, fewer ships and less employment. So the costs that were imposed on all of the Australian industries that used those coastal shipping services have not done anything to save the Australian coastal shipping industry, as Labor promised when they passed the legislation.

Between 2000 and 2012 the shipping industry's share of Australian freight fell from 27 per cent to just under 17 per cent while the volume of freight across Australia actually grew by 57 per cent. What Labor's laws did was take freight off the coastal shipping routes and put it onto the roads of Australia. You only need to think about that additional load on the road transport system to consider what the potential impacts might be, yet Labor said that they were going to save the coastal shipping sector. When we look forward—with Australia's overall freight task expected to grow by 80 per cent by 2030 but, under the current settings, coastal shipping is to only increase by 15 per cent—there will be more trucks on the road and less freight being carried around the Australian coastline by ships.

The government's objective is to facilitate greater use of coastal shipping services around the coastline. The coastal shipping has more to do. It can do it economically and it can do it efficiently, particularly for a number of industries. I say that nowhere is more important than my home state of Tasmania. Why should Bell Bay Aluminium pay something like $29 a tonne for moving its freight from Bell Bay to Gladstone when the global going rate is about $17 or $18 a tonne, and before Labor's coastal shipping laws came in the rate was about $1 or $2 more than the global rate. Labor's laws have inflated costs and made it more difficult for Australian industry to compete within Australia. Labor's coastal shipping changes are locking Australian industry out of the Australian market. That is the effect of Labor's coastal shipping laws that they said would save the industry, but it has had less freight, less ships and less
employment as a result of their process. Our amendments provide a more competitive and efficient coastal shipping industry for Australian shipping users. It replaces the cumbersome and complex framework, which was put into place by Labor, with a single permit significantly reducing red tape and regulatory burden.

There is some view being put around this place that these changes will create some form of disaster in employment in Australian coastal shipping that does not exist already. One of my Tasmanian colleagues foretold job losses at Toll, TT-Line and Searoad. All of those businesses existed within a coastal shipping framework that existed prior to these costly Labor regulations. All of those businesses operated using Australian employees prior to the commencement of these destructive changes that were brought in by Labor in 2009 and 2012. So to suggest that there is not some concept where they can exist within a new environment that takes us back more to that framework I do not accept.

It was the changes that were made by Labor that actually cost Tasmania its international shipping service. That is one of the reasons the AAA service left Tasmania—

Senator Lambie: That is rubbish!

Senator COLBECK: You ought to talk to AAA, Senator Lambie. I know it is the truth because I have had the conversation. Senator Lambie, through you, Mr Acting Deputy President, I know you are trying to pretend that you support Tasmanian business, but you are locking Tasmanian industry out of the Australian market. You are stopping Tasmanian businesses from participating in the Australian market with some sort of pretence that you care about them, but you are voting against Tasmania by voting against this piece of legislation. Quite clearly you are voting against Tasmania.

Senator Lambie interjecting—

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Order! Senator Lambie.

Senator COLBECK: It is cheaper to bring sugar from Thailand into the Australian market, as Senator Canavan quite rightly said, than it is to bring it in from Queensland, so the Australian sugar industry is locked out of the Australian market. It is locked out of its own market. It is cheaper to bring timber from New Zealand to every eastern port in Australia than it is to bring it from South Australia or Tasmania. The South Australian timber industry and the Tasmanian timber industry are locked out of their own Australian market. It is cheaper to bring cement from China than within the Australian market.

The measures brought in by Labor increased costs, reduced flexibility, made it less competitive for Australian business in the Australian market and it did nothing—as they claimed it might—to save the Australian shipping industry. In fact, the Australian flagged vessels that are leaving the Australian coastline right now are doing so under Labor's provisions. Labor's provisions that were supposed to save the Australian coastal shipping industry are doing nothing to save the Australian coastal shipping industry. Why is it that they are not prepared to stand up for the rest of Australia's industry sectors that want an efficient and cost-effective shipping system? Why is it that they will not stand up for them?

Throughout the debate on this bill there have been some quite mischievous claims with respect to the impact on Australia's marine environment and maritime safety, and they are quite clearly false. Australia's strong environmental safety laws will continue to apply to all ships operating in Australian waters. All ships operating in Australian waters are subject to
the Port State Control regime administered by the Australian Maritime Safety Authority, which is world's best practice.

AMSA advise that their port state control statistics indicate that in the 2014 calendar year the deficiency rate for Australian-flagged ships was 3.9 deficiencies per inspection, compared to the deficiency rate of 2.9 deficiencies per inspection for foreign-flagged ships. Looking at the statistics, you can see that Australian and foreign-flagged vessels are basically on a par when it comes to reporting deficiencies. If a vessel does the wrong thing, regardless of its flag, AMSA will detain the ship until it is fixed and if a vessel continues to fail to comply, AMSA can direct a vessel out of Australian waters.

The reason for bringing this legislation forward is so that it can work for the benefit of the Australian shipping industry. My colleague Senator Abetz talked about the impact of a proposed development at Burnie in my home state of Tasmania where DP World are proposing a major container port expansion. The impact of that expansion and the resultant increase in flow of coastal shipping and changes to coastal shipping would reduce the price of a 20-foot container from $2,800 to $1,350—that is, more than halving the cost. It brings it back to more like the cost which occurred before Labor brought in their disastrous coastal shipping reforms—again, that were supposed to save the industry. That saving, by more than halving the cost, is great news for Tasmanian business. It epitomises the fact that this legislation would be a stimulus for investment in my home state.

I will close my remarks by commending the bill to the Senate. I urge members in this place to continue to engage with us and, hopefully, to support the legislation.

The PRESIDENT: The question is that the bill be read a second time.

The Senate divided. [13:58]

(The President—Senator Parry)

Ays..................27
Noes..................31
Majority...............4

AYES

Abetz, E
Bernardi, C
Bushby, DC
Colbeck, R
Edwards, S
Fifield, MP
Johnston, D
Lindgren, JM
Nash, F
Payne, MA
Ruston, A
Scullion, NG
Sinodinos, A
Williams, JR

Back, CJ
Birmingham, SJ
Canavan, MJ (teller)
Day, RJ
Fierravanti-Wells, C
Heffernan, W
Leyonhjelm, DE
McKenzie, B
Parry, S
Reynolds, L
Ryan, SM
Seselja, Z
Smith, D

CHAMBER
Question negatived.

The PRESIDENT (14:00): Order! It being past 2 pm, we now proceed to questions without notice.

QUESTIONS WITHOUT NOTICE

Special Minister of State

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:01): My question is to the Minister representing the Prime Minister, Senator Brandis. I refer to part 7.2 of the statement of ministerial standards which provides that ‘ministers will be required to stand aside if the Prime Minister regards their conduct as constituting a prima facie breach of the standards' which mandate they must act in accordance with the law. Why has the Prime Minister not required the Special Minister of State, Mr Brough, to stand aside?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:02): Because, Senator Wong, there is no reason to believe that that standard has been breached by Mr Brough. Mr Brough has not been charged with any offence. There is, as is well known and acknowledged, a police investigation in relation to certain matters concerning the former member for Fisher, Mr Slipper. It is known that search warrants were executed last week. To have a search warrant...
executed is not an indicium of criminality. It is not an indication that any offence has been committed.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:03): Mr President, I ask a supplementary question. Did the Prime Minister ask Mr Brough for an account of his role in the James Ashby affair before he appointed him as Special Minister of State?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:03): I am not privy to what conversations Prime Minister Turnbull had with Mr Brough, but I can tell you that Mr Brough would not have been appointed as the Special Minister of State unless the Prime Minister, at the time he made that appointment, had confidence in him.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:03): Mr President, firstly, I would ask that the minister take on notice the previous question, which he declined to answer on the basis that he was not privy to the discussion. I also ask a further supplementary question: did the Prime Minister ask other ministers, including the Minister for Industry, Innovation and Science and the Assistant Minister for Innovation, to account for their roles in the James Ashby affair before he appointed them to his ministry?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:04): As I said to you in answer to the first supplementary question, Senator Wong, I am not privy to the conversations that Mr Turnbull had with those whom he appointed to his ministry. But in respect of each person appointed to the ministry, the appointment would not have been made unless Mr Turnbull had confidence that that person was an appropriate person to be appointed to the ministry.

Vocational Education and Training

Senator WILLIAMS (New South Wales) (14:04): Mr President, my question is to the Minister for Education and Training, Senator Birmingham. I should ask him whether he has bought me the lottery ticket he owes me over the Adelaide Crows, but instead I will ask him: how is the government putting in place reforms to the vocational education sector to further protect students and taxpayers?

Senator Sterle: Double or nothing!

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:05): I might have to take Senator Sterle's advice and make it two lottery tickets, now. I thank Senator Williams for his question and for putting it on the Hansard record that, sadly, I lost the bet in standing up for my footy team a little while ago.

The government is very serious about making sure our vocational education and training sector is the best it can be, but, sadly, this government has inherited a number of problems. Today we have yet more evidence of the importance of the reforms that our government has implemented and is implementing in some of the media coverage relating to vocational education and training. What we have done today is to implement a number of reforms to Labor’s VET FEE-HELP scheme. On 12 March we announced a suite of eight reforms to fix it up, which are complemented by other measures this government has put in place in providing additional funding to the regulator, ASQA. From 1 April we banned inducements; from 1 July we banned withdrawal fees. We also banned providers and their agents from
engaging in misleading marketing claims. We tightened the rules around brokers and we have ensured that providers must have written agreements with those brokers. From 1 January, assuming legislation passes this place, we will be in a position to have even stronger reforms to make sure that VET providers will not be allowed to charge students up-front fees for the entirety of their course, but that in fact the incentive will be for them to progress students through that course.

The providers will have to issue a student with an invoice at least 14 days prior to each census date to give students time to withdraw from that course. There will be a minimum standard in terms of the educational capacity of a student enrolled in a high-level diploma or advanced diploma program and students will have to have the permission of a parent or guardian where they are under 18. You may think many of these reforms seem like common sense, and you may wonder why the Labor Party did not introduce them when they put the scheme in in the first place. You wonder why it is that Senator Carr did not have the foresight to see— (Time expired)

Senator WILLIAMS (New South Wales) (14:07): Mr President, I ask a supplementary question. Minister, what are the ramifications for students if the government's reforms are not supported?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:07): The ramifications for students and taxpayers are severe if the government's reforms and legislation that need to pass next week are not supported. We are seeing far too many students being targeted by vulnerable rip-off merchants.

Senator Kim Carr interjecting—

The PRESIDENT: Senator Carr!

Senator BIRMINGHAM: And that, of course, is affecting those students in taking on a lifetime debt under this Labor Party program and it is affecting taxpayers where that debt is not repaid. So it is urgent that these reforms are passed. Senator Carr and those opposite have publicly acknowledged the failings of the system they put in place. I thank him for acknowledging that they got it wrong. Just like they got it wrong with pink batts, they got it wrong with VET FEE-HELP. I am pleased they acknowledge their mistakes and I hope that they will work with the government to fix these mistakes, to make sure the rorting cannot go on, to make sure that we actually protect vulnerable students and vulnerable Australians and protect the taxpayer from further unnecessary loss of money under this Labor scheme.

Senator WILLIAMS (New South Wales) (14:08): Mr President, I ask a further supplementary question. Minister, are there any threats to the government's plans to fix the mess left behind by Labor?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:08): There do seem to be threats, because I am not sure those opposite understand the urgency of the need to act. It was those opposite who decided that they needed to send this bill off to a committee which has not yet reported, which is why the Senate cannot legislate yet. In fact, in sending it to a committee, those opposite originally wanted it to report on 18 February 2016—signed, Senator Anne Urquhart. That was what the Labor Party wanted. So reforms we want to implement on 1 January next year would not have been possible if it were not for the fact that this government made sure the committee reports earlier so that we can
get on with legislating next week. I hope and trust that those opposite will work cooperatively next week to get this legislation passed so we can stop the rorting, stop the shonks and stop the fraudsters that those opposite let in in the first place. *(Time expired)*

*Senator Kim Carr interjecting—*

*Senator Birmingham interjecting—*

**The PRESIDENT:** Senator Carr and Senator Birmingham, order!

**Special Minister of State**

**Senator JACINTA COLLINS** (Victoria) (14:10): My question is to the Minister representing the Prime Minister, Senator Brandis. Did the Prime Minister ask the Attorney-General for an account of his role in the James Ashby affair before he appointed him to the ministry?

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:10): No, because I had no role in the James Ashby affair.

**Senator JACINTA COLLINS** (Victoria) (14:10): Mr President, I ask a supplementary question. Has the Prime Minister asked the Attorney-General to provide an account of his knowledge of the James Ashby affair to the Australian Federal Police to assist in the conduct of the ongoing investigation?

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:10): No, because I have no knowledge beyond what I have read in the media of the James Ashby affairs.

*Government senators interjecting—*

**The PRESIDENT:** Order!

**Senator JACINTA COLLINS** (Victoria) (14:11): Very, very sensitive on this.

*Senator Back interjecting—*

**The PRESIDENT:** Senator Back!

**Senator JACINTA COLLINS:** Keep going.

*Senator Back interjecting—*

**Senator JACINTA COLLINS:** No, I am waiting for the President.

*Senator Back interjecting—*

**Senator JACINTA COLLINS:** Would you like to replace him?

*Government senators interjecting—*

**The PRESIDENT:** Order on my right! Senator Collins, your final supplementary question.

**Senator JACINTA COLLINS:** Thank you, Mr President. Does the Prime Minister stand by the conduct of the Special Minister of State, the Minister for Industry, Innovation and Science, the Assistant Minister for Innovation and the Attorney-General in connection with the James Ashby affair?

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:11): Let me address first the
dishonest innuendo in the last part of your question. I have no knowledge of the James Ashby affair beyond what I have read in the media. I have never met Mr Ashby in my life and I have never had any communication with him at all. So I have no role whatsoever.

Senator Collins, in relation to those other ministers whom you mention, as I said in answer to your leader, Senator Wong, there is no reason to believe that there has been any inappropriate conduct by any of those ministers. Mr Brough made a statement in relation to these matters on 19 November and that statement is complete. There have been no criminal charges laid against Mr Brough. There is a police investigation underway and that police investigation should be allowed to run its course. (Time expired)

Mental Health

Senator RICE (Victoria) (14:12): My question is to the Minister representing the Minister for Health, Senator Nash. Mental health touches us all in some way and it goes to the heart of our nation's wellbeing. Today's mental health announcement does not provide any new funding to mental health, so it unclear whether some people will be left worse off or if some services will be faced with more uncertainty. Will the government commit to increase funding to mental health in order to close the gap between Australia's mental health burden and the current levels of funding committed?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (14:13): I am sure that people around the country were pleased to see today the announcement from the government which has outlined a different approach to how we are going to deliver mental health care across this country. In addressing the senator's question about funding, it seems extraordinary that the senator would go to the issue that funding is going to be the only thing that is going to solve these problems and to give us a new approach to mental health care. But that is not surprising coming from the Greens, because you just see a simplistic approach about asking for more money. What we need is a new approach to how we are going to deliver mental health care in this country and that is exactly what the coalition government have delivered today.

It is about efficiently and effectively using the funding available, in what is a very tight fiscal environment, so we can get better outcomes. This policy is going to deliver much better outcomes. We are going to move from the current situation, where we see delivery of programs from Canberra out across the community—a very centralised and siloed approach to how those programs are delivered.

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

Senator Rice: Mr President, I raise a point of order. My question was very clear: will the government commit to increase funding for mental health services?

The PRESIDENT: I remind the minister of the question. The minister has 32 seconds in which to answer.

Senator NASH: I was very clear in saying that more money is not going to give us a better approach and solve the problems. That is why the government has been very clear in saying that we are changing the way we are doing this. We are not looking to more money to solve the problem. We know it is a clear change to the current system, and it is going to work. We have focused on local delivery. We are going to allow a stepped-care approach. We are
not going to continue in the same constrained environment in which we are currently delivering mental health care.

Senator RICE (Victoria) (14:16): Mr President, I ask a supplementary question. I will take that answer as a 'no'. Mental health and wellbeing is affected by a range of factors, including stable work conditions, adequate housing and strong social supports. Will the government reverse its cuts to social services and stop its attacks on workplace conditions so that more Australians do not have their mental health put at risk?

Senator Canavan: Mr President, I raise a point of order on that question. In line with Senator Wong's point of order yesterday and your timely newsletter to us, I question its compliance with standing order 73. It seems to be introducing very new information beyond the original question, which was about mental health funding. We are now going to social services funding. I am not even sure if that is in the minister's portfolio area.

The PRESIDENT: In relation to whether it is in the minister's portfolio or not, I will allow the minister to determine that. In relation to the primary question and the supplementary question, I believe the supplementary question is in order. Senator Rice's question will stand.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (14:16): In terms of the specifics, I indeed imagine that it is not in my portfolio area of health. In addressing the senator's question, what we have announced today with this new package will do exactly what I think the senator is referring to. It is about working with people on an individual basis to ensure that their needs are met. It is about looking across different communities and sectors so that our Primary Health Networks will now have the ability, at a local level, to look across their regions and assess the levels of need in those communities, so that people in the workplaces that the senator is referring to will be able to be assessed for their level of need and what the most appropriate way of delivering services to them will be. That is very different to the very constrained, siloed program delivery outcomes we have at the moment.

Senator RICE (Victoria) (14:18): Mr President, I ask a further supplementary question. All of the changed programs and funding shuffling in the world cannot reduce the stigma associated with mental illness. What does the minister say to Australians living with the stigma of mental illness, which today's announcement does little to address?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (14:18): I am pleased to see that over recent years we have been making some inroads into reducing that stigma. We are taking this issue out from under the carpet. I think it is very important to look at those who are supporting what the government has done today. Mental Health Australia today has welcomed the Australian government's response, saying:

Reform starts today … We are particularly heartened to see the Government adopting a ‘stepped-care’ approach to mental health …

The Australian Health Care and Hospitals Association has been supportive, saying:

This signals a positive move … We support the important role assigned to Primary Health Networks …

Today we have seen beyondblue saying that today's announcement by the Turnbull government was a defining moment for mental health care in Australia and that it commended the health minister, Sussan Ley, for having the courage—
The PRESIDENT: Pause the clock. Senator Rice, on a point of order?

Senator Rice: Mr President, I raise a point of order. My question was specifically about what the minister would say to Australians living with the stigma of mental illness. It was specifically about stigma.

The PRESIDENT: Senator Rice, the minister did address stigma first up in her answer. I have been listening to her answer and I think she has been directly relevant.

Senator NASH: With the support of these types of organisations we will be doing exactly what the senator asked and addressing that stigma through better delivery of these programs of mental health care.

Arts Funding

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (14:19): My question is to the Minister for the Arts, Senator Fifield. Can the minister confirm that Senator Brandis, in his final days as arts minister, approved a grant of $2.4 million to the Australian World Orchestra? Can he further confirm that Senator Brandis's arts policy adviser at the time was a former board member of the Australian World Orchestra?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (14:20): I thank Senator Bilyk for that question. Senator Bilyk asks about the Australian World Orchestra. It is true that the government has committed funding of $2.42 million over four years to the Australian World Orchestra to support its operational costs and program delivery from 2015-16 to 2018-19. I think we would all agree that that was an extremely good use of funds. It is a terrific program, and I know that Senator Brandis was delighted to be able to find the resources to support that particular opportunity for that organisation. I note that those opposite are doing what they often do—that is, seeking to pull staff into matters. My understanding is that he was formerly a board member of the Australian World Orchestra, but that that role ceased before he took the position with the Attorney—and then arts minister—as is entirely appropriate. So my response in summary would be that there is nothing to see here.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (14:22): Mr President, I ask a supplementary question. Was the funding allocated to the Australian World Orchestra at arm's length or at the minister's discretion? On what basis was the funding allocated?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (14:22): I think it is important to make the point at the outset that the former arts minister's chief of staff handled all matters in the office in relation to the orchestra. I know the dots that those opposite are seeking to join, but I think that is an important place for me to start. The question really is: what was the approval process for this funding? The former minister provided approval on 17 September 2015 under the Financial Framework (Supplementary Powers) Act 1997. The proposal was assessed as representing an efficient, effective, economical and ethical use of public resources and meeting the requirements of the Public Governance, Performance and Accountability Act 2013 and the Commonwealth Grants Rules and Guidelines. The Minister for the Arts assessed the proposal...
against the Arts and Cultural Development Program outcome of 'Participation in and access to Australia's arts and culture through developing and supporting cultural expression'. *(Time expired)*

**Senator BILYK** (Tasmania—Deputy Opposition Whip in the Senate) (14:23): Mr President, I ask a further supplementary question. Can the minister confirm that this is at least the third tranche of funding for the Australian World Orchestra under the former Minister for the Arts Senator Brandis? How many millions of dollars has been allocated to the Australian World Orchestra since the coalition came to power and will the organisation continue to receive the same largesse under the new minister?

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (14:23): Thank you, Senator Bilyk, for that question. I can share with the senator something I am sure she will be delighted to know. In 2012-13 the Australian World Orchestra received $100,000 to support the orchestra's operational cost—and, if I am not mistaken, that might have been under the previous government.

**The PRESIDENT**: Pause the clock. Senator Wong on a point of order.

**Senator Wong**: My point of order goes to direct relevance. I know the minister wants to grasp for a grant of $100,000 or thereabouts to justify the millions of dollars that this minister allocated, but the question was about the millions of dollars that this minister, Senator Brandis, allocated to this organisation.

**The PRESIDENT**: Thank you, Senator Wong. That was part 2 of the question. There were three parts to the question. The first part was: is this the third tranche? I think the minister is entitled to explain how many tranches there were. I do not know the details of the answer. I am just saying that the question was: is this the third tranche? You have a further point of order, Senator Wong?

**Senator Wong**: Yes. Again, it goes to direct relevance. What you have just read out, Mr President, does not reflect the first part of the question. The question was: can the minister confirm this is at least the third tranche of funding for the orchestra under the former Minister for the Arts Senator Brandis? That is an entirely different proposition from the one the minister is answering.

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

**Senator FIFIELD**: I can confirm that this is the fourth tranche of money—the first tranche of money being allocated by the previous government. And what a good thing it is that there is broad support across the chamber—

**The PRESIDENT**: Pause the clock. Senator Wong on a point of order.

**Senator Wong**: Again, it goes to direct relevance. The question was: how many millions of dollars has been allocated to the orchestra since the coalition came to power and will the organisation continue to receive the same largesse under the new minister? Does the minister not think taxpayers are entitled to an answer to that question?

**The PRESIDENT**: I remind the minister of the question. Minister, you have 14 seconds in which to answer.
Senator FIFIELD: There is funding which has been allocated under this government and there is funding which has been allocated under the previous government. As I have indicated, it is several million dollars and I will seek the exact figure and come back to colleagues. (Time expired)

Defence Procurement

Senator XENOPHON (South Australia) (14:26): My question is to the Minister for Defence, Senator Payne. In June 2014 the government announced that the C1654 tender for two new supply ships would be restricted to an overseas build by either Navantia, of Spain, or DSME of South Korea. It is my understanding that the tender is now closed and responses are being evaluated by Defence. Noting that no further input can be provided to Defence by the tenderers and that I do not seek any indication as to how the tender is progressing, can the minister please advise whether any of the tenderers have indicated in their responses a willingness to include some block or module construction in Australian shipyards—that is, potential local content worth up to hundreds of millions of dollars?

Senator PAYNE (New South Wales—Minister for Defence) (14:27): Senator Xenophon, I thank you for your question and acknowledge your particular interest in this area. The tender is indeed closed. It closed on 7 August this year. Defence is currently assessing those tenders and is planning to return to the government for consideration of second-pass approval in 2016. I can advise the senator that, obviously, Australian content will be considered as part of this assessment and particularly the ongoing support of the ships. Senator Xenophon, you acknowledged that the tender process is underway. So it is inappropriate for me to comment on the specifics of what the tenderers may or may not have indicated in their response.

Senator Xenophon has asked about a very key capability area. These current supply ships are in very urgent need of replacement. When we came to government, in 2013, their replacement was Navy’s highest capability priority. The replenishment vessels are essential to support sustained and able deployments. The best advice to government from Defence at the time was that we could not build these ships in Australia in the time required without risking a very serious capability gap. So in June 2014 the government announced first-pass approval for the limited competitive tender process to which the senator referred because both of those tenderers had solutions based on existing designs, therefore helping significantly in terms of timeliness.

Senator XENOPHON (South Australia) (14:29): Mr President, I ask a supplementary question. Once the preferred tenderer has been announced, will the government put local block and module construction that is maximising local Australian industry participation on the table during contract negotiations and what weighting will the government give to an option that includes some block and module construction in Australia?

Senator PAYNE (New South Wales—Minister for Defence) (14:29): Thank you, Senator Xenophon, for the supplementary question. Once the preferred tenderer has been announced, will the government put local block and module construction that is maximising local Australian industry participation on the table during contract negotiations and what weighting will the government give to an option that includes some block and module construction in Australia?

As I said earlier, the potential for Australian industry involvement in the delivery of these new replenishment ships will be considered as part of the evaluation of the proposals that are
received. What we have to do in that process as well is weigh that up against potential cost premiums and questions around delivery timetables and potential delays.

So I look forward to Defence coming back to government in 2016 with their proposed way forward—because we need to do this, basically, as soon as possible. We have the Success, which is almost three decades old and is increasingly expensive to sustain. As I said, Defence's best advice to government was that Australian build options could not have achieved the required schedule, but we will certainly consider the potential for Australian industry involvement. (Time expired)

Senator XENOPHON (South Australia) (14:30): Mr President, I ask a further supplementary question. Does the government at least acknowledge and agree that utilising Australian shipyards to build future supply ship blocks and modules will plateau the so-called 'valley of death' and assist in arresting the ongoing retrenchment of Australia's naval shipbuilding workforce around the nation?

Senator PAYNE (New South Wales—Minister for Defence) (14:30): I thank Senator Xenophon. As I said, the potential level of Australian industry involvement in each of these proposals will definitely be considered as part of the evaluation of the tenders. But the fact is that the problem we are facing today is that the Labor government sat on their hands for six years and did nothing to even start the process to replace the Success and the Sirius. They did nothing at a point in time when it may have been possible to actually have an Australian build—absolutely nothing at that point in time. In fact, they did not commission one single naval vessel from an Australian shipyard in six years. That is where the valley of death came from—right across there. The Turnbull government will have a naval shipbuilding plan which will set out a pathway to help ameliorate Labor's valley of death. But, unfortunately, the only people who could have prevented it are right there. (Time expired)

Broadband

Senator REYNOLDS (Western Australia) (14:32): My question is to the Minister for Communications and Minister for the Arts, Senator Fifield. Will the minister update the Senate on the coalition's plan to use a mix of technologies, including the hybrid fibre coaxial networks, which currently pass almost four million Australian premises, to complete the NBN sooner and at the least cost taxpayers?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (14:32): I thank Senator Reynolds for her question and her interest in rolling out the NBN sooner and at least cost to taxpayers. I do first have to address the fool's gold that Mr Clare in the other place and Senator Conroy were peddling yesterday and getting extremely excited about. The document which became available yesterday was representing the sort of planning that commercial organisations do, the sort of war-gaming that they do and the sort of scenario testing that they do, which is entirely appropriate for an organisation. They do this to look at worst-case scenarios, best-case scenarios and those in between. That is what that document represented.

HFC technology is actually something that Labor were not prepared to mention previously. It was a phraseology, a terminology, which they steered clear from, and the reason for that is that Labor wrote billion-dollar cheques on behalf of taxpayers to switch off the HFC
networks. The coalition did not have to spend any extra money to get these assets, which pass almost four million households and businesses in Australia's six biggest cities. As you know, Mr President, these networks already supply pay TV to many homes in the nation. I think only those opposite, really, could come up with the sort of genius and brilliance that would see billions of dollars spent to shut down networks only to then have to spend billions more overbuilding them. What we thought was entirely reasonable was, for no extra money, to make sure we had these networks available to us. *(Time expired)*

**Senator REYNOLDS** (Western Australia) (14:34): Mr President, I ask a supplementary question. Will the minister also inform the Senate what other countries are doing to make the most of their HFC assets?

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (14:34): Before Senator Conroy embarked on his fibre-only fantasy, he failed to look around the world at what the broadband trends were. He completely ignored the cost savings that were available from appropriately using existing infrastructure. They missed the tech trend for data over cable. They completely ignored the US, the world's biggest cable broadband market, which boasts more than 50 million subscribers and a growth rate that saw one million new subscriptions in just the first quarter of 2015. On this side, our plan is technology-agnostic.

Senator Conroy, we know, is not looking in this area in terms of technology; he is looking at this area in terms of theology. Senator Conroy has a belief system and, if he is the high priest of that belief system, I am worried. *(Time expired)*

**Senator REYNOLDS** (Western Australia) (14:36): Mr President, I ask a further supplementary question. Will the minister also inform the Senate on nbn's plan to upgrade Australia's HFC cable network?

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Minister Assisting the Prime Minister for Digital Government) (14:36): This government and nbn co do have big plans for HFC in Australia. Labor started the NBN with barely a plan A; we know that they do not even have a plan B now that they are in opposition. HFC is very capable high-speed broadband technology. Contrary to what those opposite have said, Optus is continuing to invest in HFC assets in advance of the handover to nbn. nbn will invest further in HFC, with new technologies like DOCSIS 3.1, which will allow for gigabit speeds. Unlike fibre to the premises, it already passes four million homes around Australia, as I have said, and the cost and the time to upgrade it are much smaller than Labor's rip-up and replace plan. We stand by our plan. We stand by nbn's approach.

**Government Services**

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (14:37): My question is to the Minister representing the Minister for Human Services, Senator Payne. Does the government acknowledge that there are major systemic problems with the myGov website? Does the department monitor and have data on how often the site is down and/or not effectively available to users?
Senator PAYNE (New South Wales—Minister for Defence) (14:37): I thank Senator Siewert for her question. I think when you have over eight million Australians with a myGov account, using their myGov account regularly to conduct their business with government—complete their tax returns, lodge their Medicare claims, register for the electronic health record and a number of other services—from over 10 member services that are available through myGov then that is actually a very good example of how the Australian government uses technology to help customers connect with the services that they need. Of course there are occasionally issues for customers with the use of this particular service, as there are with almost every online service I can think of in fact. I understand that there was recent media in relation to a maternity leave payments issue in particular between Centrelink and myGov itself. The Department of Human Services has certainly contacted the customer in the last couple of days to discuss that particular issue, and I am advised that that claim has since been processed—if that is the matter to which Senator Siewert is referring—and the customer is once again able to access her myGov account.

When customers are frustrated by these sorts of experiences, the department is asked to pursue an investigation and solution for the customers as a priority. That was the case previously and I am sure it continues to be the case. The government will, through human services, include a detailed analysis is of the customer contact logs in this particular case, or in similar instances if there are issues for other customers, and an assessment of when, for example, a complaint was received, how it was handled and those sorts of processes. I believe that the department has in fact initiated contact with the customer as well to fully understand her experience. (Time expired)

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:40): Mr President, I rise to ask a supplementary question. How many people have been denied access to payments as per the recent experience of the client that Senator Payne was just referring to? And how many complaints has human services had about the myGov website?

Senator PAYNE (New South Wales—Minister for Defence) (14:40): As you might appreciate, Senator Siewert, I do not have those specific numbers with me in the chamber today but I will take both of those questions on notice for you and return to you with that information.

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:40): Mr President, I rise to ask a final supplementary question. Given the problems that are apparent with the myGov website, will the government delay implementing the harsher compliance measures until it has fixed the issues given that its own systems are the cause of many cases of noncompliance?

Senator PAYNE (New South Wales—Minister for Defence) (14:41): I note Senator Siewert's views and comments in relation to the site but I did indicate earlier in my remarks that the Commonwealth currently has over eight million myGov account users, which is an indication of the level of take-up, which is, in fact, significant given we have 7.3 million Centrelink customers in total to indicate the level of use, if I may. On the busiest day of the tax return lodgement period this year, which was 6 July, just as an indication, the myGov digital service successfully handled a very significant number of transactions. There were 623,646 logins to the myGov site that day, an increase of 140 per cent.
Senator Siewert: Mr President, I rise on a point of order. There are 11 seconds left and although the figures are really useful, it is not answering the question I asked. I actually asked: will the government delay implementation of those measures until the system is fixed?

The PRESIDENT: Minister, I remind you of the question.

Senator PAYNE: The point I was trying to make to Senator Siewert was that, given the very high level of use and the relatively low level of issues, there will not be any change to the government's policy in that regard.

Department of Industry, Innovation and Science: ICT Sustainability Plan

Senator KIM CARR (Victoria) (14:42): My question is to the Minister representing the Minister for Industry, Innovation and Science, Senator Sinodinos. I refer the minister to the report in The Australian on 23 November, which stated that up to 6,000 jobs are at risk at Australian Paper in Maryvale, the Latrobe Valley's biggest private employer, and across the supply chain. Australian Paper has already invested $90 million at its Maryvale plant, including a $9.5 million grant from the department of industry. What role did the department have in the government's decision to abandon its plan to buy 100 per cent recycled paper?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:43): I am not aware of what role the department played but I will undertake to get information for the shadow minister.

Senator KIM CARR (Victoria) (14:43): Mr President, I rise to ask a supplementary question. I thank the minister for taking that on notice. I would ask you this: can you confirm that the government's scrapping of the ICT Sustainability Plan is just another job-destroying exercise under the ideological guise of deregulation?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:43): No, I cannot confirm that because I think deregulation, intelligently applied, can promote job growth and productivity. The new Assistant Minister for Productivity, Dr Hendy, has been given the explicit task of upgrading our efforts on deregulation to link them to measures which explicitly promote productivity. In other words, deregulation is not just about compliance and ticking boxes in regulatory impact statements or removing pages of legislation; it is also about actions which make it easier in order to promote productivity.

Senator KIM CARR (Victoria) (14:44): Mr President, I ask a final supplementary question. The Prime Minister will attend the Paris climate change conference to argue that Australia has responsible environmental strategies. Why then does the government refuse to extend the ICT Sustainability Plan and ensure that Australian government departments and agencies purchase 100 per cent recycled Australian paper?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:44): I can confirm that we will be going to Paris with a very important set of targets. We will be reducing emissions over the period after 2020 by between 26 and 28 per cent, building on the success we will have in meeting our target up to 2020 of five per cent. In addressing the target of 26 to 28 per cent, of course we will look at further measures which help to promote energy efficiency and greater energy productivity. In that context, the point that the senator raises I will examine further to see whether it is relevant. But I do come back to where we started with the first question, and that is to make the point that there are limits on what national governments can
do, as they are subject to international agreements, to interfere with potential procurement decisions. But I will get you further information.

Northern Australia

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (14:45): My question is to the Minister for Indigenous Affairs, Senator Scullion. Can the minister update the Senate on how the government is supporting Indigenous Australians through the White paper on developing Northern Australia, particularly to engage in economic development?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:46): I thank Senator Smith for that question, and I would like to acknowledge his longstanding interest in support for developing Australia's north, particularly in Western Australia. The Northern Australia white paper is indeed a game changer for Australia's north and will drive sustainable development and growth for at least the next 20 years. Importantly for our First Australians, the white paper will create job and economic opportunities for Indigenous people who live across our north.

We are continuing to work with Indigenous communities in the implementation of the white paper. This engagement will be critical if we are going to see the changes that we need. Reforms to support the better use of Indigenous land must drive this change. This means increasing the value of land for all, creating a native title funding regime that has a greater focus on economic opportunity for Indigenous Australians and increasing individual property rights in township areas for willing Indigenous communities. The government is determined that native title holders and Indigenous businesses and communities should have the same opportunity as other Australians to leverage their land assets to generate wealth. Land in Northern Australia has the potential to support greater and more diverse economic activity, and government has a role to remove the barriers that currently exist.

I can report to the Senate that measures in the White paper on developing Northern Australia have all been very well received—and it is not hard to see why. The measures include $20 million to support native title holders to build their capacity and effectively and equitably engage with potential investors; $17 million to support the essential infrastructure, like surveying and township leasing; $12 million to expand opportunities for Indigenous ranger groups, particularly in the protection of biosecurity to this nation; and over $10 million for land tenure pilots for removing those blockages that currently occur with sometimes conflicting legislation. But it is very clear that the White paper on developing Northern Australia is in fact a blueprint for the long-term development of Northern Australia. (Time expired)

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (14:48): Mr President, I ask a supplementary question. How is the White paper on developing Northern Australia supporting native title holders to pursue a commercial development on their land, and what real opportunities has this government offered to native title holders in Western Australia?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:48): I thank Senator Smith again for the supplementary question and again note his support for Western Australian native title holders. Just last night,
Senator Smith spoke in this place about placing greater emphasis on unleashing economic opportunity for Indigenous communities through the native title regions. I am pleased to report that the White paper on developing Northern Australia has, for the first time, allocated funding of over $20 million to directly support native title holders in the better use of their native title rights and interests. We recognise native title holders as prescribed body corporates. That is exactly where the action should be.

While the fight for native title has been, and continues to be, a challenge, for too long governments have not supported native title holders to take advantage of their land assets and engage in economic development. In Senator Smith's home state, the government has supported Gooniyandi Aboriginal Corporation with almost $200,000 for economic development in Gooniyandi country. Funding native title corporations will ensure that they can manage their own affairs as part of the government's determination—(Time expired)

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (14:49): Mr President, I ask a further supplementary question. How is the government ensuring that Indigenous Australians are front and centre for any employment opportunities from the White paper on developing Northern Australia, and how is the government supporting jobs for Indigenous Australians across Australia's north?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:49): I am pleased to report that we are now seeing the start of a transformation in how the government approaches the issue of low employment for Indigenous communities. For too long, it has all been too hard. As a consequence, only 46 per cent of Indigenous Australians of working age are in work. As I announced with Minister Cormann earlier this year, the government has changed the way it does business and will now procure three per cent of its contracts from Indigenous businesses by 2020. This has already led to nothing short, in my view, of amazing results. Compared with $6.2 million in the entire period of the last government, this quarter we have achieved $34 million in Indigenous procurement contracts. Through the white paper, we are continuing this approach. The Commonwealth will require Indigenous procurement targets for white paper infrastructure projects to drive Indigenous employment and supplier use. It means that if you are an Indigenous small business near the Tanami, the Outback Way or any other road project, you will be front and centre in picking up those contracts. (Time expired)

Behavioural Economics

Senator O'NEILL (New South Wales) (14:51): My question is to the Cabinet Secretary, Senator Sinodinos. Does the minister stand by his statement that behavioural economics is economic and social regulatory engineering? Is that why he failed to announce the Turnbull government's new 'nudge' unit on Monday night and sent a parliamentary secretary in his place?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:51): I thank the senator for the question and for her interest in 'nudge' economics. It is a new branch of economics which seeks to influence behaviour by changing, for example, the way a question is asked or by the choices you give people. Rather than have people opt into something, you give them a chance to opt out—for example, on a workplace pension scheme.
What the good senator is referring to is that some years ago I attacked a Labor initiative to do with nudge economics because of my concern that, under a government that was increasing the amount of regulation in the economy, nudge economics would be used in order to increase social engineering of a Labor variety. But on coming to government, and in the context of an agenda to reduce regulation, with appropriate terms of reference, the government has decided to put together a behavioural economics unit, because, rather than be black and white about these matters, we are prepared to have an open mind and test these concepts in a way that is consistent with our broader deregulationist philosophy.

**Senator O'Neill** (New South Wales) (14:53): Mr President, I ask a supplementary question. Does the minister stand by the claim contained in his media statement 'Nanny state wants to nudge you!' that the coalition is not in the business of nudging the Australian people in any particular direction? If so, has he told the head of Mr Turnbull's new nudge unit?

**Senator Sinodinos** (New South Wales—Cabinet Secretary) (14:53): Again, I appreciate the question and the spirit in which it is asked, but it reminds me of the very fact that a core promise of this government on coming to power was to reduce the extent of the nanny state. That is what we are about. We believe in individuals. We believe in freedom. We believe in giving people the capacity to get out there, earn a living and get a proper return for their enterprise and their activity. That is what distinguishes these two great streams of Australian politics, and to my dying day people on this side of the House will stand up for a lower-tax, lower-regulation, prosperous economy that promotes economic opportunity for all.

**Senator O'Neill** (New South Wales) (14:54): Mr President, I ask a further supplementary question. How much taxpayer funding will be required to support this nudge unit in the Department of the Prime Minister and Cabinet given that it has already been comprehensively rejected by Senator Sinodinos?

**Senator Sinodinos** (New South Wales—Cabinet Secretary) (14:55): My recollection is that this unit will be set up within existing departmental resources, but I will check to make sure. That is what we try to do. Where possible, we try to reorder our priorities; we try to keep the level of spending under control. I will check. And while I am on my feet, I will say that the Assistant Cabinet Secretary did an excellent job of delivering that speech, because he is an even greater lover of freedom than I am.

**The President:** Senator Canavan?

**Senator Canavan:** Just give me one second; I will find—nope—

**The President:** If you do not ask your question it will have to go to the opposition. Or Senator Bernardi?

**Senator Wong:** Mr President, a point of order: we gave the senator some time. Senator Moore was on her feet. She ought to have been called.

**The President:** I will call Senator Moore.

**Racial Discrimination Act 1975**

**Senator Moore** (Queensland) (14:56): My question is to the Attorney-General, Senator Brandis. Does a Turnbull coalition government support watering down the 18C provision in the Racial Discrimination Act as proposed by Liberal Senators Bernardi and Smith?
Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:57): In September of last year the then Prime Minister, Mr Abbott, and I announced that an amendment to section 18C was off the table. That position has not changed.

Senator MOORE (Queensland) (14:57): Mr President, I ask a supplementary question. Does the Attorney stand by his previous comment in defence of weakening 18C that 'people do have the right to be bigots'?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:57): I stand by the right of every Australian to express their opinions.

Senator MOORE (Queensland) (14:58): Mr President, I ask a further supplementary question. The Attorney has already said that the previous principle stands. Does that mean there will be no proposal to change or support changes to the Racial Discrimination Act in this term of parliament?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:58): Not that I am aware. The matter has not been reconsidered since Mr Abbott made the statement to which I referred in September last year.

Brisbane West Wellcamp Airport

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (14:58): My question is to the Minister representing the Minister for Agriculture and Water Resources, Senator Colbeck. Will the minister update the Senate on the first international cargo flight that landed at and departed from the new Brisbane West Wellcamp Airport, on the outskirts of Toowoomba, on Monday?

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:59): Thanks to the honourable senator for the question. I know that as a senator from Queensland he is interested in this matter.

On Monday, the first international trial flight departed the Brisbane West Wellcamp Airport, sending fresh produce to China direct—the world's biggest consumer market—on a Cathay Pacific Boeing 747-8 freighter. Aboard that flight was chilled beef to Hong Kong and frozen beef to Shanghai, as well as lettuce, pecans and mangoes from South-East Queensland and North Queensland. This first international trial flight marks a significant milestone in what has been a $200 million investment by the Wagner family. In fact, Wellcamp airport is the first greenfield public airport built in Australia in 50 years and the nation's first privately funded public airport.

This significant event, because there is another point of export, means that our primary producers have even more opportunity to capitalise on the strong international demand for our high-quality produce. The coalition government is 100 per cent behind this investment, and we remain focused on working with Wellcamp in the development of the proposed business plan, and we will continue to work through appropriate biosecurity infrastructure and resources issues to ensure regular international flights in and out become a reality.
Senator CANAVAN (Queensland—Nationals Whip in the Senate) (15:00): Mr President, I ask a supplementary question. How will this type of investment and development in agricultural export opportunities help to build a stronger Australian economy?

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (15:01): It is quite simple: the more infrastructure we as a nation have in place to export our high-quality produce to the world, the greater the return to our nation will be. In fact, rural goods exports have grown by 9.7 per cent in financial year 2013-14 and by a further seven per cent in financial year 2014-15, and we have continued to observe strong growth in the first quarter of this financial year, up 12.3 per cent compared to the same period in the previous year. These figures highlight that agriculture is becoming an increasingly fundamental pillar of our economy—as we committed to making it at the last election—and the future prosperity of the nation. This is why the coalition is delivering on our vision and our plan to back agriculture, and we will continue to do so.

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (15:02): Mr President, I ask a further supplementary question. Minister, how will this expansion of our export capacity build on the work the government has been doing in improving market access for agricultural commodities?

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (15:02): Since the change of government in September 2013, the coalition government has achieved over 50 key market access gains or restorations of suspended markets. On top of this, we have achieved over 30 key market access improvements or actions to maintain market access. The three big markets of North Asia for which we have successfully negotiated free trade agreements together account for around US$220 billion worth of agricultural food and fishery imports from the world each year. The coalition has created huge opportunity on the international market, and it is pleasing to see investments like that of the new Wellcamp airport, which can be seen as evidence of confidence in this government's ability to deliver for the people of Australia.

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Department of Industry, Innovation and Science: ICT Sustainability Plan

Behavioural Economics

Senator SINODINOS (New South Wales—Cabinet Secretary) (15:03): I would like to add to a couple of answers I gave during question time.

Senator Jacinta Collins: Nudge, nudge!

Senator SINODINOS: I will come to that as well. In relation to Australian pulp and paper, the ICT Sustainability Plan 2010-2015 was a diverse package of measures that aimed to reduce the environmental impact of Australian government activities. The plan included increasing use of recycled content in office copy paper by departments. It reached 100 per cent by July 2015. The plan has lapsed. It is no longer active, and further questioning on the plan should be referred to the Department of the Environment, who had responsibility for this
policy. On 10 October 2012, the previous government announced a $9.5 million grant towards a $90 million project to establish a delinked pulp facility at Australian Paper's Maryvale mill in Victoria. I understand the company is facing some intense pressures, and that is the background to the question.

Can I just add to another answer I gave. I can confirm, in relation to the nudge unit, that it is being funded from within existing resources, as I mentioned at question time.

Senator Jacinta Collins: Yes, but what's not happening as a consequence?

Senator SINODINOS: I beg your pardon?

Senator Jacinta Collins: What's the funding being taken from?

The DEPUTY PRESIDENT: Have you concluded, Senator Sinodinos?

Senator SINODINOS: Thank you very much, Mr Deputy President.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Special Minister of State

Senator CAMERON (New South Wales) (15:04): I move:

That the Senate take note of the answers given by the Attorney-General (Senator Brandis) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Wong) and Senator Collins today relating to ministerial standards.

Well, the days of Joh Bjelke-Petersen and his contempt for democracy have not faded in Queensland. The contempt for due process in Queensland, the contempt for the law by politicians in Queensland and the contempt for the parliament by politicians in Queensland are there to be seen from the behaviour of the member for Fisher, Mal Brough, and the member for Longman, Wyatt Roy.

Senator Brandis: On a point of order, Mr Deputy President, the senator is plainly reflecting upon those two members of the House of Representatives. This is a flagrant breach of the relevant standing order, and he should be brought to order.

The DEPUTY PRESIDENT: Senator Cameron, I remind you of the standing order that forbids members adversely reflecting on members of the other place, and I would ask you to consider that in your contribution.

Senator CAMERON: Thank you, Mr Deputy President. If there is any view that I am reflecting on the member for Fisher or the member for Longman and breaching parliamentary standing orders, I withdraw. Let me indicate clearly that there is a lineage in Queensland—a lineage that comes from Joh Bjelke-Petersen and Russ Hinze—and that lineage is straight back down into the current Liberal National Party in Queensland. We see how this party has contempt for due process and how this party in Queensland has contempt for the law and contempt for the parliament—the same contempt that Joh Bjelke-Petersen and Russ Hinze exercised in their standing over democracy in Queensland. And we have the same contempt for due process and democracy being seen right now. We have two judges of the Federal Court who have indicated that Mr Brough did conspire in his—

Senator Brandis: Mr Deputy President, I raise a point of order. That is a reflection upon Mr Brough. It is also, I take it, an intended reference to judicial proceedings, which, as you know, Mr Deputy President, ought not to be commented upon in the Senate.
The DEPUTY PRESIDENT: The difficulty for me, Senator Brandis, is that Senator Cameron directly referred to a matter before the court and a statement allegedly made by a judicial officer. It is not a matter for me to determine whether that is true or not, and at this point I do not think Senator Cameron is actually in breach of the standing order that I think you refer to, which would be 193(3). So, Senator Cameron, you can continue.

Senator CAMERON: Thank you, Mr Deputy President. I am always very aware of how sensitive this is to Senator Brandis, why Senator Brandis would be so sensitive about the behaviour of his colleagues in Queensland and why the lineage from Joh Bjelke-Petersen and Mal Brough seems to have filtered down quite significantly into the activities and behaviour of current Queensland politicians and the Liberal Party in Queensland. What is going on is quite disgusting. Two of four Federal Court judges found that Mr Brough had engaged in a conspiracy to bring down the federal government through legal action. That is on the public record.

Senator Brandis: Mr Deputy President, I raise a point of order—and, please, Senator Cameron, what I am sensitive about is your contempt for the standing orders of the Senate. Mr Deputy President, rule 193(3) provides:

A senator shall not use offensive words against either House of Parliament or of a House of a state or territory parliament, or any member of such House …

It goes on to say:

… all imputations of improper motives and all personal reflections on—

among other things—

… members … shall be considered highly disorderly.

Senator Cameron has told us enough now for it to be perfectly apparent that he is both using offensive words in relation to Mr Brough and reflecting upon him and casting an imputation. There have been no criminal or civil proceedings against Mr Brough. There have been proceedings concerning the Ashby matter found that Mr Brough had engaged in a conspiracy to bring down the federal government through legal action. That is on the public record. Having read the reasons for decision in those matters, I can tell you, Mr Deputy President, that neither Federal Court judge who dealt with those matters said of Mr Brough what Senator Cameron has said of him, so he is not quoting the words of a Federal Court judge. He is attributing words to a Federal Court judge which were not uttered by that judge, and in doing so he is reflecting upon Mr Brough.

The DEPUTY PRESIDENT: Again the difficulty I have, Senator Brandis, is that I am unaware of the case and the matters referred to. I do not know whether Senator Cameron is accurately reflecting or not. As you say, in your view he clearly is not. But in any case it is not a matter for the chair to determine the truth or accuracy of statements made by senators. That is a matter for debate.

Senator Brandis: On the point of order, Mr Deputy President: I accept that. I entirely accept that it is not for you to determine the truth or accuracy. The point I make to you, sir, is that, if a statement that would be within the standing orders because it quotes from a judgement of a federal judge were in fact a misattribution of words to that federal judge so that it is therefore not protected by the standing orders, it therefore falls within standing order 193(3). I can tell you, Mr Deputy President, that no federal judge has said of Mr Brough the
words that Senator Cameron has attributed to him. If Senator Cameron wants to be honest with the Senate, he should read from the reasons for judgement.

The DEPUTY PRESIDENT: Senator Cameron, did you want to also speak to the point of order?

Senator CAMERON: In relation to the point of order, it is quite clear that what I was doing was discussing and putting forward what two Federal Court judges have indicated in relation to Mr Brough, and I am not surprised that there is a bit of panic in relation to Senator Brandis on these issues.

The DEPUTY PRESIDENT: It is true that simply repeating something that is unparliamentary that is said by somebody else here in the chamber does not make it any less unparliamentary. But I have been listening carefully, and I am not sure—you see, I think I am limited to look at offensive words, and I am not sure—that anything Senator Cameron has said in repeating some of the judgements goes to those offensive words. Going to the issue of improper motives is again asking me to judge whether Senator Cameron is either interpreting or quoting the federal justices accurately, and I am not sure I am in a position to do so, Senator Brandis, but I am happy to hear more.

Senator Brandis: Thank you very much, Mr Deputy President. I think this is an important point. The word in standing order 193(3) which is, if I might say so with respect, too often overlooked is the word 'imputations'. Imputations, like innuendos, include what might broadly be called suggestions of impropriety. An outright allegation of impropriety is not the operative concept. An imputation of impropriety may be made other than by direct allegation.

The DEPUTY PRESIDENT: How I intend to proceed is that I will now take advice on this matter, and it may be something that the President wishes to give further consideration to and a more substantial ruling on in due course. Senator Cameron, before I take the advice?

Senator CAMERON: I would seek your indulgence in relation to the point of order so that if you are taking advice you have a full understanding of my position on this. I just draw your attention to Thursday, 29 November 2012, when Senator Brandis said in this place, 'You're the ones with a criminal in the Lodge.' That was the position Senator Brandis took in this place, and he defended that position and would not withdraw. So the pot calling the kettle black is a bit rough.

The DEPUTY PRESIDENT: We are now probably moving too far towards debate. Regardless of that matter, Senator Cameron, all I can deal with is the question and the point of order that is before me at the moment. So the Senate might just bear with me for one moment while I take advice. My advice is that I will in fact uphold Senator Brandis's point of order. As I said earlier, it may be something that the President may wish to revisit and make a more substantive ruling on down the track. I simply ask you at this point, Senator Cameron, to ensure that your comments do not impugn the motives of a member in the other place.

Senator CAMERON: Let me go to some statements that were made in the other place by Mr Mark Dreyfus MP in relation to this issue. He said in that place that between 23 March—and he was quoting a so-called visit to Mr Brough's property—

Senator Jacinta Collins: A raid.

Senator CAMERON: which was actually a raid on Mr Brough's home. It says:
Between 23 March and 13 April 2012, Malcolm Thomas Brough, born 29 December 1961, counselled and procured James Hunter Ashby, being a Commonwealth officer, to disclose extracts from the Speaker of the House of Representatives, Mr Peter Slipper's 2009 to 2012 official diary, and provide those extracts to third parties without authority, contrary to section 70(1) of the Crimes Act …

It also outlined:

Between 23 March and 13 April 2012, Malcolm Thomas Brough … counselled and procured James Hunter Ashby, to access restricted—

Senator Brandis: Mr Deputy President, I rise on a point of order. Plainly, what is now being imputed to Mr Brough is criminality. Senator Cameron is quoting language which he said was used by the shadow Attorney-General in the House of Representatives. But he has not identified the source of the document which Mr Dreyfus was quoting. I believe that the document was a search warrant, which is not a document that constitutes a charge or allegation of the commission of a criminal offence. But the implication in Senator Cameron's remarks is that it is. It therefore is plainly in breach of standing order 193(3).

Senator Cameron: On the point of order: these are exact words quoted word for word, used in the House of Representatives and not challenged by the coalition in the House of Representatives. I am not imputing anything; I am detailing what that search warrant said.

Senator Brandis: So you admit it is a search warrant?

The DEPUTY PRESIDENT: In any case, let me just say that in quoting a document a senator is not permitted to utter words which would not be permitted under the rules of debate. This principle ensures senators cannot circumvent the rules of debate by simply quoting documents. That is one element of what is being said. But Senator Brandis, do I take it you are arguing that if the origins of the document Senator Cameron was quoting from were clarified, you may not have a point of order?

Senator Brandis: Close. The point I was making was this: Senator Cameron did not, until his intervention a moment ago, make it clear that what he was quoting from was Mr Dreyfus quoting from a search warrant. As I think all honourable senators know, for a person to have a search warrant executed on their premises is not an allegation against them of criminality. By quoting words from the search warrant—

Senator Jacinta Collins: We cannot even quote a search warrant now? This is how farcical you are, George.

The DEPUTY PRESIDENT: Order!

Senator Brandis: By quoting words from a search warrant without identifying the document from which he was quoting as a search warrant, Senator Cameron was imputing guilt against Mr Brough in respect of the language that he quoted without identifying the source.

The DEPUTY PRESIDENT: If he has now in fact identified the source, I am less concerned about a potential breach—

Senator Brandis: I would not have taken the point of order had he identified the source at the start.

Senator Cameron: Just to clarify the situation even further, I seek leave to table the search warrant.

CHAMBER
Senator CAMERON: This is a member of parliament who has indicated that the police visited his home. If we want to talk about being accurate: according to Mr Brough, this was a 'visit' to his home, but really it was a search warrant being implemented at his home. This is a situation where we have a Prime Minister who has appointed an individual to one of the most important offices in this country—that is, minister of state. The Special Minister of State is supposed to act with integrity and is supposed act completely in line with the rules and regulations that apply to that office. This is a real problem for this government. This minister should resign. (Time expired)

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:22): I will participate on behalf of the government in this taking note debate in order to deal with the innuendo that we have heard from Senator Cameron. What Senator Cameron has established—

Senator Cameron: Mr Deputy President, on a point of order: I am being accused of innuendo and my position on this is clear. I am not putting forward any innuendo on this. I was dealing with the facts that are in the public arena. The minister should withdraw that allegation against me.

The DEPUTY PRESIDENT: I am not sure that an allegation of an improper—I am not sure that making innuendos breaches standing order 193(3). That is my reading of it. I do not think it does. But I am going to listen very carefully to what Senator Brandis says, and senators should feel free to take points of order if they wish.

Senator BRANDIS: The innuendo from Senator Cameron against Mr Brough is that Mr Brough has been guilty of wrongdoing. In fact, at the very end of his contribution Senator Cameron actually explicitly said that. He actually explicitly said that for some unspecified reason Mr Brough should resign from the ministry. That is plainly an allegation of wrongdoing. What I want to do is expose the paucity of Senator Cameron's allegations against Mr Brough, because all Senator Cameron was able to do—although he did not identify it until pressed—was to quote from a search warrant. It is, as Senator Cameron acknowledges, a matter of public record that Mr Brough, and other individuals as well, were the respondents to search warrants executed by the police in investigating what has been called 'the James Ashby affair'.

Let me put this as simply as I can. For a person to be the subject of a search warrant by the police is absolutely no indication of wrongdoing. None whatsoever. The bases upon which the police may apply for a search warrant are well known. They are, to use layman's language, circumstances which might assist the police in identifying material or a document which may assist an investigation. If the police believe or reasonably suspect that there is such material located at a particular premise, they may seek a search warrant and execute the warrant at that premise. It does not for a second, not for a moment, suggest that the occupier of that premise is guilty of the crime or the offence or the wrongdoing which is the subject of the investigation, merely because a search warrant is executed upon their premises. What Senator Cameron did first by innuendo and ultimately by explicit assertion was to submit in the debate
that we should conclude from the fact that a search warrant was executed at premises of which Mr Brough and his family are the occupants that Mr Brough is somehow guilty of wrongdoing. That does not follow. That does not follow, and I am sure Senator Ludwig, who is a member of the Queensland bar, if he contributes to this debate—

Senator Cameron: Mr Deputy President, I raise a point of order in relation to the allegations that are being made here against what I have been doing. This is a minister—not Senator Brandis but Minister Brough—who was asked: did he procure copies of Peter Slipper's diary, and he said, 'Yes, I did.' That is illegal, and the minister should stop trying to colour what did happen. This minister tried to procure diaries illegally.

The DEPUTY PRESIDENT: We have now moved on to debating it.

Senator BRANDIS: Mr Deputy President, on the point of order: that again is a plain, flagrant breach of standing order 193(3). He has just accused Mr Brough of acting illegally. He has quoted some words Mr Brough used and then stated the conclusion that Mr Brough has acted illegally. That is a matter for a court to determine in the event that the matter comes before a court.

Senator Cameron: Mr Deputy President, on the point of order: again I am being positioned unreasonably. What I put was clear—that Mr Brough actually conceded the point publicly. He conceded the point that he did try to procure Peter Slipper's diaries, publicly.

The DEPUTY PRESIDENT: Again, it is not for the chair to determine the facts of these matters. It is really only a matter for me to judge, in this case, on standing order 193(3). But that applies both ways and people cannot accuse other senators of having improper motives with their contributions either. To be honest, I am not even sure what I have been asked to rule on now.

Senator BRANDIS: Mr Deputy President, the point I make to you is that to assert, as I do, that Senator Cameron is in breach of standing order 193(3) is not to accuse him of an improper motive; it is merely to ask you to rule on whether or not remarks he has made are against the terms of that standing order.

The DEPUTY PRESIDENT: I think the best I can do right now is again remind senators of the standing order. I will listen quite carefully. Senator Cameron, I remind you that you are not to make imputations of improper motives or personal reflections on members of the other House.

Senator Cameron: Mr Deputy President, I rise on that point of order.

The DEPUTY PRESIDENT: I have just ruled on that point of order.

Senator Cameron: I rise on a further point of order. I want to indicate that the person that is being impugned in this is me by Senator Brandis.

Senator BRANDIS: You have breached the standing orders.

Senator Cameron: I have not breached the standing orders. I have simply quoted documents and facts that are on the public record in relation to allegations and admissions from Mr Brough on his behaviour.

The DEPUTY PRESIDENT: Senator Brandis.

Senator BRANDIS: I was going to resume my contribution to the debate. May I do that?
The DEPUTY PRESIDENT: Yes.

Senator BRANDIS: Thank you. To sum up, Senator Cameron has done two things. He has quoted from words in a search warrant that he did not initially identify as a search warrant though ultimately he did. He has quoted from some words which, I believe, Mr Brough used in a television interview. On the basis of those two sources, and those two sources alone I might say, he has asserted that Mr Brough is guilty of wrongdoing. The points that I simply make to the chamber are: firstly, the fact that a person has a search warrant executed on their premises is no indication whatsoever, none whatsoever, that they are guilty of wrongdoing and, secondly, to quote the words that were attributed to Mr Brough in a press interview is not an admission either. It is not an admission. It does not produce the conclusion, which Senator Cameron, who of course is not a legally trained member of this chamber, asserts that it supports. The innuendo and the claims against Mr Brough are disgraceful.

Senator Cameron: Mr Deputy President, I rise on a point of order. Again, the Attorney-General is reflecting on me. That is in breach of standing orders. All I have done is clearly indicate the actual words that Mr Brough himself said, and what Mr Brough did was concede that he tried to procure the diaries of the former speaker, and that is illegal and a breach of law.

Senator BRANDIS: I am sorry, I do not mean to be tedious, Mr Deputy President.

Senator Jacinta Collins: You are being tedious.

Opposition senators: You are!

Senator BRANDIS: That is the most predictable interjection I have heard in 15 years, Senator Collins.

Senator Jacinta Collins interjecting—

The DEPUTY PRESIDENT: Order!

Senator BRANDIS: The fact is that Senator Cameron cannot, without violating standing order 193(3), keep asserting that Mr Brough or any member of the House of Representatives has broken the law. He can quote what Mr Brough said in a media interview. He can invite people to draw whatever conclusions they may wish to draw, but to assert on the basis of those words, assuming it is an accurate quote from a media interview, that Mr Brough or any member of the House of Representatives has broken the law, when they have not been charged with any offence at all and where the only process to which they have been subject is the execution of a search warrant, which, for reasons I explained before is no indicator of culpability or guilt at all, cannot be other than a breach of standing order 193(3).

The DEPUTY PRESIDENT: Had you finished your contribution?

Senator BRANDIS: I had and that, as I say, was the point of order in relation to what just fell from Senator Cameron.

The DEPUTY PRESIDENT: Again, I remind senators of the standing order, and I think what has been put on the record will suffice. Senator Collins.

Senator JACINTA COLLINS (Victoria) (15:34): I rise to speak on the same matter. One can understand why Senator Brandis is so sensitive to this issue, because, after the question that I asked in question time today, one piece of evidence of his knowledge or involvement emerging in the current police investigation or any subsequent proceedings ends the career of
the Attorney-General. This is why he is so sensitive. It reminds me, since he referred to his tedious time-wasting interventions here, of the occasion when he sought to do far worse but very similar when the issues around Senator Sinodinos were first raised in the Senate.

As I recall, a statement that I was making during what is now called senator's interests was interjected, or points of order were made, to the extent that at that point in time I did explore the standing orders over what were tedious time-wasting interventions, because Senator Brandis demonstrated his excess, and I would encourage any senator to look at the coverage of it. He was slathering in the coverage on that occasion. So now we see him being very sensitive over the discussions around what should occur in relation to Mr Brough and the confessions that he has made. I remind the Senate that the discussion we are having now—

The DEPUTY PRESIDENT: Senator Collins, resume your seat. Senator Brandis on a point of order.

Senator Brandis: Mr Deputy President, I rise on a point of order. It should be remembered by the way that Senator Collins was in the chamber for the entirety of the last half hour, so she has heard what you have had to say in relation to the points of order taken concerning Senator Cameron. The use of the word 'confession' in this context is utterly inappropriate, because it is the plainest of innuendos that Mr Brough has confessed to a wrongdoing which he has not done and nothing is alleged against him.

Senator JACINTA COLLINS: On the point of order: the confession that I was referring to was the one that was made on 60 Minutes, which Senator Cameron referred to also, which was that Mr Brough confessed that he sought to procure Mr Ashby's diary. I make no further point.

The DEPUTY PRESIDENT: I have taken advice and, at this point in time, I am not going to rule in favour of the point of order. But I will continue to listen very carefully.

Senator JACINTA COLLINS: I was just about to go on to my point, which was to remind the Senate that this debate is actually about ministerial standards, not the time wasting and the tediousness of Senator Brandis's interventions. The discussion is about ministerial standards, so let me remind the senators of some of the issues that led to the raised eyebrows of many who follow these important issues when they looked at the ministerial appointments that occurred from Prime Minister Turnbull.

I think that the best way to characterise these, although it is not as funny as this suggests really—it is quite a serious matter—is the commentary today about 'nudge, nudge, wink, wink' and the new 'nudge unit' in the Prime Minister's office. To me, in one sense, that says it all about the discussion during question time today. It is very, very rare for me to side with Senator Sinodinos, who is now my counterpart, but let us look at the double standards that apply to Senator Sinodinos. When I made that statement in the Senate some time ago about his involvement with Australian Water Holdings, I was not making any allegations. I was going through a series of concerns that had been aired publicly and calling on the opposition of the day to respond. What we saw ultimately—and it took an awful lot of time—was that Senator Sinodinos was required to respond to the very serious concerns that were being aired about his role at Australian Water Holdings. He had to stand down.

Senator Back: Mr Deputy President, I rise on a point of order. In rising to take note of answers to questions, Senator Cameron indicated to you that he wanted to take note of
answers by the Attorney-General to questions from himself and from Senator Collins. Senator Collins’s questions related to the Ashby affair, what knowledge the Attorney-General had beyond it and whether the Prime Minister stands by those statements. Senator Collins is now venturing into topics associated with Senator Sinodinos which caused nothing of the questions asked by Senator Collins to the Attorney-General in question time. I ask that you bring Senator Collins back to the topic upon which she asked the Attorney-General questions.

Senator Polley: Mr Deputy President, there is no point of order. Senator Collins was making her comments in relation to the questions that were asked today in question time. There is no point of order.

The DEPUTY PRESIDENT: The motion is to take note of the answers to questions asked by Senator Wong and Senator Collins, so, as long as the discussion is in relation to the question and/or answer, I think it is well within the standing orders. As the debate continues on, senators introduce more and more into the debate, which entitles other senators to respond to those things, so we actually have this diversion—

Senator Payne interjecting—

The DEPUTY PRESIDENT: Well, an expansion of the realm, as things are introduced. Senator Collins, you have the call.

Senator JACINTA COLLINS: The point I was making was about the double standard that applies between the current Turnbull response to this situation and what was required of Senator Sinodinos. I know we have seen his resurrection, even though we have yet to see any report from ICAC on the matters that affected him. But the other questions raised, I think, are the questions about some of the other appointments. The raised eyebrows were at the time about the appointment of Mr Brough as Special Minister of State, given that there was a general understanding, even aside from some of the more recent issues raised, about his participation in the Ashby affair. That was the raised eyebrow that I was referring to and comparing to the double standard that applied to Senator Sinodinos.

But it was not the only raised eyebrow. There are a range of appointments where the ‘nudge, nudge, wink, wink’ principle applies. People are astounded that Senator Brandis is the Leader of the Government in the Senate. He is the only minister I know who has united non-government senators in a censure motion. People can see from the debate today why that is so. He frustrates us. He seeks to make tedious interventions in debate and waste time when we are addressing important issues. But, worse than that, today he refused to answer Senator Wong’s question. He did not take on notice to check with the Prime Minister what assurances he had sought around these critical appointments, particularly that of the Special Minister of State. Instead, he made just a blanket glib assertion that it would have been okay—‘Nudge, nudge, wink, wink’. (Time expired)

Senator FIERRAVANTI-WELLS (New South Wales—Assistant Minister for Multicultural Affairs) (15:43): I will just pick up on what Senator Collins basically said here, that this debate today is about ministerial standards. I would like to take the Senate to that basic point that should be the subject of this motion to take note of answers to questions. Mr Brough is cooperating with the police, and there is nothing, I think, at this stage to suggest that he should stand aside in accordance with the Statement of Ministerial Standards. I think
in any situation like this, any investigation should be allowed to take its course. I remind the Senate of the statement which Mr Brough made and issued on 19 November:

I can confirm reports that the AFP visited me on Tuesday requesting any documentation relating to allegations involving the disclosure of diary notes of Mr Slipper.

I can also confirm that I provided the exact same material to the AFP as I previously provided to the Federal Court.

Furthermore I advised the AFP that I would be happy to meet with them at any time in the future if need be.

On that same day, the Prime minister indicated—as Mr Brough has stated, and I have got no reason to doubt him—that the material that they have received is the same as has been already made public, so there is nothing new in that. There is an ongoing inquiry, and the answer is: yes, I do have confidence in Mr Brough, but of course there are rules relating to ministers and cabinet ministers. However, there is at this stage nothing to suggest that Mr Brough should stand aside or do anything of that kind. Naturally, he is providing complete cooperation in the investigation as he should.

The conduct in question occurred prior to Mr Brough's return to the parliament and his appointment as Special Minister of State and Minister for Defence Materiel and Science. The statement on ministerial standards provides that ministers will be required to stand aside, if charged—and I underscore 'charged'—with any criminal offence.

So let's go back to the appalling way, I have to say, that Senator Cameron this afternoon is seeking to prosecute this situation. As the Attorney has indicated, the simple fact that a person's premises are searched as a consequence of a search warrant does not lead to any conclusion. One cannot draw the assertion of any allegation of criminality but, I think, that is what Senator Cameron is seeking to do here. He is coming to this place, casting an aspersion on a member of the other place by saying, 'This person has had a search warrant issued against them. The police have come to search his premises'—the innuendo being that an imputation of criminality has occurred, which is absolutely wrong. Having listened to the debate earlier, I think that Senator Cameron certainly is sailing very, very close to the wind in relation to section 193(3).

I want to reiterate the comments made by the Prime Minister in the other place earlier this afternoon:

The facts and circumstances of this matter, all of which occurred prior to the last election and have been well known for considerable time …

As I have indicated, there are ministerial—(Time expired)

Senator LUDWIG (Queensland) (15:48): What is clear in the debate we are now having is that there are questions to be answered by this government and by Mr Brough in the other place as to what involvement he has or has not had in respect of the matter.

I know and understand that the statement Mr Brough has made has been quoted at length but it remains to be seen as to what actions were done, what his involvement was in what has come to be known as the Ashby affair. What is required, particularly for the important that role Mr Brough plays as the Special Minister of State, in holding a ministerial portfolio, is more than a statement in response to the issue raised. We see that with the question in the
other House by Mr Dreyfus, who put the question very bluntly to the Special Minister of State. He said:

How does the minister respond to the following words contained in an AFP search warrant, which I quote in part:

Between 23 and March and 13 April 2012, Malcolm Thomas Brough counselled and procured James Hunter to access restricted data, namely the former Speaker of the House of Representatives … official diary, contrary to Section 478.1 of the Criminal Code 1995 …

The answer given by Mr Brough was:

I refer the member for Isaacs to my statement of the 18th. I have nothing further to add, and what you are referring to are of course allegations.

What is important in this place is, if there are allegations raised, that they are dispelled. Mr Brough has all of the opportunity to go into the House to make a full explanation of the circumstances. As always, I am not making any criminal allegation against Mr Brough—nor would I, in this place. It is not up to me to do that. What is important though for Mr Brough is to make a fulsome statement about what his involvement is in the Ashby affair so that we do not jump to conclusions and try to make assertions that could be considered in this place.

It is clearly a case where Mr Brough should come into the parliament and make a full explanation of what his involvement is or was not in respect of the Ashby affair, because we only have snippets from his own statements, which are reported in the paper. I do not know whether they are accurate statements of what he did or did not say. I can only go on what has been reported.

In an interview last year, the journalist Liz Hayes asked Mr Brough:

Did you ask James Ashby to procure copies of Peter Slipper's diary for you?

To which Mr Brough responded:

Yes, I did.

This information is also contained, as I indicated, in the Australian Federal Police search warrant.

I cannot say—and nor would I—that that is a clear admission of any criminal activity. It would be wrong of me to say that. The Leader of the Government in the Senate has said, you could not make that statement at all—to which I agree. As I understand it, Mr Brough is offering to cooperate with the Federal Police in that investigation—and so he should. We should all do that. It is important to uphold the principle in this place and, if he is cooperating with the Australian Federal Police in relation to an AFP investigation, he should—as has been done many times before—stand aside while the AFP conduct their investigation. I am not saying that he should; what I am saying is that that opportunity is there for him to do that.

(Time expired)

Question agreed to.

Government Services

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:53): I move:

That the Senate take note of the answer given by the Minister for Defence (Senator Payne) to a question without notice asked by Senator Siewert today relating to the mygov website.
I noticed that, although we got some useful figures, we did not get an answer to the question that I asked about whether the government would delay implementing the harsher compliance measures until the issues with the systems that perhaps caused some cases of noncompliance.

**Senator Payne:** No.

**Senator SIEWERT:** I have just been told that 'no' is the answer. I have many more questions and quite a few concerns that I want to raise in terms of what people have been telling us about the myGov site beyond what was in the media recently. We need to make sure that there is a guaranteed protection for MyGov clients if the site fails and they cannot meet their participation requirements because of the site failing. Will the government agree that there needs to be protection in place for those that face potential breaches because of the failure of the myGov website?

The Senate Education and Employment Legislation Committee just held an inquiry into job seeker compliance and the new harsher measures approach. I will refer to some evidence from Mrs King, who came to our inquiry as a witness from Willing Older Workers, or Wow! Mrs King was talking about the myGov website and the concerns that her members have. She said:

What we are hearing is that the site will say your password is incorrect. Then you get the secret questions that you give the answers to. I had trouble with it in my personal capacity; I also had trouble with it for WOW. WOW is registered with it as an association and I could never get into it. I tell people, 'Write down everything; write your secret questions and answers.' I did that and then I called the 1800 complaints number at Centrelink and said, 'Can you please help me get into this because I cannot get in.'

As the only advocate that WOW has, I am the nominee for people. I could not even get in to read the nominee paperwork when I got an email to say there was a message. It is not working.

She went on to say:

I still cannot get into myGov either as a WOW advocate or as an individual. Last week, I had a woman tell me that she has given up on myGov. She tried routinely, every Monday and every Friday. She kept a record and she just said, 'I've given up on it. When they tell me to myGov, I just tell them, 'No, I won't. I refuse to.' She was told by her case manager that, if she gets a notice sent through there and does not respond to it, she can be in breach and can be fined. I honestly do not know what is wrong with the system.

Mrs King went on to talk about a person who had IT expertise who had come into their life. She said:

She helped put together all of the IT programs for job searching, scanning resumes and things back in the eighties. She has now written a book, and that is how we found her.

Ms King tabled a further document from this woman, and went on to say:

She addressed a lot of things. When we talked to her, someone asked her about myGov and what could be done with it. She told us that she would see if she could get into it, but she could not do anything and does not have any answers. She is a highly trained IT person. More and more, the government sending people online makes the assumption that people can afford the internet or can go to a local library or a hub and do everything on the internet there.

The point here is that more and more people—in fact, we heard eight million people—are going to the myGov site. That does not mean that it is a good system.

I am hearing constant complaints about people not being able to access myGov. There are concerns about myGov and the fact that they cannot answer the secret questions; that the secret questions change even when they know the answers; that their password does not work;
and that the site is hard to navigate. And this is the system that people are required to use for their compliance requirements. The government is bringing in stricter compliance requirements and relying on the myGov site that does not work and does not provide the support that is necessary. People could end up getting a breach. In fact, people have told me that they have been breached because they have not been able to use the myGov site properly.

It is not fair to people on income support. They face losing their payments because the myGov site is not working. We had the example in the media this week where someone who totally relied on a payment would not be able to access that payment because of the myGov site. You cannot bring in these harsher measures if your system is not working and does not enable people to use it.

Question agreed to.

BUDGET
Consideration by Estimates Committees

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (15:58): I present additional information received by the Community Affairs Legislation Committee relating to estimates.

COMMITTEES
Finance and Public Administration Legislation Committee
Report


Ordered that the report be printed.

MINISTERIAL STATEMENTS
Trade with China


COMMITTEES
Select Committee on Health
Membership

The ACTING DEPUTY PRESIDENT (Senator Gallacher) (16:00): The President has received a letter requesting changes in the membership of the Select Committee on Health.

Senator PAYNE (New South Wales—Minister for Defence) (16:00): by leave—I move: That Senator McLucas replace Senator Moore on the Select Committee on Health on 27 November 2015, and Senator Moore be appointed as a participating member.

Question agreed to.
MOTIONS

Syria and Iraq

Senator HANSON-YOUNG (South Australia) (16:00): At the request of Senator Siewert I move:
That the Senate—
(a) notes:
(i) the ongoing conflict in Syria, which has led to over 250,000 deaths, and the fleeing of 4 million refugees, over half of whom are children, and
(ii) Australia's ongoing military involvement in Syria and Iraq, the scale of which is second only to the United States of America; and
(b) calls on the Government to:
(i) increase the intake of refugees from the Syrian crisis,
(ii) support legislation passed in the Senate that would remove children and their families from detention, and
(iii) de-escalate Australia's military presence in Syria and Iraq, and explore political, economic and diplomatic avenues that will work toward a peaceful settlement to the conflict.

My interest in this particular topic is the humanitarian impact, particularly the Syrian conflict. We know that this has been a long-stretched civil war inside Syria. It has been going on for over five years. It was 18 months ago, in January 2014, when I first visited the Jordan refugee camp—one of the world's largest refugee camps now—the Zaatari refugee camp. I also visited the various refugee settlements in Lebanon. Of course, both Jordan and Lebanon are bordering countries to Syria and have had to cop the bulk of the very real human need of people who have been fleeing this conflict.

When I was in the Jordan camp walking around and talking to the UNHCR—that is, of course, the UN refugee agency experts—they explained to me that, when they first established the camp, it had been believed that it would only need to cater for 20,000 people and perhaps for six to 12 months maximum. Five years on that is just not the case. It is now one of the world's largest refugee camps. There are over 300,000 refugees in that camp, and many of the people who are there have been there for four or five years. We have heard direct appeals from the UN in relation to a lack of resources and to fund these operations properly. We know that various things such as food vouchers have had to be rationed because they simply do not have the resources to ensure that everybody who is in the organised camp has access to food on a regular basis. That is one of the reasons cited for why people are continuing to move on.

While there might be 300,000 people in the formal camp in Jordan, there are over a million in the Jordanian community. According to the ambassador from Lebanon and the briefing that was given by the Jordanian, the Turkish and the Lebanese ambassadors in this place only two weeks ago, there is now a situation in Lebanon. The population of refugees in Lebanon makes up 40 per cent of the total population inside Lebanon. That is more than one in three people in Lebanon now seeking asylum as refugees.

The biggest concern of all in this is that this is a children's crisis. Out of what is believed to now be four million people who have fled Syria as refugees there are another seven million people internally displaced inside Syria. Out of the four million people who have fled across
the border more than half of those are children. It is a horrific situation that we have children—many of them very young children—living in very delicate and unsafe conditions, particularly in those countries bordering Syria.

It is to that point that there is a continued growth of people moving from those bordering countries because they simply cannot put their lives back together. They do not have the resources. The UN bodies and the various partner agencies do not have the ability to help cater for the four million people living in the bordering countries. So people continue to move and that is what we are seeing in terms of the influx of people seeking protection throughout Europe. Just because they got out of Syria has not meant that these children and their families are necessarily safe, or, indeed, that they have any ability to put their lives back together.

It was only two months ago when the world was shocked and heartbroken by the image of the little boy whose body washed up on the coast in Turkey, little Aylan. It was that image which really brought home to so many of us, right around the world, that those who are coping the brunt of this conflict in Syria, those who are suffering the most are indeed the most vulnerable—that is, the children. As the world was shocked and shaken into action, countries right around the globe were saying, through grief and through the human response of wanting to help, that more needs to be done to offer humanitarian assistance to the hundreds of thousands, the millions of people who have had to flee Syria. It is incredibly heartwarming and wonderful to see that our own Australian community stood up and demanded that we, too, as far away as we are from the Syrian crisis, take some responsibility in helping to give shelter and protection to those in need. That was, of course, despite the initial position of the government under former Prime Minister Tony Abbott that Australia did not need to do any more. That was the original position: Australia had already done enough and we did not need to help any more. Thankfully, sanity prevailed and the heart of the nation forced the Prime Minister's hand at the time. Then we saw the extension of our humanitarian program to take an extra 12,000 Syrian refugees. I think that is a very proud achievement of the Australian community—to ensure that, despite the initial opposition, we were able to offer this humanitarian assistance.

To this date, however, one of the biggest issues facing the humanitarian organisations, who are trying all they can to manage this humanitarian crisis and children's crisis, is a lack of funding and support. It shocks me, to be honest, that here in Australia we spend more than double the amount of money running Australia's detention system, in our offshore camps and in our onshore detention centres, than the UN Refugee Agency has to help those who are fleeing war in Syria. The statistics are very stark. The UN budget for helping Syrian refugees is just under a billion dollars at US$931 million and Australia spends $2.1 billion locking up refugees. I find it incredibly galling to hear in this place that Australia is doing everything we can, that we are more generous than any other nation. It is simply not true. I would like it to be true. I would like to think that the generosity and warm hearts of Australians is extended into this parliament and that we had a government that spent our money more wisely. Imagine what we could do to help the very real humanitarian needs of those fleeing the war in Syria if we were not spending $2.1 billion locking up the very same people in Australia and in our offshore detention camps.

The UN has appealed directly to Australia many times for us to pledge more money to help in this crisis. Our fair share, if we were to be picky about it, if we were to only do our fair
share in comparison to other countries, not going above and beyond, would be, as cited by the United Nations, $150 million this year. We have not come anywhere near that. We gave very little to the UN in previous years to deal with the humanitarian crisis from the Syrian conflict and now we have pledged $44 million, when in fact our bare minimum fair share would be $150 million. So we are still a long way behind.

I appeal to the government directly today. I think we can be doing much more. I think we could easily find a way. If we released children from detention here in Australia, perhaps we could spend $150 million helping to feed Syrian refugees in Jordan, Lebanon and Turkey refugee settlements, so that people do not have to continue to flee. We know that offering direct humanitarian assistance through resettlement is important. It is important symbolically. It tells the rest of the world that Australia is prepared to be part of our global community, that we share the burden of ensuring that people are given safety. It is an incredibly important thing to do. The 12,000 people who will be given protection here are going to become wonderful Australian citizens. They will get jobs. Their kids will go to school. They money will be spent in our local communities and they will be forever grateful for being given a chance to live in safety and an opportunity to rebuild their lives. I think we could be offering more people that opportunity.

I appeal to the government: let us use the current 12,000 increase as a down payment and, in fact, let us take many more people than that. We have the ability to. We have one of the strongest screening programs in the world for refugees. We know and can trust our systems. We know who people are when they come to Australia, and we are able to ensure community safety. We can do all of that, and we can offer more assistance to people who are in great need. Offering up the money the humanitarian organisations need on the ground is vital. Opening our hearts and our doors to those who are in need now is doable. We are strong enough as a nation to do this; we have proven that already. We should continue it.

To that point I would like to note that I know there are some people in this parliament—Senator Cory Bernardi is one of them, but there are members in the other place as well—who in recent days have suggested that we should 'close the borders'; that we should not take even the 12,000 Syrian refugees we have pledged to help. They can have their opinions, of course, but I am very thankful that the Australian community has shown far more grace and far more compassion than those few here in this place who advocate the benefits of fear as opposed to the benefits of human kindness and compassion. We can take in more people. We should be helping to fund the agencies better. But we also need to have a look at what we are doing in our own backyard. It puzzles many Australians that we have a program to welcome more refugees who are having to flee the Syrian crisis while at the same time we are leaving Syrian and Iraqi refugees locked up in detention. It does not make any sense. We already know who these people are—they are legitimate refugees. They deserve protection, and just because they happen to make their own way out does not diminish their need for safety or their need for dignity and respect from our policies.

I was incredibly heartbroken when I heard the story of one Syrian refugee who is currently in detention here in Australia. The rest of his family is hiding in a rubbed town in Syria as we speak. His two young daughters, who are under the age of six, and his wife are effectively trapped in their home. They are too afraid to go out because of the bombings, and they are obviously frightened of the rise in extremism and violence that is ripping their country to
Meanwhile we have the father locked up in an Australian detention centre and every day we are spending money on his detention—it costs $2,000 per day to keep someone locked up on Manus and Nauru. We are spending money to keep him locked up and separated from his family when what we could be doing is helping to safely reunite his family with him in Australia. The fact that we have these two parallel positions from the government, two parallel policies that work against each other, is madness. It does not make sense at all. Australians are puzzled as to why we would be spending money locking up Syrian refugees in Australia at the same time as we are saying that we care and that we understand that people fleeing Syria need protection because they cannot just go home. This man's case is a good example, but there are also many others who have come here—Iraqis and Syrians who are being kept separated from their families because they happened to arrive on a boat rather than been hand-picked by the immigration minister and the department. We need to see the end of this ludicrous situation.

The last point of this motion goes to the issue of the amount of money Australia is spending to lock up children in our detention centres. How do we advocate on a global stage that Australia is willing to participate in a humanitarian response to the Syrian crisis when we have a system that spends money locking up children who have done nothing wrong, but are victims of the circumstances they were born into, the country they were born into or the nationality of their parents? There are 112 kids who are locked behind bars here in Australia. It is time we did something about letting them out, and I hope we could see them out in time for Christmas.

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (16:21): I also rise to speak on this motion that relates directly to Australia's national security interests which, as we all know, is the highest responsibility of government. But it also requires that this government, under the new leadership of Mr Turnbull, takes responsibility to balance those important national security interests against our very strong interest in upholding and maintaining our very defensible record with regard to humanitarian support.

It is far too big a responsibility to be playing politics with, and I want to note Senator Hanson-Young's very measured contribution to this debate. I would not agree with everything in Senator Hanson-Young's contribution, but it was indeed very measured. But this is something that is beyond the issue of politics and my concern is that aspects of this motion will seek to try to do that. When you look at the motion, it is important to understand what it says in its entirety. My attention was drawn to (b)(iii) of Senator Siewert's motion, which calls for a de-escalation of Australia's military presence. For me, the problem with that proposition is that no such change has been sought by anyone other than the Australian Greens, as far as I have been able to ascertain. But, to put it bluntly, when it comes to strategic and military matters, this government will proceed on the considered and professional advice of its Australian Defence Force rather than the whims and wishes of the Australian Greens and others.

I note the motion also calls on the government to explore political, economic and diplomatic avenues in response to the Syrian conflict. What I think needs to be emphasised at this point is that those things are actually not inconsistent with having some military involvement. This is not and should not be a question of either or. We can all agree that what is occurring in relation to the Syrian conflict is a human tragedy. I do not doubt the sincerity
of the Australian Greens, or anyone else for that matter, in this chamber on that particular point. But, clearly, we are not going to agree on all aspects of the best solution. I accept that; I know that others will accept that. Of course, if there was an easy answer, the world would have found it and we would be rushing towards that easy answer. But that is not available to us.

I do not think it is helpful to adopt political postures or try to claim a moral high ground in regard to this very complex matters. It should not be about moral posturing or posing. The policy has to be determined and, ultimately, judged by its outcomes. I note aspects of Senator Siewert's motion touch on border protection. That is the policy area where I would like to demonstrate that point.

The position adopted by the Rudd Labor government when it won office eight years ago, this very week, I might add, was not one based on evidence or experience; it was based on moral posturing—feelgood statements about ending the Pacific solution. In fact, many of the Rudd government's policy positions were about feelgood rhetoric rather than careful planning and examination of the evidence of what might be effective. But that is a discussion for another time. For my point, I am using this particular issue to demonstrate the earlier point I make. The reality is we cannot remove ourselves from a debate and understanding of the border protection policies if we are to properly understand the predicament that we find ourselves in with regard to refugee intakes, humanitarian issues and, of course, the conflicts across the Middle East.

Here are some of the facts about border protection. The day that Kevin Rudd took office, there were just four people in immigration detention who had arrived illegally by boat. None of them were children. That was the impact of the Howard government's so-called harsh and cruel Pacific solution, as the opposition and the Greens have tried to describe it. Then Labor set about changing the policy with the active encouragement and support of the Australian Greens. They took a solution and worked to create a problem. They put the people smugglers back in business.

Let us fast forward to July 2013, two months before Labor lost office. What do we find? Under the supposed compassionate policies of those of the sort advocated by many of those opposite, by July 2013 there were 1,992 children in immigration detention. Labor changed the Howard government's policies and the result was that the boats started coming again. They came to such an extent that over the life of the Rudd Gillard Rudd Labor government over 8,600 children were put into detention as illegal maritime arrivals. Under this coalition government, as I stand here today, that number is now under a hundred. Any dispassionate assessment of the policy and its outcomes, would come to the same conclusion: it was difficult policy to have to embark upon, but it was a policy that delivered on outcomes. The number is fewer than under Labor, but it is still under a hundred. I do not mind going on the public record saying that I find that objectionable, and I am sure there are other senators who would agree with me. That is still too many but the government continues to work responsibly to further reduce that number.

I accept that Labor and the Greens had the best of intentions when they cooperated in changing the nation's border protection policies in the early days of the Rudd Labor government I do not think it is in anyone's interest or anyone's good use of time to be arguing that there was any deliberate ill-intent. But I do not, for one moment, doubt that the policy did
not work. As I have demonstrated, good intentions are not enough. Good intentions do not automatically ensure good outcomes and that is the basic problem with this particular motion this afternoon.

We are not going to improve the situation by de-escalating our military involvement and focusing just on diplomatic avenues. We need to have both. The decision the government made last year to support US-led international military efforts to counter Daesh were not made on a whim. They reflected an assessment that Daesh represented a significant threat not only to the people of Iraq but to the wider region and, ultimately, to our own domestic security here in Australia.

It is also important to remember that the Iraqi government itself asked for our assistance to defeat this menace. In doing so, Australia is a part of a group of around 60 nations working together to counter Daesh and prevent the spread of violent extremism, including to our region and, indeed, to our country. In the year that has passed since we began that involvement, Australia has made a substantial and proportionate contribution to international coalition efforts to degrade and dismantle Daesh's capability—one, I venture to say, is broadly supported across the Australian community. Simultaneously, our own forces have been working assiduously to build the capacity of local forces on the ground and take up that fight.

An ADF withdrawal from Iraq and Syria, which is effectively what this motion is calling for when you read it to its end, would weaken, not strengthen, international efforts to combat Daesh and it would not be in the interests of the Australian people or the people across our region. The Iraqi military is making progress in the current campaign against Daesh. Could it be quicker? Of course it could be quicker; nonetheless, it is making progress. The mission, however, is very far from over. Iraq needs continued support from the international community, including Australia, to build the capability of its security forces to conduct offensive operations against Daesh and to deny this terrorist movement a safe haven. This is why the government supports continuing our missions to develop the capacity of the Iraqi security forces and continues to contribute an air task group at the request of and to support the Iraqi government.

Again, I appreciate the sincerity and the intentions of those who have moved this motion today, but good intentions are not solid enough. It is very, very difficult to work diplomatically towards a peaceful solution, as the motion calls for, when those on the other side of this conflict frankly are not interested in peace. They measure their successes, unfortunately, in terms of the body count—and, unlike with our own forces, I do not mean that they aim for the lowest possible number of deaths. The more they kill, the more they terrorise, the happier they are and the closer they are to their outcomes. That is the reality of what we are up against.

The problem with this motion is that it assumes we are working with rational actors or that we are dealing with people motivated by a common humanity, a humanity common to all of us. I wish we were, but with respect to Daesh that is simply not the situation we find ourselves in. Its savage ideology is clearly demonstrated in its statements calling on supporters to target civilians of Western nations wherever they can be found. Martin Luther King spoke of the day when people of different races and creeds would sit together at the table of brotherhood. Well, ISIS or Daesh and its associated groups are not interested in a seat at that table. They are not
interested in nuanced arguments and negotiations. They seek total victory through total terror obtained through more and more violence.

At the beginning of this month, I attended a rally in Perth that was a demonstration of support for the people of Israel in the light of what has been occurring in that country recently in terms of murderous attacks from extremist groups. I was pleased to be joined on that particular day by many from Perth's local Jewish community, state members of parliament, local councillors like Brent Fleeton and indeed my Labor Senate colleague Senator Joe Bullock, because, however Australians choose to vote come election time, there are certain values that unite us, and chief among those is our enduring belief that the citizens of a democratic nation have the right to live peacefully and be secure within their own borders.

What has been occurring recently, with the campaign of incitement to violence and the murder of Israeli citizens at the hands of terrorists, offends every value that decent Australians hold dear. No Australian of good conscience could possibly hold sympathy with or defend the outrageous behaviour of some Palestinian clerics, who actively encourage their followers to murder Jews at random on the streets of Afula, Tel Aviv and Jerusalem. No Australian of good conscience could possibly support the words of Palestinian President Abbas, a self-proclaimed 'moderate', who has told his people, 'Every drop of blood spilled in Jerusalem is pure,' and said that murderers will be 'rewarded by God'—not the words of a moderate. No Australian of good conscience should be happy with a situation where new generations of Palestinians are having their minds poisoned through vile, anti-Semitic propaganda campaigns that only serve to make the already difficult goal of peace even more difficult—perhaps even more unlikely.

To those Australians who think that what is happening in Israel or Paris is a long way away and does not affect them, I simply point out that the values for which Israel and France both stand—personal freedoms and democracy above all else—are also the values for which Australia stands and which Australians have fought and died to protect for generations. If we want to preserve the values that underpin our open, democratic societies, we will have to work resolutely with each other to defend and protect the freedoms we hold dear.

The military campaign the US-led international coalition is undertaking in Iraq is essential to these efforts and has helped slow Daesh's advance. Without these military efforts in Iraq and Syria, Daesh would present an even greater threat to Iraq, the Middle East region, the Europeans and, indeed, the world, including us. In that context, what is being suggested through this motion, a de-escalation or drawing-down of our military contribution, would simply not be responsible.

The motion also goes to the issue of Syrian refugees, and I am pleased to be able to discuss just briefly, in the time available to me, that particular point. In September 2015, as we know, Minister Dutton met with representatives of the UNHCR and other international partners to discuss how Australia could best contribute to the international response. Following on from those discussions, the government announced a generous package of assistance in response to the Syrian and Iraqi humanitarian crisis. This included a total of 12,000 additional humanitarian program places, which are being made available for people displaced by the conflict in Syria and Iraq. I think at the time of the announcement it was generally agreed by most commentators and in the community that that was a necessary and indeed generous response. These places, of course, come on top of Australia's existing humanitarian program
of 13,750 places, which itself will rise to 18,750 places in 2018-19. People who fall into these categories will include both Syrians and Iraqis.

The additional places will not be offered to people in Australia or regional processing countries who travelled to Australia illegally by boat. What we mean by that is that they will be offered to genuine refugees displaced by the Iraqi and Syrian conflict. This goes back to the point I made earlier in my contribution. It is by stopping the boats and restoring integrity to our humanitarian program that the government has now been able to respond generously to this crisis to assist the most vulnerable offshore. Had the boats still been arriving at the rate they were arriving at under the former Labor government, I think you would have to question whether there would have been such wide-scale community support for Australia taking additional humanitarian refugees. I think it is fair to assume that, if we had not tackled the issue of border protection, the level of sympathy and generosity by Australians in meeting the humanitarian crisis in Iraq and Syria would have been less. It is not that people would not want to be generous, but they would hold to the view that we should be getting our own house in order before offering the hand of assistance to others.

We can afford to be generous because we have got our borders back under control, a situation that some in this chamber and some across the community said in the lead-up to the last election was impossible. In fact, Australia has consistently been ranked among the top three countries that resettle refugees referred to them by the UNHCR. When measured on a per capita basis, we resettle the most UNHCR refugees of any nation.

Minister Dutton officially provided the first ImmiCards to the first families granted visas through the additional 12,000 places in Jordan at the start of this month. The first of the families have since arrived, and I am pleased to say that the first arrivals have been welcomed in my home state capital of Perth, in Western Australia. They will be very, very welcome in Western Australia. We look forward, of course, to welcoming more families to our country in the weeks and months ahead.

As has been the consistent position of the government, the focus of the intake of 12,000 is on persecuted minorities and those assessed as being most vulnerable, women, children and families with the least prospect of returning to their homes. Before I go on to talk about the selection process, I would like to make this point. The government has committed to making the focus of the intake of 12,000 refugees persecuted minorities and those assessed as most vulnerable, women, children and families. I would just like to talk briefly about the issue of persecuted minorities.

I was pleased to read that in August the United Nations Security Council held its first ever briefing on attacks against LGBT people in the Middle East by militants from the Islamic State group, also known as ISIS or ISIL. I have been genuinely perplexed that some people or some political parties in Australia who champion the issues of LGBTI Australians have not said more or have not drawn attention to the most atrocious of incidents and attacks that happen from these violent extremist groups in the Middle East against LGBT people. I hope that this government, in finding safe refuge for persecuted minorities, will find places amongst those 12,000 refugees for LGBT people whose lives are being put at risk because of their sexual orientation and because of the existence of these violent extremist groups across the Middle East.
That United Nations Security Council meeting or discussion that happened in August 2015 was reported in this way. This media report says:

While it was not the first time the persecution of gays and lesbians has been mentioned before the 15-member council that includes the U.S., Britain, China, France and Russia as permanent members, the panel had never convened to talk specifically about attacks on LGBT people anywhere in the world. The Security Council has previously discussed the impact of Islamist terrorism on global peace, but acknowledging sexual minorities in this way was an "important step" for expanding human rights, said Samantha Power, the U.S. ambassador to the U.N., who sponsored the meeting with her diplomatic counterpart from Chile.

I will be asking the new Prime Minister to make a place in that intake of 12,000 refugees for LGBTI people being persecuted in the Middle East—in Iraq, in Syria—by terrorist organisations like Daesh.

Senator LUDWIG (Queensland) (16:41): I too rise on the motion put forward by Senator Siewert today. The motion notes that the war in Syria has led to more than 250,000 deaths, and millions of people have become refugees fleeing this war-torn country. I think it is worth just going back a little bit to where this particular issue started. It started as pro-democracy protests during the Arab Spring, which have now turned into a bloody civil war and sectarian war. While it looked like the regime in Syria was going to fall as part of the domino effect that had taken hold in nearby Tunisia, Egypt and Libya, Yemen and Bahrain, the same did not eventuate in that regime changing in Syria. The ongoing conflicts and uprising across the Middle East since that event started in 2011 I think have been described by some as the Arab winter, with no end of the violence in sight.

After the brutal crackdown by the Assad regime, many opposition forces took up arms to defend themselves. It did start, I think, as something that could be described as a two-dimensional conflict between those supporting the Assad regime and the rebels opposing it, but now I think it is very clear that the conflict has taken on a sectarian angle, with fighting also pitching President Assad's Alawite Shiah against the majority Sunni population. It is also being further complicated with the appearance of the Islamic State terrorist group, which is looking to carve out territory for a so-called caliphate. The conflict now is a multifaceted web of sectarian, rebel and terrorist groups vying for control of this country, while, sadly, the people of Syria suffer under the strain of a five-year-long civil war.

The human rights violations have been mounting since the start of the conflict. They include murder, rape and torture. The Assad regime has been accused of blocking access to humanitarian aid such as food, water and medical supplies. The use of chemical weapons such as the nerve agent sarin has also been widely documented and has added to the bleak nature of this conflict. The Assad regime has been condemned resoundingly by Western nations. It does seem to be a regime that does not care about the welfare of its own people. It is a regime that has broken the social contract between the people and those in power, and if anyone considered that it did have any legitimacy, it certainly does not have it now.

The complexity of the conflict has been added to further with the involvement of Russia, and that has added to the tension in the region not least because its air strikes have largely been focused on targeting anti-Assad rebel groups instead of the Islamic State terrorist group. The recent downing of the Russian passenger jet, which Islamic State claimed responsibility for recently, and the shooting down by Turkey of a Russian warplane demonstrates not only...
the complexity of the area, which it now is, but also the increasingly crowded and dangerous area that is the Syrian conflict. In response to that, it goes without saying that as a citizen in the world Australia does have a role to play.

I want to go through some of these issues in Syria in seriatim, but I will deal with the refugees from Syria first. This is a reaching out from Australia's heart in a conflict which at this point knows no end. It is appropriate that Labor welcomes the government's announcement that it will provide an additional 12,000 places for people fleeing persecution in the Middle East. It is an appropriate response from the government, and we support it on the basis that these would be genuine humanitarian places offered as quickly as possible. Australia and Labor called on the coalition to do more, and this response is welcome in that regard.

Australia does have a role to play in dealing with significant humanitarian crises that have seen the biggest number of displaced persons since the Second World War, and it continues to be vital for Australia to play that role on an as needed basis without qualification and without discrimination. And, of course, with all of this Australia remains guided by the UNHCR, as they see appropriate. The coalition have indicated—I think more strongly than they need to in some parts—how they will meet this challenge, and I welcome and congratulate them for doing that. But it is an area which I think needs more clarity from this government. According to the UNHCR, the number of displaced people fleeing from war, conflict or persecution is the highest since World War II, and Labor's view is that by the close of 2014 there would be an estimated 59.5 million individuals forcibly displaced around the globe as a result of persecution, conflict, violence and human rights violations. Labor does believe, as I said, that Australia can do more to address this global humanitarian crisis. Labor is compassionate and outreaching in this respect. Our approach to asylum seekers enables refugees to progress their claims safely and securely.

By 2025, we on this side think the increase in Australia's humanitarian intake should be 27,000, almost double the current intake of 13,750 under this government, and, as part of our commitment to demonstrate leadership in our region, a portion of the program would be dedicated to resettling refugees from the region. Notwithstanding that, we also believe that the UNHCR should have additional funding to assist them in this work. It is not going to solve the problems. With all due respect, and I know everyone is dealing with this in a sensitive and sensible way, one of the issues with this motion, and I think it stands out, is that we are suggesting in the motion that we all work towards a peaceful settlement to the conflict. It goes without saying that everybody would want to work towards a peaceful settlement of the conflict. I do not think the way the Greens have put that forward is sustainable to achieve, but I do think it does not exclude the ability for Labor to put forward a plan to deal with the results of the conflict and to deal with assisting the UNHCR to work with and through humanitarian needs and find solutions in that regard.

One of the ways we can work towards the ultimate goal of collective peace is in taking a leadership role in South-East Asia and the Pacific to build a regional humanitarian framework to improve the situation of asylum seekers. It would of course include supporting the UNHCR in providing health and education and services. And in dealing with the broader issue of ensuring the protection of the interests of children in detention, Labor is committed to
providing a strong, independent voice with the government to advocate for the interests of children seeking asylum.

In this area, it is important to then talk about what the Greens would ultimately want out of this motion, which is to de-escalate Australia's military presence in Syria and Iraq. I do not think anyone would disagree with a de-escalation of Australia's military presence in Syria and Iraq if there were peace in that region, but there is not. Unfortunately, Australia does have a role to play as a global citizen. There is no more important a duty of a government than to keep its people safe and no more serious a decision to take than to deploy our armed forces and place them in harm's way. The peace, security and stability of our region and the world is in Australia's national interest.

It is also in Australia's national interest to be a good international citizen, and Australia has a long record of contributing to a secure and stable international order. No-one underestimates the complexity that is Syria and Iraq today. The extent of the conflict is enormous, and Australia has been asked to help Iraq defend itself. We do need to consider carefully not only the implications of assisting Iraq but also the consequences of doing so. I think it was best summarised in a speech by Mr Bill Shorten, the member for Maribyrnong, when he said:

Today the crisis unfolding in Syria presents us with a new and important decision, a decision that Labor never takes lightly.

What he was describing was how our involvement in this issue would play out. He went on to say that there was:

- clear advice that Iraq has the right to defend itself against cross border attacks, given that the Syrian government is unable or unwilling to prevent such attacks by Daesh. Iraq also has the right to request help from other nations, under the United Nations principle of collective self-defence, and has done so.

Mr Shorten reaffirmed, on 9 September, Labor's bipartisan support for Operation OKRA and paid tribute to the brave professional soldiers that are serving on that mission. It is not an easy mission. Notwithstanding the complexities I have outlined, any conflict comes with significant challenges. In fulfilling our duties as good international citizens, it demands the respect of the United Nations. We are members and we are, I think, obligated to meet those reasonable requests.

I think it is fair to say that there is not unanimity on this issue. People do have concerns. They have concerns about the extent of the mission, how long the mission will be and, of course, whether there is an exit strategy around the mission. These are all legitimate questions that should be asked, debated and discussed. There are many who are concerned about how Daesh will recruit and drive its agenda, and these concerns have to be met and discussed as well. It is clear that there is much to be debated here today and as we go forward. So I do not complain about the motion by the Greens. I think it is an area where we all should think very deeply and seriously about what is happening in that country, what our response should be to the unfolding humanitarian crisis and, of course, in responding to the humanitarian crisis we also should consider carefully what our response should be militarily.

The key reason for Australia's military engagement in Iraq and Syria and our participation in an international mission against Daesh comes down to a clear responsibility as a global citizen to respond to the Iraqi government's request for assistance in the fight against Daesh. We have seen the unfortunate results of Islamic State's work and we condemn it. We stand, as the Prime Minister has said, shoulder to shoulder with France in condemning those
horrendous attacks. I think it goes without saying that in putting our soldiers in harm’s way we should acknowledge that and thank the brave men and women of the Australian Defence Force for the professionalism with which they are carrying out their duties. They are a true credit to this country.

Labor’s support for the campaign in Syria and Iraq is fundamentally based on the humanitarian requirements that are unfolding in Syria today. The figures in the motion underscore how important it is to make a contribution. As the Prime Minister said yesterday and as Labor has consistently argued, ultimately we all want a solution in this region. It is not one that is going to come from Australia de-escalating its military involvement and suddenly peace will jump out from behind a wall in this region. As the Prime Minister said, a political solution is needed in Syria and only this will allow attention to turn more fully to eliminating ISIL as a military force.

We do want, and the government should articulate, a clear strategy for Syria and Iraq, a plan to defeat Daesh and a plan for the day after that, to support a government and to support in a humanitarian sense the people in that region to form a viable, vibrant democracy. This strategy does need to include a strong and coordinated military response to prevent Daesh perpetrating horrendous crimes against humanity. As I said, a political solution in both Syria and Iraq ultimately guarantees the rights and privileges of ethnic communities, minorities and humanitarian support which underpins that. As Hillary Clinton said recently, If we have learned anything from 15 years of war in Iraq and Afghanistan, it's that local people and nations have to secure their own communities. We can help them, and we should, but we cannot substitute for them. But we can and should support local and regional ground forces in carrying out this mission.

I think that goes without saying. I think Hillary Clinton has summarised that in a way that says in one short comment what would probably take me 20 minutes to say.

I would add, though, that we do have to have a clear objective for this assistance—a plan for now and a plan for when we leave. I am hoping that during this debate the government can articulate some of that plan as to how this will play out. We have seen terrorist attacks this month and this year which painfully show that we must all combat the threat of terrorist attacks within our borders and, more globally, assist those outside our borders, because we all have a common cause of encouraging peace and ensuring that people can have a vibrant democracy, can live safely and securely, and can feel secure within their own borders. In my closing seconds I send a welcome to France. (Time expired)

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (17:01): In my comments I would also like to join in thanking Senators Smith and Ludwig for the constructive and respectful way in which they have conducted the debate. Given its difficult nature and these difficult times, these are hard arguments to have, but it important that we have them.

On 17 September this year the then defence minister, Kevin Andrews, tabled his first and, as it turned out, only ministerial statement on Australia’s military deployments into Syria, Iraq and Afghanistan. That document is what passes for parliamentary consideration of one of the most important decisions that any government can make. The document was anodyne, devoid of detail and entirely lacked any analysis of the political or humanitarian consequences of opening a new front in our endless wars in the Middle East.
But it did not particularly matter. That document was tabled at the tail end of a week consumed by the overdue removal of the Prime Minister who was himself responsible for the deployment. The document was only given four minutes of debating time before the chamber clocks signalled that it was time to talk about motor sports instead.

This statement, now consigned to the irrelevance that it deserves, is chiefly valuable for what it does not contain. Australia even today has no overarching plan or political strategy to bring peace to Syria or Iraq. We have outsourced it, as we have the larger fraction of our foreign aid and defence policy, to a conflicted and exhausted superpower that seems increasingly helpless as ghosts of past decisions have proliferated into nightmares.

Tonight's debate takes place in the shadow of violent attacks on innocent people all over the world. We grieve with those families and friends who lost loved ones in the horrifying attacks on the people of Paris nearly two weeks ago tonight. Some 130 people lost their lives and 368 people were injured, some of them very seriously. We offer our condolences to the families of those 43 people who lost their lives in twin bombings in a busy residential and commercial district in Beirut, Lebanon; the 27 who died when gunmen opened fire at the Radisson Hotel in Bamako in Mali; the 34 innocent people dead at a farmers market bombed in Yola, Nigeria; the 224 innocent victims of the bombing of the Russian Metrojet flight 9268 over the Sinai Peninsula; and the more than 100 who died when suicide bombers attacked a peace rally in Ankara in Turkey.

These high-profile attacks seized the attention of the world's news organisations for a period of time, but others barely break the surface tension. In October this year, 714 Iraqis died in acts of violent terror. Our parliament is unlikely to take the time to pause in condolence for these innocent lives lost, because perhaps we think this is the new normal in Iraq.

What unites these horrific attacks is that they are carried out against civilian targets—people going about their ordinary lives. Whether claimed by al-Qaeda affiliates, Boko Haram or Islamic State itself, these are not military targets. They are ordinary people in markets, live music venues or their own homes. What could possibly motivate these atrocities has long bewildered Western defence and security planners. Most commonly they are described as senseless or simply incomprehensible.

There is, however, a cold logic at work. These attacks are not senseless—they are calculated. It is the same strategy that al-Qaeda in Iraq—AQI—used to ignite a horrific sectarian war in Iraq in 2006 and 2007. Their attacks on Shi'ite civilians were designed to provoke an escalation of violence against the Sunni, who would then, it was reasoned, turn to al-Qaeda for leadership.

David Kilcullen's brilliant and provocative Quarterly Essay article 'Blood Year' describes it in this way:

… AQI's campaign was driven by a brutal political logic: in provoking the Shi'a, Zarqawi hoped to back the Sunni community into a corner, so that his group would be all that stood between Sunnis and the Shi'a death squads, giving people no choice but to support AQI, whatever they thought of its ideology. This cynical strategy—founded on a tacit recognition that AQI's beliefs were so alien to most Iraqis that they'd never find many takers unless backed by trickery and force—meant that Shi'a killing Sunni was actually good for AQI, and so they'd go out of their way to provoke the most horrific violence against their own people.
AQI—al-Qaeda in Iraq—was one of the progenitor organisations that went on to form the core of Islamic State. It may seem hard to accept that, but the long-range targets in the attacks on Paris are ordinary Muslims, who Islamic State are desperately hoping will be now subjected to increased surveillance, harassment and violence at the hands of Western governments. That is how Islamic State is attempting to claw its way from the extremist margins to a kind of twisted legitimacy as the most viable protector of Islam.

Quite recently a group of US Air Force service members with more than 20 years experience between them of operating military drones wrote an impassioned plea to the Obama administration calling for a rethink of the military tactic that they say 'has fuelled the feelings of hatred that ignited terrorism and groups like ISIS, while also serving as a fundamental recruitment tool similar to Guantanamo Bay'. These are the drone operators—the individual men who fly these devices. They argue that the killing of so many innocent people, unreported by most Western media organisations, has acted as one of the most devastating driving forces for terrorism and destabilisation around the world. Waleed Aly must have hit something of a nerve last week when he called Islamic State out on this hideous strategy, because millions of people have shared his plea to focus our response rather than engaging in precisely the kind of indiscriminate backlash that these violent criminals are trying to provoke.

To his credit, in his national security speech in the other place a few days ago, Prime Minister Turnbull largely refused to take the bait. His contribution, which I thought was quite measured, focused largely on unity, social cohesion and targeted intelligence gathering and disruption of the violent extremist networks active here in Australia rather than, for example, calling for more mass surveillance or new police powers over ordinary people. But the measure of the value of such a statement lies not just in the tone in which it is delivered but the actions that underlie it. The government's so called Allegiance to Australia Bill, for example, seems almost deliberately counterproductive and is perhaps a relic of the old Abbott approach. Boasting, as the Prime Minister did, about the scale of our military involvement in Syria also seems almost deliberately counterproductive. In 2015, 13 countries engaged in bombing a country smaller than the state of Victoria. And the situation on the ground is more complex still as nuclear armed superpowers and regional actors are drawn into an increasingly violent regional conflict.

Rodger Shanahan, an associate professor at the Lowy Institute, said Australia's announcement to bomb Syria was 'long on rhetoric but short on detail and lacked any semblance of strategic vision or acknowledgment of the potential impact on the situation inside Syria'. Defence Minister Andrews himself conceded that he could not estimate how long the deployment would last and he had no idea how the Syria conflict would end. He acknowledged that the West needs 'a clearer strategy' for the Middle East. To revisit the last time the West had a clear strategy for the Middle East, we could sample a quote attributed to the then US Deputy Secretary of Defense, Paul Wolfowitz, in 1991. Speaking to General Wesley Clark on the subject of regime change in Iraq, Syria and Iran, Mr Wolfowitz said: 'We've got about five or 10 years to clean up those old Soviet regimes'—Syria, Iran, Iraq—'before the next great superpower comes on to challenge us.'

Of course, the consequence of attempting to bomb—or otherwise implant—liberal democracy and Western priorities into the ancient rivalries and allegiances of the modern...
Middle East now speaks for itself. Iraq is balanced on the edge of apocalypse, Libya is the world's newest failed state and Syria is emptying into Europe as millions of refugees overwhelm its immediate neighbours. This is the edge of the abyss into which the Bush-Howard-Blair war on terror has taken us by taking the bait of a global war of civilisations that was offered by a tiny handful of al-Qaeda extremists. By responding to violence with more escalated violence, this is where we now stand. Tony Abbott, who sat in the cabinet when John Howard signed Australia up for the catastrophically misconceived and illegal invasion of Iraq in 2003, now demands a ground invasion of Syria from the backbench—from where, it is hoped, he will never return.

Our military actions undermine the potential of our diplomatic role as an engaged and activist middle power. Australia has good diplomatic standing with Turkey, Saudi Arabia and, more recently, thanks to recent interventions by Foreign Minister Julie Bishop, Iran. Australia has proved that we can be constructive diplomatic players in difficult and protracted conflicts. We have had successes at the United Nations Security Council under foreign ministers of both political stripes—most recently Ms Bishop, who last year was able to co-author a unanimous Security Council resolution allowing access for cross-border humanitarian aid into Syria without the consent of the Assad regime. The recent Iran nuclear agreement shows how progress on intractable problems can be made where coercion and threats of force have failed. This has opened new diplomatic space between Iran, Russia and the United States—the three countries that could arguably do the most from the outside to support expanded ceasefire zones inside Syria—enabling humanitarian assistance to be delivered, cutting off the supply of weapons and ultimately isolating Islamic State.

The single most urgent priority of the international community needs to be a political solution to the crisis in Syria and Iraq, because every military solution proposed thus far has simply made the situation worse. Iran, Saudi Arabia and Turkey need to be the key players in urgent deliberations facilitated by a neutral party that can bring these nations together to expand the narrow common ground and restart the failed Geneva process of negotiations. Our place as a US proxy probably means Australia cannot be that neutral moderator, but we can still play an active part in encouraging these powers to come to the table. Ironically, the bitter evacuation of hundreds of thousands of refugees into Europe and the premeditated attacks in Paris have breathed life into the so-called Vienna talks toward a peace settlement in Syria. On 1 January 2016 these negotiations will be restarted. But this time regional players, including Iran, will be at the table and the intention is to have regime figures and opposition leaders in the room. We understand how formidable the hurdles are which lie in the way of such a process toward a ceasefire and political settlement in Syria, but it is equally obvious to all that there is no military solution to the violence in this tragic part of the world. The criminals who are clearly attempting to provoke the world to greater violence in their own lands may instead have moved the world closer to a peace settlement in Syria. Any such progress will be unspeakably fragile, but this is where Australia should play its part.

This space for resolution also needs to be created on the ground. Political negotiations will only bear fruit if and when the fighting stops. Localised truces offer a starting point for de-escalation and, when successful, they allow much needed humanitarian aid to get to those in the midst of the conflict. Syrian civil society leader and astrophysicist Rim Turkmani has highlighted that a truce in Barzeh led by civilians resulted in tens of thousands of internally
displaced people returning to their homeland. He said: 'Many people went back to their areas after [the ceasefire]. They settled back in their houses. They're not internally displaced persons anymore. There was a revival of modest economic activities. There was some progress.' It is obvious, however, that groups like al-Qaeda and Islamic State will remain outside such ceasefire processes and are likely to attempt to undermine any attempts at a peace settlement in Syria that might unite presently fractured parties against them. Islamic State has exploited the disintegration of Syria and the foreign boots on the ground in Iraq to stake its claim over a huge swathe of territory. The last thing it wants is for these warring factions to adopt a more singular focus on the territory it holds.

Unlike al-Qaeda's distributed franchise structure, Islamic State exists to hold territory; it is given life through a war economy heavily focused on oil revenues and other illicit financial flows. In February 2015 the Financial Action Task Force, based in the United States, reported on the financing of the terrorist organisation ISIL. They analysed how Islamic State acquires the monthly payroll of thousands of foreign fighters and how it generates funds, and proposed important measures for the international community to choke off the money supply. The FATF propose a number of strategies for doing this, but they also point out that 'a number of the funding tactics that ISIL employs have not yet been assessed'. This is essential research which remains incomplete, and the strategies they outline have thus far been subordinated to reflexive demands for increasingly futile military escalation. The Financial Action Task Force annual budget, in financial year 2013-14, of around US$3.5 million represents about 120 hours of flying time for a single Global Hawk UAV. Where are our priorities?

Australia can play a powerful role in ensuring that governments around the world follow through on UNSC resolutions—that we helped draft—making the financing of terrorist groups a crime, freezing the assets of those in the supply chain and ending illegal oil sales by identifying customers and how it is being traded. The time for debating Australian deployments in theatres of war is before the deployment, not after, so that the parliament and the public can weigh the benefits of military action against other actions which seek to de-escalate conflict.

No coalition speaker will come into this parliament and admit that they were wrong to carry us into war in Iraq—that tearing down an inconvenient regime and leaving chaos in its wake provided the proving ground in which Islamic State gestated. The war on terror has been a failure; we are less safe now than we were before President Bush stood on the deck of the USS Abraham Lincoln and declared, 'Mission accomplished.' The Liberal-National coalition, having played their part in this vast escalation of violence around the world, now assure us that yet more violence is the only way to prevail.

Australia can be a key actor in moves to demilitarise this horrific conflict, but we need to put the needs of the immediate region first. Rather than adding more fuel to the fire, we must encourage our allies and our friends to, once and for all, cease the reflexive lunge to further militarise this conflict—actions for which ordinary Syrians and Iraqis continue to pay an unimaginable price.

**Senator REYNOLDS** (Western Australia) (17:17): I, too, rise today to speak on this motion on the absolutely devastating tragedy that continues in Syria and Iraq—a situation the scope of which is too large for us here to truly comprehend the scale and the impact that it is having on millions of people, not just those in Syria and Iraq but those in the many other
nations that religious extremism, in this case Islamic jihadism, is impacting on. The death of more than a quarter of a million people in such a short period of time and the enormous tide of hundreds of thousands of displaced people fleeing their homeland is truly heartbreaking for all of us in this place and across our country. It, once again, highlights that the world is a messy and complicated place. Daily, we see the best and the worst of humanity. The worst often has its roots in centuries-old conflicts; similarly, the best often springs out of those same circumstances. This is the situation we see in the Middle East today. To pick up Senator Ludlam's point, to suggest that the current conflicts in the Middle East and the current battle that rages between Sunni, Shiah and the minority sects are the fault of Australia and its allies is hubris at its finest—or, indeed, at its worst. Nothing in the Middle East has ever been or is ever likely to be so simple and so binary. In circumstances as complex as these, there are no right or wrong policy answers for Australian and other policymakers. There are simply differences of opinion about what needs to be done. What all of us, I believe, in this place share as human beings and as Australians is the sorrow, anger, disbelief and great frustration that we feel for the millions of victims of this and other conflicts. As I have said in this place before, none of us have a mortgage on compassion or humanity, but we do not always agree on the right policy solutions and what Australia should do in these circumstances.

What is very clear to me, personally, is that the current threat from Daesh and other Islamic terrorist organisations is real and is growing. I do not believe that withdrawing to our own international borders will make us safer—in fact, I think quite the opposite is true. Enemies no longer just attack us over our land, sea or air borders; they attack us electronically, they can recruit and incite to violence remotely, and they can attack our citizens overseas. As this threat is complex, so too must be our response. That does not just mean, in the current circumstance, political actions; it also means military intervention. I believe that any approach that involves retreat from the current situation and support that we are providing is actually the cruellest of all humanitarian options for the millions of Syrians and Iraqis who continue to suffer in Iraq and Syria and where they have fled to overseas. I think it is the responsibility of everybody, none more so than the governments and leaders here in Australia and overseas, to do everything we can to rid the world of this violence.

Here in Australia, we certainly have it better than most. Though we are a relatively young nation, we have a stable civil society, we are more prosperous than most and we have one of the world's most responsible and robust democracies. For those reasons—though not just for those reasons alone—I think we have always felt we have an obligation, and we continue to have an obligation, to help not only Australians but others overseas when they are in trouble, as, clearly, Syrians and Iraqis are at the moment. Not only is it the right thing to do; it is the just thing to do. Our democracy rests on the foundation that it is the right of all of our citizens to observe and express opinions and beliefs in society without fear of intimidation, violence or death. The plurality and contest of ideas is what makes us grow and strengthen as a nation. There are many other nations who today share our democratic ideals and the belief that ideas and opinions can always be improved through vigorous debate. Eventually, from that, the best ideas and opinions, in a collaborative way, morph into our cultures, our institutions, our laws and, ultimately, the fibre of our nation.

Here in Australia and in many other democracies, we value freedom—freedom of speech, freedom of religion and freedom of association. But sadly today, as I reflected last night in
this place, not all Australians value those freedoms as we do. We have far too many Australians here and overseas who are now actively working to undermine these very freedoms and the values that we all hold so dear. The rational world view is that nations have much more to gain by encouraging and engaging in a peaceful and constructive war of words to achieve their ends and not by physical violence. I am firmly of the belief that war itself is neither logical nor rational yet it still occurs. Human nature itself does not change, which is why we should always work and strive for peace.

We must always be ready to defend Australians from wherever an attack may come. Today there is a very real threat and enemy—that is, Daesh. They have chosen to go to war with us. It is a war of values. We value freedom, we value democracy and we value life but those who support Daesh do not. They do not respect compassion, freedom or the values that we hold; instead, they see that in us as a vulnerability to ruthlessly exploit. Like others in our recent past—people smugglers, criminals—they attempt to exploit our vulnerabilities. The challenge for all of us in this place is: how do we deal with those who would exploit our compassion and attack our values without actually undermining those very values and principles that we are fighting to uphold? But to achieve Daesh's downfall, we have to take the fight to them, which we are, and we have to win. We cannot retreat by our own land borders or expect others to carry and shoulder the burden for us.

What Daesh does is truly evil. They kidnap, they enslave, they attempt to intimidate through indiscriminate barbaric acts of terrorism people of any ethnicity, of any nationality and of any religious belief. They carry out systematic human rights abuses, mass executions and extrajudicial killings. They deliberately target, kidnap, torture and kill civilians. They persecute individuals and entire communities and they forcibly displace other minority communities. They kill and maim children. They rape women, they rape children and they carry out other forms of indescribably horrible crimes against others. This has to be their undoing because the rational civilised people of the world who value freedoms and who value life know that this organisation and this value system has to be stopped. That is why Australia has joined the coalition of 60 other nations to counter this threat at its source—at the moment in Syria and Iraq. But to do that we have to destroy the tentacles which extend far beyond the Syrian and Iraqi borders right into our own homes and into the homes of our children through the internet. Yes, we are the second-biggest contributor. But, again, as I said, it is not just because we can; it is because it is simply the right thing to do.

This war of ideas is not constrained by geography. Daesh presents a global terrorist threat. They have recruited thousands of fighters from all around the world to Iraq and Syria and many of them will never return home. They do that and they use technology to spread their hate filled violent and extremist ideology. It shames me and upsets me to concede that several hundred Australians have heard that siren song and have been recruited from their very homes to this cause. We are kidding ourselves if we do not think that they represent a grave security threat to our own citizens here in Australia. Those that they have recruited overseas learn to kill. Australians are proving to be very effective killers of others and that is also why we have a responsibility to deal with this problem.

The international coalition is currently conducting airstrikes in Iraq and Syria. They are supporting Iraqi forces and they are providing humanitarian assistance. The aim is not to prolong war, to sustain war; it is to stop war. The aim is to restore peace and good governance
in both nations so eventually Syrians and Iraqis who have survived this conflict can return home in peace to start rebuilding their countries. I believe any calls to withdraw forces at this current time is naive at best, dangerous at worst and an abrogation of our responsibilities to protect our own citizens and to protect our citizens from our own citizens who are over there to kill. Any withdrawal at this time of Australian forces, as the second-largest force of 60, would weaken international efforts to combat Daesh—again, an organisation we have to defeat. It would also signal to like-minded international partners that we are not committed to doing our part to tackle extremism, terrorism and violence that, again, is a threat to Australians within our borders, and those Australians that have gone overseas to kill are also a threat. Therefore, we will not abandon our commitment to support the Iraqi and Syrian people. We will continue to work with the United States and the international coalition to defeat Daesh—because they can be defeated—and, along with it, defeat its medieval and abhorrent ideology.

It is also important to remember that—and you do not quite get this message from those opposite—in addition to taking military action, we are taking comprehensive political action to try to resolve this. But, again, it is not a binary situation. It is a complex political environment, just as complex as it is in a military environment. We are also providing a great deal of humanitarian assistance. We are welcoming 12,000 displaced people from this conflict to Australia, in addition to the 13,750 places already allocated in our humanitarian program. We are dealing with it politically, militarily and also through other civilian policing methods. These additional 12,000 places are being offered to the most vulnerable people affected by this conflict, to the women, children and families of the persecuted minorities, who have all suffered unimaginable horrors. But—and I think quite rightly—all applications are being rigorously assessed on an individual basis. Despite the urgency of the process, security and character checks will not be compromised. We have recently seen the consequences of the lack of that kind of scrutiny in Paris, sadly, and we are possibly seeing it in the outcomes of the terrorist raids in Belgium.

Australia’s response to this humanitarian crisis has been made possible by the government’s streamlined approach to border protection and to the improvements we have made since coming to government. All of this discussion on violence, sadness and suffering is, I think, a very stark reminder to all of us in this place that we all have a role to play, even in our own daily lives, to ensure not only that our own communities are safe—whether it is safe from terrorism or domestic violence—but that every single Australian gets to exercise the freedoms that we are fighting so hard to protect.

As I talked about in this place last night, last week I attended a forum of Asian women parliamentarians in Brussels. It was on the role of women in peace and security. Certainly the backdrop of the lockdown and terrorists raids in Brussels at the time brought this topic into sharp relief. It was clear to me from the discussions and from listening to the stories of my Asian colleagues that not only gender equality but the ability of people to live their lives in a way that they deserve to live their lives will only occur when there is peace. Without peace, you cannot have a strong and just civil society. With the military intervention at the moment, that is what we are doing. We are trying to get peace so that we can start to assist the Syrians and the Iraqis in rebuilding their lives.
Many of my Asian parliamentary colleagues shared stories with me of the challenges they face as women living under Islamic rule and subject daily to the implications of jihadi violence. That is verbal abuse; it is physical abuse. One of my colleagues, Afghani member of parliament Shukria Barakzai, was the target of a suicide attack 12 months ago last week in which nine people died and 35 people, including her, were injured. Yet she perseveres. She and other women like her are the good amidst the evil. But to support them and to support the good, we have to first destroy the evil. At the moment, that resides both in their homelands and in ours. They were very clear in discussing this with me and our European parliamentary colleagues. They deal with these terrorists and live under the threat of these terrorists all the time. In Afghanistan, you have the Taliban, but you also have Daesh. They were very clear that inaction is death. But we cannot let—and they are fighting not to let—the evil that they are perpetrating change their way of life or their fight for women in Afghanistan and in Pakistan. So they were very clear: we must fight them and we must defeat them—there is no other way. And we have to do it together. There is nobody more qualified than these women to give us that advice.

In conclusion, we cannot defeat this enemy by withdrawing behind our borders and leaving the fight to others. We must assist them and others around the world to defeat this enemy, to achieve peace, to rebuild institutions, to re-implement the rule of law and to defeat ideological and religious violence and extremism. To do that, we have to fight politically and we have to fight militarily, and we have to use any other tools available to us. I think that is the right thing and the only just thing to do.

Senator GALLACHER (South Australia) (17:36): This debate on Senator Siewert's motion about the conflict in the Middle East is a very important one. Very clearly, there is a divergence of views—and that is probably quite appropriate in the vibrant democracy that we enjoy here in Australia. It is a bit of an irony that it is probably not available to those people in conflicted areas.

I just want to go to Senator Siewert's motion, and, in particular, two points. The first is (a)(i):
... the ongoing conflict in Syria, which has led to over 250,000 deaths, and the fleeing of 4 million refugees, over half of whom are children ...

The second is (a)(ii):
... Australia's ongoing military involvement in Syria and Iraq, the scale of which is second only to the United States of America ...

I want to put on the public record a more complete picture than those two fairly succinct points.

By the by, I must admit that I did not know the population of Syria, and I am often asking the library for information like this, but it is about 21.9 million, estimated in 2013. That just puts into perspective the following report:

The Syria conflict is the biggest humanitarian, peace and security crisis facing the world today. Intensified fighting and a deteriorating humanitarian situation continue to cause massive people flows within Syria and into the region.

The UN estimates 12.2 million people in Syria need humanitarian assistance while 4.1 million have fled to neighbouring countries, including Lebanon, Jordan, Turkey, Iraq and Egypt.
I think that is really important, because if you just watch the media reports you get the idea that people are fleeing to Europe, or they are fleeing completely out of the area. There are 4.1 million in the neighbouring countries—Lebanon, Jordan, Turkey, Iraq and Egypt. The report continues:

Australia has provided $190 million in humanitarian funding since the conflict began in 2011. This includes $83 million for assistance to people inside Syria and $107 million to help the refugees in the region and their host communities.

This funding has been delivered through United Nations agencies, international humanitarian organisations and Australian non-government organisations to reach people in need. By working with these partners, Australian funding has been able to provide shelter, protection, food, water and sanitation, education, health and medical services in response to the crisis.

The key statistics remain: 12.2 million people in need of humanitarian assistance inside of Syria, 7.6 million internally displaced people inside Syria, 4.6 million living in hard-to-reach areas inside Syria, and 422,000 living in besieged areas. There are 4.1 million Syrian refugees in the region, 2.1 million of which are children. And 89 per cent of Syrian refugees are residing in host communities. Appallingly, 320,000 have been killed since the start of the conflict.

So, just to put a little bit more substance to the first point, it truly is a global humanitarian crisis that we are seeing in Syria. And if we look at Australia's ongoing military involvement we know from our own defence department's website that Operation OKRA is the Australian Defence Force's contribution to the international effort to combat Daesh, known as ISIL, the terrorist threat in Iraq and Syria. Australia's contribution has been closely coordinated with the Iraqi government, Gulf nations and a broad coalition of international partners. What this translates to is that about 780 ADF personnel have been deployed to the Middle East in support of Operation OKRA. These personnel make up the Air Task Group, or ATG; the Special Operations Task Group, or SOTG; and Task Group Taji, or TG Taji. Approximately 400 personnel have been assigned to ATG, 80 personnel are assigned to SOTG and about 300 personnel are assigned to TG Taji. Further information about the international effort to combat Daesh and the terrorist threat in Iraq can by found by simply examining either the US defence department's website or our own. The ATG consists of six Royal Australian Air Force F/A-18 Hornets, an E-7A Wedgetail airborne early warning and control aircraft and a KC-30A multirole tanker transport. Clearly we are part of a coalition, if you like, and our contribution is significant. But I just want to highlight the point that Australia's ongoing military involvement in Syria and Iraq is of a scale that is second only to that of the United States of America. I just want to put that in absolute perspective: it is six aircraft, with an early warning and control aircraft and a Wedgetail.

But we do know that those people have been extremely busy. We know from the reports of Defence that they have flown a lot of hours and a lot of sorties, and we know also that the RAAF C-17A Globemaster has successfully delivered 40,000 pounds of crated weapons from Albania to Erbil in Iraq. On 24 September it carried 11½ tonnes of weapons. So, the C-17A has been involved in logistics, so to speak, in making sure that our people are well-resourced to do their job and ensure that their contribution is 100 per cent. We also know that the RAAF C-130J has delivered 15 bundles of Australian humanitarian supplies to isolated civilians at the Iraqi town of Amirli, and this effort has been continual and ongoing. Finally, with respect to the military contribution, we know that the Special Operations Task Group has been
deployed to the Middle East region and is providing military advice and assistance to the counter-terrorism service of the Iraqi security forces. These forces are taking the fight to ISIL, or Daesh. The legal protections required for the deployment of the SOTG have been agreed with the Iraqi government, and the advise and assist mission is being conducted with direct support of Iraqi security forces.

That just puts a little bit of perspective into the military involvement in Syria and Iraq. We know that Task Group Taji is a combined Australia and New Zealand military training force located at the Taji military complex north-west of Baghdad. So, TG Taji has been deployed to Iraq to support an international effort to train and build the capacity of the regular Iraqi security forces. A common term for this international training mission is building partner capacity. So, that is just a little bit more detail on the scale of the conflict and the size of the Australian contribution.

To take a very broad view of the next point in the motion,—increase the intake of refugees from the Syrian crisis—if you were to walk up any street in Australia you would get five different views on this, and some of the views are probably not worth repeating. But the reality is that we cannot not fail to place on the record that Australia has a long history of accepting humanitarian refugees from all parts of the globe. Australia's postwar migration program has seen over 800,000 refugees and displaced persons settled in Australia. We do it better than anybody else, but we also have to be mindful and careful. We face new challenges and threats every day.

I accept the right of all people to come in here and put their particular viewpoints. I could probably have a debate with Senator Bernardi at times on a lot of issues but, as he eloquently put it, he may be the canary in the mine. There are plenty of people in the community who share his view. I personally do not have as many misgivings as Senator Bernardi but, then again, I am not in total support of where the Australian Greens want to go. I want to make sure that in this debate we do have firmly on the record that I do not think there is a nation in the world that has done better at helping with humanitarian issues and displaced people, particularly since World War II, than Australia. That has been a tremendously successful effort. It is something that the nation should be extremely proud of, and we are. Genuinely, over time, it has probably been a fairly bipartisan effort. In the last six to eight years we have fallen into vigorous debate and there has been criticism hurled across the chamber both ways about the outcomes that we have had. I think bipartisanship in this area is extremely important to Australia. After all, it is the government's prerogative under the Westminster system to commit troops and to deal with these sorts of things, so it is not a parliamentary decision, it is only a parliamentary debate. In my view we have reacted very strongly to the Syrian conflict.

There has been some debate about what part the regions are playing. I want to restate that 4.1 million people have fled the violence in Syria to neighbouring countries, including Lebanon, Jordan, Iraq and Egypt. In Lebanon, refugees make up one-quarter of the population, which is the highest per capita concentration of refugees in the world. About 90 per cent of the refugees in the region are residing in host communities, which is, quite obviously, placing a strain on their local infrastructure and services.

On 9 September 2015, the Australian government announced a further $44 million in humanitarian assistance in response to the Syrian-Iraq crisis. I know the party that I am a member of suggested that figure should be closer to $100 million. It welcomed the $44
million, but it said it would be better if the figure were increased to $100 million. We are not in government, so that is a decision of the government. The $44 million includes $20 million to UNHCR for countries neighbouring Syria, $9 million to WFP for Iraq and countries neighbouring Syria, $3 million to UNICEF for countries neighbouring Syria and $12 million to other international humanitarian partners operating inside Syria and Iraq. This brings, as I said, our humanitarian response in Syria to a total of $190 million since 2011. That is not an insignificant contribution.

We see the call for an increase in the intake of refugees from the Syrian crisis. Syria's population is 21.9 million. In 2010, it had a GDP of $60 billion. In 2011, it was $53.7 billion. In 2012, it was $41.5 billion. In 2013, it was $35.2 billion. They had inflation go from 4.4 per cent in 2010 to 4.8 per cent in 2011, to 37 per cent in 2012 and to 91 per cent in 2013. Clearly the economy and the place has completely collapsed. Apart from the obvious danger of being maimed, injured, killed, beheaded, or all of the other unmentionable things that happen in war, there is no opportunity for anyone to function in that economy. We know that the neighbouring countries have absorbed tremendous numbers of people. Were we to say that we would take 20,000 or 30,000 Syrian refugees, there would probably be people who, on top of the obvious reasons for wanting to come to Australia with its enormous economic pull factor, would do whatever it takes to get to the economic security of Australia.

In regard to what the government has done in relation to 12,000, let us evaluate that, let us carefully work through that and let us see how that is working. I note Senator Smith’s contribution was that the first refugees would be warmly welcomed in Perth. I think we will warmly welcome all of those people who qualify and make the journey to Australia. I think they will reward the country with their undying loyalty and contribution to the economy, because we are doing an immensely powerful thing for them. To simply increase the numbers without the careful, prudent strategies in place to ensure Australia's safety, security and viability in these areas would be a little adventurous to say the least.

The simple facts are that 12,000 places will be given to people displaced in Syria and Iraq who are the most vulnerable, which are women, children and families with the least prospect of ever returning safely to their homes. They are located in Lebanon, Jordan and Turkey. People who fall into these categories will be both Syrians and Iraqis. While subject to review, it is anticipated that a significant number of places will be available for both Syrians and Iraqis, noting the widespread displacement of people from those countries.

Applications for resettlement will be required to meet all the criteria for a refugee and humanitarian visa, including health, character and, most importantly, security checks. These checks must be completed before people enter Australia. It is a very prudent and bipartisan strategy. Any Australian government takes our national security extremely seriously, and it has been made clear that, from the outset, security and character checks of the additional 12,000 humanitarian refugees will not be compromised. Rigorous security checks will be conducted prior to arrival in Australia at a key number of visa-processing points. This includes the collection and checking of biometric data such as facial images and fingerprints. The Department of Immigration and Border Protection works closely with the relevant Australian agencies and international partners in conducting these security checks, including the checking of biometric data.
We clearly have a situation of enormous gravity. We are clearly a nation that has always had a reputation for stepping up to the plate, contributing and assisting in these areas. We have a security force that is trained, capable and able to be deployed. It carries out its tasks with extreme professionalism and is second to none, in my view. Its contribution should always be recorded in this chamber. I want to spend a couple of minutes going to the issue of de-escalating Australia's military presence in Syria. It is not a terribly large-scale presence. It is a terribly professional and effective presence, and it is probably meeting the needs that it has been invited there to meet. Of course, it will always be evaluated, and our chiefs of defence—Air Force, Army and Navy—will always give us the best advice as to what that escalation or de-escalation should be, and I will probably leave that there.

Finally, no-one wants children in detention. Clearly that is the view of all the senators in this place. I do not think anybody has a view that children should be in detention. We have had the debate today about where we started and where we are today, with around 100 children in detention. Hopefully, through the involvement of a select committee in this place, we will be in a much better position with the 100 children that remain in detention. Hopefully they are getting treated in a manner that is consistent with Australia's normal way of dealing with children. I am hopeful that there will be more disclosure in respect of their treatment. Their education should have improved. Improvement in their ability to seek medical treatment and all of that, after the enormous debates we have had in this chamber, should be well underway. It will not sort out the fact that they are not in Australia, but they should at least be guaranteed Australian conditions wherever they are—Australian freedom, protection, education, access to proper health facilities, access to decent schooling, access to proper food, comfort and security and the ability to go to sleep every night in a safe place.

Senator WHISH-WILSON (Tasmania) (17:56): With the remaining four minutes, Mr Acting Deputy President, I just want to ask some questions—a bit of homework for you, me and everyone else in this chamber for the weekend and, I think, for some years to come. There is no doubt there is a very big divergence of opinion in how we answer these questions. The first question that I have is: is it actually possible to destroy ISIS and other violent extremist groups in the Middle East? We have been at it for a while now. When I asked Defence this at estimates, they said they were going to stick at it for as long as it takes. I heard the previous government say the same thing. We are doubting whether our current strategy is working, because we are having a debate about putting boots on the ground and significantly increasing our ground forces. It was even raised in Paris last week with Prime Minister Turnbull and Barack Obama. The answer that Obama gave was that that is not a suitable option, because it is hard to beat an ideology.

The next question is: if we do destroy ISIS and other violent extremist groups—and we all want that; I think everyone in this chamber agrees we would like to see an end to them—what takes their place? If we were to get to that point, what cost are we prepared to pay? I noticed Senator Reynolds said that we needed to do whatever it took to destroy ISIS and other violent extremism, but she was not prepared to say to the chamber at what cost she was prepared to see that happen. How many lives would be lost if we did put boots on the ground? How long would it take? How much money would be expended and how long would we have to occupy these countries to keep a lid on violent extremism, in an area we know this has existed, for religious and sectarian reasons, for hundreds if not thousands of years?
The other question is: will it make matters worse? Will it make matters worse if we go in in a much bigger way or we continue to attempt to bomb our way to peace under a philosophy of peace through superior firepower—which I point out has not worked to date? Lastly, are we giving violent extremists exactly what they want? They want a global jihad. They want more violence. All the evidence to date shows that the types of awful, horrible, horrific acts that we have seen—such as in Paris, in Bali, in Beirut recently and all around the world—are occurring because these groups are able to recruit, and often the basis of that recruitment is a dissatisfaction with the West and our foreign policy in these countries, especially over the last 20 years.

These are big questions that we have not been able to come up with answers for and we have not got the policies in place for, but we do need to continue the debate. The only thing that I am really happy about, that helps me sleep at night, is that at least in this country we are now having a debate and there is a frame out there, thanks to the leadership of the Greens and a Prime Minister who has more sensible and progressive views. We are at least talking about how we might have a geopolitical solution as well as a military solution, if one even exists, to this incredibly complex and horrifying issue that we face in the Middle East. We will continue to talk about that.

The PRESIDENT: The time for this debate has now expired.

DOCUMENTS

Consideration

The following orders of the day relating to documents were considered:


Australian Research Council (ARC)—Corporate plan 2015-16 to 2018-19. Motion of Senator Macdonald to take note of document agreed to.

COMMITTEES

Community Affairs References Committee

Report

Debate resumed on the motion:

That the Senate take note of the report.

Senator POLLEY (Tasmania) (18:02): The Community Affairs References Committee report, Availability of new, innovative and specialist cancer drugs in Australia, was a very, very important report. I will leave it to others to talk more in depth about the report but I will talk tonight about the impact that the GST is being considered by the Turnbull government would have on medical expenses—medical expenses for all Australians would increase.

If you have a serious illness—like cancer and other disabilities, or people who suffer from MS, arthritis or anyone of those terrible diseases—then it is going to cost you more to fulfil your prescriptions. It will cost you more to go to the doctor. A GST of 15 per cent will mean that you are going to pay more, if you have to go to hospital.

It is very easy for the government—and they do not like us talking about the GST and the fact that they are considering raising it to 15 per cent. They can very clearly just rule it out. The Prime Minister has had every opportunity to rule it out, and he has not done so because it is under serious
consideration. We on this side, the Labor opposition, will never support a GST of 15 per cent, because we know the real impact it is going to have on every Australian. It does not matter whether you are talking about a suburban family with a couple of children because, every time they go and buy their school uniforms, it is going to cost more. Every time they pay their school fees and levies, it is going to cost more. Every time they pack the children's lunches, it is going to cost more. Not only is it going to cost more but, if they put—which, hopefully, they do—fresh fruit into that lunchbox, it is going to be 15 per cent more.

This is what the government has in store for the Australian people. No wonder they are cynical about politics, because Tony Abbott said before the last election: there would be no increase in taxation; no new taxes. This is a very big new tax that those on the other side have under the table ready to pull out.

This government believes that they are just cruising along and they can pull the wool over the people's eyes. Well, they will not pull the wool over the Australian people's eyes. No matter how much they believe that they are just cruising and can do anything, we on this side know, and the Australian people are a wake-up to them.

You can change your leader—and that has been done before: we should know; we did it. The real test is that Mr Turnbull sat around the ministerial table in the cabinet room and supported every one of their unfair taxes—every one of their unfair cuts—to those who are most vulnerable in our community.

I have spoken before in this place and other places about what a GST increase will mean to older Australians. They are people, who, we on this side have always been very concerned about. It took those on the other side two years and a new Prime Minister to even appoint anyone in the ministry to deal with aged care. The problem is: they only see older people as a problem, because they only think of it as aged care. They have no consideration of ageing and how we need to embrace older Australians, keep them in the work force and develop policies so they can transition out of full-time employment.

Those on the other side—I do not know what it is but I actually do not think that they like old people. I certainly know that they do not like poor people. I also know that they do not like anyone who belongs to a union—we have seen what they have done to unions in this country by having a political witch-hunt.

*Senator Sinodinos interjecting—*

*Senator POLLEY:* Then we see the double standards—and, thank you, Senator Sinodinos; I will take your interjection. You, my fellow colleague, have been treated very badly by your comrades over there. You stood aside when you were under investigation but, no, what do we have now? We have the Special Minister of State and we had that debate during motions to take note of answers—I think it was the longest taking note I have experienced in the last decade with all the interjections from the Attorney-General, trying to defend the indefensible.

Politically speaking, I would have thought that the Special Minister of State would have done the decent thing and stood aside until this whole episode was cleared up. As Senator Ludwig said in his contribution in the taking note debate this afternoon, I am not making any assertions about the Special Minister of State and his role in the Slipper affair—with the Ashby allegations and all the drama around that—but there are questions that need to be answered and there are questions that need to be asked.
The new Prime Minister says he is going to be the Prime Minister of the 21st century government, and those opposite come into this chamber every day and talk about how agile and nimble they are. But what we have seen from this Prime Minister calls his judgement into question. So I am not so sure that he is as smart as he thinks he is—and I certainly know the Australian people are a lot smarter than what this government gives them credit for. The government is very bolshy at the moment because it is leading in the opinion polls. But we all know what the media do and we know that opinion polls come and go and everyone uses them to their own advantage.

I can tell you that the people who ring my office and those who come to see me when I am out in the community are not fooled at all. They know that what we have is a government that is so out of touch with how difficult it is for families and for people to make ends meet each and every week. So an unfair, great big new tax—a 15 per cent GST—is not the solution. It is certainly not the solution that the Australian people thought they were getting when they voted for Tony Abbott. They certainly did not get the government they thought they were getting. This government made cuts to health and education, and the only people who have looked after Australian pensioners in recent times, by giving them at least a step up to an income that is a little bit more to help them try to manage, was the former Labor government.

We now have a government that is bereft of any real vision. We have a Prime Minister who talks an awful lot—and I have to say he is very good at it; he talks and talks and talks—but he does not say anything. In fact, he has been referred to as having a medical problem because he runs off at the mouth and talks a lot. It seems that he thinks that everything is fine if he looks good and is well presented. Let's face it: everyone was relieved when Mr Abbott was deposed. They sighed, 'Oh, what a relief; we do not have to cringe like we did every time Mr Abbott headed off overseas or was somewhere publicly speaking.' But it takes more than a smart dresser. He is a self-made man, and I give him credit for that—that is great; we should all aspire to that—but, for someone who is self-made, it is really, really disappointing that he would even consider bringing in an increase to the GST when that is going to hurt those people who can least afford it. Low-income families and individuals who have less disposable income are the ones who are really going to pay the tax.

People out there are not silly. They know that a government never, ever changes a taxation system without expecting to get more money. So the promise of compensating people will not wash with the Australian people. Those who are on a limited income—and I know; I have been there and done that—do not have any extra disposable income. They are the people who we on this side will always stand up for and protect. We have those opposite talking about various state premiers. When you start to cut funding and put the screws into the states so they will not have any choice, of course they are going to come out and say, 'Maybe we should support it.' But we know what it really means and we will never desert the Australian community. We will always stand up against any increase to the GST. A 15 per cent GST is wrong. I seek leave to continue my remarks later.

Leave granted; debate adjourned.
Rural and Regional Affairs and Transport Legislation Committee
Report

Debate resumed on the motion:
That the Senate take note of the report.

Senator LUDWIG (Queensland) (18:12): This report provides an overview of the government's Shipping Legislation Amendment Bill 2015, which has been rejected by the Senate. One of the things that I wanted to highlight in the report itself is the awful impact this legislation will have on Australian shipping. I think the report itself highlights this quite well. When reading the report, you have to dig past the government sponsored report and look at the issues raised by those who opposed the bill to see some of the adverse consequences that this bill would have on Australian shipping.

Many of those who are opposed to the bill drew attention to what were seen as inconsistencies in the accompanying cost-benefit analysis. What is clear is that the government was rushing forward and was manufacturing the result. I think the report highlights clearly that none of the work done by the government supported the passage of this bill. When you examine the information that was provided, you clearly come to the view that those opposed to the bill were right to oppose the bill. In fact, the bill itself and the supporting documents did not point to supporting the passage of the bill but pointed instead in the opposite direction to issues that should be taken into account.

One of the most comprehensive submissions I have seen in recent times, which was produced by Parley Legal, admiralty and maritime lawyers, highlighted the claims that the Australian registered shipping industry was, in fact, much larger than the RIS inferred. In other words, the RIS, the regulation impact statement, was trying to confine and make it a small target. I think what Parley Legal highlighted was that the industry is much larger than what the RIS inferred.

In addition, the submission by Parley Legal pointed to a number of technical shortcomings, and they included things like it failed to properly identify all costs and benefits as it did not include the cost to those whose jobs would be lost under the proposal. We are talking about Australians who would lose their livelihoods under these proposals. It also went on to say that, while the cost to Australian seafarers was not considered, the benefits accruing to foreign owned companies were included—how unusual. In a cost-benefit analysis they did not look at the cost of losing jobs, and seafarers' jobs in Australian shipping, but they looked at the benefits accruing to foreign owned companies. It really underlines what this government stands for. This government stands for the big end of town. This is Work Choices on water. What it highlights clearly is that this government has a single view about the big end of town.

Parley Legal went on to highlight its use of faulty methodology using theoretical data derived from the Bureau of Infrastructure, Transport and Regional Economics models without any comparison against empirical data from the annual coastal licence voyaging report for accuracy. They looked at a theoretical report and said, 'They're the facts.' What they could have looked at was the facts, but they chose to ignore the facts because, like always, I suspect this government did not want the facts to get in the way of a good story. An example of the assumptions they made in the analysis was a very high exchange rate of 90 cents in a dollar to the US, which was said to overstate the benefits of the reform to users of shipping by up to 35
per cent. This is a government that has been prepared to go to any lengths to support the reasons why this bill would provide a benefit to Australia. I think it is clear that the government did not succeed.

In addition, there were things like the apparent inclusion in its calculations of the Weipa to Gladstone bauxite shipping by Rio Tinto which is not coastal shipping. This is intrastate shipping not covered by the coastal shipping regime, but all of those voyages were included. And there was the apparent exclusion of non-Bass Strait general/break bulk cargo from its calculations. All in all, when you look at the work that the government manufactured to support their outcome it really is disappointing. I suspect what happened is they did one round on the facts and found that they did not support their case. They have now turned to manufacture data and the report highlights that immensely.

The bill itself—that is what the report highlights—attempts to deregulate Australia's domestic shipping by removing preferences for Australian flagged and crewed ships operating around the Australian coast and establish a single-permit system granting access to ships of any nationality to work the Australian coast for a 12-month period. What is clear from this is they are dismantling a very good system that has been in place. It was put in place by Labor to maintain Australian coastal shipping, to support Australian jobs in coastal shipping and to provide outcomes beneficial to the Australian economy.

What this government have done is as a milkos to big business, to the big end of the international shipping lines, and you see this everywhere. What they will allow is foreign flagged vessels to trade our coast. My concern is, as I said at the beginning, that it will simply be Work Choices on water. The government will not be able to ensure a fair application of the Fair Work Act and its standards in this area, and it will be a diminution even to the wages of foreigners that might ply our shoes. What they are trying to do, I think, is create a cheap coastal shipping outcome which will benefit business plying coastal waters in Australia without any consideration for any domestic country, particularly one such as ours—an island nation dependent on shipping for 99 per cent of its trade. It also has one of the longest coastlines in the world. Ten per cent of the world's trade, by weight, is carried by ships to or from Australia.

It seems perfectly clear to me that Australia's economic, environmental and security interests are served by having a viable shipping industry. That is why, in 2012, Labor looked at this issue very deeply and made the reforms to ensure that we did and would continue to have economic, environmental and security interests secured for our shipping industry. What this report highlights is how this government has utterly failed in ensuring those outcomes for Australian shipping. I seek leave to continue my remarks.

Leave granted.

Education and Employment References Committee
Report

Debate resumed on the motion:
That the Senate take note of the report.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (18:21): I would like to spend a few moments today talking about the Education and Employment References Committee report into funding of VET providers in Australia. As a former member of this
committee, and as someone with a keen and very longstanding interest in vocational education, I would like to highlight some of the important points made in this report.

Maintaining quality and properly funding the VET sector is an issue of particular importance to my home state of Tasmania. Vocational education is an extremely important part of the Australian economy. It has a vital role to play in providing skills and qualifications to large numbers of Australians. So it is essential that we ensure this sector is working as well as it possibly can, to ensure that students get the best training available and that the taxpayer gets value for money, that employers get employees trained with the skills they need. It is clear that things can be improved in the VET sector and I thank the members of the committee for the majority report, which looked into this issue in detail.

Previously in this place I have mentioned reports by Tasmanians about being offered cash and other inducements for signing up for VET courses—quite often VET courses they have no chance of completing. Media reports say that these inducements are still being offered despite legislation being passed in this place earlier in the year outlawing the practice. There have also been a large number of reports about VET service providers provide substandard courses which leave students with a large tent and no worthwhile qualification. I know that my office has received information from constituents about allegedly unscrupulous VET providers providing substandard courses and training. I have written to the minister requesting he investigate these claims. However, I would not have to write to the minister if there were a VET ombudsman to whom domestic students could be directed to resolve their issues.

The addition of the dedicated office to assist with dispute resolution for students with complaints against RTOs would significantly improve outcomes for students. Recommendation 16 of this committee report calls for the this very action, with the committee recommending that an ombudsman focussed on domestic students in the VET sector be created and further suggests that this position be industry funded. The Consumer Action Law Centre supported the need for an ombudsman telling the committee: A key feature of the student remediation framework should be a national industry ombudsman that with independently resolve disputes between students and training providers at no cost to students of the taxpayer. At the moment, disputes between private colleges and international students can be heard by the Commonwealth's Overseas Students Ombudsman, but no such process exists for domestic students. We note that the review of quality assurance in Victoria's VET system recently recommended the establishment of such a body.

The Australian Council for Private Education and Training also supported the introduction of a VET ombudsman. They told the committee: ACPET advocates for a national consumer focussed complaint handling process for students and providers to complement the new national training complaints hotline as existing Ombudsman arrangements focus either on government-owned providers or international student issues.

ACPET believes that such a scheme would result in a number of major benefits, improved industry image, cost-effective resolution option, improved communication, early warnings to regulators and market research for the sector.

To date, VET regulators have had limited capacity to focus on complaints and responses are limited to formal process of such as audits, informing risk assessments and strategic reviews for the sector, thus not directly resolving the complaint. The new national complaints hotline will not investigate complaints as it is a referral service to other agencies for their
consideration. Further evidence of the need for a VET ombudsman for domestic students was provided by the Overseas Students Ombudsman, who found that the majority of the 2,150 complaints to the OSO were about the vocational training and educational sector.

Labor brought a proposal to parliament a few weeks ago to establish an industry funded VET ombudsman to help protect vulnerable students from shonky training colleges. However, the Turnbull government voted down this proposal along with two other strong common-sense measures including from the Australian National Audit Office audit into use of VET FEE-HELP and a requirement for students to opt into the department of education rather than private providers when applying for VET FEE-HELP loans.

The Liberals claim to care about students yet they refuse to support these common-sense measures. Those opposite have completely missed the point about the problems occurring in the sector and they are failing to act to fix them. As Senator Polley said, 'Those on that side think they're cruising. They think they're having a great time just cruising along and no matter what they think they're doing all right.' Not only have they failed to fix the problems of the VET sector but also they are going to make it more difficult for VET students to study. How are they going to make it more difficult? By increasing the rate and the base of the GST.

Whenever we bring up increasing the GST, those on the other side jump up and say, 'Scare tactics by the Labor Party, it's not going to happen.' Let me tell you, the Turnbull government says that everything is on the table in regard to tax reform. News.com.au reported on 28 October that Mr Turnbull had stated that the GST would be part of a suit of tax reforms and an increase to the GST was on the table. So next time we get up and talk about the concerns we have with the increase in the GST, do not tell us that it is not up for conversation and that is not going to happen because we know it will.

Increasing the GST is the laziest option the government has before it and it will hurt those on the lowest incomes the most. The government has shown time and time again that they do not care about Australians on low incomes. On 12 November in question time, the Minister for Vocational Education and Skills, Luke Hartsuyker, refused to rule out a GST, either at the current 10 per cent or the proposed 15 per cent, on vocational costs such as TAFE fees. Rather than answer whether the Turnbull government intends to put a GST on TAFE fees, the minister waffled on about the tax system of the future and, despite being asked again to directly answer the question, he chose to duck and weave and avoided directly answering the question. Those opposite have made it clear that under any GST increase they have no plans to protect students from paying an extra 10 or 15 per cent on their TAFE fees. An increase in the GST would make the cost of studying more expensive in other ways as well. Bus or train fees to travel to study would increase. Rulers, pencils and other stationery would increase. Laptops, printers and textbooks would all increase. Once in the workforce, tools such as protective clothing, workwear and materials will all increase under this government is designed to increase the GST.

I know that most people here all listening at home have had the experience of buying materials for the start of a school year or for the start of a degree or a training course. It is a pretty expensive time of year. The government's desire to increase the GST rather than doing the hard yards on tax reform will only make things more difficult. All Australian VET students and their families should be very worried. They should be extremely concerned about the impact an increase in the GST would have on the cost of studying and their ability to start
or to continue study. It is quite clear that this government does not care about the VET sector and it does not care about VET sector students and it should. It needs to. As I said the other day, they need to sharpen their pencils on that side and really start taking some note, because real people are being affected by problems in this sector and, once again, quite often it is those on low and middle incomes.

Going back to the report, the committee noted from evidence received that disputes between students and providers cause significant levels of stress and difficulties for students. If those government senators have ever had anyone come into their office distressed because their VET course has been a terrible waste of time and money, they would be moved to act. The Liberal government has had two years—two years!—to put measures in place to protect students, yet they have merely tinkered around the edges. This has allowed the shonks and sharks to continue to prey on vulnerable students. Labor calls on the Turnbull Liberal government to engage constructively and to use the expertise and knowledge of stakeholders in the sector to help restore the reputation of Australia’s vocational education and training sector.

There are 16 recommendations in this report for the government to consider and act upon, and I urge the government and the minister to carefully read this report and, for once, to act in the interests of VET students. They need to create a VET ombudsman for domestic students and to fix the other issues highlighted by this report, because so far this government has failed to act to protect students. They just want to slug them with an increase in the GST, which will make studying less affordable.

I seek leave to continue my remarks.
Leave granted. Debate adjourned.

Financial and Public Administration References Committee

Report

Debate resumed on the motion:

That the Senate take note of the report.

Senator Moore (Queensland) (18:31): I rise to make some comments on the report from the Finance and Public Administration References Committee on domestic violence in Australia that came down in August this year, which I know Senator Bilyk has asked be continued. As you would remember, Mr President, there were 25 recommendations from that committee and the first was:

The committee supports victims of domestic and family violence having access to appropriate leave provisions which assist them to maintain employment and financial security while attending necessary appointments such as court appearances and seeking legal advice. The Commonwealth government should investigate ways to implement this across the private and public sector.

I am pleased to say that this week, which is the week in which we acknowledge White Ribbon Day, the Labor opposition under Mr Shorten has introduced a policy that Labor will introduce a form of paid domestic and family violence leave. Five days is the proposal that we put up in our policy to put that form of leave into the National Employment Standards. That would make sure that this would be a national minimum for all employees covered by the national workplace relations system.
We responded in our committee, and now I am very pleased to say that Labor, as an opposition and as a future government, has made a direct response to the evidence that we heard in depth in our committee. We heard extraordinarily powerful evidence from a range of people who had been caught up in the horrors of domestic violence that pointed out the importance of having employment and to having the security of employment for financial security. Australian of the Year, Rosie Batty, whom we all acknowledge, said:
The ability to maintain your employment, keep your job, it helps secure somewhere to live, it helps you to have that ongoing working contact with your colleagues, it's a really important part of your journey.

We also heard evidence from Ms Jodie Woodrow of RiSE Queensland—a woman I have worked with over many years, who has dedicated herself to working with victims of family violence and also to working through the range of issues in that case. As a person who has been through that journey herself, she said:
I had to stay on welfare because of the number of occasions I had to go to court. If you expect a woman to make an application to go through court and go through 12 mentions before she even gets to trial—in my case, it was four years, two Family Court report writers and multiple appointments—
My own comment is that that is a whole range of other issues which we have to address as a government and as a parliament to ensure that women should not have to go through that complexity of Family Court to achieve some kind of security and settlement. Now I will go back to Ms Woodrow's own comments:
… you cannot expect her to work at the same time. So we have to question mark how we expect women to be employed and deal with crises at the same time. In my case, my perpetrator would sabotage my attempts to go to work.

That leads to another aspect, where we know that sometimes workplaces are not safe places for women who are caught up in domestic violence. We have seen too many cases recently in the public eye where, through a breakdown, a perpetrator has gone to the workplace and has done damage to their ex-partner and also to other members of that workplace. Workplaces per se need to establish their own plans of action so that they can ensure their employees are kept safe.

I know that many strong workplaces have done that. When Mr Shorten was announcing our policy he drew attention to workplaces such as Telstra, NAB, Virgin Australia, IKEA and Blundstone boots, which between them have provided domestic violence leave and domestic violence plans in their own workplaces for their own employees. They have acknowledged that providing this opportunity for their workers is not an economic burden for their workplace. They are acknowledging the needs of workers, and are themselves putting in place something that is valuable to the whole workplace.

I want to pay tribute to the numbers of women and men in the union movement who have maintained the pressure through our domestic violence reporting process, through the processes within the ACTU and through the Labor national conference to ensure that we have not moved away from any commitment around domestic violence leave. We heard from Ms Veronica Black, the National Coordinator Organising and Development of the FSU—the Finance Sector Union of Australia—who talked about the incredible importance of women being able to maintain economic independence in order to give them the best chance of being able to escape from a violent situation.

Also, in the ACTU's submission, and it became their national policy, is this:
Paid domestic violence leave is designed to assist victims of domestic violence to remain in paid employment, support them through the process of escaping violence and to promote safe and secure workplaces for them and their work colleagues.

... ... ...

Paid domestic violence leave recognises that it is largely women, who, as a result of the violence, are more likely to have broken employment histories, have insufficient paid leave accumulated and can least afford to take unpaid leave at a time where financial security is critical.

It is very important that we, as a nation, continue to work to respond to the overwhelming impact of family violence in our community. Bringing forward a policy such as this one is not a result in itself. We know there must be many more coordinated actions to respond to the various issues that have become quite clear as we look at the issues of family violence in our country.

I am very proud that the Labor Party have now brought out our policy on paid domestic violence leave. We are picking also that the issue of family and domestic violence leave is listed in Australia's strategic framework, The National Plan to Reduce Violence Against Women and their Children, as a national priority to reduce the impact of family and domestic violence. It is important to note that the Minister Porter has gone on record this week to say it is worth having a very good look at this issue.

It would be a valuable outcome of White Ribbon 2015 if we could have an agreed approach to ensure that our workplaces support women and men who are working through the issues of family violence and also that we make sure that we keep all of our families safe. I seek leave to continue my remarks.

Leave granted.

**Legal and Constitutional Affairs References Committee**

**Report**

Debate resumed on the motion:

That the Senate take note of the report.

**Senator LEYONHJELM** (New South Wales) (18:38): I rise to make some remarks on the committee's report on gun-related violence in the community. The Minister for Justice, Michael Keenan, has taken a courageous stance on firearms issues of late. I mean this in the way Sir Humphrey Appleby did when he told Jim Hacker he was about to make a politically risky decision. The Abbott government was keen to be seen to take a firm stand on terrorist activity following the Lindt cafe siege. It wanted a new national security announcement each week. For some bizarre reason, someone decided a seven-shot shotgun was a terrorist risk. A five-shot shotgun is apparently okay, and a 10-shot rifle or a 10-shot pistol is also of no concern. Terrorists, it seems, are only interested in shotguns with more than five rounds.

So to prevent them from falling into terrorist hands, an import ban was placed on lever-action shotguns with magazines greater than five rounds. The seven-shot Adler 110 shotgun, made in Turkey, was the only firearm immediately affected. There are other seven-shot, lever-action shotguns available, but they were imported with five-shot magazines and modified locally. So they were not affected. And, of course, terrorists would not be interested in them anyway.
This ban on importing Adlers was introduced in anticipation of the review of the National Firearms Agreement. The review would ratify the ban as well as recategorise a number of other firearm types. The review was led by the Attorney-General's Department, with involvement by states and territories. When Mr Abbott announced the ban, he said it was temporary, pending the outcome of the review. In reality, it was to be permanent. Changes to the National Firearms Agreement had already been agreed by bureaucrats in the Attorney-General's Department. I threw a spanner in the works by leveraging my vote on another matter to make the ban genuinely temporary. In exchange for my vote, the government introduced a second regulation letting it lapse in 12 months. But, as I said, with planned changes to the National Firearms Agreement, Minister Keenan expected this to be redundant. This was, frankly, duplicitous, and I will not forget it.

However, Mr Keenan also needed the states to agree. He took his proposal to cabinet to amend the NFA by recategorising lever-action shotguns, placing those seven-shot terrorist magnets in a category reserved for professional shooters, from whom terrorists would never obtain them, obviously, while keeping them away from Australia's 800,000 licensed and law-abiding shooters, who, of course, terrorists target all the time. Incidentally, there was no plan to compensate those who found themselves in possession of a newly prohibited firearm, which they were forced to relinquish.

Mr Keenan argued that the states were in support of his proposal. Perhaps the low-level bureaucrats who attended the Firearms and Weapons Policy Working Group convened by the A-G's Department were on board. More likely, they simply kept quiet. In any case, their ministers were not. In fact, I had written confirmation that at least two state ministers were not in favour of the Adler ban. I informed some members of cabinet of this. So cabinet, very sensibly, asked Mr Keenan to seek confirmation from state ministers that they did, in fact, support his proposal. When I heard about this, I was able to notify shooting organisations and encourage them to contact their state ministers. Of eight jurisdictions, just one letter of support was tendered. Others did not respond or expressed opposition. The New South Wales Minister for Police, Troy Grant, bless his heart, openly declared his support for licensed firearm owners and his opposition to imposing additional restraints on them in the name of terrorism. They do not come much better than that.

What Mr Keenan succeeded in doing was to galvanise hundreds of thousands of licenced shooters into a state of outrage not seen since the backlash over John Howard's gun laws. For the government, this is all pain for no gain. It also showed how shooters can work towards a common goal, both inside and outside parliament. Numerous shooting organisations and individuals made their views known to their state ministers, convincing them not to support Keenan's proposal. It was a mass movement, a true team effort, and nobody can claim ownership of the outcome. Meanwhile, Mr Keenan, having found himself in a hole on this issue, continues to dig furiously. He is truly courageous. He says he hopes to revisit the proposal next year, and is aiming to enlist the support of police commissioners rather than police ministers—in other words, bypass elected representatives. His courage means he is dragging the government into a fight with Australia's sporting shooters.

But this courage is bipartisan. Despite many Labor voters being among our 800,000 sporting shooters, Labor's acting justice spokesman, Graham Perrett, recently proved he is every bit as courageous. He too linked the Adler shotgun with terrorist activity. Indeed, you
could almost hear him channelling Minister Keenan throughout his press release. And neither has much idea of what he is talking about. Among the many bloopers made by Mr Perrett was his description of the Adler as 'high powered and illegal'. It is neither. It is a standard 12-gauge shotgun—no more, no less. Mr Perrett said: ‘Gun critics have said that the Adler A110, which can shoot multiple rounds in rapid succession, is faster and more powerful than other models of firearms. As gun technology is updated, our laws should be reviewed to ensure that they keep up with advances in technology.’ This is utter bollocks. There are thousands of lever action shotguns already used by sporting shooters. In no way does the Adler or the other two brands of lever action shotguns on the market represent new technology.

As a fairy story, Mr Perrett's statement rivals that of Samantha Lee from Gun Control Australia. When she popped up in the media talking about the Adler, she mistook it for a rifle. She also stated no other lever action has a magazine like the Adler shotgun—wrong. She stated the Adler has a pistol grip—wrong. She said its lever action is sophisticated and called it 'advanced technology'—also quite wrong. The technology is 130 years old.

Licensed firearms owners may not agree on much—apart from their interest in shooting—but they will vote the issue. It would be insane for either the government or the opposition to go to war with a huge chunk of Australians based on the ridiculous assumption that imposing further restrictions on them will somehow reduce the risk of terrorism. What it will do is encourage Australia's 800,000 shooters to vote for the Liberal Democrats. Perhaps my message to Mr Keenan should be: go ahead, Minister, make my day.

Leaving the National Firearms Agreement untouched—with no special constraints on the Adler or other lever action shotguns—neither weakens nor strengthens firearm laws. However, there is another way of looking at this, and it concerns our Federation's health. It would do wonders for competitive federalism for the National Firearms Agreement to be abandoned, with the states left to determine what works best for them. Some may take a more restrictive approach, some a more relaxed approach. We will then see which is best in determining which minimises violent crime and even how it affects terrorism.

Everyone supports governments taking strong action against criminals using firearms. But licensed firearms owners have suffered from being presumed criminals for too long. Being linked to terrorism is just too much. We simply will not cop it anymore. I seek leave to continue my remarks.

Leave granted; debate adjourned.

COMMITTEES
Consideration

The following orders of the day relating to committee reports and government responses were considered:


Community Affairs References Committee—Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability—Report. Motion of the chair of the committee (Senator
Siewert) to take note of report called on. On the motion of Senator Polley the debate was adjourned till the next day of sitting.

National Disability Insurance Scheme—Joint Standing Committee—Implementation and administration of the National Disability Insurance Scheme—Progress report. Motion of Senator Gallacher to take note of report called on. On the motion of Senator Bilyk the debate was adjourned till the next day of sitting.

Education and Employment References Committee—Australia’s temporary work visa programs—Interim report. Motion of the chair of the committee (Senator Lines) to take note of report agreed to.

Health—Select Committee—Australian Hearing: too important to privatise—Third interim report. Motion of the chair of the committee (Senator O’Neill) to take note of report called on. Debate adjourned till the next day of sitting, Senator Bilyk in continuation.

Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru—Select Committee—Taking responsibility: conditions and circumstances at Australia’s regional processing centre in Nauru—Report. Motion of Senator Gallacher to take note of report called on. Debate adjourned till the next day of sitting, Senator Bilyk in continuation.

Economics References Committee—Future of Australia’s naval shipbuilding industry—Interim report. Motion of Senator Canavan to take note of report agreed to.

Community Affairs References Committee—Out of home care—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. On the motion of Senator Bilyk the debate was adjourned till the next day of sitting.

Economics References Committee—Future of Australia’s naval shipbuilding industry: Long-term planning (part 3)—Report. Motion of Senator McEwen to take note of report called on. Debate adjourned till the next day of sitting, Senator Bilyk in continuation.

Foreign Affairs, Defence and Trade References Committee—Use of unmanned air, maritime and land platforms by the Australian Defence Force—Report. Motion of the chair of the committee (Senator Gallacher) to take note of report called on. Debate adjourned till the next day of sitting, Senator Bilyk in continuation.

Foreign Affairs, Defence and Trade References Committee—Blind agreement: reforming Australia’s treaty-making process—Report. Motion of the chair of the committee (Senator Gallacher) to take note of report called on. On the motion of Senator Bilyk the debate was adjourned till the next day of sitting.

Community Affairs References Committee—Adequacy of existing residential care arrangements available for young people with severe physical, mental or intellectual disabilities in Australia—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. Debate adjourned till the next day of sitting, Senator Bilyk in continuation.


**ADJOURNMENT**

The PRESIDENT (18:48): I propose the question:

That the Senate do now adjourn.

**Fishing Industry**

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (18:48): Mr President, I have remembered my notes this evening!

The PRESIDENT: Very good!
Senator CANAVAN: Tonight I would like to speak about the importance of our commercial fishing sector and also, of course, how important it is for all Australians to support that sector, particularly over this period of the year, when many of us will be tucking into very delicious seafood over the Christmas break. I wanted to remind everybody of the importance of buying Australian seafood over that period, because the sector does need our support. It employs thousands of Australians. It is both a huge producer of economic wealth domestically and quite a large export industry for our country. It does face some challenges, though, both economic and regulatory, and I will speak a little bit about those tonight.

But I first want to thank the organisers of our annual Nationals seafood barbecue. It has become a tradition that was first established by former Senator Ron Boswell, I believe the sixth longest serving senator in this place. He established a tradition of having a barbecue at the end of the parliamentary year to celebrate the seafood industry and to express our support for it. It started, apparently, in a small courtyard with probably only a few people—Ron's friends—and it has grown into quite a large turnout we have these days. We invite the media along and sell to them the importance of the industry as well. How it usually seems to work in seafood politics—and I have had a bit of experience with it now—is that they get you along, feed you lots of fish, prawns and Moreton Bay bugs, give you a bit of drink, and then turn around and say, 'Can you support us on this particular issue,' and it is pretty hard to refuse once you are full of their beautiful product. Hopefully this year's event will have the same effect on the media. It is very well supported. I want to thank those individual businesses in the seafood industry who helped us: A Raptis & Sons, Austral Fisheries, the Ocean King Prawn Company, Sydney Fish Market and Urangan Fisheries. They all helped provide the products which made the event such a success. I also thank IGA and Metcash, who helped with the beverages.

As I said, this is an incredibly important sector for our economy. It produces $2.4 billion a year. Of that, around $1.2 billion is exported every year. On average, each Australian eats around 25 kilograms of seafood every year, and that makes it the fifth most valuable food industry in the nation. So it is of very high importance. It also employs 8,608 people directly, and another 4,000-odd are employed in the processing sector.

Of all the states in Australia, Queensland has the largest seafood industry. In Queensland almost 3,000 people are employed directly in the seafood industry. It is of incredible importance to particular regional Queensland towns including Karumba; Cairns; Rosslyn Bay, near Yeppoon, where I live; and Mooloolaba as well, on the Sunshine Coast.

However, as you might be aware, Mr President, the numbers employed in the industry have fallen considerably over the last decade. Only 10 years ago, 14,000 or so Australians were employed in the sector, and that has reduced to 8,600, as I mentioned, a big reduction over 10 years. That has been caused by some importation of seafood from overseas but also by changes to government laws and regulations which have made it harder for the seafood sector to operate in this country. Some of those laws were certainly justifiable, but others that I have had experience with seem to have no justification in science. They seem to be based more on the emotion of locking up particular areas and selling it to the public as a kind of environmental sales pitch and also to try to get some of the recreational fishing industry onside.
We have had a recent example in Queensland. The now elected Queensland Labor government took a very ill thought through policy to the election—I think on the basis that they probably thought they were not going to be elected. A couple of weeks before the election they promised to lock up an area the size of the ACT, just off the coast of Rockhampton and Yeppoon. It is an incredibly productive area for seafood. It produces a third of the wild barramundi caught on our eastern seaboard, along the Fitzroy River and the associated Fitzroy delta—a third of the wild barramundi caught on the eastern seaboard. They have now locked up—they promised in the election to lock up—that entire area. It is no longer available for the commercial fishing sector.

Around 40 families in the region have lost their livelihoods. They have been offered compensation as paltry as $10,000 for that cost, and many of them now have not a lot of other options. Some of them have had to go up to the Whitsundays area, which is quite long way away and also an area which is already well tapped by other fishermen, so there is a competition now for that resource. That is having an impact, of course, on the fishermen in that region as well.

It is an extremely ill thought through policy because it has nothing to do with the science. It is not based on science at all; it is simply locking up an entire area. The sustainable catch of wild barramundi in the Fitzroy River is not zero, so the policy is not justified on science. The policy is justified because in their view it will lead to a boost in tourism in the sector. There has been no evidence presented at all that such a boost will occur. It has actually been tried in other states. The New South Wales government, the former Carr government, locked up areas in northern New South Wales. There have been university studies done of the impact of those net-free zones and no evidence, again, that they actually lead to an increase in tourism.

That is the evidence and data, but just in your gut you know that people are not going to spend thousands of dollars to come to the Fitzroy River on holidays to catch wild barramundi. There are plenty of other places in the country that they can go and fish. Obviously we would love them to come to Rockhampton and Yeppoon if they like, but having net-free ban areas in and of itself is not going to lead to some tourist mecca in central Queensland.

It is quite disappointing that we continue to shut down these areas, because we have so much potential as a nation to provide for the protein needs of our own country and our own people and those overseas as well. We have the world's third largest ocean territory. The third largest ocean territory exists in our sovereign state, in our sovereign waters, in our economic exclusion zone. We have the world's seventh largest coastline. I think Senator Ludwig—through you, Chair—mentioned that just in an earlier debate. We have the seventh largest coastline in the world.

Yet, despite those attributes of an island nation—you would imagine that we would be quite a large producer of seafood—we, of all countries, produce the 57th largest amount of seafood in the world. So 56 countries produce more seafood than we do, even though we have the third largest ocean reserves and the seventh largest coastline. It does not add up. We only produce around 28 kilograms per square kilometre of our ocean in marine catch. While that is one of the lowest in the world, and we have an enviable environmental record on seafood production, what ends up happening is that people still eat seafood in Australia; they just import it from other countries, and we just export the environmental problem to them.
Every import requires a corresponding ledger entry on the other side of the balance sheet, and by importing our seafood from overseas we are exporting the environmental issues to other countries, particularly in Asia and South-East Asia. So, while we extract 28 kilograms per square kilometre here in Australia, in China, in Thailand and in Vietnam, where much of our seafood is imported from, their extraction rates are more than 5,000 kilograms per square kilometre. We have 28 kilograms per square kilometre. In those countries it is more than 5,000, and they have the attendant environmental and other issues associated with such a large and intensive source of extraction.

We could quite easily increase our production in our waters and reduce our imports, and overall for the globe there would be a better environmental outcome. But unfortunately that does not appear to be the direction of many labour and green governments across the world. We had a debate just the other day saying that we should not allow a particular vessel into the country, because this industry continues to be demeaned, even though it is made up of hardworking Australians who produce the best things in this country, and that includes prawns on Christmas Day.

United Nations Human Rights Council

Senator McEWEN (South Australia—Opposition Whip in the Senate) (18:58): Earlier this month I attended the presentation of Australia's Universal Periodic Review to the working group of the Human Rights Council of the United Nations. I attended in my capacity as Deputy Chair of the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade of this parliament. The Hon. Philip Ruddock MP also attended as chair of that committee and Chair of the Parliamentary Joint Committee on Human Rights. I acknowledge Mr Ruddock's successful efforts to gain the approval of both the Attorney-General and the Minister for Foreign Affairs for Australian parliamentarians to attend this year's UPR. I also acknowledge Mr Ruddock's work at the Universal Periodic Review and at other side events, particularly his advocacy against the death penalty, a matter subject to an inquiry currently being undertaken by the Human Rights Sub-Committee of the parliament.

During and after Australia's UPR presentation, there was some media reporting that highlighted some of the comments made about Australia by other nations during the UPR process. I thought it might be useful to explain more fully the UPR process and why Australia participates in it, and what actually happened at this year's events at the United Nations Human Rights Council in Geneva. It was disappointing to read of the immigration minister, Mr Peter Dutton's, comments about the UPR process this year. He was reported in The Australian newspaper on 11 November 2015 as having said that the UPR process of the human rights council of the United Nations is a 'farce'. That is despite his own department, the Department of Immigration and Border Protection, being represented by senior officials and actively participating in the UPR process, as well in side-meetings and briefings. And these comments by Mr Dutton, the immigration minister, were also made in the context of the Australian coalition government's current campaign to secure a seat on the United Nations Human Rights Council for the period 2018-20. That announcement was made by the foreign minister, Ms Julie Bishop, in September 2015, and, presumably, she had the support of the whole of the government, of which he is a cabinet minister. And I note that Labor supports Australia's candidacy for the Human Rights Council; however, it seems not everyone in the
Turnbull government does, which could make it difficult when seeking the support of other nations for Australia's candidacy.

On the actual UPR process: I note that the UN Human Rights Council was established in 2006 and replaced the UN Commission on Human Rights, which had been established in 1947. Arguably, by the early 2000s, the old Commission on Human Rights had come to be seen by the majority of United Nations member nations as not fulfilling its mission to promote and develop human rights norms or its related purposes of investigating human rights issues and crises. The new Human Rights Council was subsequently established by a decision of the General Assembly of the United Nations, and it is one of the 47 seats on that council that Australia seeks to fill.

One of the functions of the Human Rights Council is the Universal Periodic Review, wherein the human rights records of every one of the 193 members of the United Nations is reviewed by the council. That occurs approximately every four years, so this year was Australia's second review. Every United Nations member state gets reviewed by its peers with regard to the human rights obligations of states as set out in the UN Charter, the UN Universal Declaration of Human Rights, the human rights treaties to which a state is a party, any voluntary pledges or commitments made by the state and any applicable humanitarian law.

During the UPR process, a state makes a presentation about its human rights record, and any other state may make comments and recommendations about actions other states have taken or should undertake in the view of the commenting state. And, yes, this does give rise to the situation where countries like the United States of America can, as it did this year, stand up and recommend, for example, that Australia should consult its Indigenous peoples when considering the viability of remote communities and should strengthen efforts to combat violence against women.

The United States made these comments, while at the same time some states within the United States of America maintain and operationalise possibly the most egregious abuse of human rights possible because they allow and use the death penalty. Therefore, the execution of the nation's own citizens by the state occurs in the United States of America.

During the second UPR of Australia's human rights records 110 countries, including our friends the US, the UK, Canada and New Zealand, provided 291 recommendations about actions Australia should take to improve on our human rights record. The broad themes that the majority of countries raised with regard to Australia included that Australia should ratify the Optional Protocol to the Convention against Torture, that Australia should do more to protect and enhance the rights of our Indigenous Australians and that Australia should comply with its international and human rights obligations with respect to asylum seekers and refugees, particularly in the context of offshore detention. A number of other matters were raised, including the rights of people with disabilities, marriage equality, the impact of climate change on the achievement of human rights and the rights of women, especially in relation to domestic violence and workplace equality in Australia.

Of course, not all commentary was negative. Most countries also acknowledged Australia's leadership over many years in the promotion and protection of human rights, and Australian representatives were able to highlight our good record, including many initiatives of the former Labor government such as the National Disability Insurance Scheme, the establishment of the Parliamentary Joint Committee on Human Rights, the establishment of
the Royal Commission into Institutional Responses to Child Sexual Abuse and the National Action Plan to Combat Human Trafficking and Slavery.

It is confronting to sit in a theatre with more than 100 other states and have your own human rights record examined and commented upon by other nations, some of which have questionable rights records themselves. It is especially confronting as a member of parliament, with legislative and policy responsibility for your own country's observance of human rights norms and laws. But rather than dismiss out of hand the whole process of the UPR, as Minister Dutton has done, I believe Australia should use the UPR as another mechanism to hold all of us in this parliament accountable. I note the comments made by Australia's ambassador and permanent representative to the UN in Geneva, His Excellency Mr John Quinn, in his opening statement of this year's UPR, wherein he said:

Australia strongly supports the UPR process as an important opportunity for all UN Member States to cooperate, collaborate and share ideas.

He also acknowledged:
The UPR also provides a framework for the Australian Government to deepen our engagement with civil society and the Australian community on human rights.

And he noted:
The Australian Government welcomes a vigorous, wide-ranging and balanced human rights debate in Australia and will work closely with the Australian Human Rights Commission and civil society in the follow-up to today's dialogue.

As Ambassador Quinn noted, the participation of civil society in the UPR process is important and a very welcome development in the global governance of human rights—although those of us who are elected representatives may often bridle at the criticisms made of us by civil society.

The active participation of parliamentarians in the UPR process is unusual. Many NGOs and other nations commented on Australia's decision to allow parliamentary participation in the process and noted the contributions made by Mr Ruddock and by me—mostly in a good way.

There is sometimes a disconnect between Australia's participation and decision making in international forums and our parliamentary processes. I acknowledge that it is the role of the executive to make those decisions in international forums; however, I believe parliamentary participation has benefits in terms of transparency and accountability. As I said, it was disappointing to know that back home at least one minister of the government was disparaging about Australia's participation in the UPR when the rest of the world acknowledged the good work that Australia does as well as urging us to do better.

I look forward to Australia securing a seat on the UN Human Rights Council. I can only hope that the ill-timed comments of the minister for immigration, Mr Dutton, do not cruel our chances.

**Defence Procurement**

**Senator WHISH-WILSON** (Tasmania) (19:08): I have recently taken over the defence portfolio for the Australian Greens, and at the most recent estimates I was surprised to find I was the only senator asking Defence for updates on the troubled, plagued F35 Joint Strike Fighter acquisition.
As you yourself would know yourself from your time in opposition, Mr Acting President Back, it is sometimes competitive amongst the senators to get a question out on a burning issue, so it was with some surprise that at the end of the day I noted that no-one had asked Defence about the statement of the new Canadian Prime Minister, Mr Trudeau, that Canada would be abandoning the Joint Strike Fighter program. I wanted to know whether our Defence officials had any comment on the potential impact that would have on Australia's delivery and cost of the F35 and whether they had any comment on why Canada had taken this decision. It was certainly a non-trivial issue in the context of our own procurement of the Joint Strike Fighter.

I enquired of my fellow Greens senator, Scott Ludlam—who used to have the defence portfolio—as to why no-one else was asking questions on this, and he said that he was often the only senator asking questions about the problems experienced by the Joint Strike Fighter and the need for this particular acquisition. No doubt there are other ways that parliamentarians can put sensitive questions to Defence officials. I have been to confidential briefings in standing committees and other forums, but I am confident—as are my colleagues in the Greens, from the significant feedback we have received from a number of stakeholders—that this issue has become a significant matter of public interest. And so it should be. Questioning a procurement of this size is critical not only in the context of our required defence capabilities but also in the context of budget constraints and our nation's other expenditure needs.

I understand why public officials—many of whom are experts in their fields—sometimes find frustrating basic questions about the spending of public money or criticisms they may see in the media over their decisions, but as Senator Ludlam has said previously on this particular issue of the Joint Strike Fighter, this is our job. And I understand why politicians and others may be reluctant to raise these issues in the public domain. It could be because of the regard that they have for senior officers in the defence forces or because of a fear of being seen to be publicly criticising our defence forces, or perhaps it is a fear of being seen as undermining national security. These sensitivities should always be respected, but on their own they are not good enough reasons to not do our job of asking the hard questions when necessary.

The defence budget over the forward estimates is $132 billion. Individual procurement projects are some of the biggest individual spending decisions any government can make. The Abbott government talked about raising defence spending to an arbitrary two per cent of GDP, which would be additional cost to the budget. Yet we do not know if the Turnbull government is going to continue that aim. We will have to wait for the defence white paper. Hopefully we will be seeing that in the new year, Senator Smith—through you, Mr Acting Deputy President.

I am sure we all agree, and even Defence would agree, that like any other department they should not be getting a blank cheque for their purchases. From my recent observations—notably around submarine procurement and naval ship building—we seem to spend a considerable amount of time in this place talking about essentially industry policy—logistical detail on where and how this equipment and hardware should be built rather than what it is intended to be used for, if we need it and whether there are there better ways of achieving the same strategic goals. But I have seen many articles in the media questioning and criticising
the motives behind different defence procurements. No doubt this is what is motivating public interest in the F35 Joint Strike Fighter program.

I would like to note I was encouraged to find on the Army website, when I was doing some research, a comment welcoming debate on their asset procurement. The website said:

Army welcomes debate on LAND 400 and other capability issues. Debate and independent thinking on Army and how it does its business is an important part of understanding what we provide for the Government of Australia and its people. Army is prepared to provide background information to ensure that facts used in the debate are accurate and represent the most up to date information available.

This is exactly the sort of public debate we need across all our defence forces. And this is why today I moved to establish a Senate inquiry into the procurement of the F35 Joint Strike Fighter. The terms of reference I have submitted are: to look at the suitability of the F35 to Australia's strategic interests, with particular reference to the air defence needs that the aircraft is intended to fulfil; the cost of the program to Australia; changes in the acquisition timeline; the performance of the aircraft in testing in Australia and overseas; potential alternatives to the Joint Strike Fighter; and any other related matters. This inquiry, if successful, will be about confidence in process. This is about the public's right to know how their money is being spent and if we are getting value for money. I would like to see many of the criticisms levelled at this procurement answered by a wide range of experts and discussed in detail at this inquiry.

I know that former Air Marshal Brown was critical of armchair critics of this now much-delayed program, which no doubt included my colleague Senator Ludlam, but I note it is not just armchair critics who have been raising issues about the Joint Strike Fighter. The US Government Accountability Office Auditor-General recently found:

… the F-35 Joint Strike Fighter program has continued to experience development and testing difficulties over the past year, largely due to a structural failure on the F-35B durability test aircraft, an engine failure, and more test point growth due to software challenges than expected. In addition, the F-35 engine reliability is not improving as expected and will take additional time and resources to achieve reliability goals.

The aircraft contractor delivered 36 aircraft as planned in 2014; however, none of these were delivered with warfighting capabilities. Supplier performance has been mixed, and late deliveries could pose risk to the program's plans to increase production. The contractors are taking steps to address these issues.

Cost and affordability challenges for the F-35 persist. To execute its current procurement plan, the F-35 program will need to request and obtain, on average, $12.4 billion annually in acquisition funds for more than two decades. It is unlikely DOD will be able to sustain such a high level of annual funding and if required funding levels are not reached, the program's procurement plan may not be affordable.

Additionally, during testing, the Department of Defense's Office of the Director, Operational Test and Evaluation compiled a report on the progress and failures of the F-35 program. They identified problems with the plane's Block 2B software system that oversees the plane's warfare capabilities including navigation, weapons delivery and friend or foe identification as well as problems in aircraft integration that would require further hardware and software modifications. The report also identified that the F-35 has a number of components that require maintenance more frequently than desired, making an already expensive plane more expensive to maintain.

Finally, there are serious software issues. The Autonomic Logistics Information System that provides the IT backbone of the F-35 and monitors all the on-board issues with the plane...
is 'behind schedule, has several capabilities delayed or deferred to later builds, and has been fielded with deficiencies.' On top of this we get continual reports of inability to perform the jobs they are required to do.

Most recently, we have heard the cost and production blow-outs in the US have caused them to start rethinking the need to purchase dozens of more stopgap planes, which Australia has done in the past, to fill the space that the Joint Strike Fighter is meant to fill. These delays may also mean the existing fleet of fighter jets in the US may need to be upgraded at great cost and kept on the shelf for years more.

As this is going to the references committee, I hope this place considers the terms of reference and the intention of the Greens in that we have a good, close look at the Joint Strike Fighter. The public is interested in this very large acquisition of defence hardware. For defence reasons and for a number of other reasons we would like the Senate, in fact, all parliamentarians, to consider having closer scrutiny and public discussion around the Joint Strike Fighter, F-35.

**Western Australia: Goods and Services Tax**

**Senator SMITH** (Western Australia—Deputy Government Whip in the Senate) (19:18): I rise this evening to talk about the issue that, far and away, remains the biggest economic one facing my home state of Western Australia. We are hearing a great deal of talk about the GST at present in our public discourse, and debate is always a very welcome thing. However, and this is a view I have shared with our Prime Minister and the Treasurer, we cannot have a full and honest public debate about the goods and services tax without putting the distribution issue on the table.

This evening, I want to highlight two complementary approaches. To those senators and others in this building who say that they are sick of hearing from Western Australian representatives about the GST distribution reform, my message is very clear: either get used to it or fix it, because the problem is not going to disappear. In fact, the problem is going to grow. The day is fast approaching when it is not just going to be a complaint coming from Western Australia and from Western Australians. We are going to need some honest talk from all sides of Australian politics, from all states and territories and from all senators in this chamber if we are going to get proper redress on the goods and services tax distribution issue, because, as it stands, the system is broken.

To demonstrate that point clearly you need to go no further than the statement made by the then Treasurer, Mr Peter Costello, in the year 2000—the year the GST came into effect. He noted that from July 1 of that year, 'the states have a revenue base that grows in line with the economy. It will provide a secure base to fund their services.' Initially, at least, that appeared to be the case. Even Western Australia, which now suffers the most from the broken GST distribution system, experienced GST relativities ranging from 0.98 to 1.02 between the 2000-2001 and 2006-2007 financial years. Yet in the period since, that relativity has fallen, and fallen very sharply, from 0.94 to 0.37, with the Commonwealth Grants Commission now recommending to drop it even further to just 0.30. Given the drastic collapse in the international iron ore price and subsequent fall off in revenue from its extraction flowing to Western Australia, it simply defies reality to contend that a GST return of just 30c in the dollar for Western Australia, to quote Mr Costello again, 'will provide a secure base' to fund services.
In contrast to Western Australia's experience, since 2006-2007 New South Wales, Victoria, South Australia and Tasmania all enjoyed increased GST relativities of 0.87 to 0.95, 0.89 to 0.92, 1.18 to 1.28 and 1.54 to 1.58 respectively. Queensland was the only jurisdiction to slide backwards from 1.02 to 0.98. Not a dramatic slide but a slide backwards nonetheless. Plainly, this is not sustainable.

Forward-thinking state Premiers and senior federal political figures from various states can see that, without reform, what has happened to WA could soon happen to them, albeit on a slower or lesser scale. The New South Wales Premier, Mike Baird, has suggested that states should have an agreed share of income tax and possibly be able to vary the rate so that states have, in his words, 'sovereign capacity to meet their expenditure needs'. The immediate past premiers of both Queensland and Victoria were likewise very keen on reforming GST distribution. I strongly suspect that their Labor successors will come to share that enthusiasm as the realities and responsibilities of government bear down on them. I have long argued that this reform will be complicated and take time. That still remains true, but time is now well and truly running out.

It would be remiss of me at this point not to highlight that support for GST distribution reform is bipartisan. When the Labor Premier of South Australia, Mr Weatherill, earlier this year accused WA of 'moral bankruptcy' for daring to suggest the present system could, perhaps, be more fairly balanced, he was rightly ridiculed. Not only did the Liberal Premier of Western Australia, Colin Barnett, point out that the challenge called for a more mature response than that offered by Mr Weatherill, but the Premier was backed up by the Labor member for Perth in the other place, Alannah MacTiernan. She noted, quite correctly, that other states 'would go completely feral if they were in the same position as WA'. In this place, Labor senator Joe Bullock has said:

… the injustice of the current arrangements with respect to the distribution of this tax—to which Western Australians make such a significant contribution and receive so little benefit—is a disgrace …

So, for the Labor senators who like to complain every time I come into this chamber and talk about GST distribution reform, I simply say that I am gratified to have support from some in their ranks who actually understand the significance of this issue.

Turning to the subject of possible measures that could be used to address the grossly unfair situation facing WA in relation to GST revenue, I would like to draw one option to the Senate's attention. This relates to reforming the process around North West Shelf grants, an approach that has been addressed by various Western Australians and an approach that has even been advocated, in a broader sense, by former Western Australian Premier Richard Court. At present, a royalty is payable to the Australian government to the value of all petroleum production, including gas, from the North West Shelf project area. This revenue is shared with Western Australia by the Commonwealth in the form of grant payments each year. However, under the current arrangements for GST revenue distribution, with the time lag involved in the calculations, Western Australia is losing around 89 per cent of its North West Shelf grants.

Because North West Shelf grants are declining—which is only reflected in the GST distribution with a time lag—in cash terms, WA currently loses more in GST revenue each year than it receives in North West Shelf grants. To highlight that point: in 2016-17 WA expects a North West Shelf grant of approximately $720 million but an associated GST grant
loss of almost $1.2 billion. This situation could be improved. In fact, Western Australia would be better off if the Commonwealth were to retain 50 per cent of WA's North West Shelf grants, meaning Western Australia would receive one-third of total royalties, and the Commonwealth would receive the remaining two-thirds. In exchange, the Commonwealth would agree to quarantine the remainder from the Commonwealth Grants Commission process which is used to calculate the state's GST revenue entitlement. For example, such an arrangement would make the state of Western Australia between $800 million and $900 million better off in 2016-17. This might be one way to help alleviate the grossly unfair situation which WA currently faces and provide the state with some much-needed revenue for critical infrastructure projects.

Of course, in order to be effective, this would also require the Commonwealth Treasurer to instruct the Commonwealth Grants Commission, as part of the 2016 Update terms of reference, to 'back-cast' this quarantining so that the GST benefit would occur immediately, rather than with a time lag. After all, the revenue is needed for WA services now, not in three years time. And there would need to be safeguards put in place to ensure that this quarantining arrangement was kept in place to provide certainty for future planning. It is not as though this arrangement would be without precedent. This is a critical point. There are currently more than 100 Commonwealth payments which are either quarantined or deemed as having no impact on the GST distribution. As I say, this is one further idea that has been suggested as a way of addressing the immediate problem, and I hope it can be given serious examination.

That said, the whole methodology surrounding GST distribution will have to be reviewed. Plainly, the current system is not working as it was intended to work. To that end, I have suggested to the Prime Minister again that the government consider requesting the Productivity Commission to undertake its own independent wholesale review of the current GST distribution model, which could then make recommendations for reform, such as establishing a set 'floor' below which no jurisdiction's GST relativity could fall. This would take the issue out of the partisan political arena and ensure that any recommendations for reform were motivated by a desire for genuine economic efficiencies, rather than parochial state political arguments. As the government's work on responsible reform of our taxation system continues, I am hopeful this is an approach that can be given careful consideration, both in the interests of Western Australia and in the interests of the long-term sustainability of our tax system for the betterment of all Australians, no matter which state or territory they live in. (Time expired)

Senate adjourned at 19:28

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

The following documents were tabled by the Clerk pursuant to statute:

Corporations Act 2001—

Amendments to Australian Accounting Standards— Scope and Application Paragraphs—AASB 2015-9 [F2015L01832].

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