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SITTING DAYS—2014

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FORTY-FOURTH PARLIAMENT
FIRST SESSION—FOURTH PERIOD

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

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

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

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

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

PARTY ABBREVIATIONS

AG—Australian Greens; ALP—Australian Labor Party;
AMEP—Australian Motoring Enthusiast Party; CLP—Country Liberal Party;
DLP—Democratic Labour Party; FFP—Family First Party; IND—Independent,
LDP—Liberal Democratic Party; LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; PUP—Palmer United Party
Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—C Mills
Parliamentary Budget Officer—P Bowen
<table>
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<tr>
<td>Prime Minister</td>
<td>The Hon Tony Abbott MP</td>
</tr>
<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Women</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Josh Frydenberg MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Alan Tudge MP</td>
</tr>
<tr>
<td>Minister for Infrastructure and Regional Development (Deputy Prime</td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>Minister)</td>
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<tr>
<td>Assistant Minister for Infrastructure and Regional Development</td>
<td>The Hon Jamie Briggs MP</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>The Hon Julie Bishop MP</td>
</tr>
<tr>
<td>Minister for Trade and Investment</td>
<td>The Hon Andrew Robb AO MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Foreign Affairs</td>
<td>Senator the Hon Brett Mason</td>
</tr>
<tr>
<td>Minister for Employment (Leader of the Government in the Senate)</td>
<td>Senator the Hon Eric Abetz</td>
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<tr>
<td>Assistant Minister for Employment (Deputy Leader of the House)</td>
<td>The Hon Luke Hartsuyker MP</td>
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<tr>
<td>Attorney-General</td>
<td>Senator the Hon George Brandis QC</td>
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<tr>
<td>Minister for the Arts (Vice-President of the Executive Council)</td>
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<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
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<tr>
<td>Minister for Justice</td>
<td>The Hon Michael Keenan MP</td>
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<tr>
<td>Treasurer</td>
<td>The Hon Joe Hockey MP</td>
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<tr>
<td>Minister for Small Business</td>
<td>The Hon Bruce Billson MP</td>
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<tr>
<td>Acting Assistant Treasurer</td>
<td>Senator the Hon Mathias Cormann</td>
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<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Steven Ciobo MP</td>
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<tr>
<td>Minister for Agriculture</td>
<td>The Hon Barnaby Joyce MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Agriculture</td>
<td>Senator the Hon Richard Colbeck</td>
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<td>The Hon Christopher Pyne MP</td>
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<tr>
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<td>Senator the Hon Scott Ryan</td>
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<tr>
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<td>The Hon Bob Baldwin MP</td>
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<tr>
<td>Minister for Social Services</td>
<td>The Hon Kevin Andrews MP</td>
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<tr>
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<tr>
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<tr>
<td><strong>Minister for Defence</strong></td>
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<tr>
<td>Minister for Veterans' Affairs</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister for the Centenary of ANZAC</strong></td>
<td>Senator the Hon Michael Ronaldson</td>
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<tr>
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<td>The Hon Greg Hunt MP</td>
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<td>Senator the Hon Simon Birmingham</td>
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<tr>
<td><strong>Minister for Immigration and Border Protection</strong></td>
<td>The Hon Scott Morrison MP</td>
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<tr>
<td>Assistant Minister for Immigration and Border Protection</td>
<td>Senator the Hon Michaelia Cash</td>
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CHAMBER
The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 12:30, read prayers and made an acknowledgement of country.

DOCUMENTS

Tabling

The Clerk: Documents are tabled pursuant to statute and returns to order in accordance with the list circulated in the chamber. Details will be recorded in the Journals of the Senate and on the Dynamic Red.

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

MOTIONS

Iraq and Syria

Senator MILNE (Tasmania—Leader of the Australian Greens) (12:32): I seek leave to move a motion relating to the deployment of Australian troops to Iraq.

Leave not granted.

Senator MILNE: Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent me from moving a motion to provide for the consideration of a matter, namely a motion relating to the Abbott government's proposed deployment of Australian personnel to military action in Iraq.

It is a critical matter that, at this very moment we are standing here, the RAAF has informed the Australian community it is ready for combat in Iraq. The Prime Minister has told the Australian community that he will be taking the matter to cabinet any minute—whenever he chooses to do so. Yet the Australian parliament has not debated this deployment of Australian troops to a multiyear war in the Middle East. This is the most shocking thing a government can do, to just go ahead and commit young men and women to war in the Middle East without a plan, without a strategy and without any notion of where this might end up.

There are families across Australia with sons, daughters, husbands, brothers and sisters in the armed forces. They remember Afghanistan and they remember young people dying in that conflict—and they will be asking themselves, as we stand here today, ‘Why are we going to another war in the Middle East?’ We have to actually think about that: why are we sending them to another war in the Middle East and is it in the Australian national interest to do so? In the United Kingdom, Prime Minister Cameron recalled the House of Commons to debate this matter. In the United States, President Obama recalled congress to talk about bombing in Syria. But nothing like that has occurred in Australia. The Australian parliament, and therefore the Australian people, have not been given an opportunity to hear from the government the rationale for committing people to war—nor to have it debated.

Before the Iraqi government had asked anything of Australia, we had already stood up and said we would join the United States, blindly going into another war in Iraq. It was announced before the al-Abadi government had asked us anything. Only after we already had our planes in the Middle East and only after we already had our boots on the ground in the United Arab Emirates did we go to Iraq to try to retrospectively sort out the legalities of what we might be doing. We are only now retrospectively determining what we are embarking upon and why.
What do we know? In the last few days President Obama has said that he had underestimated the power of ISIL, that they are continuing to advance in spite of the air raids. US Senator McCain has said that he wished the President would stop saying that there would be no boots on the ground.

In Syria, there is already huge suspicion about the US involvement in Syria, whether the US is supporting President Assad. There is a suspicion that Washington is coordinating with Damascus and that the main beneficiary of the bombing in Syria is President Assad. Already we are arming the Free Syrian Army—but there is huge suspicion—and the al-Qaeda forces are now joining with the ISIL forces. All of the extremist forces are coming together because they are suspicious of what the Americans are doing, and of what we will be doing, because we have not actually outlined it.

Will the consequences be contained within Iraq and Syria? No, they will not. We have already seen the fabric of our own society being torn apart. There is fear in the Australian community that is being driven by the increase in the likelihood of terrorist attack and the increase in the likelihood of recruitment—because Australia is going into another war in the Middle East. We have to know what is happening with President Assad. Will the mission target Assad's forces? If it does, will that bring in the Russians? What is the intent? The Americans want to replace President Assad, they want to defeat ISIL and they want a new government in Iraq. The questions are: how will that be achieved, how will it be contained and why is it in our national interest?

The government must tell the parliament. We must be able to debate these matters. We need accountability from the executive—and that is the role of parliament. We are the body that is supposed to hold them to account. That is why we should be having the debate. (Time expired)

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:37): I am sure all colleagues would agree that there are few decisions that weigh more heavily on a prime minister than a decision to place Australian Defence Force personnel potentially in harm's way, whether it be the Abbott government, the Howard government or the Hawke government before it. This is an area of decision making that governments take very seriously and weigh up very carefully. The Australian government has deployed ADF personnel to the Middle East in order to be in a position where, should the government take a decision to commit personnel and assets to combat, that they are there, that they are prepared, that they are acclimatised and that they are in the best position to give effect to a decision of the government. That decision has not yet been made.

I think that Prime Minister Abbott has really been a model in terms of the way that he has kept the Australian public and the Australian parliament informed of events that potentially will see Australian forces engaged. The Prime Minister has taken this responsibility very seriously. He has made sure that he has been a participant in forums including the United Nations General Assembly and the United Nations Security Council, and he has spoken to the Australian people through various means to make sure that they are aware of the context in which decisions may potentially be made. In Australia we do not have requirements akin to those of the United States, where the congress does have a formal role in relation to certain military activities. It is the convention and the custom and the practice in Australia that the...
government of the day—the executive—ultimately takes the decision and bears the responsibility for the commitment of ADF personnel and assets. I know that that is an approach which is agreed between the government and the opposition—that the National Security Committee of Cabinet deliberates, that the cabinet deliberates, and decisions are then made. In the course of that, the opposition is consulted and kept apprised of events. That is the process that we follow in Australia. I think that is the appropriate process and one that the Australian people are comfortable with.

The Australian parliament is clearly an appropriate place for these matters to be discussed and debated. Indeed, only a couple of weeks ago the Prime Minister made a statement to the House of Representatives and there was the opportunity for debate on that statement in that place and in the Senate. I have no doubt that there will be further updates to the parliament by the Prime Minister and by the defence minister and that there will be further opportunity for colleagues in this place, quite rightly, to discuss what are very significant matters. But that should be done in an orderly way, and I am sure that there will be further opportunity for that to occur, as is quite right. What the Australian Greens are seeking to do here today is a stunt.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (12:42): I indicate on behalf of the Labor opposition that we do not support the suspension of standing orders at this time, and our position is driven by two principles. The first is our position on decisions in relation to the deployment of Australian military personnel, and I will return to that. The second is the imperative for having debates of such serious nature conducted with appropriate notice to senators in the chamber and structured in the appropriate way, rather than simply being brought on through a suspension of standing orders at the commencement of the Senate.

First, our position as a party on decisions to deploy Australian military personnel is clear and has been articulated by both me and Senator Conroy previously and by successive leaders of the Labor Party. These are decisions of the executive government of the day. They are, of course, amongst the most important and difficult decisions which any government can make, but they are decisions of the executive government, not of the parliament. We do, however, believe that once a government makes such a decision it should be announced and explained properly to the public and to the parliament. The government does have a responsibility in the national interest to be transparent—consistent with the safety and security of ADF personnel—about the decisions it makes. That is the point at which there is an important role, and an entirely legitimate role, for the parliament to consider and debate such decisions.

Senators may recall that on a previous occasion, when a similar call was made by the Greens, Labor made it very clear we were willing to have an appropriate and structured debate—and, in fact, the parliament did have an appropriate debate, with notice given to senators. Where we obviously part company with the Greens is on their position that any such deployment should be the subject of parliamentary approval. That is the basis of Senator Milne’s position. That is the basis on which the gallery was notified of her intention to move the suspension of standing orders. I respect that that is her position, but it is not the position of
the Labor Party and our system of government, the executive. These are decisions of the executive.

As I said, we indicate to the government that, when the government does make further significant decisions about military operations or, indeed, humanitarian operations, we do think it is appropriate for there to be appropriate parliamentary debate and discussion and we would support that.

While I am on my feet and given the comments that were made by Senator Milne and Senator Fifield, I again place on record our thanks to the ADF personnel who are currently pre-deployed to the United Arab Emirates. These personnel enjoy the full support of the Australian Labor Party and the Australian people as they prepare to assist the Iraqi army and the Kurdish Peshmerga in their fight against IS. I again extend my thanks to their families, who remain at home—the partners, parents, children and friends who will ensure nervous weeks and months ahead as their loved ones participate in this mission. We know that the women and men of our ADF will undertake their mission with their usual professionalism, determination and dedication. They will all be in our thoughts—all of us—until they are returned home safely.

Senator LUDLAM (Western Australia) (12:46): I rise to support Senator Milne's motion and this Greens' motion to have the deployment of Australian personnel debated urgently. I indicate to Senator Wong that the motion was distributed to senators in the chamber; I have a copy of it here. Our preference is to have this motion debated and voted on before we throw the ADF in harm's way, because doing it afterwards is kind of beside the point.

This deployment has still not been put to a vote. I want to point out to those outside the building who may be listening that this debate seeks to establish chamber time for a vote on the matter, rather than simply pretending that the Prime Minister's office will take care of the matter and they have it all under control. I want to highlight the fact that the arguments that were raised when we brought this matter to the chamber a week or two ago—that it is impossible, indeed insane, for the parliament to conduct such a debate because we would be intruding on tactical decisions, we would be giving our intentions away to the enemy, we would not be able to move swiftly enough; all of these arguments that, for some reason, assume that Australian parliamentarians are incapable of holding an intelligent, reasoned debate on such a serious issue—have been blown out of the water by actions in kindred parliaments around the world.

The fact is that Prime Minister Cameron recalled Westminster last week for precisely this debate. The motion was carried, as it probably would be in Australia because Labor is at one with the Abbott government on this matter; but at least senators and members would be forced to put their names on the record on one side or another and to take responsibility for the decision that is being made in our name. If it is good enough for Westminster, why not for us? What British parliamentarians and thereby the media and the public have been able to establish is that the deployment is constrained to air strikes and air operations, it does not contemplate ground troops and it does not contemplate incursions into Syria. So the British people at least have some idea of the scope and nature of the deployment, and parliament has conferred. The deployment may not have strategic legitimacy but at least it has a veneer of democratic legitimacy in that parliament has been brought into the loop and MPs have been forced to stand up and be counted one way or another. I should point out that a substantial
minority of those in the British parliament—in the house, at least—voted against the deployment for many of the same reasons that Senator Milne has identified this morning.

So how is it that they can manage to do this in Westminster? Is it their bruising experience of the Iraq war, where British soldiers were coming home wrapped in flags with horrific regularity? What is it that they learned about that Iraq deployment that we here in Australia failed to learn?

How extensive will this deployment be? The 'no boots on the ground' commitment has been jettisoned. The 'strictly humanitarian mission' concept has already been jettisoned. Now the Australian government is being deliberately ambiguous about our engagement, or not, inside Syria, which is where the Islamic State's support base has the largest footprint. What is the risk that Australia is inadvertently playing directly into the hands of this horrific entity and simply playing our part in their recruitment strategy? Has that been considered by the National Security Committee of cabinet? How long will they be deployed for? What would success look like?

These are matters that can be brought to the Australian parliament so that those on the front bench and the back benches, in the opposition parties and on the crossbench can put their names on one side or other of the ledger. We know what happens when such a decision is left to the Prime Minister alone, because that is how this whole horrific mess started. Simply calling it a 'tradition', as Senator Fifield did earlier, is not good enough. There are all kinds of things that used to be a tradition—

Senator Fifield: No, I said 'convention'.

Senator LUDLAM: I think 'tradition' was the word you used, Senator Fifield. 'Convention' will do just as well. Conventions change. It is time that we grew up, as other parliaments around the world have done.

President Obama, while contesting the notion that he needs to go to Congress for authorisation for air strikes in Iraq nonetheless sought congressional authority to go into Syria—

Senator O'Sullivan: It's a completely different system.

Senator LUDLAM: It is a democracy.

Senator O'Sullivan: You need to study.

Senator LUDLAM: It is a democracy.

The DEPUTY PRESIDENT: Order, on my right!

Senator LUDLAM: And what could be a more important question to bring to a chamber such as this than the decision to deploy the ADF into harm's way? If it is good enough for President Obama to seek congressional authority for attacks inside Syria, if it is good enough for Prime Minister Cameron to go to his parliament to seek parliamentary approval for air strikes in Iraq, then it is about time we in Australia grew up—so that we do not find ourselves subject to mission creep in a horrendous, multiyear occupation of a country in a part of the world that foreign-flagged high explosives played a really important part in destabilising in the first place. It is time we learned from the mistakes of the past.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (12:51): I again indicate Labor will not be supporting this motion for the suspension of standing orders.
I begin by expressing my support and Labor's support for ADF personnel currently involved in operations in Iraq and those that are pre-deployed in the United Arab Emirates. As they always do, they are undertaking their task with dedication and great professionalism. I also want to give my support to the families of the personnel deployed; their role should not be forgotten during these times.

It is the role of parliament to debate issues of concern, particularly when it comes to whether Australia deploys its Defence forces. Labor fully supports the role of parliament as a place of debate, but that should not be confused with requiring parliamentary approval. The role of the parliament in approving military action is fraught with danger, but this is what the Greens are proposing. As the Senate has debated before, Labor believes that the government must retain maximum flexibility to respond to threats to Australia's national security quickly and efficiently. A requirement for parliamentary approval would create situations where ADF personnel are deployed to a war-like environment without appropriate legal authority or important legal protections. It could also necessarily increase the risk to the deployment. Labor has always supported the need to debate such issues; that is the role of the parliament.

We are pleased that the government facilitated a debate on Iraq earlier this month and we fully expect the government to provide further opportunities to debate this deployment in the coming weeks and months. That is appropriate and ensures an important level of transparency to any ADF deployment. Regular statements to parliament by the government is something Labor initiated, and it is something that this government should continue. Let me conclude by saying that it is Labor's view that executive government remains the most appropriate body to exercise civilian control of the Australian Defence Force. It is appropriate for the parliament to debate government decisions that involve the deployment of ADF personnel, but that should be done in a considered way. We do not support this suspension.

Senator SESELJA (Australian Capital Territory) (12:54): I would like to commence by putting on record my gratitude to our ADF personnel for the work that they do in keeping our country safe. I am sure that all Australians will join with senators in wishing them safety and good will in whatever they may be asked to do by the Australian government. Senator Milne expressed concerns about the experience in places like Afghanistan, and there is no doubt that in many ways we wish we had never gone into Afghanistan, but the Australian government, along with many other governments, responded to the horrific events of September 11—and to the fact that we saw a terrorist training ground in Afghanistan—and responded to the unacceptable threat that that posed. When I speak to ADF personnel about the role that they were asked to play and that they played, I do not hear warmongering—they are not people who are keen to go to war—but men and women who understand that sometimes it is necessary to actually confront evil. They are proud of the role that they have played in confronting that evil in many parts of the world, and I think we should be proud of the job they have done on our behalf.

When we debate this particular motion about suspending standing orders, there are a couple of issues to consider, and other senators have touched on them. One is about the correct role of parliament in relation to military deployments. I agree with what has been expressed by Senator Fifield, Senator Wong and Senator Conroy: that is, that the process whereby the executive government makes the decision as to if, when and how to deploy our military personnel is one that is held us in good stead. This is not a process that happens on a
whim; this is a process that goes through detailed consultations at an executive level at the National Security Committee of Cabinet; and detailed consultations with the opposition, who, in this case, have been briefed right across the board and right along the way, and they have expressed their support. We do not have a situation where the processes are being ignored; this is a process that has been followed that for many years and is being followed in this particular circumstance. Other countries have different constitutional requirements and in some cases they have different processes. What we have here is a situation where the government has consulted with the opposition and will make decisions as an executive—and we are grateful to have the backing of the opposition for the process.

There are many opportunities for this place to debate military deployments, and that is a good thing. We are debating it here for half an hour, but there are ample opportunities for such debates—we can list an issue on the Notice Paper, and there are many other mechanisms of the Senate that allow debate. I welcome such debates, and the Australian government welcomes such debates, but this attempt to suspend standing orders with no notice is unfortunately a stunt. It is not a serious attempt at a parliamentary debate; it is simply a bit of grandstanding by the Greens. I think that is unfortunate in the circumstances that we face this kind of grandstanding. There are plenty of opportunities and I would encourage any senator to take those opportunities but not to engage in these kinds of stunts. We should not have a situation with the executive government has to consult with the Greens in order to make a decision on the deployment of Australian military personnel. We have longstanding conventions; they have been followed; they have stood us in good stead; and I think this suspension should be rejected. (Time expired)

The PRESIDENT: The question is that the motion to suspend standing orders moved by Senator Milne be agreed to.

The Senate divided. [13:03]

(The President—Senator Parry)

Ayes .................... 10
Noes .................... 39
Majority ................. 29

AYES

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

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

NOES

Back, CJ
Bilby, CL
Bullock, J.W.
Buhty, DC
Canavan, M.J.
Colbeck, R
Conroy, SM
Dastyari, S
Day, R.J.
Fawcett, DJ
Fifield, MP
Gallacher, AM
Ketter, CR
Lambie, J
Lines, S
Ludwig, JW

CHAMBER
Question negatived.

BILLS

Social Services and Other Legislation Amendment (2014 Budget Measures No. 1) Bill 2014

Social Services and Other Legislation Amendment (2014 Budget Measures No. 2) Bill 2014

Second Reading

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

Senator MOORE (Queensland) (13:06): The Social Services and Other Legislation Amendment (2014 Budget Measures No. 1) Bill 2014 and the Social Services and Other Legislation Amendment (2014 Budget Measures No. 2) Bill 2014 amount to a serious attack on the Australian welfare state. In his budget reply, our opposition leader, Mr Shorten, said about the budget that was brought down that it was an attack on the freedom of integrity, on the freedom of respect, on the freedom that gives every person dignity and the right to be treated equally and on the freedom of compassion and respect that gives individuals the opportunity to fulfil their potential. This is the freedom we believe in, and this budget undermines that freedom. It weakens it. This budget tears at the fabric of our country. Indeed, these bills are the heart of that budget. They attack the most vulnerable in our community. I believe that the government is trying to destroy our system of a ‘fair go’ specifically through these bills.

We know that through the proposals that we have before us millions of pensioners, families, people with disability, carers and young people will be worse off; cuts will throw Australia’s most vulnerable citizens into poverty. Is this what the Prime Minister meant when he said that he was going to protect the vulnerable? As has been said many times, there are a series of broken promises in this legislation: broken promises to pensioners, broken promises to Australian families, broken promises to people with disability, broken promises to carers and broken promises to young people who do not have work.

Before the election, this Prime Minister promised Australian pensioners that there would be no cuts or changes to the pension, yet within these bills we see cuts to pension indexation...
which will undeniably diminish the living standards of age pensioners, disability pensioners, veterans and carers. Despite what the government says—despite the rhetorical discussion about whether these are cuts or reductions—these are cuts. People will have less money; to me, that is a cut.

Before the election, Australian families were promised by this Prime Minister that they would be better off under an Abbott government. They are now counting the cost of the cruel cuts to family payments contained in these bills. There is a fear which was raised by Bill Shorten in his budget reply that this budget—and, I believe, in particular these bills—will make Australia a colder, meaner and narrower place. This is a failure of this government—a government that promised govern for all of us—in its mutual obligation to young job seekers as they look for work.

I know that many senators in this debate will talk about particular elements in this bill, and there are so many about which to talk. I want to raise a few. The bills will tear up our system of social contracts—social contracts that have been built by successive governments of all particular flavours over the last century. They are based on the pillars of the Australian welfare state: access to universal health care and education, a fair and secure pension system, support for people who cannot work due to disability or caring responsibilities and support that helps get people into work. It took more than a century to develop the system that we have today; these bills will take that system out.

We have a social welfare system of which Australians can be proud. No-one claims that it is perfect. We accept that, and we need to consistently work together in our communities to see how we can make it better. Importantly, I say 'work together'. When the Senate Standing Committee on Community Affairs looked at this legislation, every one of the witnesses that came to see us said that they wanted to engage with government to look at the system. They were not just rejecting and saying no—though they were rejecting the changes in these bills, there is no doubt about that—they were prepared to work with the government to find alternative ways to make our system stronger. The statements from government that only they care about our budget and our society and that only they are aware of the need for change are just not true. We need to have security in our system. It is that very security that these bills seek to destroy.

The Abbott government is making a false and misleading argument to support these cuts. We heard on budget night one element which continues to infuriate me and many people in the community: a claim that we are a nation of leaners and lifters and that the leaners need to do more heavy lifting. Apart from the fact that that claim is offensive, what does it mean? Does it mean that anyone who has any need of reliance on welfare is automatically not worthy? Is that what the government is saying? Once again, people are not being treated with respect through this process.

We agree with the comments made by the Council on the Ageing:
If the argument is that pensions need to go down in terms of Commonwealth expenditures because of a fiscal crisis, we do not think that is a sufficient argument …
In fact, there is compelling evidence that the proportion of Australians who are welfare-dependent is decreasing. Despite the cries of the government and its compliant media, who run regular media statements about people who are taking down the system, the statistics in the June analysis of the Melbourne Institute using the Household, Income and Labour
Dynamics in Australia Survey showed that Australians have reduced their dependence on welfare. In 2001, 23 per cent of working-age people in Australia received a welfare payment each week. In 2011, that had dropped to 18.5 per cent, and it continues to drop despite the rhetoric and despite the claims that our system is falling over and is unsustainable.

We know that across the OECD Australia spends less on welfare than any other country except Iceland. Earlier this year, Minister Andrews claimed that Australia is a risk of becoming a welfare state like nations in Europe, but welfare spending in Australia is well below the countries in the OECD.

**Senator O’Sullivan:** Compared to Greece, Italy and Ireland?

**Senator MOORE:** In fact, our welfare expenditure accounted for just 8.6 per cent of GDP in 2013 compared to the OECD average of 13 per cent. Perhaps Senator O’Sullivan can give me the figures which he is mumbling about. The government's claim that Australia is heading for some sort of welfare crisis is complete rubbish.

These bills build up the premise that people are not supporting Australia, but they are. These bills are an unprecedented attack on pensioners and seniors. The Prime Minister said that pensions would not be cut. Well, they will be. The real amount of pension will be cut. The pension indexation changes will impact on what people are able to get from their pension. Treasurer Hockey admitted that the Abbott government's changes to pension indexation will result in massive cuts to the age pension, saying:

… in 2024-25, according to the Parliamentary Budget Office, instead of being $74.8 billion a year it is $67.9 billion a year.

In Senate Estimates, answers from Minister Fifield showed that the changes to the pension indexation have been put in place in an effort to slow the rate of pension increase.

What has occurred is that people have been made afraid. They have been made afraid about the security of their future. They have been made to feel as though they are doing something wrong, when in fact they have not. That is not the intent of our system. It is to engage and support, not to demonise.

The major advocacy organisations that support aged people in our country are saying they want to have a discussion about retirement in Australia. They think it is an important thing to do. They do not like their members—older Australians—being referred to as 'leaners'. They want a discussion about how we can work together to best work as a nation. We need to look across the board at our retirement system and not take a blunt instrument like the indexation tool to rip money out of the fortnightly payments of Australian pensioners.

I remember, as you would, Mr Acting Deputy President Gallacher, that when we had the call several years ago to increase pensions, our government, the Rudd government, actually increased pensions. The people on this side were saying we should do more. So their argument is not consistent. With our superannuation changes, again, we believe that we should be protecting superannuation and not ripping it away.

But it is not just age pensioners and veterans who are being affected by these bills. Self-funded retirees are also being betrayed in the budget. The bills include the abolition of the seniors supplement, an annual payment of $876 to people who receive the Commonwealth seniors health card. Already the government has cut the pensioner concessions that are linked
between the Commonwealth and state governments, a process that of course is blamed completely on the states, but that is just not true.

We believe that there is a clear indication in these two bills that people in Australia will now be divided into those who have and those who have not, and this government is ripping more money off the people who have not. We consistently talk about the issues of the cumulative effect of these cuts. You cannot take one issue and look at it in isolation. We had evidence during our inquiry about what the cumulative effect would be of the range of cuts. This needs to be addressed by the community and by the government.

In regard to the age pension and superannuation, I will be moving amendments to the bills today to remove the following cruel cuts from the bills: cuts to pensions, through the indexation changes; increasing the age pension to 70; abolishing the seniors supplement; the resetting of the social security and veterans entitlements test deeming thresholds; cessation of the pensioner education supplement; the removal of the three-month backdating of the disability pension under the Veterans' Entitlement Act 1986; and a pause to indexation of the income-test-free areas for all pensioners. Labor will not support these measures.

When we get to families there is another series of attacks. These bills contain measures that can only be described as a full-scale cost-of-living attack on Australian families. It includes a massive $7.5 billion in cuts to family payments. This legislation will put more pressure on the budgets of millions of families, and low-income families will be hit the hardest. We have figures from independent modelling agency NATSEM saying that the government has no credibility in claiming that this is a fair budget. NATSEM research showed that around 1.2 million families will be, on average, $3,000 a year worse-off by 2017-18. In contrast, the top 20 per cent of households will experience either no impact, a negligible impact, or in fact a positive impact.

The bills seek to freeze the payment rate for family tax benefits. They seek to freeze the low-income-free area for family tax benefits, including the low-income-free area for those who receive the maximum rate of family tax benefit A. According to the Department of Social Services, a freeze to the low-income-free area for FTB-A alone will see more than 370,000 families around $750 a year worse off in 2016-17. Over the life of the children's schooling, eligible families will be around $15,000 worse off as a result of this budget, including the measures in these bills. By 2016, a single-income couple family on $65,000 with two school-age children will be around $6,000 worse off each year. We have the figures. Through Senate estimates we tried to get information about these cuts. We tried to find out exactly who was going to be impacted. We found out slowly through Senate estimates that around 700,000 families will lose family tax benefit B, if the government actually gets these bills through.

Families will lose their payment when their youngest child turns six. We have been fighting these kinds of reductions for years, looking at the need for effective parenting. Again, removing this payment when the youngest child turns six does not engage effectively with what we know is best practice for families and for parenting. It erodes the sense of security, the sense of harmony, that people should have with their government.

Today I will also move amendments to reflect that Labor will oppose the indexing of parenting payment (single) by CPI only—the government is moving the wages benchmark. Labor will oppose the government's move to freeze the rates of family tax benefits; oppose
revising the family tax benefit end-of-year supplements to their original values, and cease indexation; and, oppose limiting family tax benefit part B to families with children under six years of age. The new allowance, which as been put in because the government knew this was going to have an impact, further complicates the system and does not adjust effectively for the loss from the original cut. Labor will also oppose freezes to the income-free-areas for family payments.

The bills also include a measure to tighten the means testing for FTB-B from $150,000 to $100,000. Labor accepts the need for means testing. We in fact have implemented means testing for many payments, such as the age pension and the private health insurance rebate. We originally introduced means testing to family tax benefit part B. You will remember that when we did that, the people who are now in government but were on the opposition side of the chamber at the time and they abused our changes, saying that we were heartless, that we did not understand the need, and that we were not effectively fulfilling our role in government. It is always dangerous when you go back and read past Hansards. But I would encourage people to have a look at what this government said when they were in opposition about changes to our system. Compare the rhetoric and compare the allegations, then you will see—when you hear their statements—that there again is no consistency.

There was considerable debate in our inquiry and also considerable information from people who have written in to many of us through the committee process—through email and phone calls—about their concern about the young job seekers' changes. There were a series of questions that we put to the department at our inquiry about the impact and the research behind the singularly unique and harsh changes that the government has brought in, which will withdraw the safety net for young job seekers. I know many senators will be putting information on the record about how concerned they are about this.

The National Welfare Rights Network stated in our inquiry that the changes in this measure to unemployment eligibility for young people under 30 is:

…a fundamental attack on the basic right to social security and the principle of adequate income support based on need.

ACOSS said:
The removal of any income support for a group of people not in paid work fundamentally changes the Australian income support safety net.

The St Vincent de Paul Society said:
We find very concerning the idea that the government would intentionally remove any semblance of a social safety net for a particular group of people.

The Parliamentary Joint Committee on Human Rights has also pointed out that amongst all the changes that were brought forward, this particular attack on young, unemployed people does not meet the requirement to fit the human rights expectations of our community. Again, I stress that these bills—as part of a wider budget—actually attack the relationship between our citizens and our social welfare system. These do not respond to the way that we have committed to ensuring that people in need will have support.

**Senator O'Sullivan:** It will be a lot harsher if we do not get the budget in order.

**The ACTING DEPUTY PRESIDENT (Senator Gallacher):** Order!
Senator MOORE: There is gross unfairness at the heart of this government's budget. We now know that people will not be benefited by these processes. We will also be moving amendments in this particular section of the bill. We will be removing the following sections to extend the ordinary waiting period for working age payments, we will be rejecting the cessation of the education entry payment and we will be rejecting moving people under 25 from Newstart onto youth allowance, which would be with weekly cuts to their already minimal allowances.

The forcing of young people under 30 to wait six months without any support at all then becomes a rolling punishment. It is not just once; but it is six months on, six months off. Think about what that will do to Australian families. This applies to people under 30. These are independent people who now will be forced back to relying on family or charity. That does not meet any requirement under our acceptance of what should be what our nation does. We are also rejecting the pauses to indexation for the low income-free area for student payments, including the student income bank limits. We are also rejecting pausing indexation of income-free areas for all working age allowances.

There are many other elements of this bill that need consideration. They are enormous piece of legislation, but I think it is important that senators across the board can identify elements that offend them, that cause fear and that we should be addressing. We believe the government has not effectively shared the pain of the budget. They said that there would be pain in the budget, but it has not been shared fairly. The most vulnerable, who are the people who are reliant on support, will bear the greatest punishment. We reject this process and we will actually be ensuring that the through this debate, we will be focusing on what needs to change.

Senator SIEWERT (Western Australia—Australian Greens Whip) (13:26): The Greens oppose these bills. They are so bad that we do not think that you can amend them to save them. They are fundamentally cutting at the fabric of our community and we will be opposing both of these bills. ACOSS says that these bills are radical structural changes to our social security system. I agree with their comments, but I go further: these are radical changes to our community.

Our community, once these changes come into effect, will no longer look or be as an inclusive as it is now. We will no longer have a land of the fair go, where we help the most vulnerable and where people are considered to have access to opportunity. It will be changed into a meaner, less inclusive community where if you have money or your parents have money, you will have an advantage and you will have access to opportunities that many others do not. We will move away from a community where we expect that we will help the most vulnerable and disadvantaged in our community and where we provide help to people who need it. These budget measures do not discriminate against specific peoples, because they are having a go at everybody: at young people, at older Australians, at single parents, at people with disabilities and at families.

We have had overwhelming evidence that shows the negative impacts of these measures. Parliamentary Joint Committee on Human Rights has made the point that they do not consider that the measures that deny people access to social security are compatible with human rights. Accordingly, it says that:
…the committee considers that the measure is incompatible with the right to social security and the right to an adequate standard of living.

When they looked at the age criteria for the Newstart allowance and the exclusion periods, which will chuck under 30-year-olds off income support, they said:
Accordingly, the committee considers that the measures in Schedules 8 and 9 are incompatible with the rights to equality and non-discrimination on the basis of age.
They have also sought further advice from the minister about the impact of these measures on equality and nondiscrimination on the basis of gender and family responsibilities.

These measures are fundamentally unacceptable. As the National Welfare Rights Network says, these measures are not fair and they are not equitable. The harshest cuts in these budget measures are to the most vulnerable, yet these are the people who we should be helping; the most vulnerable are the people who should be supported by our community. Not supporting people, in the way that these budget measures would cause to come into effect, is not fair and it is not equitable.

The government is in fact making a concerted attempt to rent giant, great big holes in our safety net. There is absolutely no doubt that that is what is happening. These changes have been universally rejected by all submitters to the Senate inquiry, except for the government's own department. People can see through what the government is attempting to do—that is, to destroy our safety net. The community does not like it and neither do the Greens. We expect our safety net to provide a basic but adequate standard of living for our citizens and a foundation from which they can see beyond barriers to inclusion in our community and barriers to employment, to overcome their disadvantage.

We need a well-grounded, reasoned, evidence-based, credible, ethical approach that is person-centred and ensures their wellbeing, making sure they are included in decision making and giving them control over their lives. We should be working with people's strengths, hopes and aspirations and building on these. This approach will generate lasting change to those persons' lives; while blaming, punishing and demonising does not help people to overcome their disadvantage and in fact entrenches dependency and hopelessness. These bills will do that. These bills will increase inequality, particularly for young people who will be set back, potentially, for life. Living on nothing for over six months at a time, which is what these bills enable, creates dependency. It will create hopelessness and it will create a revolving door of people having to go on and off income support because barriers to employment and to inclusiveness are not being overcome with these measures.

These bills contain the government's cruellest welfare measures, their cruellest budget measures. They will take billions of dollars out of our social security system, money which should be invested in helping people. These measures do none of what I am talking about in terms of the way we should be supporting people to overcome disadvantage, how we should be supporting the most vulnerable. These changes are, I believe, purposely designed to hurt the most disadvantaged. The inquiry into these bills heard repeatedly of the negative and potentially dangerous effects that these budget measures will have. The government is making a determined attempt to radically change our social security system in this country and our safety net.

This is not the first time attempts have been made. Previous Prime Ministers Howard, Rudd and Gillard all made changes that were negative but these take the cake. These will
fundamentally change how we care and support the most disadvantaged. These bills will add
to the growing inequality in Australia. They will have long- ranging effects as wealth, interest
and power are concentrated more and more with a few. These measures will affect
generations ahead. When combined with other budget measures, people will be priced out of
the housing market. People will be unable to find accommodation. Education will become
more inaccessible to people. There will be more insecure access to income support and if they
become sick people will not be able to access adequate assistance. The submissions and
evidence to the inquiry into these bills show that, if enacted, these bills will compound
poverty and hardship in our community and will not help improve employment participation.

As St Vincent de Paul said to the inquiry:

We cannot agree with measures that will drive people even deeper into poverty, above all in an
environment where there simply aren't enough jobs for the numbers of people looking for work.

A number of organisations raised concern about the cumulative impact of these measures,
with National Welfare Rights Network saying:

These Bills contain a wide range of measures which have complex interactions with each other, and
with other measures proposed in other Bills the harshest reductions to income are felt by the more
vulnerable social security recipients and low income working families.

These bills are fundamentally a shift in the wrong direction on income support. Again the
National Welfare Rights Network described the proposals in the bills before the committee as
containing:

… some of the most significant changes to the Australian system of income support since it was first
introduced in a consolidated Social Security Act in 1947.
I agree with them. These measures include forcing young people to live for six months and
potentially longer without any income support, and changes to indexation of the pensions
which will have an increasing impact on the ability of older Australians and single parents to
meet their living expenses. Increasing the retirement age will have a significant impact on
many older workers. Cutting and freezing payments for families and single parents will have
a significant impact. Reassessing payment eligibility for people with disability will also have
a significant impact. As NATSEM said, and I go back to the point I made earlier, the
government know what they are doing. They know they are going to be impacting the most
disadvantaged. That is why I think this has been designed that way. They had advice from and
modelling done by NATSEM which made it clear that:

… this budget is raising revenue by taking income from the disadvantaged people in far greater
proportions than from the affluent. As a result of changes to pensions, family allowances,
unemployment benefits, and other social security payments, the poorest one in five Australian families
will be hit up for up to 10.8 per cent of their income in 2017-18. By contrast, the richest Australian
families can expect to forgo a maximum of 1.7 per cent in the same period.

In their submission to these bills, St Vincent de Paul said:

We cannot agree with measures that will drive people even deeper into poverty, above all in an
environment where there simply—

is not enough work. These measures will impact on a range of Australians. Let us look at the
budget measures which affect younger Australians, in particular the harshest budget measure
of all, the one that shows this government simply does not understand what they are doing to
young people. They think they will motivate people to find work because they think there are
jobs out there for the picking, if people were motivated. Well, there are not the jobs there. There simply are not enough jobs for all young people, but we will dump them onto no income support anyway and expect them to live with nothing. While I am on this point, please, I beg the crossbenchers: do not compromise on this measure. Even a month, which I have heard some people talk about, is too long without income support—you already sow the seeds for homelessness and for people's inability to meet their basic needs.

We need to be generating and adopting a system that is supportive of young people, that helps them overcome their barriers and that helps them see a future beyond being able to sometimes access a part-time, casual or temporary job where they cycle in and out of employment. That is not how you can build a family; that is not how you can build a secure future. This budget measure dumps young people onto no income support for six months and, potentially, longer if you happen to breach one of your requirements. There is this neat, cute little description of 'new payment', but you still have to meet your requirements if you were, in fact, getting income support. This is an ideological approach to how this government thinks you support young people. It has got it so wrong, and the evidence clearly shows that. Also, the human rights committee now says it is incompatible.

The Abbott government's attitude to employment for young people, as I said, assumes that these jobs are readily available and young people are making a lifestyle choice. None of the young people I have spoken to are making that lifestyle choice. They have told me of the dozens and dozens of jobs that they have applied for and the circumstances where there are 1,000 people applying for one job. I heard, in fact, over the weekend from a young person who said that Target was opening a new store in Western Australia, and they had over 900 applications for around 100 jobs. That is 800 people that will be disappointed. And those 800 people, you could bet, would have applied and applied for jobs.

The government thinks that by making life unbearable for young job seekers they will see the light and their barriers to employment will suddenly be overcome. That is so far from the truth. It will condemn young people to poverty and to probably forcing them to lose their accommodation and not be able to meet their basic needs. That is not a safety net. That is simply getting rid of any form of social security for those young people. Poverty, we know, is another barrier to employment. Workforce exclusion is complex and enduring, particularly for people who are disadvantaged. This simplistic ideological approach will not help people into work. It will not overcome those complex and enduring problems. Denying income support to job seekers under 30 for more than six months and then subjecting them to Work for the Dole regimes—and I do not have time to go into all of the problems there—is a major problem. It is fundamentally unacceptable. It is wrongheaded and needs to be rejected.

If you look at indexation, the government says that these bills propose to change the indexation for age pensions, disability support pensions and parenting payments. However, the indexation for parenting payments changes come in straightaway. The others do not come in until after the next election. Again, who will that hit the most? Of course, single parents. Single parents have already copped cut after cut. But if you then look at what it will do to age pensioners and to people on disability support pension, ACOSS has calculated it will be about an $80 per week impact by the time those indexation changes come into effect. That is a cut to the pension. Whether the government likes to describe it like that or not, it is a cut to the pension. We reject it. Likewise, we reject the increase in the retirement age because older
people's exclusion from the workplace once they fall out of employment has not been addressed. And we know that one-third of the people on Newstart have barriers to employment, and we are not adequately addressing those payments. The combination of the changes to retirement age, indexation and freezing of assets will have a significant impact on older Australians.

As COTA pointed out, in their submission and to the Senate inquiry, they are not opposed to looking at how you address retirement income. There are many perverse incentives included which the government is not addressing in these measures that COTA and others think need to be addressed. We think their idea of a retirement income review is a very good idea. Wouldn't you think it would be sensible to do that first before you bring in these ad hoc changes? And, of course, it is very cute for the government to say that they are not breaking their promise. They are breaking their promise. This is a cut to the pension that will adversely impact many Australians. If you then look at the other changes in this budget, such as co-payments and changes to access to health, these are other impacts that older Australians have to face.

The government are also talking about changes which—and I just cannot understand it—are seeking to demonise disability support pensioners, who are now having their portability changed from six weeks to four weeks. Why? They are trying to demonise people. They trying to say, 'It is because you are travelling overseas; therefore, you should not be doing it because you are on a disability support pension.' I have had a number of people contact my office saying that they have been saving up for years and years to be able to travel overseas. And it is harder when you are travelling overseas with a disability. They are travelling to see relatives or because of a dream that they have always had to see the world or to see a specific place. They save up for years, and what are the government saying? 'You can only go for four weeks.' It is mean and demonising to people with disabilities.

People with disabilities are extremely concerned, also, about the reassessment for those under the age of 35. They do not think the process is well thought out. There is the impact on families in terms of, particularly, single parents due to changes to the family tax benefit. Again, this is another impact on single parents. It is ill-thought through. How many times are we going to have a bash at single parents in this place? Government after government has. And yet this government talks about trying to support families. Obviously single parents do not count as families to this government. The supplement of $750 will not adequately compensate single parents.

And then of course we are taking away again the pensioner education supplement, which is particularly important for single parents. The previous government, the Gillard government, took it away but saw sense and restored it. It was only restored this year and now it is going again. People with disabilities are extremely concerned about the demise of the pensioner education supplement and the impact that will have on them when they are trying to get better qualifications so they can engage in work. The problem for people with disabilities is it is hard to engage with work; they have many barriers to overcome. Single parents are the same.

We will be opposing these two bills. There are a couple of measures in these bills that in fact could be supported, but we think the bills are so bad that it is not worth amending them. The equal remuneration case for Western Australia is an example. Dealing with superannuation and the seniors' health card are important measures, but the government is
trying to maybe sugarcoat the other measures by putting these ones in there. If the government wants support for those measures, it can pull them out of the bill and put them separately. We will not be seeking to amend these bills because they are not saveable. They fundamentally affect our social security safety net and they should be rejected, both of them.

Senator SMITH (Western Australia) (13:46): It is with pleasure that I rise to speak on the Social Services and Other Legislation Amendment (2014 Budget Measures No. 1) Bill 2014 today. I am not going to have the opportunity to say everything this afternoon but I am going to specifically comment on the less than accurate—I know Senator Moore, I know Senator Siewert and I work closely with them so I will not use the word 'mischievous'—comments that have been in the paper today about the Parliamentary Joint Committee on Human Rights and its deliberations. I will come to that in a moment.

It is with pleasure that I rise to speak on the bill today because this legislation is designed to do something long overdue in this country. All of us in this parliament are committed to assisting the most vulnerable in our community. We all share an interest in helping those who are unable to fend for themselves financially. I happily believe that senators from other parties share that same aspiration, which makes some of the attacks we hear from those opposite all the more galling.

No political party in this country has a monopoly on compassion. And the consistent attempts by some of those opposite to cast debates on these matters in these Dickensian terms are as false as they are tiresome. But the simple fact is that if we want to make sure that the generations to come enjoy the same sorts of social support, networks and frameworks as current generations, we have a responsibility today to get government spending in our country onto a more sustainable footing. I know that this is a point that many opposite either cannot or will not accept but we cannot continue to spend the way we have been spending. Without wanting to traverse the same ground at length, we have to look at the situation this government inherited when it came to office just over a year ago. We face a situation where government debt, in the absence of any action to correct our current course, was on track to hit $667 billion in a decade's time. I would have thought it was pretty clear that was a very obvious signal of the unsustainable nature of our spending.

Looked at another way, between 2012 2014, the former Labor government was planning to increase government spending by about 16 per cent. On an international basis, that puts Australia right at the top of the list in government spending. While there are certain tables where it would be good to see Australia at the top, this is certainly not one of them.

In more immediate terms, what Labor's runaway debt position means is an interest bill for the nation of around $1 billion every month. That is a huge opportunity cost for this generation and for future generations. Just imagine what a government could do with an extra billion dollars per month in delivering critical infrastructure, providing support for health and education services or, indeed, giving the people's money back to them because it is not government money ultimately, it belongs to those who paid the tax in the first instance. But, bizarrely, the position of those opposite is that we should continue living it up today and let tomorrow look after itself. That is not the responsible way; that is not the new government's way. We were elected because we said we would get the budget back on track and that is what we are determined to do and that is what we will do.
Future generations will not thank those of us in this parliament today if they find the cupboard is bare when they need support down the track and, indeed, in more perilous times. Let me declare: I have supported all of the government budget measures. I am not just on the public record in Western Australia but I am on the public record in many of our nation's papers as supporting the budget measures, all of them. These are difficult times; they require difficult answers.

I was not surprised to learn that Labor today had sought to scaremonger, to misrepresent the report of the Parliamentary Joint Committee on Human Rights. I was disappointed that ACOSS, who I have met a couple of times, decided to join in that scaremongering. What ACOSS said was not wrong; it was just not completely true. What Labor has said was not wrong; it was just not completely true. I am personally disappointed because Senator Moore and others will know that the Parliamentary Joint Committee on Human Rights in our parliament, like other scrutiny committees, has a cherished and valuable role. It is free from the partisan politics that dominate other committees.

Just for the information of senators and those who might have an interest, let me just explain what it is that the committee does. The main function of the committee is to examine bills and legislative instruments that come before the parliament for compatibility with human rights, as defined by seven core international and human rights conventions to which Australia is a party. In simple terms, those conventions define a range of civil and political rights, as well as rights collectively described as economic, social and cultural rights. To understand the way in which the committee undertakes its examination of legislation it is critical to note that, aside from absolute rights such as the right not to be subject to torture, human rights may be generally subject to what are termed permissible limitations under international human rights law. Accordingly, the committee's analytical framework focuses on, firstly, identifying if a proposed measure might have the effect of limiting the enjoyment of a specific right and, secondly, whether any such limitations may be regarded as permissible or justified.

Today we read about an issue in The Australian newspaper and, again, I was disappointed because the journalist concerned—whose stories I normally like reading—did not have the courtesy to speak to the chairman of the Parliamentary Joint Committee on Human Rights. If she had chosen to, if Labor had been interested in a thorough debate on the human rights implications and if ACOSS had been concerned about engaging in a thorough debate on the human rights implications, they would have gone not just to the report but to the chairman's tabling statement, the statement that I give in this parliament every time I present a human rights report. What would they have found? I might just add here that Senator Siewert or Senator Moore did not talk about it; they gave incomplete explanations. What did the chairman say? I would like to draw senators' attention to one bill in this report, which is of particular interest and relevance to the committee's task of assessing legislation for compatibility with human rights. The bill, the Social Services and Other Legislation Amendment (2014 Budget Measures No. 2) Bill 2014, seeks to amend various acts relating to social security, family assistance, veterans' entitlements and farm household support to make a number of changes to certain Australian government payments. The report says:

The committee previously sought the advice of the minister—

that is accurate—
as to whether the measures are compatible with these rights, noting that the statement of compatibility did not adequately identify and assess how potential limitations on the right to social security, the right to an adequate standard of living and the rights to quality and non-discrimination would be reasonable, necessary and proportionate in each case.

That is not a sin. Many government departments do not meet the statement of compatibility test in the first instance. That is not new to this government; it was a feature of the previous government. And Senator Moore is nodding her head in agreement! But this is the critical point:

The further information provided by the minister in this case is an excellent model—

I did not hear that from either Senator Moore or Senator Siewert.

for the kind of detailed information and analysis required to assist the committee in its assessment of the human rights compatibility of legislation. This further information has allowed the committee to conclude that the measures are largely compatible with the right to social security and the right to an adequate standard of living, with identified limitations of rights being generally assessed as reasonable, necessary and proportionate in pursuit of a legitimate objective.

This is the other point that Senator Moore, Senator Siewert, The Australian, ACOS and the Labor Party omitted from their coverage today.

Significantly, out of the twelve matters raised by the committee in relation to measures in the bill, the committee has concluded that ten of these are compatible with human rights.

I do not know about you, Mr Acting Deputy President, but in my language that is a distinction. It is more than a pass; it is a distinction. But this is the critical point: in an effort to prosecute their argument, Labor, ACOS and The Australian—I cannot believe I am saying it—decided to go for a half-truth, not the full truth. That is very disappointing.

In the few moments available to me, let me say that it is not new for governments to suffer the ire of the Parliamentary Joint Committee on Human Rights, which speaks to its scrutiny value and its parliamentary value. I was just reflecting this morning: what other common, familiar issue was there last year or the year before? Of course, it was Labor's media reforms that fell foul of the Joint Parliamentary Committee on Human Rights. They, deservedly, fell foul. I now read from a report in The Sydney Morning Herald:

Of particular concern to the committee—

that is, the Joint Parliamentary Committee on Human Rights—

is Labor's proposal to appoint a single person—the public interest media advocate—to oversee newspaper regulators and judge whether media ownership is "in the public interest". "These bills appear to limit the right to freedom of expression and freedom of association," wrote the committee about the two bills that govern the self-regulation of newspapers.

It is true and I think that many Australians would be surprised to learn that there is a human right to an adequate standard of living and a human right to food and shelter, but the fact is that our country, under the stewardship of then Prime Minister Holt—and I might add, for the benefit of my National Party colleagues, also at the table was 'Black Jack' McEwen, the Deputy Prime Minister—rightly or wrongly, signed up to international treaties. It has a parliamentary committee to oversee them. It is doing good work, but Labor could not resist the temptation. I expect better from ACOS, the Labor Party and The Australian.

Debate interrupted.
QUESTIONS WITHOUT NOTICE

Defence

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:00): My question is to the Minister for Defence, Senator Johnston. I refer the minister to an article written last year by former CDF and now Governor-General and Commander in Chief, Peter Cosgrove, entitled, 'Why our submarines need to be built in Australia'. I quote:

My question is to the Minister for Defence, Senator Johnston. I refer the minister to an article written last year by former CDF and now Governor-General and Commander in Chief, Peter Cosgrove, entitled, 'Why our submarines need to be built in Australia'. I quote:

To outsource this work would be to export hundreds of billions of dollars of work to supporting another country's industry and jobs, rather than investing in our own.

... … …

This is short-sighted thinking.

Minister, was General Cosgrove right?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:00): I say to the Leader of the Opposition in the Senate that when this government came to power it presumed that there had been something done on the two options that were left to the government on SEA 1000. What we have ascertained is that all of the theatre surrounding the reduction from four options—that is, a MOTS and a modified MOTS to son of Collins and a bespoke design; moving to son of Collins and a bespoke design—was in fact theatre.

There was in fact no work being done on those two remaining options. Indeed, what was happening was the Labor government was taking money out of the submarine program; just ripping it off. The proof of that pudding is that there is no contract, no commitment and no obligation on the government to do anything with respect to submarines in Adelaide. You would have thought that South Australian Labor—

The PRESIDENT: Pause the clock. Senator Moore, you have a point of order?

Senator Moore: Thank you, Mr President. My point of order is on direct relevance. The question is very specific: it is about comments about outsourcing. If the minister could actually move towards the outsourcing element, that would be useful.

The PRESIDENT: Thank you, Senator Moore. I do remind the minister of the question. Minister, you have 43 seconds left to answer the question.

Senator Conroy: Even the President smells the blood in the water.

The PRESIDENT: Order, Senator Conroy!

Senator JOHNSTON: Outsourcing is about contractual obligations to secure the program in Adelaide. There was no such securing of this program in Adelaide. The Labor Party senators in this chamber were utterly asleep. The bird has flown. Time is now against us, and action must be taken by a government that knows what it is doing. The fact is that the South Australian Labor government and the South Australian Labor senators sat on their hands and swallowed up the spin of their own government.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:03): Mr President, I ask a supplementary question. General Cosgrove then went on to say in the same article:

There is nothing to be gained and everything to lose by dealing ourselves out of an industry we have spent 25 years building.
The best investment return for the Australian taxpayer is to continuously build and maintain our own fleet of submarines.

Was General Cosgrove correct?

Senator Conroy: Who said that? General Cosgrove?

Senator Sterle: Your mate Cosgrove, Senator Johnston.

Senator JOHNSTON (Western Australia—Minister for Defence) (14:03): If the Labor Party had got on with the job, General Cosgrove may well have been correct. This project came before the National Security Committee of Cabinet in November 2008. It was mentioned in the 2009 white paper. So here we are, down the track six years—and do I have to confront a contract? Do I have to confront a commitment or an obligation to do anything in South Australia? No.

Senator Wong: Yes, your own. Your commitment, your lies, to South Australians.

Senator JOHNSTON: Look at those South Australian senators; they have been asleep.

Senator Jacinta Collins: What about your election promise?

Senator Wong: You promised.

The PRESIDENT: Order on my left!

Senator JOHNSTON: They have done nothing about an important piece of capability. And now they want to suggest that we should be obliged to pick up the pieces when time is completely against us. We will have a— (Time expired)

The PRESIDENT: Senator Wong, just before I give you the call for the final supplementary question, I will remind senators of the provisions of standing order 193—although we have not breached it—relating to reflections upon the Governor-General. I know the context in which you are asking the question—but also for the comments in the interjections also. Senator Wong, you have the call.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:05): I note that South Australian opposition leader Steven Marshall has criticised the uncertainty created by the federal government, and that a senior federal South Australian Liberal has said the government has handled the submarine issue 'very badly'. Are Mr Marshall and this unnamed South Australian Liberal correct?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:05): The government has not made any decision with respect to submarines in the face of our white paper being delivered next year. We are currently working through the options, options which we found to be utterly fanciful and fantastic, from the Labor Party. When I opened the box marked 'SEA 1000' and looked inside, it was empty.

Senator Wong: You lied to South Australians.

Senator JOHNSTON: There was in fact a small cobweb in one corner. That is what the Labor Party delivered on submarines. And they have the audacity to ask me: 'What are you going to do?' What we are going to do is make sure that there will be no gap in capability in terms of submarines going forward. That is our first priority, given the folly of what you did.
Iraq

Senator REYNOLDS (Western Australia) (14:06): My question also is to the Minister for Defence, Senator Johnston. Can the minister outline to the Senate details of this recent visit to Iraq? What was the purpose of his visit? With whom did he meet?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:06): I thank the senator for her question and for her contribution over a long period of time to the Australian Defence Force. I was asked last week by my Prime Minister to travel to Baghdad. There I met with Iraqi Prime Minister Haider al-Abadi and other senior government officials. During these very collaborative meetings I had the opportunity to discuss the current challenges faced by the Iraqi government in Baghdad in dealing with ISIL, or Da'ish as the Gulf countries call them. Iraq is a country that we need to be helping right now. I met with the newly formed government, which is a cohesive, inclusive one that is also intent on stabilising and regaining control of their nation. Australia, as many of us know, is standing ready with more than 40 other nations to help the Iraqi government disrupt and degrade the ISIL death cult. There are now an estimated 1.8 million internally displaced people in Iraq, with an estimated 600,000 having been displaced in August following an upsurge of violence in various parts of the country.

During my talks with the Iraqi Prime Minister I reaffirmed to him Australia's commitment to the international effort to disrupt and degrade ISIL and to help the Iraqi security forces to take the fight to these terrorists. I also reaffirmed this commitment in meetings with US officials who were in Iraq. It is of course in Australia's very best interests that we stand ready with the world to help the Iraqi government and to protect the people of Iraq.

Senator REYNOLDS (Western Australia) (14:08): Mr President, I ask a supplementary question. Is the minister also able to update the Senate on any other meetings and visits he undertook while in the Middle East?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:08): Thank you, Senator, for the question. Following my visit to Baghdad, I had the opportunity to meet with Australian Defence Force personnel who have been predployed to our main support base in the Middle East. I had the honour of speaking with many of our outstanding men and women and reiterated to them that their role was to assist and advise the Iraqi forces as part of an international coalition in regaining the security of Iraq. I also reminded our personnel that Australia has foreign fighters on the ground in Iraq fighting alongside and within ISIL. This is not just a threat to Iraq but also a direct security concern to Australia. On behalf of the Australian people, I thanked them for their enduring professionalism and readiness and reminded them all that they have the full support of both the government and the opposition. I thank the opposition for their support in the motion before the chamber earlier today. While in the UAE I also met their national security leadership. (Time expired)

Senator REYNOLDS (Western Australia) (14:10): Mr President, I ask a further supplementary question. Can the minister advise the Senate of what Muslim leaders have said about the challenges confronting the barbaric and brutal organisation that is ISIL?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:10): Whilst in the United Arab Emirates, I visited the Sheikh Zayed Grand Mosque in Abu Dhabi. This magnificent landmark represents the true meaning of Islam, that of peace, and it is evident that
its open-door policy to people of all religions was there for all to see. As the Vice-President and the Prime Minister of the UAE and the ruler of Dubai, Mohammed bin Rashid, has said today, ISIS can certainly be defeated militarily by the international coalition and the UAE are actively supporting that coalition. He said:

What we are fighting is not just a terrorist organization, but the embodiment of a malicious ideology that must be defeated intellectually.

He continued:

The world must unite behind a holistic drive to discredit the ideology that gives extremists their power, and to restore hope and dignity to those whom they would recruit.

Muslim leaders from Prime Minister Najib of Malaysia and President Yudhoyono of Indonesia to the Grand Mufti of Australia have declared that the ISIL movement is against God, against Islam and against our common interests. (Time expired)

**Defence Procurement**

**Senator CONROY** (Victoria—Deputy Leader of the Opposition in the Senate) (14:11): My question is to the Minister for Defence, Senator Johnston. I refer to the government's plans to break its pre-election promise to build 12 new submarines in Adelaide and instead buy them from Japan. Is the minister aware that two former submarine commanders, Rear Admiral Peter Briggs and Commodore Terence Roche, have criticised this plan? They said:

… little consideration seems to have been given to the suitability of Japanese-designed submarines to meet Australia's requirements …

What does the Prime Minister and the defence minister know that these submarine experts don't?

**Senator JOHNSTON** (Western Australia—Minister for Defence) (14:12): We are engaging a number of countries with respect to recovering this program that has had nothing done on it for six years. That is because the previous government simply shut the file and did absolutely nothing. We have been confronting a capability gap, so we are using our best endeavours to work out what will benefit the Royal Australian Navy's capability into the future.

The reason we are able to do this is that there is not even a contract. There is not even an obligation or a commitment from the former government over five or six years to do anything with respect to submarines. You have left us in a position where we are confronting a capability gap such that we must as a first priority address that scheduling issue. Indeed, many on your side know that.

**Senator Wong:** Mr President, I rise on a point of order on direct relevance. The question went specifically to whether or not consideration had been given to the suitability of a Japanese designed submarine to meet Australian requirements. It is a very important question, and I would ask the minister to return to the substance of the question.

**The PRESIDENT:** There were two parts to Senator Conroy's question. The first was: 'Is the minister aware …,' and then there was some commentary about that. The second part was: 'What does the Prime Minister and defence minister know?' It is quite a broad question and the minister is answering the question.
Senator JOHNSTON: What we do know is that urgent action is required on what is probably Australia's most complex defence procurement.

Senator Conroy interjecting—

The PRESIDENT: Order! Senator Conroy, are you reflecting on the chair?

Senator Conroy: Not at all.

The PRESIDENT: Thank you. If you go and read Hansard you will find I am correct.

Senator Conroy interjecting—

The PRESIDENT: Senator Conroy, you are sailing very close to the wind.

Senator JOHNSTON: This program is one of Australia's most important defence acquisitions. For me to find that nothing had been done in five years reflects very, very poorly on all of those press releases that the Labor Party issued in Adelaide prior to the last election. Indeed, they were very good at launching press releases but not too good at launching submarines. They prevaricated. They shut the file. Indeed, many people on your side know that there was to be no work done while they ripped the submarine program off and took all the money in a forlorn pursuit of a surplus budget. (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:15): Mr President, I ask a supplementary question. Is the minister aware that these two submarine experts have also said, and I quote:

… big compromises would have to be accepted if Australia is to buy Japanese without serious design modifications, incurring further time delays, high cost and risk.

I ask again: what do the Prime Minister and the defence minister know about submarine capability that Rear Admiral Briggs and Commodore Roach do not? (Time expired)

Senator JOHNSTON (Western Australia—Minister for Defence) (14:15): I have had a number of meetings with Terry Roach and former Admiral Peter Briggs over the last five years at the Submarine Institute. I know them both very well and respect them highly. What they are saying, Senator, is that Australia has specific requirements for its submarine capability. I would have thought my knowing that in opposition would have meant you would have done something about those specific requirements, you would have actually put pen to paper and drawn up some plans, you would have had a concept, you would have had an idea, you would have actually done some work—but, no. The slate is perfectly blank. I have a clean sheet of paper to work with.

Senator Conroy: Mr President, I rise on a point of order. I asked a very specific question about the capability and what the minister and the Prime Minister know about submarine capability that these two submarine experts do not. I ask you to draw him to the question.

The PRESIDENT: Senator Conroy, that was the second part of your question; the first part was: 'is the minister aware?' He stated quite clearly that he is aware, and he was making some commentary. Minister, you have the call.

Senator JOHNSTON: In this space, everybody is an expert on submarines. Indeed, Senator Conroy purports to be an expert on submarines. I wonder where he was in the last five years. I do know that he was building an NBN at great expense to the management. (Time expired)
Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:17): Mr President, I ask a further supplementary question. Rear Admiral Briggs also said that if the government buys Japanese submarines their effectiveness—and again I quote:

... will always be reliant on the relationship with the overseas parent navy and its industrial base.

Again, what does the minister believe that he and the Prime Minister know about submarine capability that these acknowledged experts do not?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:17): The good senator has a very short memory, because when we built the Collins class we relied exclusively upon Cockram to provide the intellectual property to support the sustainment of that vessel. Let me just tell you that, in order for a full-cycle docking of Collins, we are currently running at 36 months. The Japanese do a full-cycle docking in eight months. The Germans do a full-cycle docking in 11 months. The Labor Party chose this particular submarine. Its cost of sustainment runs about $1 billion a year, and we are lucky if we have got two in the water! It has taken this government to get that turned around and get that submarine output—that is, to available capability in the water, ready to be tasked. We have done that. You produced the Collins, which has been nothing more or less than a problem. (Time expired)

Asylum Seekers

Senator HANSON-YOUNG (South Australia) (14:18): My question is to the Minister representing the Minister for Immigration and Border Protection, Senator Cash. Minister, could you please inform the chamber as to when the minister was first made aware of allegations that asylum seekers are being forced to trade sexual favours in exchange for access to amenities, including showers, inside the Nauru detention centre? And when was the minister made aware of cases of sexual assault and child abuse inside the centre?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:19): In relation to Senator Hanson-Young’s question and the minister becoming aware, I will speak with the minister. In terms of what are allegations that Senator Hanson-Young has raised, I understand that the allegations that have been raised have been referred to the Department of Immigration and Border Protection for investigation. This government, as with any government, takes allegations of this nature very seriously. As I stated, they have been referred to the Department of Immigration and Border Protection for investigation, but at this stage they are allegations.

Senator HANSON-YOUNG (South Australia) (14:20): Mr President, I ask a supplementary question. I thank the minister for her answer. Does the minister have any information to update the Senate as to when that investigation is due to report or how long that investigation will take?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:20): I will take that question on notice. At this stage, my understanding is that the allegations have been referred to the Department of Immigration and Border Protection for investigation.

Senator HANSON-YOUNG (South Australia) (14:20): Mr President, I ask a further supplementary question. Could the minister explain the voluntary nature of a deal with
Cambodia when refugees are being exposed to these allegations of abuse and assault on Nauru?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:20): I will confirm for the Senate that, in relation to the situation with Cambodia, if a refugee wants to go to Cambodia they will elect to go voluntarily. The memorandum of understanding is only in relation to those who elect to go there voluntarily. If Senator Hanson-Young is in any way suggesting that people will be forced to go there, that is completely, totally and utterly incorrect. What Senator Hanson-Young fails to recognise and what those on the other side fail to recognise is that this is what a regional solution looks like—a settlement in a country other than Australia, within the region. Those on the other side talked about a regional solution. It is we on this side who are implementing a regional solution. (Time expired)

Medibank Private

Senator CANAVAN (Queensland) (14:22): My question is to the Minister for Finance, Senator Cormann. Will the minister advise the Senate on why the government is proceeding with the sale of Medibank Private?

Senator CORMANN (Western Australia—Minister for Finance) (14:22): I thank Senator Canavan for that question. The reason that we are proceeding with the sale now is because the best advice available to us is that market conditions are right to proceed with the sale, but of course we will continue to monitor market conditions as we are progressing that sale through an orderly and methodical process.

On Sunday, I invited on behalf of the government all Australians, including Medibank Private policyholders, to preregister their interest in receiving a prospectus in the context of the sale of Medibank Private, which we expect to release later in October. The sale of Medibank Private has been longstanding coalition policy, and indeed it has been the longstanding policy of this parliament. The parliament, in 2006, passed the Medibank Private Sale Act, and that sale is being conducted consistent with the requirements in that legislation. The truth is that in 2014 there is absolutely no reason for the federal government to be involved in running a private health insurance business. Medibank Private is not a government monopoly; it is a commercial business which operates in a well-functioning, well-regulated, competitive market with 33 other private health insurance funds. There is no market failure and, as such, there is no compelling reason for the government to continue to own Medibank. The sale will of course also remove a conflict, with the government as the regulator of that market and currently the largest market participant.

The final point I would make is that suggestions that somehow this would push up the cost of premiums are inaccurate because Medibank Private in private ownership will continue to have to compete for customers with other funds, which of course will limit their capacity to increase premiums, and premium changes will continue to be regulated as they are now.

Senator CANAVAN (Queensland) (14:24): Mr President, I ask a supplementary question. Minister, you said in your answer that the public can preregister their interest for a prospectus. Why should members of the public and current policy owners preregister that interest?

Senator CORMANN (Western Australia—Minister for Finance) (14:24): We do encourage all Australians to preregister their interest, and those Australians who do will have
the opportunity to apply for a greater allocation of shares, if that is what they want to do, once
the sale process proper is underway. In relation to Medibank Private policyholders, if they
preregister they will be able to get a greater allocation of shares than members of the public
who are not Medibank Private policyholders who preregister. Preregistration is essentially an
expression of interest in receiving a prospectus, either in digital form or in hard copy. The
government would say that it is up to every individual investor to make a judgement, after
having carefully considered the prospectus and having taken proper advice, as appropriate,
from a financial adviser, on whether that investment is suitable for them.

Senator CANAVAN (Queensland) (14:25): Mr President, I ask a further supplementary
question. How will the proceeds of the sale of Medibank Private be invested?

Senator CORMANN (Western Australia—Minister for Finance) (14:25): The proceeds
from the sale of Medibank Private will be reinvested in productivity enhancing infrastructure
as part of the government's plan for a stronger, more prosperous economy where everyone can
get ahead. The beauty here is that this is microeconomic reform which will see Medibank
Private perform even better in private hands, without the restrictions of government
ownership, which means that Medibank Private policyholders will be better off. The
government on behalf of taxpayers will be able to release the capital that is currently tied up
in Medibank Private and will be able to use it for forward-looking purposes, such as investing
in new infrastructure for the future. The Medibank Private service, of course, continues to be
available and will provide better services. In the meantime, we will be able to reinvest the
capital that is released to ensure that we continue to grow the economy more strongly by
moving forward.

Taxation

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:26): My question is to
the Minister Assisting the Treasurer, Senator Cormann. Is the minister aware of the Who pays
for our Commonwealth report by the Tax Justice Network and United Voice, which found
that, of Australia's largest 200 companies, 29 per cent have an effective tax rate of 10 per cent
or less and 14 per cent have an effective tax rate of zero? If so, given that $8.4 billion more in
revenue a year could be raised if companies paid the full tax rate, why is the government
targeting the poor, the sick and the young with its cruel budget rather than pursuing the tax
avoiders with an aggressive litigation strategy and an adequately resourced tax office?

Senator CORMANN (Western Australia—Minister for Finance) (14:27): I thank Senator
Milne for that question, and I mean that sincerely because it enables me to address some of
the flaws that are in that particular report that I am indeed aware of. Let me just say right up-
front: of course, all of us in this chamber, I am sure, would agree that every business that
generates profits in Australia should pay their fair share of tax, consistent with the laws of the
land. In Australia, we do have one of the toughest anti-avoidance laws in a tax system in the
world. That does not mean that we sit on our laws and do not keep on looking at how we need
to respond to any emerging issues in the marketplace. Of course we do. And we do have a
particular challenge in dealing with the particular issues around businesses that operate in
different parts of the world.

The paper that Senator Milne refers to and the reporting of it through Fairfax was a
particularly poor contribution to what is a very important debate. For example, Fairfax did not
point out that the paper actually shows that Australian companies pay a great deal of tax. Did
anyone read in the Fairfax papers that the report by the particular justice network that Senator Milne talks about shows that Australia ranks second-highest in the OECD when it comes to company tax revenue as a share of overall revenue? I do not think so. In fact, the first in that list is Norway. For Norway they include royalty-like revenue from their state owned oil companies. So to compare us is not quite accurate. Furthermore, the paper—and this is where the paper is quite misleading and quite dishonest—focuses on accounting profits and earnings before interest and tax rather than Australia's actual corporate tax base. In Australia, companies are legally and legitimately permitted to make deductions from accounting profits for depreciation, interest, royalties and other expenses. The corporate tax base is what is left after these deductions are made. Incidentally, unions—in particular, the ACTU—have previously argued in favour of R&D tax concessions.— (Time expired)

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (14:29): Mr President, I ask a supplementary question. Given the G20 is planning to tackle profit shifting and tax avoidance by multinational corporations, can the minister explain why Australia has pushed back its information-sharing implementation date by one year to 2018 rather than join the 36 countries that are early adopters and are going to start information sharing in 2017?

**Senator CORMANN** (Western Australia—Minister for Finance) (14:30): I thank Senator Milne for her supplementary question. Firstly, I would say that our Treasurer, the Hon. Joe Hockey, is providing great global leadership in resolving this issue. The second point I would make is that Australia right now is already sharing information with about 40 countries around the world. We do think we need to take this further through a common reporting standard, but we are very mindful that, as we implement this, we implement it in a way that is the least distorting of our capacity to continue to grow the economy as strongly as possible here in Australia. By deferring this part of the strategy by one year, we are able to let businesses implement those changes in a more sensible way, minimising the costs they will incur as they make those necessary changes. Let me be very clear: we are totally focused on doing everything we can to ensure that every business, including multinational businesses, making profits here in Australia pay their fair share of tax.

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (14:31): Mr President, I ask a further supplementary question. Is it true that the tax office is piloting a plan to outsource the tax audits of large companies to the very accounting professionals, including the big four accounting firms, that are helping the same companies to minimise their tax? Is this not a conflict of interest?

**Senator CORMANN** (Western Australia—Minister for Finance) (14:31): Let me just make the point here that I was trying to make as part of my response to the initial question. The point that seems to have escaped Senator Milne is that if you look at the tax paid as a proportion of the corporate tax—

**Senator Milne**: Mr President, I rise on a point of order. I asked a specific question on whether the tax office is outsourcing the audits to the very people who are working for the companies that require them—yes or no.

**The PRESIDENT**: Also, Senator Milne, you did ask prior to that, 'Is it true about the tax office' and so on, so there were two elements to your question. The minister is barely into his answer.
Senator CORMANN: Senator Milne, with all due respect, reflected on Australia's four largest tax advice companies.

Senator Milne interjecting—

Senator CORMANN: That is what you did. You reflected on Australia's four largest accounting firms.

The PRESIDENT: Address your remarks to the chair, Minister.

Senator CORMANN: The point here is that, unless the Labor Party and the Greens want to change the law and say that we now tax cash flows rather than profits and that we can no longer deduct the business costs, the cost of generating the revenue, before we impose company tax, the assertion that is made is, quite frankly, quite offensive.

Employment

Senator McGrath (Queensland) (14:32): My question is to the Minister for Employment, Senator Abetz. Can the minister update the Senate on the government's reforms to ensure job seekers attend their appointments with Job Services Australia providers? How many appointments are being missed by job seekers each year?

Senator Abetz (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:33): I thank Senator McGrath for the question. Mutual obligation means that when Australian taxpayers help out a job seeker it is expected that the job seeker do something in return. Mutual obligation is best exemplified in the new Work for the Dole program. In return for taxpayer funded income support, job seekers can participate in Work for the Dole, which gives job seekers the opportunity to gain new skills and reconnect with the labour market whilst at the same time giving something back to the community. Work for the Dole is already having positive effects for many participants and local communities right around the country.

It is also important to note that when job seekers receive taxpayer funded income support they also have a mutual obligation to work with Job Services Australia providers to connect with new jobs and, where necessary, training and access to other government support programs. As part of their obligation to work with Job Services Australia providers, job seekers are expected to attend appointments with providers to discuss progress and look at what options are available to the job seeker.

The government knows that the vast majority of job seekers do the right thing when it comes to their mutual obligation requirements. The majority of job seekers want to find work and do not want to rely on the taxpayer to support them. However, unfortunately, when it comes to keeping appointments with Job Services Australia providers, which is a condition of job seekers receiving taxpayer funded support, some job seekers are not sticking to their side of the mutual obligation bargain—and that is what we are seeking to address.

Senator McGrath (Queensland) (14:34): Mr President, I ask a supplementary question. Is the minister able to advise the Senate of the extent of problems with the current system, including the extent of excuses used by job seekers who miss appointments with JSA providers?

Senator Abetz (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:35): Yes, I can.
In 2013-14, nearly 4½ million of the 12¼ million compulsory appointments were not attended by job seekers. That is a non-attendance rate of 35 per cent. This problem grew from over 238,000 job seekers in 2012-13 who had at least one participation failure applied to almost 280,000 in 2013-14. JSA providers have heard myriad excuses for job seekers not turning up to appointments, including hangovers and sleeping in. In the first three months of this year, nearly 20,000 job seekers chose not to participate in appointments. In the same period, nearly 12,000 job seekers did not turn up because of an unproven medical issue. Very simply, it is not good enough and we intend to make the system more robust. (Time expired)

Senator McGrath (Queensland) (14:36): Mr President, I ask a further supplementary question. Can the minister inform the Senate of the benefits to both job seekers and Australian taxpayers of having effective means of ensuring job seekers attend interviews?

Senator Abetz (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:36): The government knows that most job seekers do the right thing by the taxpayer, but the problem of nonattendance at appointments is not fair on the taxpayer and nor is it fair on the provider who has to spend time chasing up the job seeker to reschedule appointments when they should be focused on getting the job seeker a job.

Last week, the government introduced legislation which will make the requirements for job seekers fairer for the taxpayer, fairer for the provider and, indeed, better for the job seeker. The legislation provides a much stronger incentive for job seekers to either attend their scheduled appointment in the first place or to pick up the phone ahead of time and explain why they are unable to attend. This is what happens in workplaces around the country each and every day. It is only fair, it is reasonable and it is a similar standard to that applied to those in work. When the legislation arrives in the Senate I will look forward to the support of honourable senators. (Time expired)

Renewable Energy

Senator Lambie (Tasmania—Deputy Leader and Deputy Whip of the Palmer United Party in the Senate) (14:37): My question is to the Leader of the Government in the Senate and the Senator for Tasmania, Senator Abetz. Does the minister agree that the national RET scheme was designed to limit the harm that Australia’s coal fired power generators cause to our environment by providing more renewable energy generators, which emit less harmful greenhouse gases?

Senator Abetz (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:38): I do recall a former senator from our home state of Tasmania who in fact denigrated renewable energy in the form of hydropower and believed that the answer for Tasmania was a coal fired power station in the Fingal Valley. And of course that former senator was none other than the leader of the Australian Greens, Senator Bob Brown, in this place. That is how things change from time to time. I can indicate to the senator that I think we all would like to see renewable energy, and our home state of Tasmania boasts hydro, in a manner that has been criticised for decades by the Australian Greens. What we want to see is good, clean, renewable energy, but we also want to see is affordable energy. And one thing we do not want to see in Australia is manufacturing being exported out of Australia to other countries where they do not have the strong, robust environmental regimes as exist in Australia.
We already saw the outcome of the disastrous carbon tax, which, thanks to Palmer United, we were able to finally get rid of, along with colleagues from the Liberal Democrats, Family First, the motoring enthusiasts, Senator Xenophon and the DLP. But, having said all that, we as a government are looking at the report of the review into the Renewable Energy Target, and we will come out with our proposals in due course.

Senator LAMBIE (Tasmania—Deputy Leader and Deputy Whip of the Palmer United Party in the Senate) (14:39): Mr President, I ask a supplementary question. Does the minister agree that Tasmania's hydro energy is one of the best sources of clean renewable energy, emits no harmful greenhouse gases and generates more than 90 per cent of our state's power?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:40): The Hydro-Electric Commission in our home state of Tasmania is the reason I am in this place, because, but for the employment opportunity that was provided to my father and family in 1961, we would not have emigrated from the other side of the globe to Tasmania to take up a great opportunity, so I think you will find no more sympathetic a person in this place to the Hydro-Electric Commission and the development of hydro-industrialisation than myself. Having said that, I believe that hydro has had a great history in Tasmania and will have a great future in Tasmania. That is what we as a coalition government in Canberra and a Liberal government in Hobart are absolutely committed to protecting.

Senator LAMBIE (Tasmania—Deputy Leader and Deputy Whip of the Palmer United Party in the Senate) (14:41): Mr President, I ask a father supplementary question. Given that the minister agreed that (1) the national RET scheme was designed to limit the environmental harm coal fired power stations caused and (2) Tasmania uses hydro renewable energy and has no dirty coal fired power stations, can the minister explain why he supported a national RET system that effectively forces every Tasmanian business and household to pay an extra tax of tens of millions of dollars a year in order to replace mainland coal fired generators with renewable power generation?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:41): As I understood the situation, because we have not had further hydro-industrialisation in Tasmania, courtesy of the Greens, we need Basslink to import brown coal energy from Victoria into Tasmania, and that is another environmental debacle, courtesy of the Australian Greens, that does not get the sort of publicity it deserves. Having said that, we also use Basslink the other way, to export hydropower to the mainland and, as a result, get some benefits for our home state of Tasmania. But let us never forget that the carbon tax windfall, so called, for the hydro was in fact paid for by Australian taxpayers and Tasmanian taxpayers, and we are concerned to reduce the cost of living for our fellow Australians and to ensure that businesses remain viable. (Time expired)

**G20 Finance Ministers Meeting**

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:42): My question is to the Minister representing the Prime Minister, Senator Abetz. Is the President of Russia welcome to visit Australia for the G20 meeting in Brisbane in November?
Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:42): I will take the detail of that question on notice—what the position is—keeping in mind that Australia is not in full control of the G20. The G20 is a group of countries that have come together to pursue certain economic and other issues and therefore if Australia were to unilaterally determine one way or the other who or who may not be welcome I could imagine that there could be potential consequences for the general viability of the G20. Having said that, I will take the detail of the question on notice to ascertain whether there is more material that I might be able to advance for the benefit of the senator.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:43): Mr President, I ask a supplementary question. I refer to the Prime Minister's statement in relation to President Putin's participation in the G20 that it is 'very important that Australia act with the strength and self-respect that you would expect'. I also refer to today's Australian Financial Review, which says that the Prime Minister is hoping for a face-saving compromise. Is hoping President Putin will not come the best the Prime Minister can do?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:44): One would have thought that somebody who, one would imagine, is experienced in matters governmental and in foreign affairs would realise that, from time to time—and I do not know whether this report is correct or not—you might entertain certain hopes but still know that the answer is not necessarily completely up to you. You do need to talk and liaise with the other members of the G20 to determine what an appropriate course of action is. As I said in answer to the previous question, if there is any further detail that the Prime Minister would seek to add to that which I have offered, I will present that to the chamber.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:45): Mr President, I ask a further supplementary question. I refer to the sanctions Australia imposed upon Russia in response to the loss of life aboard MH17. Can the minister guarantee that travel sanctions will not be waived for any member of the Russian delegation planning to attend the G20 meeting in Brisbane?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:45): In relation to travel arrangements, I do note, as an example, that I chaired the labour and employment component of the G20 in Melbourne. The Russian minister did attend that. Whether or not there will be travel sanctions imposed is a matter that may or may not be contemplated by the government.

Senator Wong: On a point of order, Mr President: the question was about the sanctions which were already imposed and whether or not they would be waived for members of the Russian delegation.

The PRESIDENT: Yes, Senator Wong, your question was exactly as you said. I think the minister was answering about travel arrangements. He was quoting one example and he still has half his answer left to go.

Senator Wong: Mr President, I make the point that travel arrangements and travel sanctions are not the same thing.
The PRESIDENT: I accept that, Senator Wong. But the minister has about half his time left to answer the question.

Senator ABETZ: As I indicated, these matters are extremely sensitive. The world community is seeking to get the G20 to address some of the economic imperatives to help lift our societies in the areas of economic development and job creation, for example. That is something the world is focused on—as indeed the world has been rightly focused on the MH17 disaster. I will take the further detail on notice.

Child and Forced Marriage

Senator McKENZIE (Victoria) (14:47): My question is to the Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women, Senator Cash. Can the minister advise the Senate what the government is doing to prevent child and forced marriage?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:47): I thank Senator McKenzie for this important question. The government takes a zero tolerance approach to child and forced marriage and recognises that it constitutes a violation of the human rights of women and girls. In Australia, child and forced marriage is illegal. It is an assault on Australia’s values. The Australian government is sending a very clear message that child and forced marriage will not be tolerated anywhere, and to do this credibly we need to commence here in Australia. It is now 10 years since the Howard government established its Action Plan to Eradicate Trafficking in Persons. The Minister for Justice is currently working on finalising the National Action Plan to Combat Human Trafficking and Slavery. Last year, the Australian parliament passed legislation to recognise child and forced marriage as a serious form of exploitation and a crime akin to slavery.

Australian law is clear—that marriages must only take place when both parties consent and when parties are of marriageable age. Forced marriage offences carry a maximum penalty of four years in jail, or seven years if the victim is a child. If a child is taken overseas for the purpose of a forced marriage, the maximum penalty increases to up to 25 years imprisonment. The AFP has specialised teams to investigate forced marriage. These teams work in close collaboration with state and territory police. Since 2013, the AFP have received 24 referrals for suspected forced marriage matters. However, anecdotal evidence would suggest that the true number of cases is greater than reports indicate. Accordingly, the government's focus is to ensure increased community awareness and education at a grassroots level to ensure that this abhorrent practice is stamped out.

Senator McKENZIE (Victoria) (14:49): Mr President, I ask a supplementary question. Can the minister explain to the Senate why the government is working to prevent these marriages from taking place?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:49): Child and forced marriage is about abuse, subjugation and exploitation. When girls are forced into marriage, they are often prevented from finishing school and they are at high risk of early pregnancy and serious complications, even death, resulting from being pregnant too young. They may have restrictions imposed on their freedom and can suffer emotional and physical abuse and
sexual assault, contributing to anxiety and depression. Child and forced marriage continues to be an impediment not only to the economic, legal, health and social status of women and girls but to the development of the community as a whole. The empowerment of, and investment in, women and girls, as well as their meaningful participation in decisions that affect them, is a key factor in breaking the cycle of gender inequality and discrimination, violence and poverty. The complex and challenging nature of child and forced marriage necessitates the collective efforts of government, law-makers, judicial authorities, law enforcement officials, and community and religious leaders to address both the causes and consequences.

Senator McKENZIE (Victoria) (14:51): Mr President, I ask a further supplementary question. Can the minister detail to the Senate the programs or projects which the government has funded to alleviate the issue of child and forced marriage?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:51): As the Minister Assisting the Prime Minister for Women, I regularly meet with stakeholders in relation to child and forced marriage and will be working with my state and territory colleagues to consider the issue as part of the Second Action Plan under the National Plan to Reduce Violence against Women and Children. The government, in close collaboration with non-government organisations, is also investing in community education and awareness raising. In March, the Minister for Justice announced over $1.4 million in funding to ACRATH, Anti-Slavery Australia, Project Respect and the Scarlet Alliance to continue their invaluable awareness raising, outreach and service provision. At July’s National Roundtable on Human Trafficking and Slavery, the Minister for Justice announced a further commitment of almost half a million dollars to support Australian NGOs in their efforts to prevent child marriage. With this funding, Anti-Slavery Australia will expand its legal advice service to provide free, individualised legal advice by email and text message to people who are at risk of forced marriage.

Budget

Senator McEWEN (South Australia—Opposition Whip in the Senate) (14:52): My question is to the Minister for Employment, Senator Abetz. I refer to reports that during budget negotiations Senator Bob Day has raised with the government a proposal to allow young job seekers to 'opt out' of the Fair Work Act if they find a job but the employer cannot afford to meet minimum pay and conditions. Can the minister confirm that this proposal is on the table as part of the budget negotiations?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:52): I can inform the honourable senator that the government's policy in relation to the Fair Work Act remains as it was in May 2013 when we announced it, and there are no plans to change it.

Senator McEWEN (South Australia—Opposition Whip in the Senate) (14:53): Mr President, I ask a supplementary question. I refer to reports that Senator Day has indicated that the government sees his proposal as 'an eminently sensible approach'. Minister, who in the government told Senator Day his proposal to relieve young job seekers from the protections afforded by the Fair Work Act is eminently sensible?
Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:53): I suggest that Senator McEwen should ask her fellow South Australian senator, Senator Day, whether those reports are correct and, if they are, the source of those reports. I can indicate that the government's policy remains as it was in May 2013, when we announced our policy.

Senator McEWEN (South Australia—Opposition Whip in the Senate) (14:54): Mr President, I ask a further supplementary question. Will Senator Day's 'opt out' proposal be included in the secret terms of reference of the government's Fair Work Act review?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:54): I suppose that if they are that secret, nobody will know what is in the terms of reference! I can indicate to the senator that the terms of reference will be exceptionally broad to allow the whole gamut of the fair work regime to be considered—something that the previous federal Labor government studiously refused to do. They ensured that their legislation was not subjected to a regulatory impact statement, as it should have been. Indeed, Prime Minister Rudd at the time exempted it, and they then tried to have this review with hand-picked individuals with skewed terms of reference. We said at all times that review should go to the Productivity Commission with a very wide agenda, and that is what we will be doing—and announcing it in due course.

Higher Education

Senator SESELJA (Australian Capital Territory) (14:55): My question is to the Minister for Human Services, Senator Payne, representing the Minister for Education. Can the minister advise the Senate what opportunities the government's higher education reforms create for students from low socio-economic status backgrounds?

Senator PAYNE (New South Wales—Minister for Human Services) (14:56): I would like to thank Senator Seselja for the question, because the opportunities that the government's higher education reform package create for students from low socio-economic backgrounds are a very, very important aspect of the initiative that the Minister for Education is taking, especially in regional areas. For example, we know it is very important to encourage students to stay on to complete secondary education and for many, many more to go on to higher education than is currently the case. This is a package that creates real opportunities. For example, there is going to be no limit on how many students can be offered diploma courses. These are possibly life-changing opportunities for young people in particular, for people who are in mid-career and want to change from one career to another or for people who really need a pathway into higher education. In fact, around the country over 80,000 additional students a year will be supported by the Commonwealth by 2018 as a result of these reforms—and very many of those will come from disadvantaged backgrounds.

We also have in the package the Commonwealth scholarship scheme, which has the potential to be the largest scholarship scheme in Australia's history for supporting students from disadvantaged backgrounds, including those from regional Australia. I do not understand why those opposite are just gratuitously opposed to the extraordinary opportunity that such a scholarship scheme could provide. It can provide help with living costs or help with other expenses. This is a package that really spreads opportunity for students across Australia—and with enormous potential for people from low socio-economic backgrounds.
Those opposite are deniers. They are negative, they have nothing else to say. They deny there is anything positive at all about the reform approach, which is very sad. That argument of theirs is demolished by the facts, and this is an extraordinary opportunity for Australian students. (Time expired)

Senator SESELJA (Australian Capital Territory) (14:58): I thank the minister for the excellent answer, and ask a supplementary question. Can the minister advise the Senate of what other benefits the government's reforms have for students, including for students in vocational education and training and with non-university higher education providers, including TAFEs?

Senator PAYNE (New South Wales—Minister for Human Services) (14:58): I think the aspects around the vocational education and training opportunities within the package are very, very important. For example, we have a package here that strengthens the Higher Education Loan Program. No student needs to pay a cent up-front, and no-one needs to repay a cent until they are earning over $50,000 a year. The bill also abolishes the 20 per cent loan fee which full-fee-paying students in vocational education and training currently have to pay to borrow under VET FEE-HELP.

Senator Cormann interjecting—

Senator PAYNE: Minister Cormann is exactly right: how is that not a positive opportunity for all those students participating in the VET sector? Abolishing that VET loan fee will benefit around 80,000 VET students nationally each year and help them on average by $1,600. That is a major difference. If we are able to remove the loan fees, when the legislation progresses, it will particularly benefit low-SES students and ensure that all students are treated fairly— (Time expired)

Senator SESELJA (Australian Capital Territory) (14:59): Mr President, I ask a further supplementary question. Can the minister apprise the Senate of any recent commentary on the need for the government's reform package?

Senator Kim Carr interjecting—

Senator PAYNE (New South Wales—Minister for Human Services) (15:00): If Senator Carr does not get his question in, perhaps he could skype it in like Senator Conroy does for preselections! As senators know, we have leaders across Australia in the higher education field who are urging the passage of the government's higher education reform package, with amendments. Universities Australia, the Regional Universities Network, the Australian Technology Network of universities, the Innovative Research Universities, the Group of Eight, David Gonski and many others are saying that the reforms are essential.

Recently, the Vice-Chancellor of the Australian Catholic University, Professor Greg Craven, wrote an article, 'Four reasons to back uni reforms'—and, incidentally, the ACU has recently appointed an exceptional new chancellor in the Hon. John Fahey. Professor Craven says these reforms are both necessary and equitable. He concludes: Rejecting the package wholesale is not a vote for university equity. It is a vote against reality. (Time expired)

Senator Abetz: Mr President, I ask that further questions be placed on the Notice Paper.
QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Arts Funding

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (15:01): I have some further information for Senator Collins in relation to a question she asked me on Thursday about the Melba Foundation. I can confirm to Senator Collins that I approved a grant of $275,000 to the classical recording charitable trust the Melba Foundation, on the basis of departmental advice. I can also inform Senator Collins that, in 2009-10, the Hon. Peter Garrett on the same basis approved a grant of $1 million to the Melba Foundation; in 2010-11, the Hon. Peter Garrett approved a grant of $750,000 to the Melba Foundation; and, in 2011-12, the Hon. Peter Garrett approved a grant of $500,000 to the Melba Foundation.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Defence Procurement

Senator GALLACHER (South Australia) (15:02): I move:

That the Senate take note of the answers given by the Minister for Defence (Senator Johnston) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Wong) and Senator Conroy today relating to the manufacture of the next fleet of Australian submarines.

This matter really is not being given the respect it deserves in this chamber. I think that anybody who has visited South Australia or lived in, worked in or read about South Australia would realise how important this issue is, how widely held and deeply felt this issue is. There are plenty of Liberal supporters in South Australia—not a majority, I might add; not enough to get into government, but there are plenty of them there—and they view this decision by this minister and this government with clear disdain. This is not a decision which anyone in South Australia will support this government on. People may have a view of the budget, a view of the fiscal world, but they are very, very clear on the need to retain a manufacturing base in South Australia—retaining high quality, high skill, high-value jobs in South Australia.

Let us put on the record some of the comments of a couple of those very solid Liberal contributors. Let us take the member for Hindmarsh, Mr Matt Williams. He has written to his Prime Minister exhorting him to make a different decision, imploring him to make a decision in the seat of Hindmarsh. Let us take our own good Senator Fawcett, who put out a press release as late as last week saying that he fully supports the design build—well, let us read it.

Let us go straight to the source:

I am a strong advocate for building the next submarines in Australia.

My views in summary are:

- We need a submarine that meets defence needs
- The Collins experience has taught us that being able to maintain them is critical, and
- The most cost effective way to get the submarine we need, and have the ability to maintain them, is to partner with an established submarine manufacturer to build the submarines in Australia.

That is not from the Labor side; that is from the Liberal side. Let us have a look at what the former leader of the Liberal Party in South Australia, the now Minister For Defence Industries as well as a number of other portfolios, who says very, very clearly what the situation is. Mr Martin Hamilton-Smith takes complete umbrage at this decision, saying:
'It beggars belief that any federal government would seriously consider spending up to $250 billion of Australian taxpayers' money on buying naval ships from overseas …

Mr Hamilton-Smith said there were 27,000 defence jobs in this state, including 3000 in ship building, and 'industry activity worth hundreds of billions of dollars over 30 years that hinge on this decision due in the coming year'.

Those are just a few comments, not from our side of the chamber, not from our side of politics—although I must say that Martin-Hamilton Smith is a very valued member of the Labor government in South Australia, which manages to convince the electorate and, I might say, the general population of the value of manufacturing to our state.

This crew opposite chased the automotive industry out of town. They chased Holden out of town. They basically said, 'Put you dollars down or get out.' Now they are making a similar sort of mistake on the long-term viability of manufacturing in South Australia, and it is absolutely criminal. It is a very, very bad, short-sighted view to have taken. Even the current leader of the Liberal Party in South Australia, the honourable Steve Marshall—he is not quite 'the Hon.' yet; he never made it, but he may one day—is out there castigating this decision, the mishandling of this. He is out there castigating this decision—the mishandling of this. What did Senator Johnston say? He said: 'We will be doing it. We will be building 12 submarines in Adelaide.' And then he said: 'We will be picking up, if we win the next election, the cudgels for this project as fast as we possibly can.' What did we see in question time today? (Time expired)

Senator FIERRAVANTI-WELLS (New South Wales—Parliamentary Secretary to the Minister for Social Services) (15:07): It was very clear from Minister Johnston's intervention today that the five or six years under Labor were characterised by absolutely no contracts and no obligations. It is hypocritical for Senator Gallacher to come to this place, stand here and berate us on this side after Labor's appalling legacy in this space. This is a government which will make decisions on naval matters and on defence matters. And we will make those decisions for the right reasons. It is vitally important that Defence acquisitions have to be made on the basis of Defence logic—not industry policy, not regional policy, but on the basis of sound Defence policy.

As Minister Johnston has said, we have not yet made a final decision on the design and the build of the next generation of Australian submarines. What we do know is that we will be having more submarines. The bulk of the work on this project will be centred around the South Australian shipyards to take advantage of the work that has been done in that area over many, many years. This, of course, is consistent with our pre-election commitment. Labor in government failed to make a vitally important decision in relation to submarines over the six years they were in government. It is important now that we move quickly to fill this capability gap, because, as the minister said, it is now a decision about avoiding a capability gap.

It was demonstrated very clearly by the minister in his answer to Senator Conroy that when he opened box SEA 1000 the box was absolutely empty. In fact, there were actually cobwebs. You sat on your hands for five or six years and did absolutely nothing about it. Now you are coming in here bleating and crying crocodile tears and indulging in what can only be described as absolutely hollow acts. For example, I want to quote the joint media release of my Liberal colleagues in South Australia.

Senator Conroy: Oh dear, how embarrassing.
Senator Fierravanti-Wells: You indulge in this hollow union pledge of promising to advocate that all naval ships and submarines are to be designed, built and maintained in Australia. This is meaningless, because we all know that in defence matters it is vitally important that we do work—and we have been working—with other countries for decades. The Collins class submarine was a Swedish design, by the company Kockums, with US combat systems by Rockwell and French power and propulsion by Jeumont Schneider. The Air Warfare Destroyer was based on a Spanish design by Navantia with combat systems manufactured by the US company Lockheed Martin. International collaboration has long been a feature of Defence matters.

Senator Conroy interjecting—

Senator Fierravanti-Wells: Senator Conroy, let me tell you that having spent many years married to Commander Wells, who was in the Navy for 35 years, I can say modestly that I do know something about defence matters. What we do know is your appalling legacy during the time that you were in government. We have stopped the defence cuts and have increased spending on Defence. Your period in government was one of the poorest for spending in defence. Under Labor defence spending as a share of GDP dropped to 1.56 per cent in the 2012-13 budget—which is the lowest since 1938. In 2012-13 Labor's 10.5 per cent cut to defence was the largest single cut since the Korean War. Immediately following on your 2009 white paper, Labor cut or deferred $16 billion from the defence budget out to 2016-17. (Time expired)

Senator Conroy (Victoria—Deputy Leader of the Opposition in the Senate) (15:12): I rise to take note of these answers given by the Minister for Defence on submarines. I will very much enjoy taking the opportunity to set some facts on the table. I know Senator Birmingham wants to flee the chamber before he gets ousted as being the senior Liberal source in South Australia. Let me remind this place of the coalition's solemn promise to build 12 submarines in Adelaide. In May last year the now Defence minister stood outside the ASC in Adelaide and this is what he said:

We will deliver those submarines from right here at ASC in South Australia.

Standing right next to him was the South Australian Liberal leader and this is what he said immediately afterwards:

The State Liberals welcome the Coalition’s confirmation today that 12 submarines will be built in Adelaide under a Coalition Government.

A unity ticket! Senator Johnston and the leader of the opposition in South Australia guaranteeing everybody in South Australia that 12 subs were to be built in South Australia. So maybe, just maybe, that is why the state Liberal leader is so angry at the handling of this issue by his federal counterparts. That is right—Mr Steven Marshall was in the press yesterday blaming the defence minister's broken promise for a fall in his support in South Australia. The South Australian Liberal opposition leader, who happened to be standing next to Senator David Johnston outside the front gates, is blaming the federal government—Senator Johnston, Senator Abetz, and Senator Birmingham and all those other South Australian Liberal senators who have rolled over and abandoned employment and abandoned families in South Australia. A federal Liberal MP from South Australia told The Australian that the submarine issue had
been handled 'very badly'. So your own MPs are coughing you all up. You have handled it very badly. What he means by that is: you have told a lie. You made a solemn promise to the people of South Australia in the lead-up to the election and you have broken it.

This decision puts at risk thousands of jobs in South Australia and across the country. It also puts at risk our strategically vital submarine-building and shipbuilding industry. It is not just Labor who has warned about the dangers of this broken promise. As was mentioned earlier in question time, last year the former Chief of the Defence Force of Australia, our current Governor-General, Sir Peter Cosgrove, wrote that it would be a tragic loss to our country if we were to lose our submarine-building capability. Let me quote then General Cosgrove:

Whenever I am asked why we should build submarines in Australia, my short reply is that we can't afford not to.

He concludes his article by saying:

Let's use confidence and common sense and build the subs here.

There is a complete lack of common sense coming from the government on those issues. What we are seeing here is a complete capability gap and, more importantly, a credibility gap from the Minister for Defence, Senator Johnston. Every single submarine expert in this country is condemning this government's decision, for very good capability reasons. I invite those who are interested to listen this afternoon and evening to a Senate hearing into this very issue, where the country's top experts will explain exactly why this government is so deceitful. (Time expired)

Senator BACK (Western Australia) (15:17): Why do the Labor opposition keep giving us these opportunities? I just cannot believe it. It started the other day with an MPI from Senator Moore and it just gets better. Isn't it amazing what an expert Senator Conroy is in opposition? What an amazing expert in submarines he is in opposition. What a shame Senator Conroy did not say too much when he was a senior minister. As my leader just said, if there is a capability gap, I think it is between Senator Conroy's left ear and his right ear. Nevertheless, I think that jokes about a 'hunt for red October' will start to flow out.

Isn't it also incredible that the now Leader of the Opposition, Mr Shorten, seemed to be very silent when he was a senior minister? Here he was on 7 September demanding that the government promise to keep building submarines in South Australia. Where was he when Mr Rudd was Prime Minister, when Ms Gillard was Prime Minister and when Mr Rudd was Prime Minister again? Where was he in keeping Mr Rudd up to his promise that, 'A Labor government would ensure the submarines were built by ASC at its Port Adelaide site, with construction to begin in 2017'? Where were you, Senator Conroy, when Mr Rudd ripped $20 billion out of the defence project?

It is amazing that poor old Mr Shorten did not realise that his good mate Labor MP Mr David Feeney was going to be standing behind him at the great rally at ASC, because it was poor old David Feeney that belled the cat. At the rally he said, 'Australia's shipbuilding and submarine-building industry are now at the crossroads.' You bet they are at the crossroads. Who put them there? Who put them in the Conroy cul-de-sac? Who put them in the Feeney dead end? It was the Labor government of the day. They took $20 billion out of the submarine contract, with the complicit involvement of the South Australian Labor government. Don't forget that they were involved in this, Senator Conroy, while you turn your back to this
discussion. They then turned around and took another $16 billion, much of which would have
gone to the South Australian defence procurement and materiel organisation.

I turn to the comments made by Senator Johnston in response to the pathetic questions by
the Leader of the Opposition in the Senate, Senator Wong, and her deputy, Senator Conroy.
Senator Johnston indicated two things—firstly, his intimate knowledge of matters defence,
particularly submarines. He was asked why he made certain observations and why he made
certain others. The explanation, through you, Deputy President, to those in the public gallery,
would be that when a responsible government leaves government you would expect there to
be well-formed plans into the future for something as important as a procurement program for
replacement of the Collins class submarine. You would expect that plan would be well
formed, that it would be well developed and that it would be there for a new government to
pick up and to carry on with, with or without modifications. When Senator Johnston, as
defence minister, picked up that file, it was empty. Don't worry too much about the
protestations of the people from the other side. I ask Senator Conroy and Senator Wong, a
South Australian senator, a finance minister of the day: why were there no future plans for
that gap in capability once the Collins class submarine was to be replaced? It was Senator
Johnston who, in opposition, was so well versed in this portfolio that he was able to tell us
here today the down time for the Australian Collins class submarine, the German submarine
and the Japanese submarine. I think he said it was eight months for the Japanese, 11 months
for the German and 18 months for the Collins class.

Whilst we move towards the white pa

nit. The figures that I have seen—and I believe they are in the public arena—for German or
Japanese submarines are half of that price. I defer again to my colleague Senator Fawcett, a
man with an enormous amount of experience in this field, who has spoken of the fact that the
Collins class submarine was initially designed by the Swedish and built with Swedish, US and
French involvement. Senator Fawcett is very wisely saying that that type of process can work
into the future for the benefit of Australia and South Australia. (Time expired)

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:23): I am very
pleased to have the opportunity yet again to speak on the future submarine project, which is
so important for my home state of South Australia. I thank Senators Wong and Conroy for
asking questions about it again today.

We know that the government wants to break the promise that it made to South Australians
before the 2013 federal election and again before the 2014 state election. That promise was to
design, build and maintain the 12 new submarines in Adelaide, South Australia, at the
Australian Submarine Corporation. We know that the Minister for Defence, Minister
Johnston, has been sidelined in his own cabinet room in this debate because the bean counters
are in control of defence capability in Australia, not the Minister for Defence and not the
Department of Defence. This has become a matter of money when there are much more
important issues at stake, including the security of our country.

We know that the opposition leader in South Australia is truly despairing of the ineptitude
and indecision of his federal counterparts because they are unable to commit to the promises
made before the state election. Mr Steven Marshall is well aware that the future of
shipbuilding and submarine building in South Australia is the single most important issue
playing out in South Australia at the moment. He knows that his federal colleagues are about to sacrifice over 20,000 jobs in South Australia's defence sector and to thereby condemn South Australia to a future without the high-tech shipbuilding jobs that are so important. For over 25 years there has been bipartisan support to build up the shipbuilding industry in South Australia, and it will take this government—this Abbott government—probably a couple of years to destroy it.

Today, through questions asked by Senators Wong and Conroy, we heard that there are also concerns from experts, not only about the potential economic disaster for South Australia but also about the potential disaster for defence capability that this government seems to be hurling towards with its decision to design and build the new submarines somewhere other than Australia. We know that Japan has been considered for that, and we know that Japanese experts in shipbuilding have already been secretly to South Australia to have a look at the Australian Submarine Corporation; and we understand that Australian representatives are currently, or have been, in Japan to investigate the situation there. We know that the government is contemplating purchasing a Japanese-designed and built submarine despite the fact that Australia can and should build and maintain its own future submarines. We know that the government is contemplating purchasing a Japanese-designed and built submarine despite the fact that Australia can and should build and maintain its own future submarines. We heard today that the current Governor-General and former Chief of the Defence Force, Sir Peter Cosgrove, said:

To outsource this work would be to export hundreds of billions of dollars of work to supporting another country’s industry and jobs, rather than investing in our own.

General Cosgrove said that to outsource that work would be short-sighted. We certainly know that it is short-sighted.

As well today, we heard that two former submarine commanders and members of the Australian Navy—defence personnel who do know what they are talking about—have questioned this government's intended course of action. They have questioned whether that Japanese submarine will meet Australia’s defence requirements in terms of the range that a submarine needs, the endurance a submarine needs when it is operating in Australia and around Australia’s waters, and in terms of the capability of that submarine. Those gentlemen are experts when it comes to submarines. They are very concerned, as are we in the Labor Party, about the future of Australia’s submarine capability. We know that submarine capability is absolutely integral to Australia’s national security and it is the one thing that we should not be outsourcing, it is the one thing that we should not cede control of. We are capable, we are more than capable, of maintaining and keeping this industry in South Australia and in Australia. This is an industry that we cannot afford to lose. We need to have a long-term view about the future of defence capability in Australia and I am pleased that Labor senators are fighting very hard for submarine jobs in South Australia.

Question agreed to.

Taxation

Senator WHISH-WILSON (Tasmania) (15:28): I move:

That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by the Leader of the Australian Greens (Senator Milne) today relating to taxation policy.
It is not a submarine, but something else sinister and dangerous is lurking below the surface—that is, tax dodging. It seems as though Senator Heffernan is the only one in the government throwing depth charges trying to flush out this issue. I appreciated Senator Milne asking a question today on where the government is at in relation to a global approach to cracking down on tax minimisation strategies or tax dodging.

This issue has been on the table; it has been discussed by OECD countries for several decades now. Recently, at the G20 there has been focus on this issue. It is an important issue for us in Australia because we are in a so-called budget crisis or a so-called budget emergency and we are trying to cut costs and take money off some of the country's most vulnerable citizens: pensioners, the unemployed and the sick. But we are not prepared to tackle the big end of town, who makes hundreds of millions or billions in profits and shift their cost bases offshore.

The issues that have been looked at specifically relate to transfer pricing, base erosion and profit-shifting by multinational companies. On top of that we have a push now to try to recoup billions of dollars of lost revenue from private individuals who are using tax havens. The report that Senator Milne referred to in her question was written by the Tax Justice Network. They are an international group focused on investigating tax avoidance. Their report says that the government is losing out on at least $8.4 billion in tax each year, which is substantial, but is probably the tip of the iceberg. They went on to say that there is substantially less than the 30 per cent corporate tax rate being paid by the majority of companies listed on the Australian Stock Exchange. They have listed some companies, such as James Hardie, which I have asked Senator Cormann about in question time previously. Westfield Retail Trust pays no tax in this country. They also say that Rupert Murdoch's Twenty-First Century Fox pays only one per cent tax, and casino group Echo Entertainment pays an effective tax rate of five per cent.

If we are serious and ridgy-didge about actually trying to fix this country's fiscal situation, it makes a lot of sense to go after the people who are not paying their fair share of tax. I am glad that Senator Cormann said that he agreed that the fundamental and sustainable principle should be that you pay taxes where you make the profits and where the value is added, but this is clearly not happening. It is not necessarily happening because big corporations are doing something illegal. It is happening because there are loopholes between countries that allow tax minimisation strategies to be pursued by companies. If we cannot claim that it is illegal, we have to change the system and the laws. This is what is being discussed.

Getting to the point of Senator Milne's second and third questions, who is actually auditing the companies in this country, or the wealthy individuals, who are parking money offshore that should be paid to the government. We could not get an answer from Senator Cormann as to whether the same big-four accounting firms, who are the auditors of these companies, are doing these tax audits for the Australian Taxation Office. That is something we do need to follow up because of the perception of conflict of interest.

The third question asked by Senator Milne was that if we are out there grandstanding about global leadership we were showing at the G20, why is it that our information sharing networks and processes are going to come online a year later than the rest of the G20 countries. Why are we going to be the last country to implement these laws. I note that Senator Cormann totally filibustered that question. He did not get anywhere near answering it.
However, it was reported in the press today that Treasurer Joe Hockey said the reason we are going to be a year later than other countries—so it is taking it to 2018—is that it was going to cost the big banks $50 million in compliance costs. We are seeing tax foregone, and that is an opportunity cost for our country, yet once again we are putting the profits of the big end of town first, just like we did with the FoFA regulations. Here is a situation where we are crying poor and taking money off those in our country who can least afford it, but we are not showing effective, strong action by taking tax off those who should be paying it, leading to a fairer and more equitable Australia.

Question agreed to.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

G20 Finance Ministers Meeting

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (15:33): by leave—Further to my answer in question time to Senator Wong, I can indicate that the G20 Summit is the key international-leaders-led forum on the global economy. The attendance of G20 countries at the summit is a matter for the G20 membership and is not Australia's decision alone.

Government appreciates this is a sensitive matter for all Australians, in particular the family and friends of the 38 victims who called Australia home. Russia must do its utmost to ensure full implementation of UN Security Council Resolution 2166, and to ensure that the perpetrators of the MH17 tragedy are brought to account.

The government is committed to returning our investigators to the crash site, when it is safe to do so, and in the company of our Dutch and Malaysian partners. We are determined to do what we can to ensure justice for the victims and their friends and families. In relation to travel sanctions, it is the government's intent to implement the travel bans it has in place.

COMMITTEES

Appointment

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (15:35): I seek leave to move a motion relating to the establishment of a select committee.

The PRESIDENT: Is leave granted.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (15:35): No.

Leave not granted.

MOTIONS

Suspension of Standing Orders

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (15:35): Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent me moving a motion relating to the conduct of the business of the Senate—namely, a motion to give precedence to a motion circulated in the chamber to establish a select committee on certain aspects of Queensland government administration.
The Australian Constitution states that there must be a clear separation of powers between the parliament, the executive government and the judiciary in Australia. The separation of powers and functions ensures that no single body is able to exercise total authority or to misuse power. The system is considered to be one of the fundamental elements of a fair, democratic and honest government.

In my home state of Queensland our parliament consists of one house, the lower house. There is no upper house to provide the critical checks and balances needed for open representative and transparent governance in parliament. Over the last 18 months, serious issues have been raised across the community regarding Queensland government appointments, judicial appointments, project approvals, quarry approvals, use of funds, policies and practices, environmental degradation, and various other matters. In fact, on 9 September, at only a few minutes to midnight, the Queensland government moved a last-minute amendment to the Mineral and Energy Resources (Common Provisions) Bill 2014 to remove the rights of land owners to object to mining on their property.

The Commonwealth allocates significant funds to the state of Queensland, and Australian taxpayers need and deserve clarification in relation to the appropriate use of these funds by the Queensland government. I constantly receive many phone calls from Queensland residents who are crying on the phone and desperate for my help to stop the terrible things that are happening in my home state of Queensland.

**Senator Ian Macdonald:** You should see what Newspoll says!

**The PRESIDENT:** Order!

**Senator LAZARUS:** The people of Queensland feel abandoned and threatened. They feel as though their voices of desperation, worry and absolute and utter frustration are not being heard. They are worried.

**Senator Ian Macdonald:** Only by your leader!

**The PRESIDENT:** Order on my right.

**Senator LAZARUS:** Today, I am calling on the Senate to ensure that the people of Queensland are heard. This inquiry must happen. It must go on. The Commonwealth has an obligation to ensure that the funds supplied by the Commonwealth are being used for appropriate purposes. The select committee will consult with the Queensland community to undertake this assessment. I urge my colleagues to support my actions to ensure that the motion is considered by the Senate. As I have already said, this inquiry must happen and it must go ahead.

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (15:38): The government opposes this second attempt to breach the fundamental conventions that surround the Westminster system. The last time we debated this, which was just a few days ago, I pointed out what Odgers had to tell us on page 77 about the comity between parliaments and how singularly unwise it is for one parliament or one house of a parliament to seek to inquire into another.

I thought we had that debate and common-sense prevailed. Clearly, common-sense has not prevailed and we now are confronted with this, quite frankly, personal vendetta by the leader of the Palmer United Party to pursue Mr Newman, the Premier of Queensland. We heard from
Senator Lazarus just then that there were concerns about judicial appointments in Queensland. Guess what? If you are concerned about it, run for the Queensland parliament. Use the Queensland parliament and its forums, because if you think that you can use the federal parliament's forums to overcome what you consider to be shortcomings in the Queensland parliament, guess what? The Queensland parliament can then start adopting exactly the same tactics against Palmer United, Senator Lazarus or anyone else.

Is this the way we want to trash our democracy? Democracy is a fragile flower. It does require convention, it does require precedent and it does require people to remain within their bailiwick. We could have a situation where technically you could have the Queensland parliament having resolutions about the Senate and then, when any senator arrives in Queensland, they could be picked up by the Queensland authorities and be brought before the bar of the Queensland parliament to answer questions. That is what can happen and that is the route we are going down.

Way back in 1996, this was attempted in relation to the Victorian parliament in relation to a casino licence. Common-sense finally prevailed and that inquiry, quite rightly, did not go ahead. I would have thought the lessons of history should be learnt. As I said last week, I can understand that the Palmer United Party is relatively new to this place and is not fully across all of the precedent and all of the practice. But I say to those colleagues opposite, especially from the Australian Labor Party, that you know the precedent and you know the embarrassment that you got yourselves into in 1996 with the Victorian casino inquiry. That went nowhere. Why? For exactly the reasons that will confront this inquiry.

Chances are, lawyers will make some money out of it and the High Court may well be entertained as well. I might add that Mr Newman, the Premier of Queensland, is doing an excellent job. If Newspoll is any guide, the people of Queensland are now saying that he in fact is doing a good job. As he has taken the tough decisions, the people of Queensland are now accepting what has occurred under that government as having been within their best interests.

When we start using one parliament to fight another parliament, we get into a territory that is singularly foolish and singularly designed to bring these institutions of parliament into disrepute. I do not lay that charge on Palmer United, because I am still willing to give them the benefit of the doubt; albeit that benefit is shrinking by the moment, given all that was said about this just last week. But those opposite in the Australian Labor Party know the folly of this move and they know that this should not be entertained.

Interestingly, when this motion failed last week there was a collective sigh of relief around this place, knowing that the right thing had been done by this parliament and its institutions. Now, one assumes that some dirty deals have been done behind the scenes, which allow this matter to be re-ventilated. It will be interesting to see if it is the Australian Greens or the Australian Labor Party who have done a backflip in relation to this. Whichever party it is, they have done a great disservice to this place. (Time expired)

**Senator Ian Macdonald:** Mr President, I rise on a point of order. I am sorry, I do not have the standing order; but perhaps I could seek your assistance. This motion was dealt with just a week ago. This seems to me, on my very quick reading, to be exactly the same motion. Is it possible for senators to raise the same motion day after day?
The PRESIDENT: Thank you, Senator Macdonald. This is actually a procedural motion, so the provision of the standing order that you are correctly referring to does not apply to this particular aspect, which is a suspension motion.

Senator Ian Macdonald: Mr President, I rise on a further point of order. I was aware that this is a procedural motion. But what is the point of dealing with this if there is a provision in the standing orders—which in the back of my mind there is; I just cannot refer you to the actual standing order—that prevents this substantive motion from being dealt with. If that is the case, then the procedural motion is also irrelevant.

The PRESIDENT: Thank you, Senator Macdonald. It is standing order 86, for your reference. There have been rulings on this in the past, and Odgers does make mention of it. It indicates that this rule is rarely invoked—that is, the same question rule—simply because generally with the passage of time and changing circumstances it could happen that the same text could refer to a different question. Senator Macdonald, in this instance in relation to the suspension motion, it will not apply; but, post the suspension motion, that might be another question.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (15:45): Mr President, could I indicate that the motion has actually been amended and is not in the same form as was debated last week. Can I turn to the arguments put forward by Senator Abetz. This is a government that has trampled on every single convention that you can imagine. It has called royal commissions to pursue its own nasty political vendettas. We have had a waste of taxpayers' money that will be over $100 million by the time they are all finished. We have had two royal commissions with no other purpose than to try to smear, abuse and vilify the former governments. This is a government that knows no decent bounds whatsoever. Do you want to know what the final arbiter of that decision would be? Even former Prime Minister John Howard has said, 'I wouldn't have called those royal commissions.' When Senator Abetz stands up here and talks about the decent and right thing to do—

Senator Brandis: Mr President, I rise on a point of order. The motion that we are debating is a motion to suspend standing orders to permit debate of a motion to establish a Senate inquiry on the terms circulated by the Palmer United Party. It has absolutely nothing to do with a royal commission that is currently in progress into the subject of trade union corruption.

The PRESIDENT: Thank you, Senator Brandis. As is the general nature of suspension of standing orders, the debate does venture into the topic which the suspension of standing orders relates to. I allowed that with the previous speaker, and I will allow it with Senator Conroy.

Senator CONROY: Thank you, Mr President. I thought Senator Abetz roamed widely in his particular contribution. He spoke extensively about what is the decent and right thing to do. Let us be clear: $100 million is being wasted by those opposite to pursue their political opponents. This is an absolute abuse of process. These royal commissions are nothing but a stunt. Senator Abetz said that we have a convention whereby we do not investigate each other's chambers. This is not an investigation of a chamber. This is an examination of the conduct of a government—not the chamber and not the institution of parliament in
Queensland. It is looking at a thoroughly corrupt bunch of individuals in Queensland and their
court behind the scenes.

Senator Brandis: Mr President, I rise on a point of order. You cannot accuse members of
another parliament of corruption.

Senator CONROY: I said a group of individuals.

Senator Brandis: You said a government—the Queensland government. As you know, all
members of the Queensland government are members of the Queensland parliament.

The PRESIDENT: Senator Conroy, I draw your attention to the standing orders. You
have the right to continue.

Senator CONROY: I can understand why those opposite, particularly those Queensland
senators who have turned up now en masse to try and defend those up in Queensland, do not
want any scrutiny. They won a large majority. You would have thought, Mr President, that,
after winning a large majority, you would not have to behave in the nasty and vindictive way
in which that government has behaved. You have wiped out the opposition pretty much. You
have only got the one chamber. You would have thought you could have behaved decently—
yet, the Campbell Newman government has behaved anything but. This motion says, 'Let us
have a law—

Senator O'Sullivan: Mr President, I rise on a point of order. It is one thing to have a
debate in relation to what is happening here, but the point of order is that the senator
continues to make aspersions against another government. Section 193(3) of the standing
orders is very clear where it refers to imputations and personal reflections on those members
of other houses. The standing orders refers to it in one of the only places it does as 'highly
disorderly'. The senator should be reminded of the order and should abide by it.

The PRESIDENT: Thank you, Senator O'Sullivan. Senator Conroy, I did give you a
warning on the previous point of order. You cannot reflect on the good character and
reputation of another parliament or a member of another parliament. Senator Conroy,
continue your remarks but be observant of the standing orders.

Senator CONROY: Thank you, Mr President. I will confine my remarks to the conduct
of the government as a whole rather than any individual to save you having to respond to total
furphies from those opposite. The conduct of the Campbell Newman government is
something that deserves scrutiny. In Queensland, where Sir Joe Bjelke-Petersen described
press conferences as 'feeding the chooks', there is a long history of such behaviour by
Queensland National Party members of parliament, and some of them went to jail. What we
are seeing is the beginnings of the conduct highlighted by the terms of reference that are
before us today. Those opposite are very sensitive—and they should be very sensitive!

Government senators interjecting—

The PRESIDENT: Order on my right!

Senator Brandis interjecting—

Senator CONROY: Oh dear!

The PRESIDENT: Order! Senator Conroy, you have the call.

Senator CONROY: Thank you, Mr President. We can see how sensitive a button you
have touched, Senator Lazarus, with this motion. You can see just how sensitive the
Queensland Liberal-National Party machine is. They will do anything. They will smear anybody. They will put up any furphy whatsoever to defend their mates in Queensland.

**Senator Ian Macdonald:** Mr President, I rise on a point of order. Senator Conroy has been here long enough to know the standing order that he must address his remarks through the chair and not direct to Senator Lazarus.

**The PRESIDENT:** Thank you, Senator Macdonald. That is a technically correct point of order. Senator Conroy, you have the call.

**Senator CONROY:** I have been guilty, Mr President. Senator Macdonald's strongest case in defence of his colleagues and mates in the Queensland Liberal-National Party is exactly that—that I was facing in the wrong direction. What a committee this is going to be! With strong, intellectual points of order like that, Senator Lazarus, you will have your hands full. Through you, Mr President: Senator Lazarus will have his hands full in dealing with this committee and the sort of raucous abuse, smear and innuendo that you have already seen from those opposite. We will see where this committee leads us. I indicate that the Labor opposition will be supporting this suspension.

**Senator BRANDIS** (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (15:52): To understand what a contemptible political stunt this is, you only have to remember that this is the very same motion, with just a tiny bit of cosmetic amendment, that seven days ago not a single senator was prepared to vote for—not one. Not the Labor Party, not the Palmer United Party, and the Greens voted against it—although apparently they have now stitched up a deal with Senator Conroy. But this is the same motion with a tiny cosmetic change to give it a simulacrum of credibility; the same motion that not one senator was prepared to vote for seven days ago. Of course, this is a stunt. We saw Mr Palmer, the member for Fairfax, in the back of the chamber a moment ago vigorously, heatedly negotiating with Senator Conroy and with the leader of the Australian Greens.

We look at the terms of the motion. This is a motion to establish a Senate committee, and, as every member of this Senate knows, the composition of Senate committees is broadly required by convention to reflect the political composition of the chamber. Do you know how many government senators will sit as members of this committee, Mr President? One government senator. There are 33 government senators of the 76 members of this chamber. So the Senate proposes to establish a committee of the Senate in which the government is represented by one senator. This is a breach of convention, as I pointed out in the debate on the equivalent motion last week, and probably a breach of the law. Do not take my word for it, Mr President; take the word of the illustrious former Clerk of the Senate, the late Harry Evans, who, when in 1996 a somewhat similar political tactic was tried but on a much narrower basis to examine one aspect alone of the Victorian government—that is, the Victorian racing inquiry—provided advice to the Senate in which he said that, as a matter of convention and probably as a matter of law, such a motion could not validly be passed by this chamber. In some advice to former Senator Kemp, dated 8 October 1996, the late Mr Evans summarised advice from Professor Dennis Pearce, an eminent public lawyer, who said this:

There is probably a legal barrier to the summoning of members of state parliaments … The Senate's powers of inquiry are probably limited to matters within the legislative competence of the Commonwealth Parliament.
Yet, if we go through the subparagraphs of paragraph 1, which set out the terms of reference in eight subparagraphs, most of them bear no relationship to the legislative powers of the Commonwealth parliament. He went on to say:

There is probably a limitation on those inquiry powers in relation to the states in so far as inquiries may not curtail the capacity of state governments to function.

Yet this motion goes to the heart of the legislative, the executive and the judicial arms of the Queensland government. He went on to say:

These probable legal limitations on the Senate's powers of inquiry would provide a basis for a legal challenge to any particular inquiry …

That is the advice given by the illustrious former Clerk, the late Harry Evans, based on, in turn, the legal and constitutional advice of one of Australia's greatest public lawyers, Professor Dennis Pearce. That was about a motion that went to one aspect of the operations of the Victorian government of the day, some 18 years ago. If that inquiry was unconventional, a breach of the Senate's conventions and practices, and, in Professor Pearce's views, probably unconstitutional, how much more unconstitutional is an inquiry that goes to the plenitude of the legislative, executive and judicial arms of the Queensland government? Senator Lazarus, you have been sold a pup. You have been sold a pup by the Labor Party and by the Greens. This motion is out of order, it is unlawful and it is a disgrace.

**Senator WATERS (Queensland) (15:57):** In Queensland it seems that we are back to the Joh Bjelke-Petersen days. Here we 'Joh' again. I have said before in this place—and, no doubt, I will have cause to say it again—that the Queensland government has been on a brutal agenda of attacking the environment, public servants and civil liberties in Queensland. We have seen thousands of public servants sacked. We have seen more than 20 environmental laws overturned and an agenda of infringements—if I can be so polite about it—about civil liberties for Queenslanders. There is clearly an urgent need to look into this brutal agenda, which is why the Greens are, and always have been, supporting this inquiry.

On those environmental changes that the Newman government has rolled out, sadly there has been an absolute denigration of the environmental laws. There has been a tax on the native vegetation laws in winding back protections for riparian vegetation and regrowth vegetation. There have been repeals of coastal protection laws which will damage the Great Barrier Reef in completely overturning our state planning policy for coastal areas. The Wild Rivers legislation has been repealed and overturned, particularly for Cape rivers. There has been a program to allow grazing in national parks, which are supposed to be for the conservation of nature, and logging in areas that had been earmarked to become national parks. Just this month, as I mentioned last week, the Queensland government passed a bill through the state parliament at three minutes to midnight removing public objection rights to the biggest mines in Queensland. That is the biggest step backwards that we have seen in community rights to protect the environment and to uphold the law in living memory. It is pretty clear that the Queensland government are trying to silence Queenslanders in favour of letting the big mining companies run absolutely riot. They consistently put the big mining companies ahead of the people of Queensland.

That is precisely why it makes no sense at all that this state government be given more responsibility for the environment and to in fact be given, as this government intends, the responsibility for environmental approvals that the current federal environment minister has.
The Abbott government has been set on turning us back by 30 years in giving away its environmental powers completely to the Queensland and other state governments.

*Senator Brandis interjecting—*

**Senator Waters:** It is the foreign affairs power, Senator Brandis. Please, you of all people should know your Constitution. I am pleased that we have had discussions with the Palmer United Party along those lines.

*Senator O'Sullivan interjecting—*

**Senator Milne:** Mr President, I rise on a point of order. My colleague is entitled to make her contribution and be respected. I would ask Senator O'Sullivan to stop his disorderly behaviour.

**The President:** I ask senators on my right, in particular, to stop interjecting.

**Senator Waters:** As I was saying, the appalling track record of the Newman government in Queensland on the environment is precisely why they should not be given more powers over the environment, and they specifically should not be given the federal environmental approval powers under the EPBC Act that this government is proposing to give them.

I am pleased that we have had discussions with the Palmer United Party along those lines. We have clearly put the position that, if the Newman government are so awful as to warrant an inquiry into their terrible track record, clearly they should not be given more powers over the environment. I am pleased that the Palmer United Party have agreed with that logical conclusion.

I am also pleased that we have been able to secure amendments to the terms of reference for this inquiry to clearly bring in both the appalling track record of the Newman government and the track record of Commonwealth oversight of coal seam gas approvals in Queensland, which have been a very vexed issue no matter which government has been in power. I am pleased that we will now be able to look at those issues.

I am also pleased that the terms of reference are broad enough to consider Mr Clive Palmer's environmental track record through his company in relation to the Yabulu nickel refinery on the shores of the Great Barrier Reef and the Galilee Basin coalmine.

**Senator Brandis:** Mr President, I rise on a point of order. I know you have already been addressed on the subject of standing order 86. As I understand your ruling, if standing orders are suspended then standing order 86 is also suspended and provides, therefore, no limitation on the capacity of the Senate to discuss the substantive motion. If I understood you correctly, that was your ruling before.

**The President:** My ruling before was that we were dealing with a suspension motion and, as such, being a procedural motion, standing order 86 was not applicable because we were dealing purely with the suspension. When the suspension matter is resolved, if there are any other points of order in relation to other standing orders, I will be happy to entertain them then. But it is not applicable at the moment. Your point of order at the moment, Senator Brandis—

**Senator Brandis:** I have not made my point of order yet.
The PRESIDENT: Okay, but your point of order should directly relate to the substance we are discussing now.

Senator Brandis: As a matter of fact, my point of order relates to the validity of this debate. The reason before I took the point of order I wanted to clarify the rationale for your ruling is that if standing orders were to be suspended, if this motion were to be put and carried, then there would be no capacity on the substantive motion to invoke the standing order under section 86. If that be the case then in circumstances such as these section 86 could never be invoked, so it becomes circular. For that reason, I am taking a different point of order now not in relation to the substantive motion but in relation to the procedural motion. Because, just as the substantive motion is substantially to the effect of the motion that was defeated last Tuesday prior to that motion coming on to be voted on, there was a procedural motion to suspend standing orders. My submission to you, Mr President, is that the motion which is now before the chair is identical to the motion that was decided on last week. Therefore, it is in fact at this stage of the debate that standing order 86 can be invoked. If standing order 86 cannot be invoked at this stage in the debate then it cannot be invoked at all because if this motion is put and carried then section 86 will be suspended. Obviously, that cannot be the intention of the standing orders because, were that so, section 86 could never be made effective or operative because by the device of moving a procedural motion a senator could always render it inapplicable. That is why I submit to you, sir, that it is on the procedural motion, in fact, that you ought to entertain a point of order that this debate itself is a violation of section 86, because the same question on substantially the same motion was put and determined last week.

The PRESIDENT: Thank you, Senator Brandis. Senator Milne, I am going to take advice, but I am happy for you to add directly to the point of order I understand Senator Brandis is lodging.

Senator Milne: I do want to comment on Senator Brandis's desperate move to prevent this vote being taken. I think it is pretty evident now why he never made it onto the short list of the Queensland bar association.

The PRESIDENT: That is not a point of order.

Senator Milne: I want to say in relation to this matter—

The PRESIDENT: Senator Milne, you are now deviating from a point of order by casting personal remarks against Senator Brandis. I will allow you to continue if your point of order is directly relevant to the point of order that has been raised by Senator Brandis.

Senator Milne: Mr President, the point at issue here is that there has been a move for a suspension of standing orders. That is a procedural matter that ought to be determined. Then the question might be raised as to whether it is the same question. And it is not the same in substance, because there is a substantially different amendment which has been added, and we will have that debate once the suspension of standing orders has been dealt with. You cannot stop a suspension of standing orders on the basis of something that may be determined at a later time.

Senator Ian Macdonald: On the same point of order, Mr President, the motion that we dealt with a week ago, before we dealt with the substantive motion, was that so much of the standing orders would be set aside as would prevent Senator Lazarus from moving a motion
relating to a particular three-page motion that he then proceeded to deal with. Senator Brandis's point, which I reinforce, is that this motion we are dealing with today—dealing with setting aside standing orders so that Senator Lazarus could in fact move this three-page motion, which would be incorporated into the *Hansard* record—is exactly the same motion and, for the reasons Senator Brandis gave, is exactly the reason by-law 86 provides.

**Senator Fifield:** Mr President, on the same point of order: the points raised by Senator Milne have a certain *Alice in Wonderland* quality to them. There is a circularity to the argument, which means that standing order 86 could never in fact be invoked; there would never in fact be the circumstances where it could be cited. We are not actually talking about something in the abstract here, because Senator Lazarus has in fact already circulated to the chamber the wording of the motion he seeks to move. So, we are not just talking about the suspension of standing orders in the abstract in order to allow Senator Lazarus to move a motion that we are unaware of the wording of. Senator Lazarus has circulated the motion in the chamber. He has made reference to it in his suspension motion. I would have thought that for the chamber to determine whether standing orders should or should not be suspended one of the very relevant considerations would in fact be the wording of the motion Senator Lazarus has circulated—which clearly, according to standing order 86, falls foul, because it is the same in substance as that moved last Tuesday. So, the only opportunity for yourself, Mr President, to form a ruling in relation to Senator Lazarus's substantive motion is now.

**The PRESIDENT:** Senator O'Sullivan, I do not intend to take any further points of order in relation to this particular aspect. I have a clear direction as to where I am heading with this. I appreciate Senator Brandis's point of order and understand where he is coming from. And Senator Fifield in particular, in relation to your point of view, the actual substantive motion, if we get there—because there is yet to be probably two questions before the chair before we get to the substantive motion—I do not accept that argument. Standing order 86, Senator Brandis, can come into effect on any ordinary day of business. We have now just stepped out of the ordinary in relation to the same question or the same matter, because we have set aside what standing orders we need to. This is the motion—to set aside what standing orders we need to. We are debating that. It is a procedural motion. So, this procedural motion cannot be subjected to standing order 86. Otherwise we would have all sorts of problems with standing order 86 and suspension motions in their own right may not be able to be moved. So, I am ruling that there is no point of order, although I do understand and respect the point of order that has been raised. Senator Waters, we will come back to you. You have 35 seconds left in which you can continue your remarks.

**Senator WATERS:** As I was attempting to communicate—albeit it was a little difficult, with the noise in the chamber—clause 2 of the proposed terms of reference is clearly a new insertion, and that is precisely the clause that we will be able to use to look at the Commonwealth's oversight of coal seam gas in Queensland, which clearly has been inadequate and needs in my view to be much stronger. This will be a Senate inquiry, and it is clearly within the legislative competence of the federal parliament. It has been drafted to ensure that, and it is an inquiry that the Greens will support. *(Time expired)*

**Senator IAN MACDONALD** (Queensland) *(16:12)*: I thought it was too good to be true last week. I noted that Senator Milne was away from the parliament and that in her absence the more rational and less motivated members of the Greens political party—
Senator Milne: Mr President, a point of order: I did withdraw a remark that you deemed to be disrespectful, and I would ask that Senator Macdonald be required to withdraw a similar disrespectful remark.

The PRESIDENT: I was just conferring with the Clerk, but, Senator Macdonald, if you did make a remark that you consider needs withdrawing, it would assist the chamber. In the absence of that, I have not heard any remark, Senator Milne, but I am happy to review it.

Senator IAN MACDONALD: I am mystified as to what the remark is. I will start again, with the same words. I could not believe it last week when the Greens political party for once had some honesty and integrity. They did this during a time when Senator Milne—

Senator Moore: Mr President, a point of order: I have been refraining from being involved in this discussion around points of order, but I do think that Senator Macdonald now has clearly put an imputation of improper motives towards Senator Milne and the Greens party.

The PRESIDENT: I did not take that from Senator Macdonald's remarks, and I was listening quite carefully in relation to the point of order Senator Milne had raised. I will let Senator Macdonald continue.

Senator IAN MACDONALD: I just could not believe it when the Greens decided that if the motion Senator Lazarus moved last week was to be at all fair, it should not just look at a particular government; it should look at any recent government in Queensland. So Senator Abetz moved, and the Greens, much to my surprise, supported, an amendment that said that not only would we look at the current Queensland government but we would look at the previous one as well—the one that actually introduced coal seam gas mining into Queensland, the one that had the Tahitian prince ripping off millions of dollars and the one that had a cabinet minister sent to jail for bribery.

So, go ahead and look at the Campbell Newman government! I, quite frankly, have no problem with looking into the Campbell Newman government, because it is an honest government that is full of integrity. But what we were looking forward to was using the inquiry to look into the actions of the Palmer United Party and Mr Clive Palmer—and the threats that he may or may not have made to the Deputy Premier of Queensland over whether or not there was a railway line to his mine. I am quite happy to look into that part of Campbell Newman's government, but what about the Labor Party government, the one with cabinet ministers actually in jail for bribery and with Tahitian princes ripping off $10 million?

When the Greens supported Senator Abetz's amendment, I thought, 'At last the Greens, most of whom I know and most of whom I have great respect for, have seen sense and have agreed to include the rotten Bligh Labor administration.' I looked over and I thought, 'Why do the Greens have this new-found openness and accountability?' Then I noticed that Senator Milne was not there. Senator Milne is an effective operator on some occasions, some might say, but her pathological hatred for anything on our side of the parliament is known to every single person.

So we had this farcical situation last week where the majority of the Greens said, 'Okay, let's have an inquiry, but let's bring in the government that actually introduced coal seam gas mining into Queensland.' Perhaps there were some dirty deals there, perhaps done with my namesake, the Labor minister Ian Macdonald from New South Wales, who used to hand out
mining leases with his morning tea to all his mates in the union movement. I thought, 'Well, that's fair enough; let's have a look at the Bligh government as well as the Newman government.' But then the penny dropped and the Labor Party suddenly realised that a motion that they had been planning to support was now going to expose the Bligh Labor government to real accountability.

Now we have this farcical situation. The substance of the motion being proposed is exactly the same as the last one. It is all about Mr Palmer's hatred of Mr Campbell Newman. That is the substance of it. You can add all the little words you like. If Senator Waters says that this is a new issue, I am sure she will want to include the Labor government again, because—I repeat—it was the Labor government that introduced coal seam gas mining into Queensland, the coal seam gas mining that Senator Waters is so concerned about. As I mentioned last week, this makes a farce of the whole parliamentary system. I cannot believe that the more sensible and rational people in the Labor Party are going along with this farcical, fraudulent situation.

**The President:** The question is that the motion moved by Senator Lazarus to suspend standing orders in order for him to move a motion be agreed to.

The Senate divided. [16:23]

(The President—Senator Parry)

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

**AYES**

Bilyk, CL
Collins, JMA
Faulkner, J
Hanson-Young, SC
Lambie, J
Lines, S
Ludwig, JW
McEwen, A (teller)
Muir, R
Peris, N
Rhiannon, L
Siewert, R
Sterle, G
Wang, Z
Whish-Wilson, PS
Xenophon, N

**NOES**

Abetz, E
Bernardi, C
Brandis, GH
Canavan, M.J.
Colbeck, R
Fawcett, DJ

Back, CJ
Bernardi, C
Brandis, GH
Canavan, M.J.
Colbeck, R
Fawcett, DJ
Question agreed to.

BUSINESS

Rearrangement

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (16:27): I move:

That my motion relating to the Queensland government may be moved immediately, and have precedence over all other business this day till determined.

Senator Brandis: Mr President, I rise on a point of order on the basis of standing order 86. As I understood your earlier ruling, when the standing order 86 point of order was taken, you did not entertain it because at that stage we were debating a procedural motion to suspend standing orders. That motion has been resolved in the affirmative, and so much of standing orders have been suspended as would prevent Senator Lazarus proceeding. However, as I understood your ruling, the time to deal with standing order 86 points was not on the procedural motion, but subsequently. The procedural motion having been disposed of, I do invoke standing order 86 which, might I remind you, provides that:

A question shall not be proposed if it is the same in substance as any question which has been determined during the same session, unless the order, resolution, or vote on such question was determined more than 6 months previously or has been rescinded.

I start with the basic proposition that standing order 86 must have some work to do. It cannot be the case that standing order 86 could always be avoided or got round by a tactical device. Having ruled, as you have, Mr President—and I respect, of course, and accept your ruling—that this point of order could not be taken on the procedural debate, it has to be able to be taken on the substantive debate or else standing order 86 would be in a nullity in all circumstances, and that cannot be right. There was a perfect circularity in what Senator Milne had to say before, a perfect circularity.
That being the case, the question is whether or not the motion of Senator Lazarus answers the description of being the same in substance as the motion that was put before this chamber some seven days ago. That is an exercise of the construction or the characterisation of the motion. But I would submit to you, Mr President, that, just as you cannot avoid standing order 86 through a procedural tactic, nor can you avoid the effect of standing order 86 by confecting a marginal difference to a motion.

The motion before the chamber has 15 paragraphs and it runs to two full pages. In all but one very small respect, it is identical to the motion that was resolved in the negative last Tuesday afternoon. The one difference is the addition, after all of the terms of reference in paragraph (1), of another term of reference:

The Committee will inquire into and report on the adequacy of Commonwealth oversight of the approval of coal seam gas projects in Queensland.

It is on that very slender basis that it is sought to be said that this is a substantially different motion.

The courts have decided time beyond number what the word 'substantial' means and, for the purposes of this parliamentary debate, it is enough to say that it means 'significantly dissimilar'. It would not, I would submit to you, Mr President, be possible to say that a very, very extensive motion varied by two lines is significantly dissimilar from an earlier motion from which those two lines were missing, particularly, by the way, because paragraph (2) of the motion adds nothing to it—because, if you look at paragraph (1)(c), 'approval processes for the development of projects for the export of resources or services', that would entirely comprehend the narrower reference to coal seam gas projects in paragraph (2). So, in fact, paragraph (2) adds very few words to the motion. But, more importantly, it adds no meaning to the motion because there is nothing that paragraph (2) adds to the motion that is not already comprehended by the extremely wide terms of reference in paragraph (1). So there is in fact no change at all in the meaning of the motion; and, if there is no change at all in the meaning of the motion, it is not possible that the motion could be treated as being substantially different.

On either of those bases, if paragraph (2) adds anything to the pre-existing motion, then it is something so slender that it could not be regarded as a substantial difference. But, as well as that, because the terms of reference in paragraph (1) are so sweeping and so comprehensive, there is nothing at all that paragraph (2) adds to the jurisdiction of this proposed committee that it does not already have. So it is not possible to conclude that it is in any way substantially different, and therefore standing order 86 ought to be applied. If it is not applied, the effect of that ruling would be to say that standing order 86 could never be applied, and that, with respect, could not be right.

**Senator Milne:** Mr President, on the point of order that Senator Brandis has raised: what we have passed here is the suspension of standing orders that would prevent Senator Lazarus from moving a motion in relation to the Queensland government. We have suspended standing orders. The next question is—

**Senator Ian Macdonald:** He's already ruled on that.

**Senator Brandis:** He's ruled against you on that.

**The PRESIDENT:** Order, on my right!
Senator Milne: The next question, standing orders having been suspended, is that Senator Lazarus has asked that the motion relating to the Queensland government be moved immediately and have precedence over all other government business. That is a procedural motion. Standing orders having been suspended to enable the motion to be considered, he is now moving that it be considered immediately and take precedence. That has nothing to do with standing order 86, as Senator Brandis is arguing. He can argue that when we get to the next part of the debate, but this is procedural and it does not apply. We have heard it twice, and he has been wrong on both occasions so far.

The PRESIDENT: I am happy to rule on this. Senator Brandis, in relation to your argument concerning the similarity of the motions, I do not wish entertain that at the moment but I do have some sympathy for your argument in relation to that. But that is really irrelevant at the moment, because what we have done is set aside so much of the standing orders to enable Senator Lazarus to do two things. By setting aside standing orders to enable him to do this, that includes any standing order that would impede him. Standing order 86 would impede him, so it has now been set aside. So standing order 86 has no effect for the rest of this debate, until we determine Senator Lazarus's end goal in his original suspension of standing orders. So Senator Lazarus has moved this motion and from there he has the right, if this motion is successful, to then deal with the substantive motion, which is the motion to establish the committee. I do not propose to entertain any further points of order on this. I feel as though that is quite clear. Senator Lazarus, you have moved your motion, and I will put the question. That the motion moved by Senator Lazarus that his next motion has precedence over all other business be agreed to.

Question agreed to.

The PRESIDENT: Senator Lazarus, you can now move your substantive motion.

Senator Brandis: Mr President, on a point of order: you having ruled on each of the last two stages when substantially the same point of order was taken. I acknowledge that Senator Milne in her contribution a few moments ago has conceded and accepted that at this point this point of order may be moved. We can have an argument about at what stage of the debate the standing order 86 point of order could be moved but this is the last point in the debate. Even Senator Milne concedes the standing order 86 point is appropriately moved at this point in the debate. I do not repeat the argument—

The PRESIDENT: Thank you, Senator Brandis.

Senator Brandis: but this is now the point at which, according to your earlier rulings, a judgement has to be made about whether or not this is substantially the same as the motion the Senate voted to defeat last week. For the reasons I explained before, it is not possible to construe it otherwise, and if we cannot move this motion now, then as I said standing order 86 is a nullity.

The PRESIDENT: Thank you, Senator Brandis. In relation to Senator Milne's remarks earlier, Senator Milne was incorrect. This is not the place to move 86 because 86, as I indicated a moment ago, does not apply. That is because we are in a continuing effect from the suspension of standing orders, which was setting aside any standing order that was going to impede Senator Lazarus. Standing order 86 would impede him. He is now entitled to move this current motion. Order! The standing order can be used outside of this context, but, if you
read *Odgers*, you will find that on page 230 it says that it is very rarely used—or 'very seldom
used' I think is the exact wording. There are a number of standing orders that are very rarely
used. I am not going to entertain any further points of order. I think the matter is quite clear
that Senator Lazarus has now the right to move his substantive motion.

Senator LAZARUS: Thank you, Mr President. I move the motion circulated in the
chamber relating to the establishment of a select committee on certain aspects of the
Queensland government be moved immediately and have precedence over all other business
until determined.

The PRESIDENT: Senator Lazarus, that was the motion you recently moved and passed.
We are now onto the substantive motion, which is the motion that has been circulated in
relation to a select committee.

Senator Heffernan: Mr President, I would like to seek a clarification: in moving a motion
like this, do you have to acknowledge a conflict of interest of a commercial nature—

The PRESIDENT: That is no point of order.

Senator Heffernan: It is the
reason for the inquiry.

The PRESIDENT: Senator Heffernan, there is no point of order. All senators have a
register of interests where they declare their interests. Senator Lazarus, you have the right
to move the substantive motion to establish a select committee.

COMMITTEES
Appointment

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate)
(16:40): Thank you, Mr President. I move:

(1) That a select committee, to be known as the Select Committee on Certain Aspects of Queensland
Government Administration related to Commonwealth Government Affairs, be established to inquire
into and report on:

(a) the amount of Commonwealth funds allocated or paid to the State of Queensland since 26 March
2012, with particular reference to:

(i) the purposes for which the funds were appropriated by the Parliament,

(ii) performance measures in relation to Commonwealth funds paid to the State of Queensland,

(iii) identified breaches of funding agreements or conditions,

(iv) the proportion of the Queensland State budget derived from Commonwealth funds, and

(v) whether any Commonwealth funds have been used by the State of Queensland for state
government advertising or party political purposes,

(b) the administration of the Queensland courts and judicial system insofar as it relates to cross
vesting arrangements, with particular reference to judicial independence and separation of powers;

(c) approval process for the development of projects for the export of resources or services insofar as
they are administered by the Commonwealth or under a bilateral agreement with the Commonwealth;

(d) the extent to which Queensland State Government policies and practices are consistent with
Australia's obligations under international environmental law instruments;

(e) whether it is appropriate for the Federal Minister for the Environment to delegate his approval
powers to the Queensland State Government under the Environment Protection and Biodiversity
Conservation Act 1999 by way of approval bilateral agreements or strategic assessments;
(f) the extent to which Queensland State Government policies and practices are consistent with Australia's obligations under international human rights instruments, with particular reference to:
   (i) the administration of prisons, and
   (ii) detention without trial; and
   (g) any other matter the committee considers relevant.

(2) The Committee will inquire into and report on the adequacy of Commonwealth oversight of the approval of coal seam gas projects in Queensland.

(3) That the committee presents its final report on or before 27 March 2015.

(4) That the committee consist of 5 senators, 1 to be nominated by the Leader of the Government in the Senate, 2 to be nominated by the Leader of the Opposition in the Senate, 1 to be nominated by the Leader of the Australian Greens, and 1 to be nominated by the Leader of the Palmer United Party.

(5) That:
   (a) on the nominations of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate and minority groups and independent senators, participating members may be appointed to the committee;
   (b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee; and
   (c) a participating member shall be taken to be a member of the committee for the purpose of forming a quorum of the committee if a majority of members of the committee is not present.

(6) That the committee may proceed to the dispatch of business notwithstanding that all members have not been duly nominated and appointed and notwithstanding any vacancy.

(7) That the committee:
   (a) appoint as chair the Leader of the Palmer United Party in the Senate and,
   (b) elect as deputy chair a member elected by the committee.

(8) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(9) That, in the event of an equality of voting, the chair, or the deputy chair when acting as chair, have a casting vote.

(10) That the quorum of the committee be 3 members.

(11) That the committee and any subcommittee have power to send for and examine any person and any document, to move from place to place (including, but not limited to, major metropolitan and regional centres in Queensland and the committee shall conduct public hearings in Nambour, Ipswich, Mackay, Rockhampton, Kingaroy, Mt Isa, Bundaberg, Toowoomba, Townsville and Cairns) to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives.

(12) That the committee shall report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.

(13) That the committee has power to appoint subcommittees consisting of 2 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider.

(14) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.
That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily *Hansard* be published of such proceedings as take place in public.

Senator Ian Macdonald: Mr President, on a point of order: I think under the standing orders I am entitled to ask the mover to read out the motion.

The President: You are entitled to ask that, but I think in this context it is a lengthy motion. It has been circulated, and a number of senators have referred to the circulated motion. I do not consider it necessary for the motion to be read. Senator Lazarus has moved his motion—

Senator Ian Macdonald: On a further point of order, Mr President: it is in the standing orders that I can ask for it. Never have I understood that to be refused in my long time here. This motion was dropped on my table—I do not know about anyone else—five minutes before the debate started. I am told it is substantially different. On a cursory look it seems exactly the same and that is why I would like Senator Lazarus to read out all four pages so we can all follow through—

Senator Heffernan: I haven't even got it.

Senator Ian Macdonald: He hasn't even got it. I would like him to read it through so that I can understand it.

The President: Thank you, Senator Macdonald. My understanding is, and I am prepared to take this away and come back to you if I am incorrect, that a previous president or presidents have ruled in relation to whether standing orders are not quite specific on reading out a motion that has been circulated and every senator has had the opportunity to read it. I will come back to you, Senator Macdonald, if I am incorrect, but I believe that I am correct.

Senator Heffernan: How was it circulated? I have not seen the motion. It is not on my desk. I do not know what we are talking about.

The President: Senator Heffernan, motions, as you know, are often circulated in this place. If you do not have one on your desk, I am sure there is one here at the table that you could avail yourself of.

Senator O'Sullivan: Mr President, have you somehow ruled that a point of order cannot be taken on standing order 86?

The President: No, I will clarify that again, Senator O'Sullivan. The motion that was originally moved and passed by this Senate and that was moved by Senator Lazarus. He sought to set aside so much of standing orders that would prevent him taking a course of action. Standing order 86 falls into that category: it would prevent him taking the action he was seeking. The Senate passed that. That was a clear resolution of the Senate only three votes ago. We are now setting aside parts of standing orders that would prevent him doing this. Outside of this context, standing order 86 could be applicable, but not in this context.

Senator Heffernan: I would like to seek a clarification, Mr President. As I understand it, this motion is for an inquiry—I have just received the motion, thanks, though I have not read it yet—into aspects of the present Queensland government and some environmental aspects of the previous government to do with coal seam gas or something. It is part of the deal that Senator Conroy stuck together at the back of the chamber in question time. Can I just seek clarification. The editor and author of this motion is a bloke called Clive Palmer, on the other side of parliament. My question is: given that he has court action in a commercial matter with
the Queensland government, isn't there a conflict of interest that is intolerable to this chamber?

**The PRESIDENT:** No, Senator Heffernan, you are debating an issue. That is not a correct—

**Senator Heffernan:** No, I'm not; I'm seeking a clarification—

**The PRESIDENT:** The clarification is, Senator Heffernan, that Senator Lazarus has circulated that motion in the chamber, and that is all that the Senate needs to be concerned about.

**Senator Heffernan interjecting—**

**The PRESIDENT:** Senator Heffernan, unless you have a fresh point of order, you have no point of order.

**Senator Ian Macdonald:** Mr President, on the same grounds, on the conflict of interest point, does Senator Lazarus have any conflict of interest in this particular issue with, perhaps, family members?

**The PRESIDENT:** Senator Macdonald, it is entirely up to Senator Lazarus if he wishes to disclose any other matter that is on his register of interests, so that is not a point of order. Senator O'Sullivan, I am going to move on unless there are substantive points of order which need to be addressed, which I do not see happening.

**Senator O'Sullivan:** I have just one final clarification, Mr President. Again, I will have to show my newness in this place. Senator Lazarus moved a motion to set aside standing orders in order that he might be able to do something—

**The PRESIDENT:** And he articulated what he wanted to undertake.

*An honourable senator interjecting—*

**Senator O'Sullivan:** I am certainly not going to take advice from you after the mistakes that were made earlier.

**The PRESIDENT:** Just direct your remarks to me, Senator O'Sullivan.

**Senator O'Sullivan:** In doing so, the Senate accepted that he could move a motion. This is where I become confused. The value of the decision of the Senate I would have thought expired at the moving of the motion.

**The PRESIDENT:** No, if I could clarify that for you, Senator O'Sullivan: he sought to set aside as much of the standing orders as was necessary to complete a course of action, and that involved two steps. That was articulated and understood by his original motion, which the Senate passed. With all respect to senators, I intend to move on. We now have a debate and the debate is on Senator Lazarus's motion that he has just moved, which is the substantive motion. Senator Abetz was seeking the call.

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (16:47): Not having gained a single voice in support of this motion last week, the Senate is now being forced to reconsider this motion. What are the arguments in favour of it? The mover of the motion is completely mute. Not a single reason has been advanced by the mover. He simply gets up to move the motion.
Senator Lazarus: I'm sick of talking about it, Eric—just move on.

Senator ABETZ: And he interjects and says he is sick of talking about it. Excuse me? That is exactly what happened last week—not a single word was spoken in favour of the motion, and I can understand why, because there should be embarrassment all around this place at the complete abuse of the Senate by a majority of senators to pursue a political vendetta in the state of Queensland. Last week we went through, chapter and verse, all the Senate procedure which says, 'Don't go here.' This is an abuse. It goes against the principles of comity. It goes again principle per se. It goes against convention. It goes against precedent. Why is that? Because over the centuries the wisdom of our forebears has told us that it is singularly unwise to try to have these stand-offs between various parliaments in the Westminster system and between the houses within the Westminster system. That is why, in 1996, this was canvassed at great length in this place in relation to the Victorian casino inquiry. The Labor Party had the numbers. They foisted the Senate inquiry. Then, when they started to examine the consequences, they quite rightly raised the white flag and said, 'No, genuinely, this ought be a no-go zone and we will not pursue it.' The Labor Party know that what they are doing in supporting the Palmer United motion is wrong in principle, because they were there some 18 years earlier. They know this is wrong in principle—as do, might I add, the Australian Greens.

Last week and this week there has not been a single word spoken in favour of this motion. But the reason we are now given is that we are sick and tired of talking about it. Well, what is the reason for this motion? I think it is pretty clear: the only rationale is that the Leader of the Palmer United Party has a personal vendetta against the Premier of Queensland, Campbell Newman. Why has this motion been rushed in today without notice, with no forewarning and with a suspension of standing orders? I suppose it would not have anything to do with the latest Newspoll out today, showing that the people of Queensland are now recognising that the Queensland Premier and his government are in fact doing a good job. They are now riding at I think 54 per cent approval, and guess whose vote is collapsing? Mr Palmer's vote in Queensland. So this is a rushed hatchet job to try to recover lost ground in Queensland. That any senator should be willing to come into this place and use these forums for the purposes of fighting their personal battles in the various states is an abuse of this place.

As I said last week, I accept that Palmer United may not be across all the precedent and detail of Odgers, but the Labor Party is and the Australian Greens ought to be as well. The only reason this motion has come up again today is that, clearly, some sort of deal has been done with the Greens and the Labor Party. During the suspension of standing orders debate, I heard Senator Waters from Queensland telling us that one of the reasons we needed this was that they were allowing grazing in national parks. Oh, my goodness. So we have got grazing in national parks—They allow that in Victoria as well. Why don't we have an inquiry into the Victorian government for the same reason? They did not think of that, did they? Consistency has never been the strong suit of the Australian Greens.

If grazing in national parks is not bad enough, judicial appointments were nominated by somebody from Palmer United. They do not like judicial appointments in Queensland. If you do not like judicial appointments in Queensland, then run for the Queensland parliament and effect the change there. You will not affect the change through the forum of the Senate.
Reading through the motion, it is basically a bitch session about Queensland. It is a moan about detention, about administration of prisons, about environmental matters and about Commonwealth funds. Any potential complaint about the Queensland government is grabbed and put into this motion.

Not only is this motion bad on principle, as I tried to say in the suspension of standing orders debate; you could have a situation where the Premier of Queensland—and I would advise him to do this—could countermand any Queensland official from appearing before this committee. So what is the Senate going to do? Arrest them? Bring them before the Senate committee? If that were to occur, I wonder if the Queensland parliament might then do the same and have an inquiry into certain matters from the previous Labor-Greens government in Canberra and require officials to appear before it; and, if they were set foot in Queensland, have them arrested as soon as they got out of the airport and have them brought before the bar of the Queensland parliament. The precedent is absolutely appalling; it is shocking.

If that is not bad enough, in this place, out of 76 senators, the coalition enjoys a representation of 33. Some foolish people might think that that might require the coalition to have at least two people on the committee! But no, the break-out of democracy in this motion will give us 20 per cent—one senator. What an absolute abuse of the numbers in this place. Especially for a minority party, I say to you—as some of the older Labor senators were willing to say many a time: 'What goes around comes around.' If you want to use the opportunity just because on one occasion you can grab a majority of senators to achieve an outcome, be very careful, because if there are other unprincipled senators willing to do the same thing then in the future they can say, 'No Palmer United senator on any committee from now on.' That is the sort of terror that you will allow to arise in this place if you follow this absolute abuse of numbers. Be very careful of what you are going for.

If you think, 'The government is given at least one senator, surely one voice ought be enough,' it is not, because of a very devious little clause right over the back.

Senator O'Sullivan interjecting—

Senator ABETZ: No, no. It is paragraph 13, which says:

That the committee has power to appoint subcommittees consisting of 2 or more of its members …

There is nothing stopping two subcommittees hearing and meeting at the same time and denying the government representation on one of those subcommittees. The Labor Party know that and the Greens know that. If this is the way you want to run the Senate, so be it. It will be on your heads. It will be revisited, undoubtedly, sometime in the future. I do not know who the smart alec was who drafted this motion only giving the government one senator and then allowing subcommittees to split off and say to the one government senator, 'You have a choice, buddy, you either sit on this one or that one, but guess what? You are not going to get a vote on this other subcommittee when we are meeting.' I suggest that if the movers of this motion are genuine in relation to clause 14—that is, that the committee be provided with, amongst other things, specialist knowledge for the purposes of the committee—that they seek to avail themselves of the specialist knowledge of people such as Professor Dennis Pearce and former Clerk of the Senate Harry Evans, who wrote quite extensively in *Odgers* and in a learned paper since he retired from this place on matters of comity. If you want specialist knowledge, avail yourself of it. It is there, black on white, in *Odgers*. Start at page 77 and you will get an eyeful of it based on very good precedent. But no, they do not want specialist
knowledge, because they are out to do somebody else's dirty work: a vendetta on the Premier of Queensland and the LNP.

I understand that break-ups, from time to time, can be somewhat ugly. Clearly, there has been a break-up between Mr Palmer and the LNP in Queensland. I invite the Palmer United Party, but especially the Australian Labor Party in this place, to ask themselves a simple question: do you want to use the forum of the Senate for this purpose to allow grievances of very much a personal nature—albeit dressed up in public policy—to be aired in this sort of manner and in such a cavalier fashion in denying the government its rightful number of senators and its capacity to have a person sitting on each subcommittee of the committee? Is this really the game the Australian Labor Party is entertaining?

The reason the Labor Party is supporting this, and I am sure it is against the advice of people such as Senator Faulkner and Senator Wong, is that Mr Bill Shorten is driving this. That is the only reason the Labor Party has come to this position, and it is a very sad reflection on Mr Shorten and the current leadership of the Australian Labor Party that they should come to such a deal.

If you remember, last week, when there was the suggestion that this Senate inquiry might actually reach back and look into the Bligh government, you could not see the Labor Party for dust. This high principle that the Senate should look into the past activities of the Queensland government should start and finish only with the Liberal National Party. When I waved a media release suggesting it would be of interest to see how Ms Bligh had settled a certain court case with Mr Palmer and that that should be part of the inquiry, and hence moved the amendment, which I will move again today, proposing that we bring the period forward to encompass the Bligh government, the Greens agreed to it. It will be interesting to see if the Australian Greens will agree to it again today. Once that amendment got carried you could not see the Labor Party for dust, which goes to show how unprincipled the Australian Labor Party is under the leadership of Mr Shorten. 'Yes, we'll abuse the Senate to try to get one over the LNP,' but all of a sudden matters of principle come into play if it might happen to look at the Australian Labor Party. That is how two-faced and hypocritical the leadership of the Australian Labor Party is today.

This is a stitch-up job. It is an abuse. It offends against every practice and precedent in this place. It is an absolute raw abuse of numbers. Consider the allocation of questions in this place. If we could get a majority of senators in this place—and keep this in mind, Senators—on this precedent the same majority could potentially seek to deny every government from ever again asking a question, because there would be the raw numbers here to effect such an abuse.

In this place we have always sought to do things on the basis of proportionality. That is the fairest way. That is what represents the will of the Australian people. But the Labor Party, Palmer United and the Greens will today, it appears, come together to ensure that the will of the Australian people will not be reflected in this committee or on this committee. You have to ask why. Why would you not want true, fair representation?

Just keep in mind that one of these days the numbers may well turn around. When we had a majority in the Senate from 2004 to 2007, did we then use the numbers to say, 'Right, the Labor Party does not get any questions. We have the numbers and we can abuse our power. We will not allow the Greens any questions. We will not allow the Greens to sit on
committees, because we have the numbers.' No, we did not. Do you know why? Maturity, principle and convention—all of those things that seem to be so sadly lacking from those opposite in this debate. What is not being considered is the consequences and the principles that unfortunately will be put on the practice book of the Senate chamber.

I now move the following amendment to the motion:

That in paragraph 1(a) omit the date '26 March 2012' and insert the date '21 March 2009' in its place.

What that does is simply change the date from the election of the Newman government to reach back to the election of the Bligh government so that there can be a genuine compare and contrast. Indeed, in relation to paragraph 2, where it refers to the 'oversight of the approval of coal-seam gas projects', it will be interesting to see what the Bligh government did in relation to matters coal-seam gas. So, let us see if there is a genuine will in this place to do a compare and contrast.

Having said that, this motion is wrong in principle. As a result, even if our amendment were to get up, as it did last week, we are absolutely committed to voting this motion down, because it is wrong in principle, in convention and in precedent. It offends every principle of comity, which has now been well and truly established in the Westminster systems of parliament for centuries.

I once again invite senators to reflect on whether they want to demean themselves and their parties to allow themselves to become puppets of what is clearly another agenda designed to get even, because somebody did not get their wish in relation to, ironically, a resource development in Queensland. It is very sad that we have come to this and that we are debating the matter again. I had hoped that this place had come to a good landing on the issue last week, where common sense had finally prevailed, the rush of blood to the head had dissipated, and people said, 'Enough is enough.' Let us now move on to the real business of the Senate, which is to deal with matters of national security, the budget, workplace relations and our real core business. But here they are wanting to pretend to be the alternative government in Queensland, trying to embarrass the government of Queensland. And what is the concluding time for this Senate inquiry? Oh, it just happens to coincide with the Queensland election. It is a demolition derby against Campbell Newman, and if they cannot succeed by the time of the next state election, it is all over and out and they will give up. This is not the way you use the Senate. (Time expired)

Senator WANG (Western Australia—Palmer United Party Whip in the Senate) (17:07): I move:

That the question be now put.

Senator O'Sullivan: You are going to gag it! What an inappropriate abuse.

Government senators interjecting

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Order! The question is that the motion be now put.

Senator Heffernan: Acting Deputy President, I rise to seek clarification. Could I just clarify this, for my dear mind: given what this is all about is buying your way through government, is the senator who proposes the gag still on the payroll of the company behind all of this?
The ACTING DEPUTY PRESIDENT: Senator Heffernan, that is not a point of order. Resume your seat. Under the standing orders, I am required to put the motion.

Senator Milne: Acting Deputy President, I rise to seek clarification. Is the question you are now putting to Senator Abetz’s amendment? And then the subsequent motion?

The ACTING DEPUTY PRESIDENT: Indeed, that is a very fine question. The question is in regard to Senator Abetz’s amendment and then we will deal with the substantive motion. The question is that the motion be now put.

The Senate divided. [17:13]

(The President—Senator Parry)

Ayes ............... 32
Noes ................. 28

AYES

Bilyk, CL (teller)         Bullock, J.W.
Collins, JMA              Di Natale, R
Faulkner, J               Gallacher, AM
Hanson-Young, SC          Ketter, CR
Lambie, J                 Lazarus, GP
Lines, S                  Ladlam, S
Ludwig, JW                Marshall, GM
McLucas, J                Milne, C
Moore, CM                 Muir, R
O’Neill, DM               Peris, N
Polley, H                 Rhiannon, L
Rice, J                   Siewert, R
Singh, LM                 Sterle, G
Urquhart, AE              Wang, Z
Waters, LJ                Whish-Wilson, PS
Wong, P                   Wright, PL

NOES

Abetz, E                  Back, CJ
Bernardi, C               Birmingham, SJ
Bushby, DC                Canavan, M.J.
Cash, MC                  Cormann, M
Day, R.J.                 Fawcett, DJ
Fierravanti-Wells, C      Fifield, MP
Heffernan, W              Leyonhjelm, DE
Macdonald, ID             Madigan, JJ
Mason, B                  McGrath, J
McKenzie, B               O’Sullivan, B
Parry, S                  Payne, MA
Reynolds, L               Ransonson, M
Ruston, A (teller)        Ryan, SM
Seselja, Z                Sinodinos, A

CHAMBER
Pairs

Brown, CL  Edwards, S
Cameron, DN  Scullion, NG
Carr, KJ  Williams, JR
Dastyari, S  Smith, D
Lundy, KA  Johnston, D
McEwen, A  Brandis, GH

Question agreed to.

The PRESIDENT: The question now is that the amendment moved by Senator Abetz be agreed to.

The Senate divided. [17:21]

(The President—Senator Parry)

Ayes ......................28
Noes ......................31
Majority ...............3

AYES
Abetz, E  Back, CJ
Bernardi, C  Birmingham, SJ
Bushby, DC  Canavan, M.J.
Cash, MC  Colbeck, R
Day, R.J  Fawcett, DJ
Fierravanti-Wells, C  Fifield, MP
Heffernan, W  Leyonhjelm, DE
Macdonald, ID  Madigan, JJ
Mason, B  McGrath, J
McKenzie, B  O'Sullivan, B
Parry, S  Payne, MA
Reynolds, L  Ronaldson, M
Ruston, A (teller)  Ryan, SM
Seselja, Z  Sinodinos, A

NOES
Bilyk, CL (teller)  Bullock, J.W.
Collins, JMA  Di Natale, R
Gallacher, AM  Hanson-Young, SC
Ketter, CR  Lambie, J
Lazarus, GP  Lines, S
Ludlam, S  Ludwig, JW
Marshall, GM  McLucas, J
Milne, C  Moore, CM
Muir, R  O'Neil, DM
Peris, N  Polley, H
Rhiannon, L  Rice, J
Siewert, R  Singh, LM
Sterle, G  Urquhart, AE
Question negatived.

The PRESIDENT: Senator Lambie, I was just going to indicate that the question before the chair is that Senator Lazarus's substantive motion be agreed to, but you have the right to speak if you wish to.

Senator Lambie: I will sit down.

The PRESIDENT: Order! Senator Lambie, I will give you a bit of latitude here. Do you wish to take the call?

Senator LAMBIE (Tasmania—Deputy Leader and Deputy Whip of the Palmer United Party in the Senate) (17:19): I do, Mr President. I move:

That the question be now put.

Government senators interjecting—

The PRESIDENT: Order! Senator Lambie, I gave you the call on the basis that I thought you were seeking to speak further. Senator O'Sullivan got to his feet as you sat down. I then gave it back to you. I think it would be a bit harsh to deprive Senator O'Sullivan of the call, but the call is yours, Senator Lambie. If you wish to pursue with that motion, I will give that to you. However, if you want to exercise just a little bit of respect for other senators to speak and withdraw that motion, it would probably be appreciated.

Senator LAMBIE: No, Mr President. I have no intention of withdrawing that motion whatsoever.

The PRESIDENT: The question now is that the question be now put.
The Senate divided. [17:21]
(The President—Senator Parry)

Ayes .................30
Noes .................27
Majority .............3

AYES
Bilyk, CL (teller)                          Bullock, J.W.
Collins, JMA                                             Di Natale, R
Gallacher, AM                         Hanson-Young, SC
Ketter, CR                                             Lambie, J
Lazarus, GP                                             Lines, S
Ludlam, S                             Ludwig, JW
Marshall, GM                                           McLucas, J
Milne, C                                                 Moore, CM
Muir, R                                              O’Neill, DM
Peris, N                                               Rhiannon, L
Rice, J                                               Siewert, R
Singh, LM                                                  Sterle, G
Urquhart, AE                                           Wang, Z
Waters, LJ                                               Whish-Wilson, PS
Wong, P                                                     Wright, PL

NOES
Back, CJ                                      Bernardi, C
Birmingham, SJ                                Bushby, DC
Canavan, M.J.                                     Cash, MC
Colbeck, R                                    Day, R.J.
Fawcett, DJ                                  Fierravanti-Wells, C
 Fifield, MP                                         Heffernan, W
Leyonhjelm, DE                                 Macdonald, ID
Madigan, JJ                                    Mason, B
McGrath, J                                      McKenzie, B
O’Sullivan, B                                      Parry, S
Payne, MA                                      Reynolds, L
Ronaldson, M                                     Ruston, A (teller)
Ryan, SM                                              Seselja, Z
Sinodinos, A

PAIRS
Brown, CL                             Edwards, S
Cameron, DN                           Scullion, NG
Carr, KJ                                         Abetz, E
Conroy, SM                        Cormann, M
Dastyari, S                                     Smith, D
Faulkner, J                                   Nash, F
Lundy, KA                                      Johnston, D
McEwen, A                                      Brandis, GH
Polley, H                                         Williams, JR

Question agreed to.
The PRESIDENT: The question now is that the substantive motion moved by Senator Lazarus to establish a select committee be agreed to.

The Senate divided. [17:25]

(The President—Senator Parry)

Ayes ...................... 30
Noes ...................... 27
Majority ................. 3

AYES

Bilyk, CL (teller)
Collins, JMA
Gallacher, AM
Ketter, CR
Lazarus, GP
Ludlam, S
Marshall, GM
Milne, C
Muir, R
Peris, N
Rice, J
Singh, LM
Urquhart, AE
Waters, LJ
Wong, P

Bullock, J.W.
Di Natale, R
Hanson-Young, SC
Lambie, J
Lines, S
Ludwig, JW
McLucas, J
Moore, CM
O'Neill, DM
Rhiannon, L
Siewert, R
Sterle, G
Wang, Z
Whish-Wilson, PS
Wright, PL

NOES

Back, CJ
Birmingham, SJ
Canavan, M.J.
Colbeck, R
Fawcett, DJ
Fifield, MP
Leyonhjelm, DE
Madigan, JJ
McGrath, J
O'Sullivan, B
Payne, MA
Ronaldson, M
Ryan, SM
Sinodinos, A

Bernardi, C
Bushby, DC
Cash, MC
Day, R.J.
Fierravanti-Wells, C
Heffernan, W
Macdonald, ID
Mason, B
McKenzie, B
Parry, S
Reynolds, L
Ruston, A (teller)
Seselja, Z

PAIRS

Brown, CL
Cameron, DN
Carr, KJ
Conroy, SM
Dastyari, S
Faulkner, J
Lundy, KA
McEwen, A

Edwards, S
Scullion, NG
Abetz, E
Cormann, M
Smith, D
Williams, JR
Johnston, D
Brandis, GH
Question agreed to.

The PRESIDENT (17:26): Senators, during the course of the debate, Senators Macdonald and Heffernan particularly asked me about standing order 195 in relation to the requirement to read out the motion before the chair. I indicated that there had been previous rulings that this was not a compulsory matter, and I am pleased to say that I was correct with my ruling, so I am just reporting that back. It was President Calvert and President Hogg who both ruled that the question does not need to be read out if the motion has been circulated in print.

Senator Ian Macdonald: Mr President, I rise on a point of order. The motion that you raised had not been circulated as Senator Heffernan clearly indicated, so it should have been read, with respect.

The PRESIDENT: Senator Macdonald, it was deemed to have been circulated in the chamber. It may have been through misadventure that it did not arrive on your desk, but I understand it was circulated in the chamber.

PETITIONS

The Clerk: A petition has been lodged in accordance with the lists circulated to senators. The terms of the petition will be incorporated in Hansard.

Licensed Post Offices

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

The petition of the undersigned shows:

That Licensed Post Offices are considered to be the heart of regional communities, providing vital services. The viability of Licensed Post Offices to continue to provide these services is jeopardized by the unfair way Australia Post treats licensees.

Your petitioners ask that the Senate:

Takes action to ensure that Licensed Post Office operators are treated fairly by, and receive appropriate remuneration for, the services they provide on behalf of Australia Post.

by Senator Bilyk (from 1,219 citizens)

Petition received.

NOTICES

Presentation

Senator Fifield to move:

That—

(a) so much of the standing orders be suspended as would prevent the succeeding provisions of this resolution having effect;

(b) on Wednesday, 1 October 2014, the business of the Senate notice of motion proposing the disallowance of the Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014, standing in the name of Senator Dastyari, for that day be called on no later than 6.15 pm; and

(c) if consideration of the motion listed in paragraph (2) is not concluded at 6.30 pm, the questions on the unresolved motion shall then be put.

Senators Wright and McLucas to move:

That the Senate—

(a) notes that:
(i) at any one point in time, between 1 and 4 per cent of the general population experiences Borderline Personality Disorder (BPD),
(ii) the disorder can be characterised by overwhelming emotions, relationship problems, impulsive and risk-taking behaviour and a fragile sense of self,
(iii) a history of trauma, abuse or deprivation is common among those with the disorder,
(iv) despite its prevalence, enormous public health costs and devastating toll on individuals and families, recovery from BPD is possible,
(v) BPD is a leading cause of suicide, with an estimated 10 per cent of individuals with this diagnosis taking their own lives, and
(vi) an increased understanding of BPD is required among health professionals and the general public by promoting education, research, funding, early detection, and effective treatments; and

(b) acknowledges that the Australian BPD Foundation, through ongoing advocacy from Ms Janne McMahon OAM, Dr Martha Kent and Associate Professor Andrew Chanen, has declared the first week of October each year as Borderline Personality Disorder Awareness Week with the aim of promoting understanding of the disorder in the community and working towards better treatment options and quality of life for those affected by the disorder.

Senator Rhiannon to move:
That the Senate—
(a) notes that:
(i) 80 per cent of people with a disability live in developing countries,
(ii) over 20 per cent of the world’s poorest people in developing countries have a disability,
(iii) children with a disability are much less likely to attend school than children without a disability, and
(iv) it is estimated that armed conflict will be the eighth most common cause of disability worldwide by 2020; and

(b) urges the Department of Foreign Affairs and Trade and all those involved in progressing development policy and programs to ensure budget and accountability measures are in place with reference to implementing a multi-partisan commitment to disability-inclusive development.

Senator Ludlam to move:
That the Senate—
(a) notes that:
(i) Australia’s community broadcasters are a vital part of Australia’s increasingly concentrated media landscape, providing space for diverse voices not found in commercial media,
(ii) some 25 000 Australians volunteer at their community radio or television station each year, gaining critical commercial skills and experience that they would not be able to access elsewhere, and
(iii) the future of the sector has been called into question by the Minister for Communications’ recent announcement that spectrum licensing to community stations will be cancelled at the end of 2015; and

(b) calls on the Australian Government to:
(i) immediately commence a public consultation process regarding the future of Australia’s community broadcasting sector, and
(ii) reconsider the decision to cancel spectrum allocation to the community broadcasting sector.
Senator Hanson-Young to move:

That there be laid on the table by the Assistant Minister for Immigration and Border Protection, no later than 3 pm on Thursday, 2 October 2014, the following documents:

(a) all incident reports logged at the Nauru detention centre relating to the misconduct of centre staff for the past 12 months; and

(b) all complaints of sexual assault, exploitation and child abuse made to case workers at the Nauru detention centre in the past 12 months.

Senator Di Natale to move:

That the Senate—

(a) notes that:

(i) freedom of the press is an important element of any functioning democracy, and

(ii) access to West Papua by foreign journalists has been tightly restricted by the Indonesian Government;

(b) expresses its concern at the arrest of French journalists, Mr Thomas Dandois and Ms Valentine Bourrat, on 6 August 2014, while they were filming a documentary for the Franco-German television channel Arte;

(c) welcomes public statements from Indonesia’s President, Mr Joko Widodo, that West Papua should be open to foreign journalists; and

(d) calls on the Australian Government to request that the Indonesian President release Mr Dandois and Ms Bourrat as a sign of his commitment to a more open West Papua.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (17:28): I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Customs Amendment (Korea-Australia Free Trade Agreement Implementation) Bill 2014

Customs Tariff Amendment (Korea-Australia Free Trade Agreement Implementation) Bill 2014.

I also table a statement of reasons justifying the need for these bills to be considered during these sittings and seek leave to have the statement incorporated in Hansard.

Leave granted.

The statement read as follows—

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2014 SPRING SITTINGS

Customs Amendment (Korea—Australia Free Trade Agreement Implementation) Bill

Customs Tariff Amendment (Korea—Australia Free Trade Agreement Implementation) Bill

Purpose of the Bills

The bills implement Australia's tariff commitments and obligations under the Rules of Origin Chapter in the Korea-Australia Free Trade Agreement (KAFTA). The bills amend the Customs Act 1901 to define KAFTA originating goods and the Customs Tariff Act 1995 to provide preferential tariffs for KAFTA originating goods in accordance with KAFTA.
Reasons for Urgency
KAFTA was signed by both Parties on 8 April 2014. KAFTA was tabled in Parliament on 13 May 2014 for consideration by the Joint Standing Committee on Treaties (JSCOT). Introduction of the bills will occur after JSCOT has tabled its report on the Agreement.

The Governments of Australia and Korea have agreed to aim for KAFTA to enter into force in 2014 in order to maximise the business gains for both Parties. This would include achieving a competitive advantage for Australian exporters with certain tariff reductions occurring on entry into force and again on 1 January of the following year (i.e. 1 January 2015).

According to its provisions, KAFTA shall enter into force 30 days after the date the Parties exchange written notifications certifying that they have completed their respective applicable legal requirements and procedures or on such other date as the Parties may agree. The mentioned exchange of written notifications is expected to take place in November. These legislative amendments, together with the subsequent making of subsidiary customs regulations, are required to be in force before then so that KAFTA can commence in December 2014.

Withdrawal
Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (17:28): I give notice that on the next sitting day, I shall move to withdraw business of the Senate notice of motion No. 1 for the disallowance of Farm Household Support Secretary's Rule 2014. I seek leave to make a short statement.

Leave granted.

Senator RUSTON: On 16 July, the committee gave notice to disallow this instrument while it sought further information from the Minister for Agriculture relating to the delegation of the Secretary-General's rulemaking powers. Noting that the minister has undertaken to amend the Farm Household Support Act, the committee has agreed to withdraw the notice. The committee will report further on this matter through its sitting week reports in the Delegated Legislation Monitor.

BUSINESS
Leave of Absence
Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (17:29): by leave—

I move:

That leave of absence for personal reasons be granted to Senators Lundy and Cameron for today, 30 September 2014, and to Senator Brown for 30 September to 2 October 2014.

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 Dastyari for today, proposing the disallowance of items 1 to 27 inclusive and item 30 of the Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014, postponed till 1 October 2014.

Business of the Senate notice of motion no. 2 standing in the name of the Leader of the Australian Greens (Senator Milne) for today, proposing a reference to the Environment and Communications References Committee, postponed till 2 October 2014.
General business notice of motion no. 459 standing in the name of Senator Waters for today, relating to Abbot Point, postponed till 2 October 2014.

COMMITTEES
Community Affairs References Committee
Reporting Date
The time for the presentation of the report of the Community Affairs References Committee on grandparents who raise their grandchildren has been extended from 30 September 2014 to 29 October 2014.

NOTICES
Withdrawal
Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (17:31): At the request of Senator Bernardi, I withdraw general business notices of motion nos 351 and 352 standing in his name for today.

DOCUMENTS
Toowoomba Bypass
Order for the Production of Documents
Senator LUDWIG (Queensland) (17:32): I move:
That there be laid on the table by the Ministers representing the Minister for Industry, the Minister for Infrastructure and Regional Development and the Treasurer, no later than Wednesday, 1 October 2014, any documents held in relation to:
(a) funding sought by the Queensland Government, and/or any assessment of the priority of the Toowoomba Bypass project; and
(b) a review of the project by the Federal Government, and/or any correspondence between the Federal Government and Queensland State Government relating to a review of the infrastructure project.
The PRESIDENT: Leave is granted for one minute.
Senator FIFIELD: The Toowoomba second range crossing will be a vital new link on the national land freight network, and the coalition government has honoured its commitment and committed in the 2014 budget to fund 80 per cent of the construction costs. The Toowoomba second range crossing is the largest Australian government commitment to a single region road project in Queensland history. The people of Toowoomba and industry have been calling for the project. It is another example of the fact that this government is unashamedly focused on regional development.

The Commonwealth government negotiates final project details with states to ensure best value for taxpayers. Accordingly, the Commonwealth government has sought access to the funding model Queensland is using to test its financing assumptions for the project in order to settle the funding and financing arrangements between governments. Our request for information and discussion with Queensland about provision of that information is a normal part of project delivery processes. Information about the project is available on the project’s Queensland website. As the project is currently in the market with the request for a proposal...
launched by the Queensland government, the government is not in a position to provide
detailed financial or commercial information about the project. *Time expired*

**The PRESIDENT:** The question is that Business of the Senate notice of motion No. 455
standing in the name of Senator Ludwig be agreed to.

The Senate divided. [17:38]

(The President—Senator Parry)

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**AYES**

Bilyk, CL (teller)  
Collins, JMA  
Di Natale, R  
Gallacher, AM  
Ketter, CR  
Lazarus, GP  
Lines, S  
Ludwig, JW  
McEwen, A  
Milne, C  
Muir, R  
Peris, N  
Rhiannon, L  
Siewert, R  
Sterle, G  
Wang, Z  
Whish-Wilson, PS

Bullock, J.W.  
Day, R.J.  
Faulkner, J  
Hanson-Young, SC  
Lambie, J  
Leyonhjelm, DE  
Ludlam, S  
Madigan, JJ  
McLucas, J  
Moore, CM  
O'Neille, DM  
Polley, H  
Rice, J  
Singh, LM  
Urquhart, AE  
Waters, LJ  
Wright, PL

**NOES**

Back, CJ  
Birmingham, SJ  
Canavan, M.J.  
Fawcett, DJ  
Fifield, MP  
Macdonald, ID  
McGrath, J  
Nash, F  
Parry, S  
Reynolds, L  
Ruston, A (teller)  
Seselja, Z  
Williams, JR

Bernardi, C  
Bushby, DC  
Cash, MC  
Fierravanti-Wells, C  
Heffernan, W  
Mason, B  
McKenzie, B  
O'Sullivan, B  
Payne, MA  
Ronaldson, M  
Ryan, SM  
Sinodinos, A

Question agreed to.
S Penatce 7347

MOTIONS

Gender Equality

Senator WATERS (Queensland) (17:42): I seek leave to amend general business notice of motion No. 456 standing in my name relating to gender equality.

Leave granted.

Senator WATERS: I move the motion as amended:

That the Senate—

(a) notes that:

(i) this week the Minister for Education, Mr Christopher Pyne, has won the most sexist politician for 2014 in the 22nd annual Ernie Awards, with his claim that his university loan interest hikes will not disproportionately impact women because ‘they will not be able to earn the high incomes that dentists and lawyers will earn’;

(ii) the Prime Minister, Mr Tony Abbott, has previously won the same award in 2002, 2010 and 2011,

(iii) in 2014, the political category received the highest number of nominees, and most were sitting federal parliamentarians, including:

- Tony Abbott MP (thrice)
- Christopher Pyne MP
- Clive Palmer MP (thrice)
- Kevin Andrews MP
- Senator Joe Bullock
- Peter Dutton MP
- Tony Burke MP
- Barnaby Joyce MP
- Andrew Laming MP
- Senator Cory Bernardi
- George Christensen MP
- Senator Mathias Cormann
- Senator Eric Abetz, and

(iv) sexism undermines efforts to achieve gender equality and as Ms Emma Watson said in her address to the United Nations recently, ‘Men—I would like to take this opportunity to extend your formal invitation. Gender equality is your issue too’;

(b) calls on all federal members of Parliament who are nominated for the Ernie Awards to accept that we are not in the 1950s and to proactively work toward achieving gender equality.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (17:42): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator CASH: This motion is frivolous and demeaning of the needs of women and is expressed in a collage of confused words that fail to advance the cause of gender equality
which we in this parliament should all be committed to. The motion is another stark
illustration of the underwhelming level of debate that the Greens and their craving for media
attention bring to this place. I am sure that those who support and work hard to advance the
cause of gender equality would support the view that Senator Waters would achieve more in
the quest and make a greater contribution to the cause of gender equality if she spent as much
time fighting for and supporting the gender equality cause as she does drafting notices of
motion that make no discernible difference whatsoever to the lives of Australian women.
Clearly the women of Australia are entitled to expect more from the Greens and in particular
Senator Waters. However, I do not expect they will get it.

Senator BERNARDI (South Australia) (17:43): I seek leave to make a short statement as
someone named in this motion.

The PRESIDENT: Leave is granted for one minute.

Senator BERNARDI: Frankly, I am appalled at this motion, because I think it is sexist in
itself. Senator Waters has clearly identified only males who have been nominated for the
Ernie Awards, and there has been a long list of females who have won Ernie Awards. I would
suggest that Senator Waters' motion displays an element of man-hating sexism, and it has no
business being on the Notice Paper whatsoever.

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

The Senate divided. [17:45]

(The President—Senator Parry)

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AYES

Bilyk, CL (teller)  Bullock, J.W.
Collins, JMA  Di Natale, R
Faulkner, J  Gallacher, AM
Hanson-Young, SC  Ketter, CR
Lines, S  Ludlam, S
Ludwig, JW  McEwen, A
McLucas, J  Milne, C
Moore, CM  Peris, N
Polley, H  Rhiannon, L
Rice, J  Siewert, R
Singh, LM  Sterle, G
Urquhart, AE  Waters, LJ
Whish-Wilson, PS  Wright, PL

NOES

Back, CJ  Bernardi, C
Birmingham, SJ  Bushby, DC
Canavan, M.J.  Cash, MC
Day, R.J.  Fawcett, DJ
Fierravanti-Wells, C  Fifield, MP
Leyonhjelm, DE  Macdonald, ID

CHAMBER
Madigan, JJ
McGrath, J
Nash, F
Parry, S
Reynolds, J
Ruston, A (teller)
Seselja, Z
Williams, JR

Mason, B
McKenzie, B
O'Sullivan, B
Payne, MA
Ronaldson, M
Ryan, SM
Sinodinos, A

Question negatived.

Great Barrier Reef

Senator WATERS (Queensland) (17:48): I move:
That the Senate—
(a) notes that:
   (i) Mr George Christensen MP, on 24 September 2014, publicly referred to people who care about
       the Great Barrier Reef as 'gutless green germs for the terrorists they are',
   (ii) labelling people who care about the reef as terrorists is reprehensible, insensitive and utterly
       unacceptable, particularly at this stage of global events, and
   (iii) to speak of ordinary Australians who care about the reef using terms like 'terrorists' 'butchered',
       'kill off' and 'extremist', risks elevating community disagreement to dangerous levels; and
(b) condemns Mr Christensen's comments and calls on him to withdraw them.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and
Assistant Minister for Social Services) (17:48): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: It is very important that the Senate not endorse practice by way of
motions in one chamber seeking to pass comment on or to condemn an elected member of
another chamber. This practice is as bad as the Senate setting up a committee to inquire into
the activities of another parliament.

Senator WATERS (Queensland) (17:48): I seek leave to make a very short statement:

The PRESIDENT: Leave is granted for one minute.

Senator WATERS: I note the objection of the government senator. However, it was one
of his own MPs who made the outrageous allegation that people who care about the future of
the Great Barrier Reef are terrorists.

Question agreed to.

Seismic Testing

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:49): I move:
That the Senate—
(a) notes that:
   (i) Advent Energy intends to conduct 3D seismic testing to explore for gas within one of the most
       productive fishing grounds in New South Wales, only 3 kilometres off the coast of Newcastle in
       Commonwealth waters,
(ii) seismic testing has impacted on our fisheries in the past, with local fishers describing affected areas as 'like a desert';

(iii) the Federal Government has recently removed the requirement for offshore petroleum or greenhouse gas activities in Commonwealth waters to be assessed under the Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act),

(iv) an application by the Commonwealth Fisheries Association for seismic testing to be listed as a key threatening process under the EPBC Act in March 2013 was rejected in September 2013, and

(v) if this exploration or gas drilling proceeds, the supply of locally caught, fresh fish and prawns to Sydney and Newcastle will be directly affected; and

(b) calls on the Government to:

(i) reinstate the requirement for all offshore petroleum or greenhouse gas activities in Commonwealth waters to be assessed under the EPBC Act,

(ii) ensure comprehensive baseline studies and ongoing monitoring of marine life are a mandatory condition of any offshore petroleum activities,

(iii) reject Advent Energy's application to conduct seismic testing within important fishing grounds off the New South Wales coast, and

(iv) reconsider whether seismic testing should be classified as a key threatening process under the EPBC Act.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (17:49): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: The coalition government is committed to reducing duplication and unnecessary regulation, while maintaining high environmental standards. That is what we have achieved by naming the National Offshore Petroleum Safety and Environmental Management Authority as the sole assessor and approver for offshore petroleum and greenhouse gas activities in Commonwealth waters. In doing so, a rigorous assessment was completed to ensure the same high standards of the EPBC Act will be maintained. The streamlined approach will lead to savings for industry and environmental groups worth an estimated $120 million per year.

Question negatived.

COMMITTEES

Legal and Constitutional Affairs Legislation Committee

Meeting

Senator IAN MACDONALD (Queensland) (17:51): by leave—I move:

The Senate Legal and Constitutional Affairs Legislation Committee have leave to meet during the sitting of the Senate tomorrow.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Abbott Government

The ACTING DEPUTY PRESIDENT (Senator Bernardi) (17:52): A letter has been received from Senator Moore:
Pursuant to standing order 75, I propose that the following matter of public importance be submitted to the Senate for discussion:

The Abbott Government's failure to address multinational tax integrity while attacking the living standards of pensioners, students and young jobseekers.

Is the proposal supported?

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

The ACTING DEPUTY PRESIDENT: I understand that informal arrangements have been made to allocate specific times to each of the speakers in today’s debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

Senator KETTER (Queensland) (17:53): Thank you very much, Mr Acting Deputy President. I am very pleased to make a contribution in respect of this MPI relating to the failure of this government to address multinational tax integrity whilst attacking the living standards of pensioners, students and young job seekers. Of course, the premise of the MPI is the fact that we have a government based on broken promises and twisted priorities. There is nothing more evident in that in relation to this propensity of the government to attack the living standards of pensioners, students and young job seekers whilst, at the same time, leaving the big end of town alone and with various tax arrangements which need to be looked at.

We have a government that last year claimed that there was a budget emergency. You would think that a government that really believed that would do everything in its power to improve its revenue streams, but of course what we see is, in fact, the attacks on pensioners, the unemployed and students. We know that the government has moved away from that rhetoric of a budget emergency. I note that recently in New Zealand the Treasurer admitted that there was, in fact, nothing wrong with the Australian economy. As everybody here knows, Australia has a relatively low international debt and the growth rate of the Australian economy is amongst some of the best in the world. It is perverse that we have a Treasurer who uses the terminology of ‘lifters’ and ‘leaners’. What the government is doing in this regard—or, more precisely, what they are not doing—is they are giving the leaners a head start by going too slow on tax reform. A 2013 paper by the Treasury titled ‘Implications of the modern global economy for the taxation of multinational enterprises’ states:

As chair of the G20 in 2014, Australia can have a prominent role in determining and driving this reform agenda.

As chair of the G20, Australia should be leading from the front, and it is time for Mr Hockey to step up to the plate. Empty talk will not cut it for tackling multinational tax. There is a significant gap between this government's rhetoric and its actions when it comes to ensuring that multinationals pay their fair share of tax within Australia. I draw the attention of the Senate to the fact that the previous Labor government did make an attempt to address this particular issue. I refer to the Tax Laws Amendment (Countering Tax Avoidance and Multinational Profit Shifting) Bill 2013. When given the opportunity, the members of the coalition did not support this attempt by the previous Labor government to address this issue.

It simply is not fair that major Australian companies operating internationally can shirk their tax responsibilities. Companies that earn profits in Australia must pay tax in Australia. I think people on all sides in this place would accept that basic principle. Multinational tax
avoidance leaves small businesses and everyday Australians to pick up the slack of paying for government services. Major companies benefit from Australia's highly educated workforce, our extensive road, rail and port infrastructure, our secure energy supply and our willingness to attract investment. It is reasonable that those companies should also make a fair contribution to the tax base, which funds those things. Unfair tax arrangements advantage large multinational companies over domestic Australian companies. This is unproductive, inefficient and unfair.

Labor has a proud record of reducing multinational tax avoidance. When in office, Labor introduced key reforms that would have prevented $5 billion in revenue from being moved offshore. Unfortunately, the government is not fully implementing these measures and this is costing the budget over $1.1 billion. I, again, refer to the bill from 2013 that I mentioned previously, and when addressing that bill, the current Treasurer said:

We really must start this debate by asking whether these amendments are required at all.

He went on to call measures in the bill:

… an unnecessary overreaction. More red tape for business …

In addition, I note the contribution by Senator Cormann in relation to that same bill. He said:

… we do not support Labor Party knee-jerk overreactions in the face of yet another desperate attempt to raid more cash to feed its spending addiction …

Senator Cormann went on to attack the ATO on behalf of big business. In extraordinary comments, he said:

There can be a large disconnect between the way business is properly conducted and the way the government, in particular the Australian Taxation Office, would require business to be conducted—because, quite frankly, the Treasury and the tax office invariably do not understand how business actually legitimately operates.

I wonder if the finance minister still has the view that Treasury and the ATO do not understand how business operates—that is an extraordinary statement.

I note a recent report released by the Tax Justice Network found that, overall, the effective tax rate of ASX 200 companies over the last decade was 23 per cent. If these companies had paid at the statutory rate of 30 per cent, this would have produced an additional $8.4 billion in corporate tax annually. Despite this, the Treasurer has been all bluff and bluster on cracking down on multinational tax avoidance. He boasts that by committing to a 2017 start date for the common reporting standard on banking information, Australia is moving towards better financial transparency. What he did not say was that his proposed timetable lags behind the early adopter group of nations like the United Kingdom, Argentina, France, Germany, India, Italy and Mexico. Despite his bold rhetoric, the Treasurer's timetable puts Australia behind over 40 other countries. The Treasurer is all talk and no action.

These are not fringe issues. As The Age reported on 6 September this year:

There is stark evidence that Australia's corporate tax base is being eroded, with the burden of revenue falling increasingly heavily on individuals. The proportion of income tax collected from business in Australia has shrunk over the past five years, falling from 23 per cent in 2007-08 to 19 per cent in 2012-13 according to the Australian Bureau of Statistics. At the same time, the proportion of income tax collected from individuals rose from 37 per cent to 39 per cent.
But it is not only our own tax revenues which benefit from a more transparent and fair tax system. As the Micah Challenge state in their submission to the earlier mentioned Treasury inquiry:

Australia’s stance on tax law, policy and international arrangements around tax also have a clear connection to the capacity of governments in developing countries to secure sufficient and sustainable sources of financing for development. Pressing for reform on the international tax system also has the potential to build and strengthen norms of transparency and accountability among and between governments, citizens and business—particularly multinational enterprises.

In March this year, the tax office announced it was investigating 86 major international firms for allegedly shifting profits offshore. It is estimated the combined cost of these schemes is more than a billion dollars a year in lost tax revenue. The government is in need of doing something about this issue. Hollow rhetoric will not suffice. The government is making up for its inaction through cuts to essential services and programs that support the most disadvantaged in our country. And the budget also shows the government would prefer to take revenue—* (Time expired)

**Senator IAN MACDONALD** (Queensland) (18:03): What a pleasure to follow Senator Ketter in this debate. From the sounds of his measured, moderate contribution to this debate, I look forward to more debates. Senator Ketter, the time when the Labor Party could lecture anyone on budget superiority, on budget certainty, on budget balancing will be the day hell freezes over. For the Labor Party to try to lecture anyone on budget matters is just so amusing that I really cannot take you as being serious. You have no doubt been left with the motion and you have done your best to prosecute it.

Mr Rudd, you might remember—long before your time so I do not blame you for overlooking these things—had the 2020 Summit.

**Senator O'Sullivan:** Was that Rudd 1 or Rudd 2?

**Senator IAN MACDONALD:** This was Rudd 1. There were all these fine ideals about tax reform and a huge very expensive two- or three-day talkfest. We had the Henry tax review as a result of it. The Henry tax review took hundreds of days and hundreds of thousands of dollars and came up with a set of suggestions. The then Labor government completely ignored all but one or two of them. The only one it picked up it seemed was an abortion of the MRRT. That then turned out to be such a mess that in the end every Australian understood that it was a useless tax that was costing more to collect than it was actually collecting.

You will remember Mr Swan promising every year that he would get a surplus. It never appeared. Nobody ever expected it would. I think not even Mr Rudd or Ms Gillard themselves ever believed his or her Treasurer when he indicated he was going to bring in a surplus. So, as I say, let the Labor Party lecturing on tax is a non sequitur. I could go through a whole series of examples but time does not permit that and they are all well known.

Your motion talks about attacking the living standards of pensioners, students and young jobseekers. The biggest attack on the living standards of pensioners, students and jobseekers was paying $33 million each and every day to foreign lenders on money that the Labor government had borrowed. That in itself adds to the cost of living. It means that living standards that could be paid for with that $33 million a day were not being paid and it meant that we had to introduce the difficult and very stringent budget that we see today.
This concern about international tax is something that we on this side have been looking at for some time. And I pay credit to my colleague Senator Bill Heffernan, who, for years, has been talking about the way big multinational companies do not pay their fair share of tax and about how they enter into schemes where the tax, if any, is paid overseas in countries which have a lower tax rate than Australia.

Before I hear further pious words of the Greens and the Labor Party, could I ask either of them why they did not support my motion a couple of months ago for the Paid Parental Leave scheme to be deferred until later and for the money being collected from companies to fund that scheme to be put into addressing the bottom line of the budget? Did the Greens give any support to that? I heard them rabbiting on in question time today about the tax that multinationals pay. But when the had the opportunity to do something about it a couple of months ago in this chamber they were absolutely dead silent. They would not even cross the floor to help me in supporting the proposal that the additional tax collected from companies be diverted to paying off Labor's budget black hole.

Again, as is typical with the Greens, it is all hypocrisy: say one thing, do another. It is so typical of the Greens. They are all about free speech and yet when an issue comes up and an inquiry is undertaken by this chamber—improperly set out, I would suggest, and one that I am sure will nevertheless be overturned in the High Court—how many of the 33 government senators do the Greens give the opportunity to to participate in that inquiry? Just one. How many from the Labor Party, with 25 senators? Two. And how many from PUP, with three senators? One. And the chairman, on a big salary. This is the Greens hypocrisy. It just demonstrates, time and time again, why you cannot believe, trust or even try to negotiate with the Greens.

In relation to that Queensland motion, Greens' leader Senator Milne was out of the chamber and the rest of the Greens agreed to include the Labor Party in that particular inquiry. I could not believe my ears. I thought that all the things I had been saying about the Greens for 24 years had been wrong. But I was right. You simply cannot believe the Greens. Senator Milne came back to lead the Greens political party. The sensible compromise that had been negotiated by the Greens Whip and a couple of sensible people in the Greens political party was overthrown by the leader and the leader went back to take out her absolutely pathological hatred of anyone who is not on the Left side of politics.

So whether it is on this matter of multinational tax integrity or whether it is on a matter of inquiring into other governments or preventing senators from having their say, the Greens are just full of hypocrisy. Not only do they vote to set up this committee, which does not stand any test of fairness or propriety but, more than that, the Greens cut off debate.

When Labor was in government and the Greens were their lackeys, supporting them all the way, we had so many guillotines and gags on debate that we lost count. But we thought that, with the change of government, perhaps there will not be quite so many gags, guillotines and restriction of debate moved by the government and there has not been. I think it has only happened once, as opposed to 400 or 500 times under the Labor-Greens regime. But today we have Labor and the Greens, again, joining together for another couple of gags. And this is the Greens political party, which will go out there and tell all their followers, 'We're all in favour of free speech and accountability.' Have a look at this dodgy committee which has just been set up! Accountability? With two Labor members, one Green, one Palmer United and just one
government senator. Accountability simply goes out of the door when it applies to the Greens political party. The idea of everyone having their say, everyone having the ability to play their part in this chamber and fully discuss matters, again, goes out of the door when the Greens political party join with Labor to curtail debate.

In the few seconds left to me, can I just congratulate Joe Hockey, a fabulous Treasurer. He has done an excruciatingly good job in trying to correct Labor's mess. I remind anyone who might be listening to this debate that Labor, in six short years, left a debt approaching $600 billion for every Australian, paying their share of $33 million each and every day—I repeat, each and every day—to pay off Labor's debt to foreign lenders. That is the sort of tax mess that Mr Hockey has had to address. He is doing a wonderful job and I wish him every support in his ongoing job of fixing Labor's mess. (Time expired)

Senator WHISH-WILSON (Tasmania) (18:13): We have an opportunity in parliament this afternoon during this matter of public importance debate to debate a $1 trillion scandal around the world. What did the taxpayer get from Senator Macdonald in the last 10 minutes? Verbal vomit and tripe. This issue is not going to be swept under the carpet, through you, Chair, to Senator Macdonald. Australia has to take on corporate tax avoidance. We have to do it with the rest of the world. It has been reported that, globally, more than $20 trillion in tax is avoided and put into tax havens. Tax avoidance in Australia has been outlined in a comprehensive report that was referred to by Senator Milne in question time today, compiled by the Tax Justice Network. This network, working in collaboration with a large number of stakeholders, has looked at Australia's specific circumstances and it has come up with a figure of at least $8.4 billion in lost tax through multinationals each year.

We have tax avoidance problems with individuals, which the tax department is tackling through an amnesty. On the same hand, we have cuts to the tax department—savage cuts to staff, savage cuts to resources. When we know that $1 invested in forensic work to chase tax cheats is going to pay a good dividend to the Australian voter, to Australian citizens, we are cutting resources to the tax department. Let us hope the amnesty works. I will certainly look forward to asking more questions about that at upcoming Senate estimates—as will other senators.

What I am really interested in is this question of tax avoided in Australia. We have an estimate from a study here today, but what is the government's—Treasury's—own estimate of tax avoided in this country in recent years? Are we confident that we are tackling this problem properly? Can we confidently say in forward estimates that we are going to bring in billions of dollars of revenue—billions of dollars that are desperately needed to pay the bills?

It was interesting listening to Senator Macdonald, because he obviously has no understanding at all of the history of this country. Since Federation, this country has run current account deficits. Anyone who understands economics would know that current accounts include government spending. Current account deficits mean that we always borrow, in the private sector and in the government sector. We have always borrowed from overseas, since Federation.

I do not hear anyone talking about the interest on the borrowings that we have, and have always had, in the private sector. All we hear is this same mantra of the daily interest rate bill. If that money is being spent productively—being invested into our communities, our schools, our social welfare systems and the networks that help people get up and running when they
need that help—then that is a good, productive investment in our country. And it will be paid back.

We get a very limited level of economic debate from that side of the chamber because that is what suits their propaganda. I will be very interested to know what the government is forecasting in terms of revenue from stronger action on tax minimisation. What is this tax minimisation? At a corporate level it is often referred to as 'profit shifting' or 'base erosion' and 'transfer pricing'. Essentially they are pretty similar concepts. It is when multinational corporations plan or put in place a planning process to allocate costs and revenues to different locations to reduce their tax liability.

As outlined in the report *Who pays for our common wealth?* tackling corporate tax avoidance is an urgent priority. We see very high gearing ratios amongst the ASX 200, which means that they have high debt levels; and there are issues with interest repayments, which are tax deductible; and it is a good way of avoiding tax. I will get to the point in a minute that, unfortunately, these things are legal. There are loopholes in tax systems all around the world because we do not have harmonisation between countries that have the same tax systems. This allows multinational corporations to exploit different tax rules in different countries and get away with it. So, apart from the fact that we have to take a much stronger stance and crack down on tax avoidance or tax dodging, we also need to look at how we change the rules, both here and globally, to tighten up what is essentially an unfair avoidance of tax by multinationals.

Here are a couple of conclusions from the report that I referred to earlier. Within the ASX 200 companies, nearly one-third have an average effective tax rate of 10 per cent or less; 57 per cent disclose subsidiaries in secret jurisdictions, which are also commonly referred to as tax havens; and 60 per cent report debt-to-equity levels, as I mentioned—high, but in this case over 75 per cent, which artificially reduce taxable profits.

We recently raised this issue at the G20; our Treasurer raised this issue. It has been around for years; tax dodging by multinational corporations has been discussed in parliament and in media circles for decades. Now we are finally getting around to being part of a global cooperative effort to do something about it. But if you read the media there is a lot of cynicism that anything is going to get done.

Information sharing is great—it is a good start—but there is a lot more that could be done to avoid tax-dodging and tax minimisation, which essentially is a legal way that multinationals avoid paying tax in their country. But we all agree on one thing. The communique released after the G20 meeting in Cairns last week said: 'Profits should be taxed where economic activities deriving the profits are performed and where value is created.'

**Senator Williams:** I agree with that.

**Senator WHISH-WILSON:** Good. In this case, we hear stories about companies that do not pay any tax in this country—for example, James Hardie, Westfield Retail Property Trust, large mining companies, 21st Century Fox—we have some really clear examples of companies that are very large players in the Australian landscape who are not paying tax. If it is true that we are in a budget emergency—although I note that that rhetoric has been toned down considerably in the last six months—if it is logical that we need more revenue, and I think we do, we can raise revenue through a fixed mining tax and through a price on carbon.
That would be tens of billions of dollars that we could spend not just on investment but on the most needy in our country; providing that safety net of social security and health that we desperately need in this country. I think that in itself is a good investment in our people. This is not all about businesses; it is not all about infrastructure; it is about people. People are the key ingredient.

The Greens moved over the weekend to have an inquiry—which I certainly hope we will be able to get tripartisan support for—to look at this issue of tax minimisation and tax avoidance and give certainty to stakeholders in this country. When I say 'stakeholders', I am talking about hundreds of different organisations—church groups, unions, social welfare groups et cetera—who want to see this issue fixed once and for all. They want to see real action by our government to crack down on tax dodging in Australia.

It is not going to be easy. You can do it in one country, but it really needs to be done in multiple countries for it to be effective. Why is that? Senator Williams, it is because we are dealing with multinational companies—that is, they have jurisdictions in more than one country. That allows them to do the types of profit shifting and transfer pricing arrangements that I highlighted. If we do not have cooperation from other countries, we will not succeed in this endeavour—and that needs leadership. Like we took leadership on climate change—and then it was ripped down by the coalition government—we need to take global leadership on this issue. The Micah Challenge, the Oaktree Foundation and all the stakeholders are saying to us, 'Get out there and take a global leadership role and let's get this done.'

**Senator BILYK** (Tasmania—Deputy Opposition Whip in the Senate) (18:23): I recently spoke on the matter of multinational tax avoidance during the adjournment debate, and I rise today to do so again. All countries need strong measures and strong cooperation to ensure that multinational companies pay their fair share of tax. When multinationals do not pay their fair share, it falls to others to pick up the tab. The tax burden shifts to ordinary workers and small business owners, and it creates an uneven playing field where small businesses are competing with large multinationals who gain a competitive advantage by paying less tax. This is fundamentally unfair.

During my adjournment speech I mentioned the campaign being run by the Tax Justice Network to eliminate multinational tax avoidance. I gave an example of a poor worker in Zambia who paid more absolute tax than a multinational company in the same country and the same industry. Australia owes it to everyday Australians who pay their fair share of tax to effectively combat multinational tax avoidance. But we also owe it to the world's poor to be part of the global effort against multinational tax avoidance.

I mentioned the Tax Justice Network earlier. Recently they released a report which showed that the ASX 200 companies—the top 200 companies in Australia—had an effective tax rate of 23 per cent. This is despite Australia having a corporate tax rate of 30 per cent. Had these companies paid an effective rate of 30 per cent, they would have provided Australia with an extra $8.4 billion in corporate tax revenue every year. The 23 per cent rate was the total across all the ASX 200 companies. In fact, a third of these companies were paying 10 per cent or less in corporate tax and 14 per cent of these companies paid no tax at all. The report also found that 57 per cent of those companies had subsidiaries in what is labelled 'secrecy jurisdictions' or jurisdictions with low financial transparency.
We live in an increasingly globalised and digital world, where commercial transactions are taking place across national borders in larger and larger volumes. Multinational companies use clever and complex schemes to shift their profits from high-taxing to low-taxing jurisdictions to minimise the amount of tax they pay. So, when it comes to combating multinational tax avoidance, we need to be ahead of the game. We need to be moving forward, not backward. And we need to ensure that profits earned in Australia are taxed in Australia. We owe it to all the Australian workers and small businesses who, unlike multinational companies, have no choice but to pay tax in Australia on all of their taxable income.

Labor has a proud record of combating multinational tax avoidance; introducing reforms in government which prevented $5 billion in revenue being moved offshore. Sadly, the Abbott government are refusing to fully implement these measures, a decision which is costing the budget $1.1 billion. In other words, instead of building on Labor's reforms, this government are actually moving backwards.

One of the measures the government are trying to dump is Labor's tax transparency reforms. Labor in government introduced measures which required companies earning over $100 million a year to disclose their total income, taxable, income and tax paid. However, the Abbott government want to repeal this measure. The government are also not proceeding with reforms announced by Labor to tighten the offshore banking unit regime, nor is it proceeding with the changes to reporting for multiple entry consolidated groups. The government are continuing the poor record on multinational tax avoidance that they had in opposition, where they voted against the previous Labor government's legislation to plug loopholes in Australia's transfer pricing rules and anti-avoidance provisions, and to crack down on companies overvaluing assets in international transactions.

While going backwards on multinational tax integrity, the Abbott government are also making savage cuts to the Australian Taxation Office, which will make it more difficult to pursue multinational companies for tax compliance. The government announced in this year's budget that they are cutting 4,700 staff from the tax office, leaving them underpowered to investigate the tax compliance of large multinational companies. The ATO announced in March this year that they are investigating 86 major international firms for allegedly shifting their profits offshore. The Commissioner of Taxation has said that every dollar invested in ATO staff generates between one and six dollars of revenue. Remarkably, the Abbott government's budget cuts to the ATO will therefore end up costing Australia more revenue than they save.

The upcoming G20 meeting in Brisbane, and Australia's presidency of the G20, has the potential to be an opportunity for Australia to take a leadership role on multinational tax avoidance. Instead, we have a Treasurer who is boasting that Australia is moving towards better financial transparency by committing to a 2017 start date for the common reporting standard on banking information. This is in contrast to nations like the United Kingdom, Argentina, France, Germany, India, Italy and Mexico, who are early adopters of the standard. In fact, Mr Hockey's timetable puts Australia behind 40 other countries. Mr Hockey, the Treasurer, is all bluff and bluster about seriously addressing multinational tax avoidance. If he is serious about the problem then he needs to tell the Australian people not only what his plans are but also how much revenue they will add to the bottom line. So far the only changes
the government has made to Australia's multinational tax regime which affect the budget bottom line are ones which have resulted in less—not more—revenue. As I said before, together these measures add up to $1.1 billion in revenue. It is absolutely galling that a government which uses a 'budget emergency' to justify slugging everyday Australians $7 every time they visit their GP, to justify cutting pensions and family payments and to justify forcing job seekers to live on nothing but fresh air for six months, would let multinational companies off paying their fair share of tax to the tune of $1.1 billion.

If there is a real budget emergency, then why would this government not proceed with Labor's sensible reforms to make multinational companies pay their fair share of tax? Why would they forgo over a billion dollars in revenue? Is this the 'great global leadership' to which Senator Cormann was referring during question time today? The answer is simple—there is no budget emergency. We had this confirmed just two weeks ago by 63 of Australia's leading economists.

The coalition's actions since coming to government deny their rhetoric about a budget emergency. After all, this is the party which decried debt and deficit in opposition, yet soon after coming to government they doubled the deficit and substantially blew out the timetable for achieving a budget surplus. If Australia is truly experiencing a budget emergency, surely it makes sense to tighten the rules to clamp down on multinational tax avoidance, not to relax them.

The manufactured budget emergency is just an excuse, a cover, for the Abbott government's real agenda. That agenda is to help the big end of town at the expense of struggling Australians. Of course they will deny it, but the evidence speaks volumes. At the same time as this government's cruel and unfair budget makes savage cuts to vital government services and to assistance for small businesses and struggling Australians, the government is doling out gifts and tax breaks to the big end of town. This is the government which is giving a tax break to billionaire miners, this is the government which is writing out $50,000 cheques to millionaire mums, this is the government which is giving generous tax breaks to 15,000 of Australia's wealthiest superannuation account holders, and, as we have heard in this debate, this is the government which is giving multinational companies a $1.1 billion tax break instead of working to make them pay their fair share of tax.

These are the actions of a government which has its priorities all wrong, a government which would rather cut income from pensioners and families and tax sick Australians than make sure some of Australia's largest companies pay their fair share of tax. These are the actions of a government which puts the interests of its wealthy mates in big business ahead of struggling small business owners and vulnerable Australians. It is time for this government to get serious about multinational tax avoidance and work to close tax loopholes, not relax them. As I said, when multinationals do not pay their fair share, it falls to others to pick up the tab. The tax burden shifts to ordinary workers and to small business owners. It creates a very unlevel playing field when small businesses are competing with large multinationals who gain a competitive advantage by paying less tax. It is high time this government got serious about multinational tax avoidance. (Time expired)

**Senator WILLIAMS** (New South Wales) (18:33): I find it amazing that those opposite would want to talk about tax. It is just amazing. Let us have a look at your record.

*Opposition senators interjecting*
Senator WILLIAMS: We are getting a bit of a reaction! I must have touched a nerve. Let us look at your record of budgets and tax and income and expenditure. The last time you delivered a budget surplus, Senator Dastyari was six years old. There has been a lot of water under the bridge since then.

Let us have a look at the record. I want to take you to fuel excise. When the Hawke-Keating government was elected in 1983, the tax on fuel was 6.3c a litre. When they left in 1996, that had grown to 34c a litre—6.3c to 34c. It was the Howard government that froze that excise at 38c. It grew from 34c to 38c and then it was frozen in 1999-2000. Yes, we want to bring indexation back now to fix our roads. That is why I support it—to fix our roads.

Senator Bilyk interjecting—

Senator WILLIAMS: Mr Rudd promised no new taxes. I wonder if Senator Bilyk can remember the luxury car tax. Do you remember the luxury car tax? There were to be no new taxes! That did a great job for Holden, didn't it? That really helped Holden get on their feet! Because someone worked hard and could afford an up-market car—let's tax that! Then there was the alcopops tax. That was going to solve all the problems of binge drinking.

Then Prime Minister Rudd, I think it was—it was hard to keep track of the Prime Minister in the previous government; it was hard to know who was Prime Minister at any time—gave us the superprofits tax. That was going to generate all the revenue. Then Prime Minister Gillard was going to solve all the problems with that tax by bringing in a minerals resource rent tax. She did exactly that. She spent $16 billion, but the tax did not raise any money—a total of about $300 million over the years. Then there was the carbon tax, the carbon tax we were never going to have. It did absolutely nothing to reduce CO₂ emissions in Australia.

I do not think there would be one senator in this chamber who would not agree that, if you make money in this country, you should pay the tax in this country. That is fair. Life is about fairness and that is a fair way to be. We are well aware of the issue. My colleague Senator Heffernan has been pushing this barrow for a fair while, I can assure you. If you make the money here, you pay the tax here. We know about Google—why they are set up in Ireland—and we know about many of those other big companies, such as Apple. We know they are avoiding paying their share of tax.

But I want to point out Labor's record on tax reform. It really is embarrassing. Do you remember former Prime Minister Rudd holding his 2020 summit? He invited the talented and the opinionated. He got out the butcher's paper and came up with his thought bubble on tax reform—the Henry tax review. We heard all about the Henry tax review. So important was the Henry review that Labor did not release it until just before the budget in 2010—even though it had been given to Treasurer Wayne Swan in December 2009. Why was it not made public? What were they hiding? This is their history on tax reform. What came out of the Henry tax review? As I said, the resource super profits tax, which was expected to raise $49.5 billion over five years. Yes—$49.5 billion—an academic's tax with little thought for practical consequences. In July 2010, the resource super profits tax proposal was replaced with the minerals resource rent tax—another complex tax, and I have mentioned the figures on that. The original MRRT estimate was that it would raise $10.5 billion in its first two years to July 2014. In fact, just $340 million was raised in net terms in that period—less than $20 per Australian.
Senator Whish-Wilson: Have you got any figures there on cost shifting?

Senator WILLIAMS: I will get on to cost shifting, Senator Whish-Wilson, and I will get on to transfer pricing. I will take your interjection. That is why I do not like transfer pricing one bit, especially when it comes to countries and governments buying our farms, growing the food and taking it back to their country. I will give you an example: if a foreign country buys a property and it costs them $1 million to plant a crop of wheat, and it might be a good season and they harvest $2 million worth of wheat. They actually sell that wheat back to their country for—guess what? One million dollars. The country buys the wheat at half price. Costs are $1 million; income is $1 million. No profit, no tax—they just transfer it overseas. It is wrong, and that is why I am very pleased to say that Treasurer Joe Hockey is leading the fight on this very issue.

No doubt this will be raised at the G20 in Brisbane in November and discussed at length. I agree with you, Senator Whish-Wilson—this has to be a global effort. The countries have to combine together to share information on those who are dodging tax in this country, and any other country around the world. I am sure those in many countries see money transferred out of their country and tax avoidance by the big end of town, when they need to pay their fair share in those countries as well. It is Treasurer Joe Hockey who is leading this very fight to capture those in the net who make the money in this country to pay the tax in this country. If they do not, who is going to pay the tax? The small Aussie battlers, the small businesses? Or are we going to go down the road of Labor, which we do not want to go down, of more budget deficits, more borrowing—in other words, mortgaging our children's future away. That is certainly not sustainable, and it is a road to a brick wall. We have seen what the previous government did—$240 billion of government budgets in just six years and hence the $340-odd billion of gross debt we have today.

As I said—and I know my colleague Senator Heffernan will certainly continue this argument in far more detail than I have given this chamber—if you earn the money in this country, you pay the tax in this country. And I welcome Senator Heffernan's phone ringing, and countries working together—starting off with G20 in November, with Treasurer Joe Hockey leading the reforms.

Senator LUDWIG (Queensland) (18:40): Again, what we heard from the Nationals, the supporters of the Liberal Party, is simply rhetoric, and empty at that. What they are now saying in effect, if you boil the speech down and if you forgive his inability to understand how fuel excise has worked—is that the Howard government froze it and then put in indexation. He brushed over that a little bit quicker than he should have.

Senator Williams interjecting—

Senator LUDWIG: He might want to bite now. People in rural Australia do understand how indexation will mean that their fuel will increase in price over time. He touched on fixing our roads. If you look at Labor's record on fixing roads over its term in government, it outshines yours by a country mile. If you look at his gloss over, really the MRRT in total, what he does not say, ultimately, is how regional and rural Australia will benefit from an MRRT and how small business would have benefited from accelerated depreciation and from a range of measures. It glosses over that completely. What we also did not hear is how we address the issues around climate change. Yes, if you are opposed to a carbon tax, if you are
opposed to an emissions trading scheme, if you are a complete denier of climate change like the Nationals are, then I accept what Senator Williams is saying. But it is wrong.

Then suddenly at the end of his speech he dealt with the substance of what this argument is all about. This is about a treasurer, Mr Joe Hockey, who is not serious at all about cracking down on multinational tax avoidance. If he was serious about it, we would be seeing him take the argument domestically into the G20, but he does not. All he wants to do is to walk the walk and talk the talk but ultimately to lead us nowhere. He does not intend to deal with the issues at hand. By not proceeding with sensible measures which we implemented to close tax loopholes, the Australian people will be forgone in the order of $1.1 billion in revenue. To put this in perspective, that is about a new hospital that could be built. What this government is all about is talking loudly but taking no action. If you look at how they have ripped money out of the tax commissioner and sacked public servants, they have left the tax office woefully underpowered to go against these global firms. We do not have any real leadership in the G20 to look at tax scams or to argue how we can ensure multinationals pay their fair tax. What we do have is a weak and equivocal government that will get rolled on this issue in the G20 and will then use some tough words to dress up what is in fact a rhubarb pie.

What we have is a government that is also attacking those who can least afford it. Where Labor increased the pension, looked at how we could assist pensioners and how we could provide support for students, where we looked at how we could, in the longer term, assist those who are less advantaged than ourselves—this government is ripping it all away.

More fundamentally, at the last election Mr Abbott promised that there would be no cuts to health, no changes to pensions, no change to the GST and no cuts to the ABC or SBS. This budget included the opposite—it is a budget of broken promises. This coalition government cannot even manage its own house to ensure that it delivers on its own promises, let alone deal with the big end of town, attack those firms that do have the capacity to pay and make a reasonable contribution to international action. (Time expired)

Senator HEFFERNAN (New South Wales) (18:45): I thank Senator Seselja for his space in this play. I could probably take an hour without notes and give you all the details without any political background or crap. There are nine tax havens in the world that have zero tax for corporates, and they are fundamentally used as a normal procedure now for most multinationals. There are also countries like Singapore that have a tax rate of 15 per cent. Obviously no-one is breaking the law under the present regime and that is why John Phillips, the past chairman of the Foreign Investment Review Board, said the whole act and the international convention on tax needed to be rewritten. Obviously it has to be done as a group of nations, which is why Swan when he was Treasurer sent his Treasury officials around to see me for two hours. They did not understand what a derivative swap was—and hands up all those in the chamber who can give me a tutorial on how derivative swaps work. No? No-one knows that that is part of the mechanism. The legislation that protects our revenue base was written when it used to take six weeks on a ship to go to England to play cricket. As John Phillips said, it needs to be brought up to date.

We welcome foreign investment but it has to be on a level playing field so it does not distort the capital market, does not distort the commodity market and does not distort the revenue base. As Senator Williams said, with sovereign investors, our acquisition act does not deal with foreign acquisition. If under the international convention you are a sovereign
investor and you come out here and declare your income from the production of whatever it is you have invested in, you get charity status if it is for a humanitarian purpose—you bypass the tax system altogether. Obviously transfer pricing has a real part to play in this, and of course there are the likes of ADM. I chaired that inquiry. One of the reasons I did not appreciate what they were up to is that they are serious corporate crooks when it comes to tax. Having left here, having said they had turned over a new page, they got a $700 million bill in the US.

If we are going to deal with this we have to understand the enormity of the problem. I agree that it is not fair on wage earners to have to pay more tax. Institutions were in denial for 50 years about what they were doing with kids, and all of a sudden everyone is up apologising at the royal commission: 'Yes, it has been going on and we apologise.' Tax, internationally, has got to that stage. It is normal behaviour now for multinationals to expect to pay minimal max, whether it is through transfer pricing, thin capitalisation, the derivative swap market or deadset charity status. We need to get the legislation up to date and I congratulate the government on taking the lead at G20, but Swanny took it up as well. He took it to an earlier G20. I appreciated him sending people around so I could explain to them what a derivative swap was. The US do not like us saying this, but the US is technically insolvent. The largest debt they have is $5 trillion to their own pension fund, which is a double debt. Last year they estimate they missed out on $600 billion through tax avoidance. By way of interest, without naming anyone, the largest anti-tax avoidance case the US government had last year was against an Australian company. We are in it up to our necks Fair enough, they are not breaking the law—as Packer said, you would be a mug if you did not minimise your tax. Let's get the law up-to-date, let's do it as a group of nations, let's not play political games in this chamber about it. Why in God's name do we not have a GST on online trading when online trading is putting retail trading out of business? It does not make any sense.

There is no need to play politics with any of this. It is about preventing the redefinition in the Western world of sovereignty. As I have said to the various officials, if you model out what is happening now and look at the increase in the graph for the take-up of the opportunity, without breaking the law, of not paying tax, we have no capacity in the future to meet the expectations of the electorate, to expect to go to a clean and safe hospital, to have roads that are safe and bridges that do not fall apart, to have a defence force and to have schools. Even though there are some people in this chamber who argue we should not have public schools and public hospitals and we should pay less tax, I think we should pay our fair share of tax and I think the multinational corporate world should be part of that because it is normal behaviour now, as part of the bottom-line profit for a lot of these countries, which adds to their share price, to pay little or no tax. It is just not giving the taxpayers of Australia a fair go. We have to rewrite the legislation and we have to do it as a group of nations because if Australia tried to do it on our own we would be isolated.

Why is it that even our own Future Fund—this is a bit sensitive—has entities in tax havens? Why is it that foreign capital coming into Australia is more patient than Australian capital? It is because of the tax advantages for capital coming into Australia. Our super funds should be investing in the development of Australia but that does not happen because of the return on the capital and because of the tax arrangements for foreign capital. As I say, I need an hour to do this sensibly, without notes because I know it all backwards. We could fix it.
Last year it is estimated—it is only an estimate—there was about $3 trillion involved in derivative swaps and tax avoidance to June 30 last year. It is fair to say to the Australian people that as a parliament we want to address this. If we do not address it—as I say, some of the institutional stuff is a bit sensitive—it just becomes a nightmare which will redefine sovereignty.

How do you convince some of the accounting firms who make a living out of giving advice on how to avoid tax that we have to redefine what they have been doing? They will have teams of lobbyists coming to parliament. I had a bloke ring me up and blow the hell out of me this morning because I got a bit of a run in the paper today on this. This should not be about politics; it should be about the national interest; it should be about keeping Australia as the best place in the world to raise a family, breathe fresh air and drink clean water. It should be about the group of Western developed world being able to provide for its own people as well as look after the wellbeing of some of the less wealthy countries. We can't do that if the $30 trillion—Senator Whish-Wilson, you mentioned 20 trillion—they think it is closer to $30 trillion stacked away. As you are probably aware, the US government is in the process of bringing in a moratorium so they can repatriate some of the capital—a bit like a gun buyback. How do you fix all this? The only way to fix it is for the group of 20 nations to tackle it, but bear in mind that some of that group of 20 are beneficiaries and that sovereignty as we know it cannot continue unless we do.

COMMITTEES
Appropriations and Staffing Committee
Report

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (18:54):
On behalf of the Appropriations and Staffing Committee, I move:
That the annual report for 2013-14 be printed.
Ordered that the report be printed.

Environment and Communications Legislation Committee
Finance and Public Administration References Committee
Legal and Constitutional Affairs Legislation Committee

Membership

The DEPUTY PRESIDENT (18:54): The President has received letters from a party leader requesting changes in the membership of various committees.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (18:54): I seek leave to move a motion to vary the membership of committees.
Leave granted.

Senator CASH: I move:
That senators be discharged from and appointed to committees in accordance with documents circulated in the chamber.
Tuesday, 30 September 2014

Environment and Communications Legislation Committee—
   Appointed—
   Substitute member: Senator Rhiannon to replace Senator Waters for the committee’s inquiry into the National Water Commission (Abolition) Bill 2014
   Participating member: Senator Waters

Finance and Public Administration References Committee—
   Appointed—
   Substitute member: Senator Waters to replace Senator Rice for the committee’s inquiry into violence against women
   Participating member: Senator Rice

Legal and Constitutional Affairs Legislation Committee—
   Appointed—
   Substitute member: Senator Hanson-Young to replace Senator Wright for the committee’s inquiry into the provisions of the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Bill 2014
   Participating member: Senator Wright.
   Question agreed to.

BILLS

Crimes Legislation Amendment (Unexplained Wealth and Other Measures) Bill 2014

First Reading

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (18:55): I move:
   That this bill may proceed without formalities and be now read a first time.
   Question agreed to.

Second Reading

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (18:56): I move:
   That this bill be now read a second time.
   I seek leave to have the second reading speech incorporated into Hansard.
   Leave granted.

The speech read as follows—

CRIMES LEGISLATION AMENDMENT (UNEXPLAINED WEALTH AND OTHER MEASURES) BILL 2014

I am pleased to introduce the Crimes Legislation Amendment (Unexplained Wealth and Other Measures) Bill 2014.

Serious and organised crime poses a significant threat to Australian communities. The Government is committed to ensuring our nation is safe and secure, and to taking tough steps to strike at the heart of organised crime. It is for this reason that we are today taking action to strengthen Commonwealth laws that target ‘unexplained wealth’.
Unexplained wealth laws turn the tables on criminals who live off the benefits of their illegal activities at the expense of hard working Australians. They also provide an avenue to target the criminal kingpins who enjoy the proceeds of crime, without committing actual crimes themselves. In appropriate circumstances, unexplained wealth laws allow a court to order a person to demonstrate that his or her wealth was lawfully acquired. If they are unable to do so, the person may be ordered to forfeit their illegitimate wealth.

Unexplained wealth laws are a highly effective tool in the fight against serious and organised crime. Taking the profit out of crime undermines the entire business model of criminal groups and prevents illicit funds being reinvested to support further criminal activity.

In our Policy to Tackle Crime, the Coalition Government promised to strengthen Commonwealth unexplained wealth laws to ensure we have the toughest framework possible to target criminal proceeds. This commitment followed the 2011 inquiry by the Parliamentary Joint Committee on Law Enforcement (PJC-LE) into the Commonwealth's unexplained wealth laws and arrangements.

In its final report, the PJC-LE found that the unexplained wealth provisions in the Proceedings of Crime Act 2002 (POC Act) were not working as intended. The Committee made 18 recommendations aimed at improving the investigation and litigation of Commonwealth unexplained wealth matters. While some of these recommendations have been implemented, there are a number outstanding. We're seeking to rectify this situation as part of our commitment to make the Commonwealth's unexplained wealth laws as effective as possible.

**Measures in the Bill**

The measures in the Bill are designed to:

- ensure the most effective framework for law enforcement to investigate and take action to target unexplained wealth
- streamline the processes for obtaining unexplained wealth orders while ensuring appropriate safeguards, and
- close loopholes in the Proceeds of Crime Act that potentially make it easier to escape unexplained wealth actions and frustrate court processes.

I will now outline the amendments in each of these categories in further detail.

**Effective law enforcement framework**

To ensure that law enforcement powers are sufficient to target and restrain criminal assets, the Bill will amend existing search and seizure powers in the Proceeds of Crime Act to allow authorised officers to seize material relevant to unexplained wealth. This amendment will address some uncertainty that exists under current arrangements and ensure that material relevant to unexplained wealth proceedings can be seized when searching premises under a warrant.

Other measures will enhance the ability of law enforcement to share information obtained under the Proceeds of Crime Act with appropriate State, Territory and foreign authorities. This will ensure agencies are able to work cooperatively to effectively recover all proceeds of crime, including unexplained wealth.

To balance the expansion of these powers, the Bill requires the Commissioner of the Australian Federal Police to report annually to the PJC-LE on the number of unexplained wealth investigations and applications. This will strengthen the PJC-LE's oversight of the use of the provisions and ensure appropriate checks on the use of unexplained wealth investigative powers.

**Streamlining processes for obtaining unexplained wealth orders**

As well as ensuring that law enforcement agencies are better placed to attack the profits of criminal syndicates, the Bill also responds to PJC-LE recommendations aimed at improving the efficiency and fairness of unexplained wealth laws.
Under the Bill, a court will no longer have an overarching discretion to refuse to make unexplained wealth orders for suspected wealth of $100,000 or more. The PJC-LE considered that there were adequate safeguards already contained in the Act. The court will retain its discretion for orders for suspected wealth of less than $100,000 and will still be able to refuse to make an order if satisfied that it is not in the public interest. Removing the general discretion will improve certainty for all parties, while also maintaining appropriate protections for those subject to unexplained wealth orders.

The Bill will also reduce unnecessary duplication in affidavit requirements by repealing certain requirements where police have already presented the same affidavit material to support an earlier related application.

The Bill will also improve the court's ability to enforce an unexplained wealth order by setting out a process to allow restrained property to be used to pay a debt owed to the Commonwealth under an unexplained wealth order. This will improve the enforcement of unexplained wealth orders and bring the scheme into line with other types of orders in the Proceeds of Crime Act.

Closing loopholes in the Proceeds of Crime Act

The Bill will also close loopholes in the Proceeds of Crime Act identified by the PJC-LE and by law enforcement.

The Bill will prevent restrained assets, which may have been unlawfully acquired, from being dispersed on legal expenses by people who are trying to frustrate an unexplained wealth case. They will instead be able to seek representation through legal aid, as is the case with other proceeds of crime orders.

The Bill will also clarify that a person whose property is subject to a preliminary unexplained wealth order is prevented from frustrating unexplained wealth proceedings by simply failing to appear when ordered to do so.

Conclusion

In addition to the further minor amendments made by the Bill, these changes represent a major reform of Commonwealth unexplained wealth laws. The measures have been informed by the PJC-LE's comprehensive inquiry and extensive consultation with law enforcement agencies and other stakeholders.

Debate adjourned.

Customs Amendment (Korea-Australia Free Trade Agreement Implementation) Bill 2014

Customs Tariff Amendment (Korea-Australia Free Trade Agreement Implementation) Bill 2014

First Reading

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (18:56): I move:

That these bills proceed without formalities, be taken together and be now read a first time.

Question agreed to.

Second Reading

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (18:57): I move:

That these bills be now read a second time.

I seek leave to have the second reading speeches incorporated into Hansard.
Leave granted.

The speeches read as follows—

CUSTOMS AMENDMENT (KOREA-AUSTRALIA FREE TRADE AGREEMENT IMPLEMENTATION) BILL 2014

The Customs Amendment (Korea-Australia Free Trade Agreement Implementation) Bill 2014 amends the Customs Act 1901 to implement Australia’s obligations under Chapter 3 of the Korea-Australia Free Trade Agreement.

Chapter 3 sets out the rules of origin criteria and related documentary requirements for determining the eligibility of goods to obtain preferential tariff entry into Australia under the Agreement.

The complementary Customs Tariff Amendment (Korea-Australia Free Trade Agreement Implementation) Bill 2014, will amend the Customs Tariff Act 1995 to set out Australia’s tariff commitments under the Agreement.

The Agreement was signed by the Minister for Trade and Investment, the Honourable Andrew Robb AO MP and his South Korean counterpart, the Minister for Trade, Industry and Energy Mr Yoon Sang-jick, on 8 April 2014 in Seoul, South Korea. The Governments of Australia and Korea have agreed to aim for the Agreement to enter into force in 2014.

The Korea-Australia Free Trade Agreement is a comprehensive agreement that substantially liberalises trade with South Korea and creates significant new commercial opportunities for Australian businesses. South Korea is Australia’s fourth-largest trading partner and the implementation of this Agreement will significantly boost Australia’s position in this major market where competitors like the United States, European Union and the Association of Southeast Asian Nation countries are already benefitting from preferential access. Goods liberalisation alone is estimated to be worth nearly five billion dollars in additional GDP to Australia between 2015 and 2030.

On entry into force 84 per cent of Australia’s exports (by value) to South Korea will enter duty free, rising to 99.8 per cent on full implementation of the Agreement. There will also be significant new market openings in services and investment.

The Agreement contains simplified and trade facilitative rules of origin and related documentary requirements. Goods imported into Australia that meet the rules of origin, implemented through this Bill, will be entitled to claim preferential tariff treatment in accordance with the Agreement.

The amendments include relevant obligations on Australian exporters and producers who wish to export Australian goods to South Korea under the Agreement and obtain preferential treatment for those goods in South Korea. The amendments also confer certain powers on authorised officers to examine records and ask questions of exporters or producers of goods exported to Korea in order to verify the origin of such goods.

The Agreement reflects Australia’s close bilateral economic relationship with South Korea.

CUSTOMS TARIFF AMENDMENT (KOREA-AUSTRALIA FREE TRADE AGREEMENT IMPLEMENTATION) BILL 2014

The Customs Tariff Amendment (Korea-Australia Free Trade Agreement Implementation) Bill 2014 is the second bill relating to the Korea-Australia Free Trade Agreement.

This Bill contains amendments to the Customs Tariff Act 1995 to implement part of the Agreement by:

• providing duty-free access for certain goods and preferential rates of customs duty for other goods that are Korean originating goods;
• phasing these preferential rates to zero by 2021;
amending Schedule 4 to maintain customs duty rates for certain Korean originating goods in accordance with the applicable concessional item; and

creating a new Schedule 10 to specify excise-equivalent duties on certain alcohol, tobacco, and petroleum products and to provide for phasing rates of duty on certain goods as specified in the Agreement.

This Bill complements the amendments contained in the Customs Amendment (Korea-Australia Free Trade Agreement Implementation) Bill 2014.

Debate adjourned.

COMMITTEES

Joint Select Committee on the Australia Fund Establishment
Joint Select Committee on Trade and Investment Growth
Parliamentary Joint Committee on Human Rights

Membership

The DEPUTY PRESIDENT (18:57): The President has received a message from the House of Representatives informing the Senate of the appointment of members to the following joint committees: the Joint Select Committee on the Australia Fund Establishment, the Joint Select Committee on Trade and Investment Growth and the Parliamentary Joint Committee on Human Rights.

BILLS

Health Workforce Australia (Abolition) Bill 2014
Military Rehabilitation and Compensation Amendment Bill 2014
International Tax Agreements Amendment Bill 2014
Migration Legislation Amendment Bill (No. 1) 2014
Competition and Consumer Amendment (Industry Code Penalties) Bill 2014

Assent

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

COMMITTEES

Legal and Constitutional Affairs Legislation Committee

Report

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (18:58): On behalf of the chair of the Legal and Constitutional Affairs Legislation Committee, Senator Macdonald, I present the report of the committee on the provisions of the Customs Amendment Bill 2014, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.
BILLS
Social Services and Other Legislation Amendment (2014 Budget Measures No. 1) Bill 2014
Social Services and Other Legislation Amendment (2014 Budget Measures No. 2) Bill 2014

Second Reading

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

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (18:59): I rise to oppose the Social Services and Other Legislation Amendment (2014 Budget Measures No. 1) Bill 2014 and the Social Services and Other Legislation Amendment (2014 Budget Measures No. 2) Bill 2014. Before the election we were told this would be a government of no surprises, a government that would never countenance cuts to health or education and that would leave the pension exactly as it is, a government that would support Australian families. How times have changed. We now know this is a budget that attacks the poor and vulnerable while it rewards the wealthy. It contains some of the harshest measures in Australian history. If passed in full, it would leave the Australian social contract in tatters and each and every one of us would be poorer for it.

Some of the very worst of the attacks in this budget are contained in the bills before us today. If they are passed, literally millions of Australians will be worse off. Very few low- and middle-income Australians would escape the crosshairs of this brutal legislation. This social services legislation includes significant attacks on pensioners, people with a disability, carers, young job seekers and low- and middle-income Australian families. Australia did not vote for these bills, and Labor will not and cannot support them as they stand. What is worse is that these cruel attacks are not necessary. The government has fabricated an economic crisis or a budget emergency, as they like to call it, in order to justify the harsh measures contained in these bills.

The truth is that Australia's economic credentials are the envy of the world. We have the 12th largest economy on the planet, despite the fact that we do not even make the top 50 for population size. We have solid growth, relatively low unemployment, low interest rates and low debt. According to the Organisation for Economic Cooperation and Development, the current net debt for all levels of government in Australia is equivalent to 13.8 per cent of GDP. This is less than one-fifth of the average debt burden carried by other industrial economies. We are only one of 10 nations in the world to achieve the AAA stamp of economic approval from all three ratings agencies. How those opposite can stand up again and again and tell the Australian people that we are in the midst of an economic crisis given these undeniably solid fundamentals is beyond me.

Normally when governments are trying to mount a case in the national debate they will put forward independent and reputable experts who will back up their argument. But, as we have seen, economists who have been willing to come out in support of the government's Chicken Little 'sky is falling' view of the world have been very thin on the ground. In fact, the very opposite is true. Earlier this month, 63 of Australia's leading economists banded together to
publicly refute the government's confection. They rejected the very concept of the budget
emergency, in a statement that read in part:

Australia does not face any present or imminent debt crisis. Australia's deficit and accumulated debt are
both low, relative to international experience and Australia's own history.

They also warned that the way forward is investment in jobs, not harsh cuts. On this matter
they say:

The most effective route to restored fiscal balance is to help more Australians find work, earn incomes,
and pay taxes. But major and unnecessary reductions in government program spending and public
sector employment would have the opposite effect.

This expert testimony shines a glaring light on how seriously
overblown and dangerous the
government's economic claims really are. But it seems those opposite will not let either expert
advice or solid facts get in the way of their scaremongering. No-one is denying that we should
be chartering a path to a more sustainable balance of incomings and outgoings, but to launch
an all-out attack on the most vulnerable Australians in order to achieve this is shameful. This
is not the only fabrication the government are spreading in order to justify these cruel bills.

No, not content with talking down our economy, they have also turned to maligning
Australia's solid welfare system, trying to convince us all that spending is spiralling out of
control. Again, they have neither truth nor evidence to support this.

The truth is that Australia's welfare bill is second lowest amongst OECD countries. In 2013
our welfare spending was just 8.6 per cent of our GDP compared to the OECD average of 13
per cent. This is a government that trades in fear in order to scare Australians into believing
that its cruel and heartless agenda is the only way forward. Tony Abbott misled the Australian
people to get into high office and now he is confecting a budget emergency and welfare spike
in order to launch a systematic attack on millions of Australians.

First in line for cuts are pensioners. In 2009, on the recommendation of the Harmer pension
review, the age, disability and carer pensions increased to 27.7 per cent of male total average
weekly earnings to ensure that real incomes did not go backwards as the years went by. But
these bills would change this accepted formula. Instead, the government wants to link
pensions to the usually lower consumer price index. To give you an idea of the impacts of this
in the real world, if these indexing arrangements were put in place four years ago, a single
pensioner would now be $1,500 a year worse off each year than they are today. It is very clear
that those opposite do not understand the impacts of a $1,500 cut to a very modest income of
around $22,000 on Australian pensioners. Although that is not surprising when you consider
recent reports that one of the budget's greatest fans, Mr Christopher Pyne, thought nothing of
splashing close to $1,500 of taxpayers' money on a day room in a swish London hotel.

Looking forward, the Australian Council of Social Service, ACOSS, has estimated that, if
it is passed, this measure would see pensioners $80 a week poorer in a decade's time. This
adds up to over $4,000 a year. If this measure passes, the cost of living will continue to
increase but the pension will fail to keep up. Over time this smaller pension increase will
compound, making it even harder to make ends meet. Make no mistake: this is a cut, despite
what those opposite might say—a cut by stealth, granted, but a cut nonetheless. If these bills
pass, Australia's 2.9 million pensioners will see an ongoing erosion of their spending capacity
and an ever-mounting burden just to stay on top of daily expenses. In Tasmania this will
impact on close to 100,000 pensioners. Nearly 22,000 of these pensioners live in my home
electorate of Braddon. These people have contributed all their lives to the social and economic wealth of the country, but they are now being treated as little more than an economic burden.

The government's flimsy justification for these cuts relies on peddling that old rotten chestnut that our spending on pensions is out of control. Again, the facts are not on the government side. Australia spends just 3.5 per cent of GDP on the age pension, making us one of the lowest spending nations in the developed world. The OECD average of spending on pensions was 7.8 per cent of GDP in 2009. In fact, many nations—including Austria, France, Germany, Italy, Japan, Portugal and Slovenia—spend in excess of 10 per cent.

Notably, these cuts will not be restricted to age pensions. The government also proposes to use the same indexing measures for the disability support and carers pensions, and the single parenting payment, ensuring that in total 3.2 million Australians will be worse off. Not only are pensioners being forced to suffer a continuing decline in their standard of living but this bill would also have them working until they are 70 years old. This would give Australia the highest pension age of any country in the OECD. This proposal is short-sighted, and it will unfairly impact on blue-collar workers, low-income workers and women. It also flies in the face of everything we know about the serious problem of age discrimination in Australian workplaces. If 50-year-olds are finding it hard to get work, how does the government think that the situation is going to magically reverse itself for 60- or 65-year-olds?

Labor's decision to increase the pension age to 67 by 2023 was supported by a broad and thorough review of Australia's pension system. It also came with a significant improvement to the base rate for the pension and improvements to indexation. In contrast, this plan to increase the pension age to 70 is an ill-considered and ill-advised move that has been rushed through with no consultation or rational basis.

To add insult to injury, the Abbott government is axing the National Partnership Agreement on Certain Concessions for Pensioner Concession Card and Seniors Card Holders. This will scrap $1.3 billion in Commonwealth assistance to the states and territories to provide seniors and Seniors Health Card holders with discounts on their rate notices; on their water, sewerage, electricity and gas bills; on their car registration; and on their public transport fares. The national seniors organisation estimates that these concessions can add up to $1,200 for seniors each and every year. This is clearly another cut that will mean that pensioners will have to pay more for essential services from already tight budgets.

Tony Abbott promised solemnly before the election—

**The ACTING DEPUTY PRESIDENT (Senator Williams):** Order! Senator Urquhart, please refer to the Prime Minister by his correct title.

**Senator URQUHART:** Prime Minister Abbott promised solemnly before the election that there would be no changes to the pension. Now he wants to keep people working longer before they get the pension, pay them less when they finally get there and rip away government support for essential services. Australia's pensioners have a right to feel betrayed by this government and its broken promises, but they are not the only ones. These shabby amendments would also slash $7.5 billion from the budgets of Australian families through changes to the family payments system. Firstly, the Abbott government is seeking to freeze the family tax benefit payment rates including the income-free area for people on the
maximum family benefit A rate. This would see more than 370,000 families lose around $750 a year in 2016-17, which will compound over time making it harder and harder to keep up with the cost of living. Again, we are seeing another policy from this government that will hit the poorest hardest.

The ACTU pointed out the unfairness of these cuts to family benefits when it said:
Many low- and middle-income working families rely on Family Tax Benefit to ensure they have a decent material standard of living. The expansion of family payments was a proud achievement of the Accord under the Hawke and Keating Governments. The provision of adequate family payments significantly reduced child poverty in Australia. Reducing these payments in real terms, as this Budget measure proposes to do, will cut the incomes of millions of working Australians. Child poverty is highly likely to rise.

In addition to these undeniable cuts, those opposite also want to cut family tax benefit B from families when their youngest child turns six. This is likely to impact 700,000 families and it will, again, unquestionably hit single-income families the hardest. In fact, it will slug single parents with an effective marginal tax rate of around 80c in the dollar for each dollar that they earn above $48,000.

The Australian Council of Social Services found that a single parent with one child aged between six and 12 would lose $37 a week from this measure alone. But it does not stop there. The Abbott government also plans to cut and then stop indexation of the family tax benefit end of year supplements. Together, these family payment changes are unfair measures that will disproportionately affect the poorest Australians, and they come at a time when the Palmer party has cosied up with the government to axe the schoolkids bonus in December 2016.

The bills before us today contain some of the most disgraceful elements of one of the most unfair budgets in history. If passed in full, this budget of broken promises would have seen around 1.2 million families $3,000 a year worse off on average by 2017-18. At the same time, the top 20 per cent of households would be a little better off. These figures do not come from Labor. They actually come from the National Centre for Social and Economic Modelling, or NATSEM, which garnered a glowing recommendation from our Prime Minister as being:

… the most reputable and authoritative modelling organisation in Australia.

Of course, this is part of the information that Mr Hockey removed from the budget papers, despite the fact that it has been a standard inclusion back to 2005. Modelling has shown a single-income family on $65,000 with two school-aged children will be around $6,000 a year worse off from 2016 as a result of the proposed changes. Clearly, a loss of 10 per cent of income would have a significant impact on their ability to manage everyday living costs, and is entirely unacceptable. It is clear that Mr Hockey knew how unfair his budget was, and he was trying to hide it from the Australian people.

If the cuts to pensioners and families within these bills are harsh and unnecessary, then the attack on job seekers is absolutely reprehensible. It is no overstatement to say that these are some of the most draconian welfare measures we have ever seen in this country. The most serious concern for me is the Abbott government's plan to force young job seekers to wait six months before they are eligible for any income support. This is not just cruel; it is inhumane.

We are a country that prides itself on our strong safety net and our support for others when they are down on their luck. This bill tears the guiding principle of a fair go to shreds in
favour of enforced destitution that is a sure-fire recipe for mass desperation. And, of course, it will do absolutely nothing to create more jobs for young Australians.

Department of Social Services figures obtained by ACOSS show that each year more than 100,000 people would be hit by the proposed six-month waiting period. In my home state of Tasmania, it is estimated that 12,500 young jobseekers will be affected over the next four years.

Unsurprisingly, this measure has been widely condemned by anyone who has an understanding of Australia's labour market and of our welfare system. The National Welfare Rights Network described it perfectly as:

… a fundamental attack on the basic right to social security and the principle of adequate income support based on need.

St Vincent De Paul chief, John Falzon, warned that it will plunge jobseekers into poverty and force them to choose between charity and crime. Some jobseekers may be able to turn to family or friends but many thousands of jobseekers do not have this kind of support. For them, illegal means might be the only option they have. And, of course, any increase in crime will undoubtedly flow through into the judicial system.

Similarly, our health and social services systems will wear a heavy burden if there is a spike in depression, suicide, homelessness and other social problems that often accompany financial desperation. We should never forget that if the hit on the budget will be bad from this ill-considered policy, the toll on families and local communities will be immeasurable.

Yet again we have seen the government dragging out falsehoods to justify their bad bills. The Minister for Social Services, Kevin Andrews, was caught out last week peddling false information. The minister has recently been trying to justify this cruel measure by saying that New Zealand already forces its jobseekers to wait a month before they receive income support. The Parliamentary Library disagrees, saying that no such waiting period exists. Yet again we see the government fabricating evidence to support their heartless policy.

Senator O'Sullivan: I rise on a point of order. It is this reference to the government, or members of the government, with these disparaging remarks, suggesting that they are lying—

The ACTING DEPUTY PRESIDENT (Senator Williams): There is no point of order. Senator Urquhart has the call.

Senator URQUHART: Even the Parliamentary Joint Committee on Human Rights, which is chaired by the government's own Senator Dean Smith, found this legislation to be harsh and incompatible with Australia's human rights obligations. The plan to force young people to live without an income for six months breaches the right of Australians to social security and to an adequate standard of living. Not only that, but the committee also found the government's plan to increase the eligible age for Newstart from 22 to 25 years breached the rights to equality and non-discrimination on the basis of age.

Despite their stated goal of helping jobseekers to gain the dignity of work, their words belie their cruel and heartless attitudes to unemployed people. We have had Treasurer Joe Hockey falsely divide the world into lifters and leaners, with implications that the latter are just too lazy to go out and get themselves a six-figure salary. He has continued to use this false and arrogant division to fan public resentment against unemployed people.
Those opposite need to understand that unemployment is not a lifestyle choice. The vast majority of jobseekers are genuinely seeking work to escape an income that is far below the poverty line. This government is on the ball when it comes to punishing jobseekers, but sadly lacking on creating jobs.

In North West Tasmania, which has a 12-month average youth unemployment rate of close to 18 per cent, the government has actually cut the Employment Coordinator. If this does not show how completely twisted their priorities are, I do not know what would.

These bills represent some of the cruelest attacks in history on vulnerable Australians. They do not have the support of experts, and they will unfairly impact on literally millions of low-income and middle-income Australians, jobseekers and pensioners across all of Australia. We should vote against this legislation.

Debate interrupted.

**DOCUMENTS**

**Consideration**

The following documents were tabled pursuant to standing order 61(1)(b):


Environment—National Water Commission—Letter to the President of the Senate from the Parliamentary Secretary to the Minister for the Environment (Senator Birmingham), dated 25 September 2014 responding to the resolution of the Senate of 17 July 2014.

Final budget outcome 2013-14—Report by the Treasurer (Mr Hockey) and the Minister for Finance (Senator Cormann).


**ADJOURNMENT**

The ACTING DEPUTY PRESIDENT (Senator Williams) (19:19): Order! It being almost 7:20 pm, I propose the question:

That the Senate do now adjourn.

**Australian Capital Territory Government**

**Juvenile Diabetes Research Foundation**

Senator SESELJA (Australian Capital Territory) (19:19): Before I talk about some great charities and local issues, I want to quickly reflect on the vote we had earlier today to establish this ridiculous inquiry into the Queensland government. I think it is an interesting precedent and I want to reflect on it for a moment. Now that Labor and the Greens support the inquiry, it will be interesting to see whether or not there will be those kinds of inquiries in the future. I imagine some of my South Australian colleagues would not mind seeing an inquiry into the South Australian Labor government. In the ACT we have a Labor/Greens government. There are many things that could be looked at with this ACT Labor/Greens government, such as the scandalous waste of $800 million on a light-rail line that no-one is going to use, and their plan to triple everybody's rates. There are other issues, too. We have seen the doctoring of hospital data. Someone might want to get to the bottom of that—12,000
records were doctored under the watch of this government. There is a range of things. I think a very interesting precedent has been set.

Interestingly, the principle of comity, which may be ruled on by the High Court, would of course not apply in the ACT’s case, given that the ACT is a territory under section 122 of the Constitution. I will just put that on the record in terms of the new-found interest of the Labor Party and the Greens in investigating other governments.

But I would like to speak about some other issues. Last year I had the honour of opening the Juvenile Diabetes Research Foundation’s 'Walk for a Cure' around Lake Burley Griffin. This year I am taking it up a notch and signing up for their 'Ride for a Cure', which will be held in January in South Australia. I do not yet own a bike, but I thought if I signed up that would force me to buy a bike and start training. I am very much looking forward to it. The Barossa is an attractive venue, but in the middle of January I understand that it can get quite hot. I am looking forward to that.

I was honoured to be the first ACT patron for JDRF. It is certainly a cause that is close to my heart. There are 122,300 Australians with Type I diabetes, with six new cases diagnosed every day. Type I diabetes is the fastest growing chronic disease amongst Australian children.

JDRF does an amazing job supporting children and their families. It was established in 1970 and coordinates global research strategically at a local level. We are the worldwide leader in funding research to cure, treat and prevent type I diabetes, which is an autoimmune disease that strikes children and adults and last a lifetime. At a local level, I have witnessed the fantastic work that they do. I would like to briefly recognise Mel Eveille, the ACT development coordinator, for all the work she does to raise awareness and much-needed funds.

There are a number of ways that people can get involved in supporting this great organisation. Throughout the rest of this year, there are Walk to Cure events happening across the country. In Canberra, there will be the Walk to Cure on Sunday 26 October down at the lake. As mentioned, we have the Ride to Cure from 16 to 18 January. I would encourage senators and members of the community to get behind this. Information can be found at JDRF.org.au.

Last Friday, I was honoured to represent the Assistant Minister for Defence, the honourable Stuart Robert MP, at the launch of the Defence Long Ride at the Australian War Memorial. I was joined by the head of the ADF, Air Chief Marshal Mark Binskin; the ACT Leader of the Opposition, Jeremy Hanson; and the director of the War Memorial, Dr Brendan Nelson—amongst others. The ride is aimed at increasing the public awareness and Defence support to raise awareness and funds to combat prostate cancer in Australian men. The ride is travelling to Uluru over the next few weeks and is one of the biggest motorcycling events of its kind in the southern hemisphere. Last year, they raised over $250,000 and they hoped to break that record this year.

Prostate cancer has traditionally been a cancer that we do not talk about. Prostate Cancer Foundation of Australia data indicates that one in five men is likely to develop prostate cancer by the age of 85. On this basis, thousands of the current Defence workforce could be affected by prostate cancer during their lives, as well as those in the wider community. Approximately
20,000 Australian men are diagnosed with prostate cancer each year. More than 3,300 Australian men die as a direct result of prostate cancer annually.

The Prostate Cancer Foundation is dedicated to raising awareness and also reversing these growing numbers. The goal of the PCFA is to reduce the impact of prostate cancer on Australian men, their partners, their families and their community and to represent the interests of all Australian men diagnosed with prostate cancer. I commend all those involved, particularly those involved in the Long Ride.

**Indigenous Communities**

**Northern Territory Government**

**Senator PERIS** (Northern Territory) (19:24): I rise to speak on an extremely important issue. It is perhaps one of the most important issues of all: the protection of our children from abuse and neglect. People may have noticed items recently in the media, in the last couple of days, in relation to an increase of 30 per cent of child abuse reports in the Northern Territory. That is a 30 per cent increase in just the last 12 months. This data was provided to the Royal Commission into Institutional Responses to Child Sexual Abuse by officials from the Northern Territory's Department of Children and Families. I will speak more broadly on these figures a bit later but what has been the Northern Territory government's response to this increase in child abuse? They have cut the funding. By cutting this funding, what they have done is cut the number of investigations that are being finalised. Child abuse and neglect is up by 30 per cent and child protection funding is down.

But why is the Northern Territory government's child protection funding down? I will read an extract from their own budget. That is, budget paper No. 3 on page 146:

The reductions in the Children and Families output group in 2014-15 is largely due to a decrease in Commonwealth-funded programs and efficiency measures.

That is the NT government clearly stating in their own budget papers that the Abbott government's funding cuts mean a cut in child protection funding. So, yet again, here we are: the Prime Minister and the Minister for Indigenous Affairs claim that their cuts will not affect front-line services, but all we see is the hard-core reality of this. That is, the cuts to services. Ones like child protection services are and have been cut.

It does not get much more front-line than child protection. If anyone deserves protecting, it is our children. Of course, child protection is a front-line service. Anything contrary to that by those opposite is dead wrong. It is unbelievable that after everything that we have been through in the federal parliament with the Little children are sacred report, the Intervention and Stronger Futures that we now have a government with a Prime Minister who is cutting funding to child protection in the Northern Territory. It is mind-boggling that anyone could do this, but they have. This is not just me getting up here and saying it. It is in the official budget papers provided by the Northern Territory government, which is a Country Liberal government.

The Department of Children and Families' budget in the Northern Territory was cut by $8 million, which is approximately equivalent to 50 child protection officers. What happens when you cut child protection workers? Well, we have seen the result: the increase of child abuse cases goes up. Two years ago, there were 8,000 reports of child abuse in the Northern Territory and 5,400 of them had investigations completed. This year, the Northern Territory
budget forecasts that there will be 13,000 reports of child abuse; but only 4,400 of them will have investigations completed. So two years ago two-thirds of child abuse reports had investigations completed, but this year only a one-third will be completed. That is the impact of these budget cuts. This year 8,600 reports of child abuse in the Northern Territory will not have investigations completed. What happens when someone abuses a child and there is not even an investigation? Well, the perpetrator gets away with it.

Our governments are abandoning those in our society who simply cannot defend themselves. When our children are being abandoned like this, then the government is not upholding their responsibilities to protect our children. In 2007, Patricia Anderson said at the launch of the Little children are sacred report, which she co-authored, that the rivers of grog are:

…destroying our communities and our families.

With the support of the Abbott government, the Northern Territory government has reopened the rivers of grog and child abuse has increased by 30 per cent. It is just disgraceful. Our little children are certainly not considered sacred by the Abbott government. I call on the Abbott government to immediately restore the funding that they have cut.

Finally, I want to thank all the child protection workers in the Northern Territory. They have incredibly high case loads and work in an incredibly difficult and stressful environment. They deserve support, not cuts. I want to thank the department officers who provided evidence to the royal commission. I think it is disgraceful that the Country Liberal government in the Northern Territory gagged public servants from giving evidence to inquiries into alcohol abuse. But this is a royal commission, so this time the CLP could not suppress the truth. I hope that these brave little people's efforts will not be ignored.

**Western Australia: Shark Cull**

**Marine Sanctuaries**

Senator SIEWERT (Western Australia—Australian Greens Whip) (19:29): Tonight I rise to speak on marine issues, firstly those affecting Western Australia and then Australia more broadly. I welcome the decision by the WA Environmental Protection Authority to recommend against the WA government continuing their promised three-year shark cull. After a record number of submissions, the EPA in Western Australia found that there was a high degree of scientific uncertainty about the impact on, and the viability of, the south-west white shark population. We strongly welcome that finding by the EPA and also acknowledge and particularly thank the people who made submissions to the EPA inquiry, as theirs was really an outstanding contribution. A great number of people recorded their deep concerns about the shark cull and recommended alternatives to it. The Barnett government has not fully withdrawn its submission for an environmental assessment of the cull under the Environmental Protection and Biodiversity Conservation Act. So, as it is still on the books, we strongly encourage Minister Hunt to reject the WA shark cull and the use of drum lines. There are much better alternative methods available that do not threaten the WA south-west white shark population and that also do not require the killing of 900 tiger sharks and other marine life in a bid to get what the government calculated to be just 25 great white sharks.

At the same time that Minister Hunt has been looking at the WA shark cull, his government has commenced its relatively unnoticed review of our world-leading system of marine
protected areas. The marine park system that the Gillard government put in place around Australia is a legacy which it should be proud of. The Greens have been campaigning for this for many years. I have been campaigning for marine protected areas for a very long time. The government do not understand the issues around marine protection and have now commenced a review of these marine parks. The government started the rot when they cancelled the management plans for the marine areas last year, and now they are trying to continue that with this review. Over 100,000 people have made submissions and campaigned for these marine protected areas, and this review once again threatens these areas.

To say that there needs to be more science and more consultation makes absolutely no sense. Over 10 years of science has been done on this issue, and over 600 days of consultation and over 750,000 public and stakeholder submissions show that there is 95 per cent support for marine protected areas. I acknowledge that at the moment these areas are just lines on maps, but the government is gutting the marine protected areas by getting rid of the management plans. These plans are absolutely essential for the protection of the beautiful and wonderful marine environment of Australia and their outstanding biodiversity. Many of these areas are unique. Off the south-west coast of Western Australia, there are endemic species. The high degree of endemism is unparalleled in other areas. Marine sanctuaries protect important feeding and breeding areas. They give fish stocks a chance to rebuild and thrive. They have been shown to prevent local extinctions and to help make coral reefs more resilient to the impact of climate change.

Healthy marine life supports our coastal lifestyle, local tourism and local businesses. World-class fishing has flourished around marine sanctuaries. You often see fishers fishing just outside the boundaries of marine sanctuaries. Where I paddle to very regularly in the waters of Western Australia you see exactly the same thing happening—boats just outside the marine areas. Every published scientific and government survey of recreational fishers shows that a clear majority of them support sanctuaries. It is a noisy minority that do not support marine protection, yet it is actually in their interest to put in place these world-leading sanctuaries.

Licensed Post Offices

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (19:29): I rise tonight to speak on a topic that is very important to everyone who lives in regional Australia, but particularly to those who live in my home state of Tasmania. I spoke about this issue the other night, and tonight I want to add a bit more—and the issue is licensed post offices.

Licensed post offices are independently run small businesses that are the heart of many regional communities. In Tasmania, there exist around 150 LPOs, compared to around 20 Australia Post corporation-run post offices. They provide, of course, the mail services and postal products that you would expect; but, in addition, they also provide banking, bill paying and stationery services. They might also be attached to the local service station or grocery store. In some cases, they may be the only business left in a town. They provide a local meeting place and notice board. They are vital to life in small towns like Sheffield, Bicheno, Winnaleah, St Mary's and many other towns throughout Tasmania. Over 92 percent of rural Tasmanian communities are serviced by privately owned LPOs. You know a community has not got much time left when the local post office shuts down. They are a real meeting place, a
real centre of community focus. LPOs are the face of Australia Post, the Australia-wide government owned corporation, for millions of regional Australians—but many of these local post offices are in trouble.

In recent months, LPO licensees have contacted me with their concerns about the future of their post office businesses in Tasmania. Their cost of doing business has increased markedly since the first post office licences were sold in 1993, and the remuneration for their services has not increased to match. Changes in the way the postal service is used by the community have also affected the viability of LPOs—for example, the volumes of parcels have grown exponentially with the explosion in online shopping over the last few years, yet only recently has the carded parcel fee increased by a couple of cents from the rate originally set in 1993. This is despite the cost of storage space and of staff labour having grown considerably over that time. And it is clear, through the high wholesale prices for LPOs to buy stock from Australia Post, that the corporation is seeking not only to shift costs to LPOs but to profiteer from them at the same time.

There is great concern in the community about the viability of the 3,200 licensed post offices in regional Australia. Earlier today, I lodged a petition with 1,219 signatures asking the Senate to take action to ensure that licensed post office operators are treated fairly and receive appropriate remuneration for the services they provide on behalf of Australia Post. I am pleased that the Environment and Communications References Committee agrees with these sentiments, as evidenced by the recommendations of their unanimous report on its inquiry into the performance, importance and role of Australia Post. The adoption of these recommendations would increase the viability of LPOs and would fulfil the aims of the petition I tabled earlier. It is up to senators in this place to ensure that Australia Post adopts the recommendations of this report and starts compensating LPO licensees fairly and treating them with respect.

Copies of the petition I mentioned earlier only appeared in a few small towns in Tasmania and they were only there for a few weeks. The organisation that is meant to stand up for licensees, the Post Office Agents Association Limited, otherwise known as POAAL, was un receptive to giving their members this petition, which is quite astounding. I would like to echo Senator Xenophon’s comments, when he made a speech when the report was tabled, for licensees to consider seriously who is representing them—or who is not—and to look to the LPO Group, who I think do a much better job in advocating for their members.

The Licensed Post Office Group have done an excellent job in informing the Senate Environment and Communications References Committee and advocating on behalf of their members. I hope Australia Post will adopt the committee’s recommendation—I believe it was No. 11—that the definition of association in the LPO agreement be amended to include the LPO Group as soon as possible.

I would like to thank Bob Richardson from the LPO Group in Tasmania and all the operators of LPOs that I have spoken to about this issue. Australia Post is the second-most trusted brand in Australia, but much of that trust is due to the hard work, commitment and dedication of the licensed post office licensees and their staff. They deserve to be treated much better by the Australia Post Corporation.
Cuba

Senator RHIANNON (New South Wales) (19:39): Cuban overseas aid and assistance stands in sharp contrast to aid and development under the Abbott government. At a time when Australian aid must meet the national interest test, Cuba is stepping up its assistance, particularly in health and education programs in low-income countries. The responses of our two countries is playing out in an interesting way with regard to the Ebola epidemic. This week, the Minister for Foreign Affairs, Julie Bishop, failed to respond to Medecins Sans Frontieres' request for on-the-ground assistance. Meanwhile, Cuba is sending nearly 300 more doctors and nurses to West Africa to help fight the Ebola epidemic. This brings the number to 461 Cuban medical personnel undertaking this work in West Africa. Cuba has about 2,200 doctors in 32 African nations, and this is part of their extensive work in bringing health professionals to low-income countries.

One of the setbacks for overseas aid with DFAT taking over AusAID is that Australian programs with Cuba have stalled. AusAID funded the Instituto de Cooperacion Social Integrale to assess the potential for a bilateral Australia-Cuba agreement on Pacific health programs. This could, and should, have been the start of some fantastic projects. The report into potential Cuban-Australian medical cooperation in Australia, I understand, is still unpublished. The former Parliamentary Secretary for Pacific Island Affairs, Richard Marles, described the potential 'to leverage our presence with their expertise and their work to see if we can do something really good'. He was referring to the Cuban expertise. In 2009, the Australian and Cuban foreign ministries signed a memorandum of understanding for an agenda for closer bilateral cooperation between the two countries. The memorandum of understanding identified its priorities for closer cooperation, expanding people-to-people links, aid cooperation and encouraging closer ties in science, technology, sport and culture. It was noted that significant progress has been made on this bilateral agenda. On aid cooperation, AusAID and its Cuban counterpart signed an agreement in 2011 facilitating cooperation on the delivery of medical services to Haiti. This largely, I understand, has been lost because of the changes in how aid is organised in this country now. They have been some very important programs that can make a difference to people's lives in lower income countries.

Then we come closer to home, to East Timor. This is where Cuba has been training students for free to become doctors and other health professionals. Hamish McDonald, writing in The Sydney Morning Herald on 23 and 24 July 2011, said:

On the face of it, Fidel Castro seems to have done a miraculous thing: delinking the medical profession from the goal of making large amounts of money.

With these programs, it is very interesting to look at the social indicators in Cuba, which in many cases are much higher than those in the United States. Hamish McDonald goes on to state:

Compared with other Third World countries with good universities like India and South Africa, it—that is, Cuba—has a relatively small brain drain of trained medicos and nurses to rich countries.

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CHAMBER
The work in East Timor has been outstanding with up to 300 Cuban health professionals on two-year missions. These doctors form the backbone of East Timor's fledgling public health service.

I recently had the opportunity at an event organised by the CFMEU to meet a young Cuban woman, Aili Labanino-Cardoso, the daughter of Ramon Labanino, who is currently serving a long prison sentence in the United States for fighting against terrorism. He will not be released until 2024. He is one of what have become known as the Cuban Five. They were living in Florida, gathering information about the activities of extreme right-wing Cuban-American organisations which were carrying out terrorist assassinations when they were arrested by the FBI in 1998. Many of them were given double life sentences, and some of them are— \( \text{(Time expired)} \)

**LBW Trust**

**Senator FAULKNER** (New South Wales) (19:44): Tonight I would like to update the Senate on the work of the LBW Trust and an exciting fundraising initiative for the trust called Batting for Change. I have spoken before in the Senate about the work of the LBW Trust. In this case, LBW stands not for 'leg before wicket' but for 'Learning for a Better World'. The trust is a Sydney based charity supported by cricketers and cricket lovers who believe in the power of education in positively transforming the lives of young people in cricket-playing nations.

Batting for Change is a new fundraising campaign that was led by Sydney Thunder wicketkeeper Ryan Carters throughout the 2013-14 Big Bash League season. He did that in partnership with the LBW Trust and the Sydney Thunder. Batting for Change asked fans and players to pledge any amount of money they wished to be donated every time a six was hit by a Sydney Thunder player in the 2020 Big Bash League. The initiative was a great success, with over $30,000 raised during the 2013-14 BBL season. These funds were donated directly to the construction of three classrooms for the Heartland School, a senior school campus in Bafal, Nepal. I am happy to report that the Batting for Change initiative will continue to be a fixture with the Big Bash League this season, and Ryan Carters has set an ambitious goal of doubling last year's target to over $60,000.

I would like in the Senate chamber tonight to thank Ryan Carters for his initiative. He is a fine young man, an accomplished student and, of course, a hugely talented young cricketer. Ryan was recently made an LBW Trust ambassador, joining in that role dual international Ellyse Perry and former Wallaby and writer Peter FitzSimons. Ryan tells me he is hoping to visit Nepal soon to see firsthand the development of the school and to meet with some of the students there who will benefit so much from these new facilities. I think it is important in the Senate tonight to place on record sincere thanks to Ryan for this initiative and also to all those who have supported him and this cause. As I have done before, I also want to thank and acknowledge the LBW Trust for its ongoing work in supporting educational opportunities for young men and women in cricket-playing developing nations around the world.

**Family Court**

**Senator MADIGAN** (Victoria) (19:49): Since I first spoke on the deep problems associated with the Family Court, my office has been deluged with emails, calls and visits. This issue is a raw nerve in our community, with broken families, damaged children, angry
mothers and fathers, and people left destitute after being done over by the Family Court industry. As recently as last Friday, I received a communication from another father left broken by the system. This man is now destitute and homeless after going through the Family Court.

Tomorrow I will co-chair a parliamentary roundtable with the member for Dawson, Mr George Christensen MP. The topic will be on shared parenting, family law and men's health. Canadian author and researcher Dr Robert Kennedy will be our guest at this event. Dr Kennedy has studied fathers, shared parenting and related issues for 25 years. He has studied the global shared parenting movement and completed interviews in the UK, the US and parts of Europe.

While Dr Kennedy's research has been offshore, his insights are valuable and relevant to Australia. Initial findings suggest that, in a separation or divorce, fathers are often viewed as secondary or unnecessary social parents. Dr Kennedy says fathers are frequently seen simply as economic support. He says there are many problematic issues in family law systems that are similar amongst Commonwealth countries. His research shows a widely held belief that the family law system is self-serving. Many believe the Family Court system does not operate in the best interests of the children, parents or anyone. Even lawyers, he says, who have been through the family law system as divorcing parents acknowledge the system is, at best, poorly designed for dealing with separating and divorcing families. I have had similar meetings with Australian lawyers who have been through the family law system as participants rather than as legal representatives, and they say the same things: the system does not work, it is poorly designed for dealing with families and it puts children at risk.

Dr Kennedy says that politicians he has interviewed acknowledge that the family court systems in their countries are 'broken' and damaging to participants. Many of those he interviewed refer to the system as a 'family law industry'. It is devoid of justice and creates broken and broke parents. Daily I receive communications from Australian parents bled dry emotionally and financially after their Family Court experience. Dr Kennedy's research indicates that after separation and divorce, those interviewed wanted 'continued parenting'. They wanted some sort of shared, joint, or equal type of parental arrangement that acknowledges that they are not divorcing or separating from their children. Many of those interviewed reported wanting a family-friendly system that is not financially, emotionally, and psychologically draining and that focuses on the 'true best interests of the children'. Dr Kennedy's research shows that, when possible, parents should avoid courts completely. They should be able to resolve their issues privately by using a system that is radically different from the current one they are in.

It is a complex problem we face, but complexity should not be a deterrent. Families are at risk. Mothers, fathers and children face enormous dangers in our Family Court system. I urge anyone who cares about the damage being done to our families to attend our round table tomorrow night. My office would be happy to provide further details.

Family Planning and Reproductive Health Services

Senator LINES (Western Australia) (19:53): I rise tonight to add further information to a less than fulsome statement made by Senator Back in the Senate last week in relation to abortion services in the Midland area of Western Australia. Among other issues, I argued in the Senate last week that the Western Australian government had made a hash of health
services with its privatisation of public hospitals and that what has happened in Midland is
that family planning and reproductive services will no longer be available at the privatised
Catholic hospital. Despite this fact being well known in the local community—by health
unions, by health groups and by community groups—it was apparently not known by the
Barnett Liberal government.

In 2005, almost 15 years ago, the state Labor government announced the new hospital. In
2010, four years ago, the current Liberal government announced that the hospital would be
privatised and that the tender had been awarded to St Johns. And, surprise, surprise: in June of
this year, the Premier, Colin Barnett, who our Prime Minister wants to model himself on,
declares that the failure by the government to provide abortion was a glitch. Well, what a
 glitch—15 years in the making, that glitch, and the WA Premier says it was a glitch in state
government planning and policy.

Well, the Western Australian public knows better. They know Liberals cannot be trusted on
health. The WA Liberals have failed to open the Fiona Stanley Hospital on time—14 months
overdue and costing more than $¼ million a day for it to stay closed. And despite the AMA
and other groups saying that the new children's hospital is too small and needs two more
floors, the Liberals fail again, and the hospital will be too small before it is even open.

Then there is the 15-year-old glitch of the new Midland hospital—privatised and family
planning services lost. So, what is the Liberals' glitch fix? Well, it is to build a stand-alone
abortion clinic next to the privatised Catholic hospital. But of course the Catholics have
objected to that and demanded that the clinic be separate from the hospital, away from its
entrance and car park, and be separately fenced and not connected to the hospital in any way.
The medical director of the family planning and sexual health services in WA said that this
proposal could appear to be a return to the days when access to contraceptive methods was
heavily restricted, when we should be working towards information and services being more
accessible.

But of course it is not a glitch by the Liberals; it is complete mismanagement of our health
service in Western. And, what is more, the Liberals have not managed to get anyone to run
the new clinic as yet, so how long will it stand unopened? Whether it is the federal
government or the state government, Liberals are incompetent when it comes to health. And
Senator Back says:

There is no need for any greater expenditure of taxpayers' money because within a few hundred metres
of that new hospital there is a facility in Midland which will undertake these procedures and it is there
now.

The truth in this statement is that there is a clinic in Midland; there is certainly a clinic there.
But Senator Back did not give the public the whole story. This clinic is a private clinic, and
there is an up-front charge for services that must be paid on the day the service is sought.
Those up-front costs can range from $500 to $1,300; they can even be as high as $5,500.

Of course, I am not criticising this private clinic, but it is completely unaffordable for many
women, particularly low-income women, and that is why I have been critical of the Barnett
government and will continue the criticism of the Liberals, both state and federal. And it is
important that Senator Back be aware of all the facts when speaking on such an important
issue, because he went on to say that somehow the public needs to have the full information.
Well, they certainly do, and I have provided it today.
We certainly need a clinic in the Midland area. We need a clinic that is available to low-income women, and we need a clinic that is affordable. That is something the Liberals have absolutely failed to provide in the state of Western Australia, and the Liberals insult people by saying that it was some kind of glitch in the planning. Well, it is not good enough. It is an absolute disgrace, and it is time the Liberals lifted their game with our health.

**Licensed Post Offices**

**Senator WHISH-WILSON** (Tasmania) (19:58): Last week I had the opportunity to speak when the Environment and Communications Committee tabled its report into Australia Post. Australia Post has been operating for over 200 years, and its value to the Australian community cannot be measured just in simple economic terms. For many years it literally united our vast continent through its mail service, and today it offers an array of products and services. What has not changed is its recognisable name and the association Australians have with it. Licensed post offices, or LPOs, are small post offices that function as franchises of Australia Post. Australia Post relies on LPOs all over Australia to ensure that they meet their customer service obligations, especially in rural and regional Australia. The Senate inquiry allowed issues to be explored in some depth and I am grateful for the information provided by LPOs all over the country.

Tonight I want to reiterate how important LPOs are to local communities all over Australia, especially in my home state of Tasmania. There are over 160 post offices in Tasmania, the vast majority of which are LPOs run by owner-operators. Like many small business people, they work long hours and struggle against larger competitors. In their case their head office and a large competitor are one and the same thing. This causes issues, many of which were brought to the attention of the Senate during the recent inquiry. I believe there is tripartisan goodwill across this place, the Australian Senate, to continue to work together to improve the situation of LPOs.

The end of the nine-month-long Senate inquiry is only the beginning of the work that needs to be done to help LPOs. There are a number of recommendations the government needs to act on immediately. These include an urgent independent review into the community service obligations of Australia Post, including the impact of any changes on LPOs, and an urgent independent audit commissioned by the Minister for Communications into claims by LPO licensees that payments made under the LPO agreement are not fair or reasonable. The Greens will maintain the pressure on the government to implement the committee's recommendations as a matter of urgency.

There are 107 LPOs located in rural and regional Tasmania. They are located in towns and communities that, over the last few decades, have seen services and facilities disappear. Many retailers have shut up shop, face-to-face banking through a local branch is no longer offered and they are lucky if they have a local GP they can access. The operators of LPOs go above and beyond sorting mail and parcels. They offer other postal services and, for example, help people navigate complicated forms that are essential to access services. They are central to their communities. LPO owners provide not only a valuable service but a friendly face.

Bob Richardson has one of those faces, albeit hidden by a white beard. Bob has been a tireless advocate for Tasmanian LPOs and a regular visitor to my office, advocating for all Tasmanian LPOs. Bob is the Tasmanian president of the Licensed Post Office Group, and my staff and I have appreciated the discussions we have had with Bob. I would urge all
Tasmanian LPO operators to join the Licensed Post Office Group in their state. As an advocate, Bob is certainly providing value for money.

There is no doubt that the world of post is changing very rapidly. Parcels are becoming more predominant and the internet is dominating much of our communication. What cannot be forgotten amidst this technological change is that LPOs are still both an important part of the Australia Post network and a critical part of their communities. The LPOs do a terrific job, especially in rural and regional communities in my state. I look forward to meeting more Tasmanian LPO owners and ensuring the Senate inquiry's recommendations are taken up immediately by the government.

Abbott Government

Senator McEWEN (South Australia—Opposition Whip in the Senate) (20:03): Since the Abbott government was elected just over 12 long months ago, it has become very apparent that this is a government that does not govern on behalf of the poor, the sick, our vulnerable young people, students, the unemployed, Indigenous Australians or many other groups in our community who are deserving of government support. It is hard to know, given the short amount of time I have, which particular area of government policy to focus on—there is so much material and all of it is bad. I have to say that some of the worst excesses of this government will most affect young people—those at school, those at university and those looking for work. I want to make a few comments about some policy areas that have been brought to my attention at home in South Australia by many people.

If anything made us realise that this government lives in an alternate reality, it was the plan to make young unemployed people wait six months before receiving the Newstart allowance and to force them to apply for a ridiculous number of jobs per month. You have to ask: what sort of mind created this policy position? Where did it come from? There is no evidence that such a punitive system would actually get more young people into work. The system has had no support. How are young people supposed to support themselves? If they are not receiving any money, how are they supposed to clothe themselves, feed themselves or pay for the public transport or the haircut they need so they can go and apply for a job?

We know that Minister Kevin Andrews yearns for some utopian ideal where every young person lives at home with their supportive parents until they find a job or, if they are a young woman, find a supportive husband. But it does not happen like that in real life. It does not happen like that for most people anymore. The government is completely out of touch with reality. Young people do support themselves and need an income to do so. They may not have a family to support them and they may not have the opportunities to find or stay in work that those of us in here have had.

The nasty attitude that gave birth to this heartless policy is the view of many in the government that young people on welfare are all bludgers who sit around watching TV and eating Cheezels—as we heard from a government backbencher today. What a totally disrespectful, unhelpful and wrong characterisation of young people. We should be helping them into work in whatever way we can; we should not be propagating these incorrect stereotypes which just turn employers against them.
Labor is not opposed to measures designed to assist people into work. When we were in government, we in fact introduced many policies and reforms that were effective in doing just that. But we will not be supporting government efforts to make it even harder for young people to get work. We will not be supporting any changes that make it harder for young people to get a decent wage either. Today in question time I asked Senator Abetz, the Minister for Employment, about what deals he is doing with Senator Bob Day from South Australia to facilitate Senator Day's grand plan to allow young people to, as he calls it, 'opt out' of the Fair Work system. We know that this has been a long-held dream of Senator Bob Day's, and he has finally made it to the Senate and is using his little bit of power to try and force this draconian industrial relations system on our young people. We know that young people would not legitimately be able to opt out of the fair work date—they would be coerced into doing it by rogue employers who say: 'If you do not work for the amount of money that I am offering you, then you do not get the job at all.' It is an unsustainable model for the economy and it has got no support anywhere, even from employer groups. There is no sustainable way that we can enter into a race to the bottom, particularly when it is with the wages of young people. We should be supporting them into good, well-paid jobs—not forcing them into low-paid jobs, which is what Senator Bob Day—and hopefully not the government, but we suspect probably the government—are intending to do.

**Palmer United Party**

**Senator O’SULLIVAN** (Queensland—Nationals Whip in the Senate) (20:08): I rise to talk about the outcome of a motion put before the Senate earlier today, a motion moved by the Palmer United Party. I have had to remain back to take this speaking opportunity tonight, because it was absolutely clear that the Palmer United Party, along with the Labor Party and the Australian Greens, were going to ensure for certain that this place never got the opportunity to debate the motion that was presented today not for the first time, but for the second time. There may not be any ongoing debate, but it will not deny me the opportunity to bring some matters to the attention of Palmer's new parties—the Palmer Labor Party and the Palmer Green Party.

We particularly need to alert our friends in the Greens about some issues that have occurred between Palmer and the Queensland government. This is probably the most unusual alignment that I have seen in a long time. One of the country's biggest miners in industries that disturb more of the environment than most now has a partnership—where I think Palmer is the senior partner—that relates to matters of the environment. Mr Palmer, in a private capacity through his companies, has been seeking to get approvals in my state of Queensland that will create wholesale disturbance of enormous tracts of land. These are the things that the Greens have rallied against for all of their time in this place, and yet today they surrendered to Palmer to join him in an action to advance their own cause, their common cause. That cause would be the hatred of our very, very popular and increasingly popular Premier of Queensland, Mr Campbell Newman—one of the best premiers we have had there, certainly in the last quarter of a century, Premier Borbidge aside.

Here are some interesting facts. I am going to speak slowly—pick your up pen and take some notes. Seriously: this is what you have signed up to. This document here is the terms that Palmer has presented in an attempt to settle failed litigation with the Queensland government. This is very, very important. The opening sentence should alert you all and strike
fear into your hearts. One of the conditions is that the government, if they accept these terms, must use all of their endeavours to have Clive's agreement ratified by the Queensland parliament. And listen to this one—this is an interesting one for our oldest political party in the country, which pretends to support law and order: they must not invoke or use any provision of the law brought into force by the Economic Development Act, build or act on Palmer's investments. He is seeking—

Senator McLucas: Mr Palmer.

Senator O'SULLIVAN: Mr Palmer—call him however you will. He is seeking to take his companies outside of the reach of the law. He was unsuccessful with this up until this afternoon, and yourselves and the Australian Greens have now provided him with the opportunity to do that. Part of the agreement was that the state government would be denied the ability to alter, to Waratah's detriment, the size of the project or the identity or number of its tenements. This is at a time when this company was under order from our state government relating to some issues relating to the tenements. Another term is to ensure that the current significant project status of the project is adopted by the department of Natural Resources. Not to 'attempt to', but to ensure that, in exchange for him withdrawing his litigation against the state government, his project is adopted by the department of natural resources. Another is to 'grant to Waratah an exemption to the current proposed relinquishment of any of the tenements of the project.' This document in and of itself is outrageous, and this will get a better and fair airing when this inquiry moves to Queensland, because I intend to sit on both sides of the table up there in terms of giving and receiving evidence. In respect of any future offences under the code, they are 'not to commence any litigation, judicial or administrative applications to seek any orders' in relation to the Palmer companies. They are 'not to seek or forfeit or reduce any tenements held by Waratah in the Galilee Basin.' This is the place that the Australian Greens have rallied against being developed almost every other day since I have been in this chamber. Today, I have to say, was a terribly sad day. From time to time debate in this chamber is robust and we have fierce exchanges, but I had believed from my short time here that the Australian Labor Party, in particular, had understood the basic tenets of the operation of the Senate. Today we have seen, on a second occasion, an attempt simply to turn this Senate's power into a blunt instrument to advance the political fortunes and the personal fortunes of Mr Palmer. This is payback. The Senate is not the opposition's play place. They do not get to turn it into a blunt instrument. We understand that you and the Australian Greens have very little in common with Mr Palmer, except that you all want to advance your political fortunes in the state of Queensland. I understand, by jiminy cricket, that you will grasp at anything. You were reduced almost to non-party status in that state.

I invite those opposite and any media listening to look at the terms of reference carefully. Whoever drafted them made a fundamental error. On the advice we have—very senior legal advice—only paragraph (1) of the motion is confined to the current state government of Queensland. The balance of the motion, all the good bits, will also relate to looking at the Labor government. It is not time barred. The opposition's friends the Greens have done a deal with them to inquire into the overthrow of the approval of the coal-seam gas projects in Queensland—but they were all approved by the former Labor government. It is going to be an interesting time up there. Now that the inevitable has occurred, we are looking forward to it in Queensland. Plans are afoot, and if you are finding your time in the Senate boring I
recommend you get onto a participating member in Queensland because when you go across the Tweed things change. We want you to come to Queensland. Plenty have come before you in the belief that they were going to do Queensland over, and they have all left with their tail between their legs—the few left with a tail at all. I urge you to give this some real consideration and allocate some time in your diary to come on up to Queensland and get a feel for it. The mangoes are in full blossom and we will be in full blossom too. Once those mango blossoms get you, you change dramatically. The mangoes will ripen around Christmas time, so come and join us in Queensland for a fun couple of months.

Horvath, Ms Corinna

Senator MARSHALL (Victoria—Deputy President of the Senate and Chair of Committees) (20:18): I welcome the news that on Friday, 19 September Victoria Police’s Chief Commissioner, Ken Lay, finally responded to the case of Corinna Horvath. Mr Lay wrote to Corinna to apologise for police actions taken against her in an illegal raid on her house 18 years ago. On 9 March 1996, Corinna Horvath, who was 21 at the time, was assaulted in her own home. Eight police officers arrived at her Somerville home after a dispute about an un-roadworthy car. They kicked in her door, despite not having a warrant to enter the property. One of the officers held her down on the ground and repeatedly punched her in the face. These punches broke her nose, led to extensive facial bruising and a chipped tooth, and rendered her unconscious. She subsequently experienced anxiety, depression, loss of confidence, stress, interference with her relationship, poor memory and concentration, and a fear of the police.

After the assault Corinna made a complaint through the official police process. Soon after her complaint was lodged, local police laid 11 charges against Corinna. I have since been advised by a barrister that practices regularly in this area that this is standard operating procedure for police when confronted by a complaint. Every charge laid by local police was subsequently thrown out of court. After waiting almost a year, the internal police investigation found that the forced entry allegation could not be substantiated; however, they did recommend an internal disciplinary charge only against one of the officers—a charge ultimately discontinued by the police themselves in mid-1998.

In June 1997, Corinna filed for damages against the State of Victoria and the individual police involved. In February 2001, County Court Judge Williams handed down his decision remarking that:

Overall it was a disgraceful and outrageous display of police force in a private house …

He found police at fault of assault, unlawful arrest, false imprisonment and malicious prosecution and found that the police told lies on matters of major significance. He awarded damages of $270,000, which was never paid due an appeal by the state and bankruptcy of the officers involved.

In 2008, after having failed to receive any compensation or have the police prosecuted, Corinna submitted to the United Nations Human Rights Committee that her human rights had been breached by the actions of the Victoria Police and the subsequent actions taken by the state of Victoria. This year the UN Human Rights Committee found that the state of Victoria failed to show that the proceedings undertaken by the internal review of the matter met the requirements of an effective remedy. Specifically the Human Rights Committee noted that the
investigation conducted by the Victoria Police did not call Corinna or other witnesses to give evidence, that Corinna was refused access to the file, that there was no public hearing, and that once the civil proceeding finding was made against the police there was no opportunity to reopen or recommence disciplinary proceedings. The Human Rights Committee found that the state of Victoria does not have a statutory scheme that provides adequate compensation for human rights abuses and that this is incompatible with section 2 of the Human Rights covenant, of which we are a signatory. The committee noted that under the convention the State of Victoria must make changes to domestic laws and practices that are necessary to ensure their conformity with the covenant. In response to the finding of the Human Rights Committee, Ken Lay has finally acted on behalf of Victoria Police, and I welcome that. In his letter to Corinna he stated that:

I deeply regret what occurred and sincerely apologise for the injuries you suffered as a result.

He went on to say:

I have approved an ex-gratia payment ... as full and final payment to you by way of compensation and hope/ trust the payment, coupled with this apology, helps provide closure for you in relation to the events of 9 March 1996. I wish you all the best for the future.

However, Ken Lay was unwilling to take the step most important to Corinna—that is, for the police involved to face charges and be made to face up to their actions.

'It's not the end of it to me it's just opening a whole can of worms,' Corinna said when speaking to the media. 'I think he [the officer involved] needs to sit a disciplinary hearing where he has to tell the truth. A spokeswoman for Victoria Police said Chief Commissioner Lay had been given legal advice that the organisation could not re-consider further disciplinary action against the officers involved in a matter 'that had already been decided on the available evidence'. She went on to say:

The three officers involved were still serving and no further discipline was planned.

But, of course, this is not the point. The police involved do not need another internal inquiry; they need to be charged with criminal charges and face court. The charges that should be laid against these police are the offences identified by Judge Williams — those of unlawful arrest, false imprisonment, assault and malicious prosecution. A spokesman for Ms Horvath’s lawyers at Flemington-Kensington Legal Centre welcomed Mr Lay’s apology, but said it did not satisfy all of their concerns:

Incidents like those experienced by Corinna Horvath are still occurring and before the courts. … The state government should establish an independent body to investigate police misconduct complaints and a system for victims to access compensation for violations of human rights perpetrated by police personnel.

The Independent Broad Based Anti-corruption Commission, or IBAC, is presently the body responsible for investigating police complaints. IBAC itself in April this year asked the parliament of Victoria to increase its powers. In its report tabled in parliament it specifically asked for 'the extent to which IBAC must be reasonably satisfied before investigating complaints' to be reviewed. And IBAC is also seeking 'the ability of IBAC to conduct preliminary enquiries or investigations'.

Seventy-three per cent of IBAC’s complaints are police related matters. In total around 3,500 complaints have been made against police to IBAC—a significant number of complaints. IBAC has a limited budget with fewer than 30 investigators. Their current role
appears to merely log complaints and pass them onto the police internal department for review. In many cases these reviews are then forwarded to the same police station or region from where the police come from. This process is failing our state.

The coalition government in Victoria recently presented legislation to parliament to strengthen IBAC, which is unlikely to be passed before the next election and, in my opinion, does not go far enough. Victoria needs reforms of IBAC so it can independently investigate complaints against police and have the power to charge and prosecute their misconduct. Under its current powers, IBAC cannot even make a binding recommendation to the Victorian police force. Police can just ignore IBAC. An alternative to IBAC would be a separate, independent body to deal with police complaints. But what should be obvious to all is that police cannot investigate police, if we expect proper justice.

It took Corinna Horvath 18 years, a number of court cases and an appeal to the UN Human Rights Committee to get some justice. The apology and payment to Corinna Horvath by Ken Lay and the Victoria Police does not change the fact that Victoria Police are not subject to independent investigation. Clear rulings against police made by the independent judiciary are ignored and not acted upon. Time and time again complaints made against police by the public are thrown out by police internal investigations. Police internal reviews simply see these matters as internal disciplinary matters—not the criminal matters they really are.

The apology and payment of compensation to Corinna Horvath is welcome. However, the four police involved in the assault have never faced charges for their wrongdoing and no reform has been enacted in response to the UN committee's findings. I call on legislation to be presented to the Victorian parliament that provides for an independent body to investigate and prosecute cases of misconduct by police. And that the state government properly resources such a body so it can fund a team of investigators to get through the backlog of complaints against police that currently exist.

I acknowledge that policing can be a difficult and challenging role. That is why the state invests so heavily in training and professional development; it is why we pay our police well and provide supportive employment conditions; and it is why the police are granted additional powers to carry out their duties. But the power granted to police by the community must not be abused. Policing can, and must, be done with integrity. No-one in our state should be above the law. Police will continue to operate without the threat of real penalties for their actions until we have independent investigation of complaints made against them.

National Security

Senator LAMBIE (Tasmania—Deputy Leader and Deputy Whip of the Palmer United Party in the Senate) (20:28): From one mother to another mother, let's unite and ban the burqa. The sign next to my office door says that I am a Senator of the Australian parliament, and I will always be grateful to the Tasmanian people for placing me in that position. However, the title that I will always value most is 'mother'—mother to my two beautiful sons. I felt their heart beats in my body and witnessed their first breaths and I pray to God that that I will never live long enough to see or hear their last breaths in this world. The pain of saying goodbye to a child would be soul destroying.

With the recent decisions we have made in this place regarding national security, armed police officers patrolling the corridors and our Defence Force ready to strike the extremists, I
took some time out last weekend to think about the pain and hurt that mothers all over the world must feel as their children go to war—how all mothers must feel after they lose their children to war.

When mothers give birth all we hope for is that our children experience a happy life full of hope (amal), love (houb), faith (aman), and peace (salaam). And that is what I want right now for all Australian children, no matter where they come from or what creed, culture or religion they will experience growing up. All I want—and everyone in this parliament wants—is for Australia's children to grow up knowing hope, love, faith and peace. And war, conflict, is a guarantee that hate, despair and suffering—the opposite of hope, love, faith and peace—fill the lives of our children. However, I am not naive to the evil which fills this world and people's hearts. Just wishing for hope, love, faith and peace in the face of the brutal threat posed by the extremists is not good enough.

As we have done in the past, in order to create a country ruled by love, respect and kindness, we must act decisively and unite under the one Australian flag, constitution and culture. The terrorists and extremists will win if we further divide and segregate into ethnic and religious groups who reject the Australian law, constitution and culture. The terrorists and extremists will win if we allow the poison they preach to enter the hearts and minds of our young Australians.

Unfortunately the burqa, while concealing the identity of the wearer, is also a powerful cultural symbol, a flag for the Islamic extremists who now wage war on us. If Islamic extremists see women wearing burqas in public, it emboldens them. They feel as if they have won and that their culture of fear and intimidation and their sharia law have prevailed. I am surprised that many politicians in this place who in the past have had the courage to speak out about banning the burqa and have had the fortitude to give voice to their strong opposition to sharia law are happy to remain silent while the current pack of critics attacks me. What has happened to the politicians who have displayed courage and spoken their minds about burqas and sharia law? Have they now been frightened into silence by the thought of threats from the extremists? Have the politically correct scared them into submission? It is time that this chamber was reminded of the words that some of our famous elected members have voiced. 

*The Sydney Morning Herald* of 25 February 2006 reads:

MIGRANTS are obliged to "be Australian" and social integration must be pushed harder, John Howard has declared.

In an interview marking his 10th anniversary as Prime Minister, Mr Howard also describes the burqa, the full head covering worn by some Muslim women, as "confronting".

... ... ...

Mr Howard told the Herald, "when you come to this country, you become Australian". Similarly, Mr Costello had said: "Before becoming an Australian, you will be asked to subscribe to certain values. If you have strong objections to those values, don't come to Australia."

In the interview, Mr Howard said multiculturalism had become distorted and too often stupidly meant "a federation of cultures". And he said Muslims must work at avoiding their alienation. Mr Costello condemned "confused, mushy, misguided multiculturalism".

*The Australian* of 7 May 2010 reads:
The federal opposition leader, in Adelaide on the final day of marginal seat campaigning ahead of Tuesday's federal budget, said he respected Senator Bernardi's comments, although he did not "absolutely" back them.

"We believe in free speech in this country and people are entitled to a personal view, even politicians," Mr Abbott said.

"I think a lot of Australians find the wearing of the burqa quite confronting and I wish it was not widely worn.

"But the point is we don't have a policy to ban it and we have always respected people's rights in this area.

"He (Bernardi) has expressed a view, I respect the view, I don't absolutely share it, but I can understand the concerns in the community."

An article in *The Sydney Morning Herald* of 7 May 2010, in response to a man who dressed in a burqa and robbed a bank, reads:

**OPPOSITION** Leader Tony Abbott has fuelled the political debate over the burqas worn by Muslim women by saying there is "understandable community concern" about the attire.

Mr Abbott made the remarks in response to a call by one of his MPs for burqas to be banned in Australia in the wake of an armed robbery in Sydney by a man in a full black burqa.

Mr Abbott said Senator Cory Bernardi's remarks reflected his personal views rather than Coalition policy - but he added: "There is understandable concern in the community about what former prime minister John Howard called a confronting form of attire."

But one of the most prominent Islamic women in Australia, the president of the Muslim Women's National Network of Australia, Aziza Abdel-Halim, endorsed the call for the burqa to be banned in public.

"To Islam, the security and safety of the community comes first," she told *The Age.*

"If [the burqa] opens the way for criminal acts then, as Muslims, we have to think about it. I see nothing wrong with saying to women 'Don't wear it in public'. I see the senator's point. A lot of Muslim women would see his point."

*The Australian* of 11 April 2011 reads:

Opposition parliamentary secretary for the status of women Michaelia Cash said the burka had nothing to do with religion because Islam stipulated modesty only, not the wearing of a face covering. She said the dress deprived women of their identity and isolated them from society. "It is inconsistent with our culture and values and I truly believe that women should not do it she said.

... ... ...

But Liberal senator Cory Bernardi renewed his calls for a burka ban because the garment was a security threat and restricted social interaction. In Europe to monitor France's anti-burka law -- under which veiled women will be fined E150 ($205) from today ... 

I have been assured that the need to wear the burqa is not written in the Koran. Dr Raihan Ismail, lecturer in Middle East politics and Islamic studies at the Australian National University, states: 'The Koran does not explicitly say you have to cover yourself in this manner.' The most common veil is the hijab, a non-full-face covering. Dr Raihan Ismail concedes the fact that some women may be pressured into wearing the burqa by their possessive husbands.
It time that the manufactured hysteria created by my critics for political purposes stopped. It is time for common sense and a little courage to prevail. The burqa has become a problem because it conceals the identity of the wearer, poses a threat to public safety and could indicate formal or informal allegiance to our extremist enemies, their political ideologies and foreign religious leaders.

While I acknowledge the right of people to express their religion, custom and culture, I also acknowledge that there are limits to those individual rights, especially when, as the courts found in France, it becomes necessary to protect the rights and freedoms of others. It is now time to protect the rights and freedoms of ordinary Australians and send a powerful message to those extremists who hate our relaxed, peaceful lifestyle and culture. It is now time to ban the burqa and take a positive step that will unite all Australians.

I close by repeating what I started with. It is my plea to the Islamic mothers of Australia. From one mother to another, let us take away that which divides us so that our children experience a happy life full of hope (amal), love (houb), faith (aman) and peace (salaam).

Hunter Valley

Senator WILLIAMS (New South Wales) (20:38): I rise to talk about my recent trip to the Hunter Valley. Two weeks ago, I had the opportunity to visit the Hunter electorate in my role as Nationals duty senator for Hunter. I attended a breakfast hosted by the Hunter Research Foundation. What was obvious was the slowdown in the economy because the mining industry has been battling low coal prices and high production costs. The price of thermal coal is down about 45 per cent, according to reports, and this is the lowest since the second half of 2009. At one stage it fetched US$120 a tonne, but earlier this month there was a report that it had slipped to US$66 a tonne shipped through Newcastle. Yet costs, of course, are continuing to escalate. So there are a few challenges, and businesses in the region have to explore the possibilities of greater economic diversity.

One of the greatest businesses in Scone is Hunter Valley Quality Meats, which operates the abattoir. The abattoir employs upwards of 700 people, plus all the ancillary positions it creates. CEO Peter Allen took great delight in showing us around and demonstrating how they have engaged with the community. It is amazing to see an abattoir on the edge of the residential area, and the abattoir has taken steps to ensure that it is a good neighbour. Something they have started are producer days, where producers come in and have a look at the production chain and the end result of their cattle. So beef producers can follow their beef right through the process.

Some years ago, whilst I was in opposition, I raised with the Australian Rail Track Corporation during Senate estimates what was happening with clearing a traffic jam at Scone. For those unfamiliar with this problem, coal trains from the north-west rumble through Scone frequently. In fact, it is forecast that by 2018 there will be 24 coal trains going each way daily. That is 48 times through Scone every day. This forces the closure of the Kelly Street rail crossing, which is actually the New England Highway, where about 8,000 vehicles cross each day, and 1,200 of them are heavy vehicles. In fact, when I was in Scone I experienced first-hand the traffic jam that eventuates: traffic backed up on the highway and the side streets, and it was a good 10 minutes before we started moving again. The federal and state governments are tipping in $45 million to build an overpass so traffic will not be held up. A bypass of
Scone is also on the agenda. A noise barrier will be erected on the western side of the rail line to cushion residents from rail noise.

Upper Hunter Mayor Michael Johnsen is eagerly looking forward to this facelift for Scone. He tells me that once the overpass on Kelly Street is built, and the bypass is in place by 2019, Kelly Street will revert to single lanes each way with angle parking and possibly traffic lights. The council and the chamber of commerce are aware of the need to ensure as little disruption as possible to the business centre while all this work is going on. I would like to thank Brett Peterkin, who has been engaged by the ARTC to handle the Scone project. Brett is continually updating my office and the community on where everything is up to.

During my visit, I also spent some time at two aged-care facilities at Scone and Murrurundi. Regardless of which aged-care facility I walk into, I am always struck by the wonderful, caring attitude of the staff. It is comforting to know our elderly are in good hands. The management raised various issues with me that I will raise with the minister. Minister Fifield is doing a wonderful job in the field of aged care and is keen to ensure the sector's continued viability.

Child care is a big issue with young parents today. The costs can be crippling and, of course, just like with the elderly, we want the best professional care for our children and grandchildren. The Upper Hunter Early Learning Centre is a magnificent complex and it was enjoyable just watching the youngsters playing in the sun, watched on by the early childhood educators.

I also met with the Mayor of Muswellbrook Shire, Martin Rush, and his senior team on a couple of matters. They are keen to see the Muswellbrook bypass underway.

There was further good news for councils in the Hunter today with the announcement of the Roads to Recovery funding. Upper Hunter Shire Council has received a total of $5.18 million to the period 2018-19, Singleton Council has received $3.31 million, Muswellbrook Shire has received $2.48 million, Maitland City Council has received $3.55 million, and Cessnock City Council has received $4.55 million. These councils can go ahead and fix their roads and streets without any interference from Canberra, so these funds will be very welcome.

Before I finish I would like to pay tribute to the state member for Upper Hunter, the Hon. George Souris, who announced over the weekend that he would not be seeking re-election to the New South Wales parliament in March next year. George has been a state Nationals leader and has held ministerial and shadow portfolios in his 27 years of parliamentary service. In fact, for 23 of his 27 years he was on the front bench. Amongst his portfolios at various times were finance, ethnic affairs, land and water conservation, and—possibly what he will be remembered best for—he was Minister for Tourism, Major Events, Hospitality and Racing in the O'Farrell government between 2011 and 2014. At this year's annual conference of the New South Wales Nationals he was awarded life membership of the Nationals.

George is a personal friend. In fact, he was MC at my wedding, and we worked very well together on issues in his part of the Hunter region. George Souris is a terrific fellow. I wish him and his wife, Vassy, all the best in their retirement after a long and successful political career. He has contributed enormously to the New South Wales Nationals, to our state and
especially to the people of Upper Hunter—his constituents for whom he has worked very hard. George, Vassy, enjoy your retirement; it is well deserved.

Multiculturalism

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (20:44): In my first speech to the Senate, one of the goals that I set for myself was to be a voice for those who do not have a voice. For me, multiculturalism is not a topic you can buy into in halves; I accept the immeasurable value migrants bring to our country, and the right of all in our country, regardless of race and regardless of religion, to live their lives according to their values and their way of life, to speak their native tongue as well as English, and to wear whatever they choose.

What we are seeing in this place and in the other place, though, under the leadership of this Prime Minister, is an acceptance that it is okay for the powerful to vilify the weak and that it is okay for politicians to share their deeply personal prejudices without articulating any reasoning behind their view and without providing evidence, as though their thought bubbles are not heard and are not a call to action for thousands across the country.

Since the proliferation of bigoted comments over the past month, there have been reports from across the country of an increase in racially motivated attacks. There have been reports of racially motivated graffiti, desecrating places of worship. This is at a time when the government of our country is preparing to take us back to war. At a time when the government is supposedly trying to build a unity ticket, too many of its own members are sharing their prejudices and inflaming tensions.

However, I believe there is a strong will across the community for a multicultural Australia, an Australia where we celebrate that we are a nation of peoples from rights across the world. We can learn so much from each other through respect, through tolerance and by reaching out and trying to continue to increase dialogue, by increasing cultural festivals and awareness raising and by increasing support services to migrants, while continuing to strive to better understand where our friends and neighbours are from, where we have come from and how we can all take our Australia forward.

I am from the North West of Tasmania. To be frank it is not a very multicultural place, which is really unfortunate. Our first generation migrants bring so much life and enthusiasm into Tasmania, while second and third generations continue their family traditions. They continue to teach us about their cultures, values and heritage. They continue their connection back to wherever their fathers and mothers came from, while getting on with living life in regional Australia.

Where there are seats in Western Sydney with over fifty and sixty thousand people of non-Anglo Saxon heritage, my home patch, the seat of Braddon, has fewer than 2,000. This lack of multiculturalism in North West Tasmania has, for some, produced a culture of isolation. Because of not needing to engage with other cultures there is not a great need to demonstrate tolerance and acceptance for people of non-Anglo Saxon heritage.

However, the local Burnie newspaper, The Advocate, regularly displays strong leadership on social and economic issues that would not be shared by a large proportion of their typical readership. In the past week, two columns have exemplified this pursuit. Last Wednesday, a column from Doug Dingwall highlighted that Senator Lambie's linking of Islamic culture to
terrorism was irresponsible and ill-informed, while the Federal Liberal Member for Braddon, Mr Whiteley, in supporting her comments on sharia law risked alienating more Australian Muslims. The following day, journalist Sean Ford expanded on the issue, and I quote a portion of his column.

PUP Senator Jacqui Lambie and a few Liberals, including Braddon MHR, Brett Whiteley, have waded into deep and murky waters in recent days with their calls for the burqa to be banned.

Why, precisely, would we want to give a significant minority a message that they are not welcome to be themselves?

Is that not a path to increasing the levels of radicalisation among Muslim youth?

But demonising the innocent helps nobody and, indeed, may have the unintended consequence of contributing to the creation of more radicals.

Potentially, some of our best allies in the fight against terrorism are mainstream Muslims. So, again, why demonise a percentage of them who are just trying to live their lives?

The Advocate is the local daily newspaper that essentially covers the electorate of Braddon, with a small amount of its readership coming from the electorate of Lyons. Both Mr Whiteley and Senator Lambie have not held back in coming forward in the past month on this issue. I believe both have completely missed the mark.

But Mr Whiteley particularly, as an experienced politician and a member of the government, should have known better than to share his bigoted opinions on Islam. Last week in an interview with The Advocate, Mr Whiteley said:

No law other than Australian law should rule or guide our lives. If people have a deep desire to live by any other law they have a serious decision to make about where they live.

Their allegiance is either to Australia, or against it.

I believe Mr Whiteley's comments demonstrate that he does not have the capacity to maturely contribute to this debate, and, worse, his ill-informed prejudice feeds right into the hands of the extremists that both sides of politics are committed to fighting. I believe these comments from a politician in one pocket of the country, like North West Tasmania, have the potential to damage community harmony and inflame tensions right across the country.

Most people across the country do not know the difference between a backbench member of the government and a minister. This is not a blight on Australians or on anyone in this place. However, it amplifies the need for all of us to be measured in our contributions. Instead, it is my fear that Mr Whiteley's comments just perpetuate the bigoted views in some pockets of this country that Islam is incompatible with the Australia that we know and love.

Mr Whiteley made these comments on the same day that the Prime Minister addressed the parliament on the increased security level in the country. In that speech the Prime Minister said that our security measures at home and abroad are directed against terrorism, not religion. He went on to say that mistreating others in the name of God is never right, and that Australians should come to appreciate our unity as much as our diversity.

Those with the most basic understanding of Islamic life in Australia would know that Muslims are told by their imams and other community leaders that Australian law is supreme and that the parts of sharia law that are not compatible with Australian law are not to be practised in this country. I repeat. Imams in Australia tell their congregations that Australian
law is supreme. They tell their congregations that the parts of sharia law that are not compatible with Australian law are not to be practised in this country.

In the Hobart *Mercury* last weekend, the leader of the Hobart mosque, Imam Sabri Samson, said:

Islamic State—they are not true believers. For me, they are ignorant people.

The message of Islam is not about killing people.

And on the subject of having knowledge of sharia law, he said:

Most people don’t, even the Muslims themselves don’t know.

We follow the Ten Commandments, probably in different terms, but basically Sharia law is the Ten Commandments.

After all, there are many similarities between Judaism, Christianity and Islam. The stories of those of faith is one of a rich history and one that grows stronger each year. Australia's Muslim community continues to do our nation a great service by fostering enduring cultural and religious harmony and making a substantial contribution to our national prosperity. This reflects modern Australian multiculturalism: a story of cultural enrichment, social cohesion and economic growth. It is a story that I am committed to and will always defend.

I will continue to speak out against ill-informed and dangerous views and to stand up for tolerance and multiculturalism. To those who are celebrating Eid ul-Adha later this week, I wish you Eid Mubarak. To all Australians and to members in this place, please take some time to listen to those people with compassion and knowledge. We must strive to work together to continue to foster multiculturalism and tolerance in this country.

**Australian Defence Force**

Senator McGrath (Queensland) (20:53): I rise to speak about an important issue. It is an issue that I flagged in my first speech to this chamber some three months ago and one that I would like to reiterate here tonight. That is, the need for an Australian Defence covenant. The Australian Defence Force is an institution like no other. It is an institution built upon and maintained by honour, courage, integrity and mateship. It is an institution that serves as the backbone of our society and embodies the fair go egalitarian attitude that makes Australia the place it is today. John Key believes New Zealand to be the best little country in the world. I think Australia is the best middle country in the world.

We are well-served by our Australian Defence Force, which comprises of three elements. The first is the Australian Army, which was founded in 1901 and is regarded as one of the finest armies anywhere in the world. I should declare that my dad, Bruce, was a pilot in the Army, his father served in the Second World War and his father's father served in the First World War, also in the Army. The second is the Australian Navy, which was founded in 1911 and is currently the third largest navy in the southern hemisphere. The third is the Royal Australian Air Force, which was founded shortly after the First World War and is the second-oldest independent air force in the world. Today, there are more than 83,000 men and women serving in a regular or reservist capacity within our three distinguished services.

George Orwell once said:

We sleep soundly in our beds because rough men stand ready in the night to visit violence on those who would do us harm.
Today, in 21st century Australia, we can say proudly that we are indebted to the brave men and women who protect us while we sleep and the brave men and women who, each day, safeguard our way of life by laying their lives on the line. There is no higher form of public service.

In the past few years alone, the Australian Defence Force has led a multinational humanitarian task force in East Timor, brought about political stability in the Solomon Islands, fought militant jihadists in Afghanistan, helped remove a dictator in Iraq and protected the integrity of our national borders—not to mention numerous peace-keeping missions. We must not forget the great assistance that the Australian Defence Force provides in responding to natural disasters across the country. The ADF played an integral role during the Victorian Black Saturday bushfires, during the Queensland floods and also during the recent Cyclone Yasi. Through the generations—at home and abroad; across land, sea and air—these men and women have served this nation valiantly.

While one can only applaud the growing respect and admiration that the Australian people have for our men and women in uniform, especially on Anzac Day, it is important that we honour their unique sacrifice on the other 364 days of the year. Indeed, I would like to share with the members of this chamber a poem written by Siegfried Sassoon that I think perfectly captures this sentiment:

I knew a simple soldier boy
Who grinned at life in empty joy,
Slept soundly through the lonesome dark,
And whistled early with the lark.
In winter trenches, cowed and glum,
With crumps and lice and lack of rum,
He put a bullet through his brain.
No one spoke of him again.
You smug-faced crowds with kindling eye
Who cheer when soldier lads march by,
Sneak home and pray you'll never know
The hell where youth and laughter go.

While I am certain that everyone in this chamber is conscious of the threats to life and limb that our men and women in uniform face, what is less apparent are the smaller sacrifices that they and their families make every day. I am talking now of those who miss the birth of their first child while serving overseas, of those who hold their family together while their partners fight foreign lands and of those children who are forced to change schools and leave their friends every few years so that their parents can continue to serve our country.

To recognise this extraordinary group of Australians and to honour their sacrifices, great and small, it my belief that we require an Australian Defence covenant. Such a covenant would act as a charter of rights for serving, discharged and retired members of the Australian Defence Force and their families. It would be predicated upon the notion that the entire country has a moral obligation to the men and women—and their families—who serve and
have served in its armed forces. In effect, the covenant would be a contract between the Australian people and the Defence community.

I must confess that this idea is not mine nor is it new. I draw inspiration from the UK's defence covenant; which was implemented several years ago.

The two fundamental principles of the UK's defence covenant are as follows:

- the armed forces community should not face disadvantage compared to other citizens in the provision of public and commercial services; and
- special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved

In part, the Australian covenant would be based upon the UK defence covenant; but it would be designed to reflect the nature of Defence service in Australia, as well as give voice to the unique nature of the contribution made by the men and women of the Australian Defence Force.

I am aware of the great work being done by various ex-service organizations in Australia who have identified the need to better recognise the service of Australians in our Defence forces. I have initiated communications with some of these organisations, especially those based in Queensland, with the objective of understanding their perspective and their objectives. I thank Graeme Mickelberg for his assistance in that regard. If I have missed a group, I would ask that they contact my office in Nambour.

It is my hope that all federal political parties, including my own, will subsequently incorporate the concept and principles of the Australian Defence covenant within their respective legislative agendas. It is high time that we gave back to this extraordinary group of Australians.

Select Committee on Certain Aspects of Queensland Government Administration

Senator CANAVAN (Queensland) (20:59): It is a privilege to follow my colleague Senator McGrath and his contribution concerning an Australian Defence Force covenant. It is a concept which he has told me about before, and I do hope, as he does, that it can be taken up by all political parties. Senator McGrath also mentioned that it has been three months since his first speech, as it has been for me. I can honestly say that every day I get to spend in this place is an absolute privilege and an honour. In my own small way, I hope I have contributed to some of the debates in that time on issues like rural debt and a new live cattle export facility at Rockhampton—another issue I am trying to progress—and also to various committee inquiries, such as the NDIS, Northern Australia and the Great Barrier Reef, which I am fortunate enough to be on.

I see with all of that work there is enough to keep me busy in the chamber. I do not really need to go looking for other people's problems. I find it regrettable tonight that we have established an inquiry that is principally about trying to solve other people's problems and not about trying to do the job that we have been put here to do. So I think it is regrettable that the Palmer party's senators, who are new senators just like James and I, have chosen to use their time to in effect waste their time on an inquiry that is not going to deliver any tangible results to the Australian people. They are going to waste a lot of time on a political witch-hunt that has nothing to do with trying to pass laws in this place that are going to make people's lives
better. Let us be clear about exactly what this inquiry is about. The inquiry that has been established is all about the Palmer party trying to get some revenge on a Queensland government that they do not like. If they did not like that Queensland government they had a very simple solution available to them under our democracy—that is, to run for the Queensland parliament. If they did not like the Queensland government they could have run for the Queensland parliament. They did not do that.

They ran for the federal parliament last September, and they were elected to the federal parliament. Since they have been elected to the federal parliament, they should be focused on federal issues—and they are clearly not doing that. I find this greatly regrettable, because we all have limited time in this place. It is a great honour to be here, but we have a limited number of days here. There is limited time in which all 76 of us can contribute, and we have to share that time. So for that time to be wasted on this political witch-hunt is, I think, an absolute waste.

The other big project which we know the member for Fairfax, Clive Palmer, is engaged in at the moment is building a new Titanic. Clive Palmer wants to build Titanic II. I do not know whether he is going to be able to build it. I think it is a pretty enormous objective to try and replicate that ship 100 years on, but at the very least I think he might have succeeded here tonight because the inquiry that has been established is going to follow the course a little like the original Titanic. It is a big project. It terms of reference is massive. It is overloaded. It is going to head out on the stormy waters to see if it can get to some kind of destination. I do not think it is going to get there. I think it is going to finish just like the first Titanic: it is going to be wrecked on the shores of great ambition and, ultimately, it will get nowhere. There will be a lot of people who get hurt in the process and principally among them will be the Labor Party and the Greens, who have decided to support this venture. This is consistent with how the Labor Party and the Greens have approached matters in the last few years. They will get into bed with any other political party who they view will give them an opportunity to progress their political cause. They have no principles on the other side of this place. They are willing to get into bed with the Palmer party to create a new Titanic, if you like. Senator Conroy, who supported the motion, is playing the role of Leonardo DiCaprio in this new movie, and Senator Milne from the Greens party is Kate Winslet. They are joining together. They are getting into bed once again to head out on this new journey on the Titanic. It is apt that Leonardo deCaprio played a role in the Titanic, being the converted Green that he is. Not only that, this movie is being financed and produced by none other than the member for Fairfax. He is the James Cameron in this saga. He is hoping that the box office proceeds will be just as good as those for the first Titanic. I think he might be right there.

I agree with Senator O'Sullivan, who contributed to the debate earlier on the motion for this inquiry. I think this inquiry is going to be a bit a show. I say to the people of Queensland and Australia: 'Get your popcorn ready, because this is going to be a bit of fun.' I went to see Titanic twice, I think. I went once with a young lady. It did not turn out to be much. It certainly was not my wife at the time. I had to suffer through those three hours or however long it was. You might remember it, Mr President. In my view, it was quite a long-winded movie, but I was willing to suffer it that night. I do not think this inquiry will be as bad as that. I think it is going to be a little bit more exciting than the movie.
The topic matter that we have to work with on this inquiry is quite thrilling and exhilarating, because, as Senator O'Sullivan pointed out before, the way the terms of reference have been worded very clearly allow this newly established inquiry to look into the matters of the former Queensland Labor government, including the Bligh government. When you look at the inquiry's terms of reference, clause 1(a) limits matters to Commonwealth funds allocated to the state of Queensland since 26 March 2012, but then subclauses (b), (c), (d), (e) and (f) as well as the new clause 2 on coal seam gas that was inserted are not limited by that time frame at all. So the committee can look at all the decisions of previous Queensland governments, including Labor governments—

Senator McGrath: Including Wayne Goss.

Senator CANAVAN: Yes, including Wayne Goss. I was a bit young then, Senator McGrath, but I am sure we can have fun with that too. Who was the cabinet secretary for Wayne Goss? I think it was someone who came to prominence in Labor politics.

Senator Back interjecting—

Senator CANAVAN: Yes, help me out Senator Back. I remember there was a decision made to not proceed with the dam at Waterford West—

The PRESIDENT: Senator Canavan, I do not want to interrupt your flow, but could you desist on tapping the desk. It echoes throughout the whole sound system.

Senator CANAVAN: Mr President, it is very worthwhile and useful advice. I will take it on board. It has come to me: it was the former Prime Minister, Mr Kevin Rudd. He was the cabinet secretary to Wayne Goss. I grew up around the area of Waterford West. There was a proposal for a dam to be built there, called the Wolffdene Dam. It was completely kybosshed by that government. They built houses on that dam site and so we can no longer build that dam. If we had built that dam the 2011 Brisbane floods might not have been as bad as they were. So we could look at that. Indeed, we could look at the floods more generally, because there were a lot of them. Remember how the former Bligh government merged all those departments

According to the commission of inquiry report into the 2011 floods, there was a complete breakdown of communication between the department of the environment, the department of water and the Premier's department at the time. It was a comedy of errors with, I think, Mr Stephen Robertson as the water minister at the time. They received advice ahead of the floods that there was a potential major La Nina event and nothing was done to help protect the people of Brisbane. That is another thing we can look into.

As I mentioned last week, there is a lot more we can look into. There is the former health department official who took off with $16 million of Queensland government funds. He got away with it by explaining to his senior officers that he had this wealth because he was a Tahitian prince. The department of health believed him that he was a Tahitian prince, and it subsequently came to light that he was a fake Tahitian prince and he ran off with $16 million of Queensland government taxpayers' money. I note that, under section 11 of this inquiry, we are to visit a number of towns and centres in Queensland, including Nambour, Ipswich, Mackay, Rockhampton et cetera. One area not on this list that we should go to is Tahiti. Let's go to Tahiti and investigate the royal lineage of the Tahitian family and see if there is any connection to the department of health officials in Queensland. Perhaps, if we go to Tahiti, we
will discover that it was a credible story and should cut the former Queensland Labor government a bit more slack.

Unfortunately, only one of our side of politics will get that opportunity to go to Tahiti, because, as was outlined earlier in the debate, there are five members of this committee and only one has been allocated to the coalition. That is only a fifth, despite this side being almost half of the chamber. I would also like to note that, with the establishment of this committee, the chair of this committee will receive an 11 per cent increase on their base salary, which works out to be about $20,000 a year, as per the decision of the Labor Party and the Greens. The committee will determine who the chair is, but it may go to Senator Lazarus. It is very kind of the Senate to provide Senator Lazarus with that increase in his salary, but for what purpose is it? I go back to where I started: why is the Australian taxpayer being asked to pay the chair of this committee an extra $20,000-odd a year? It will provide no benefit for the federal parliament, it will change nobody's life in this country and it is a complete abuse of power.

Live Animal Exports

Senator BACK (Western Australia) (21:09): My story this evening is not nearly as interesting as that of Senator Canavan's with regard to the Titanic, DiCaprio and others, but it deals with an issue that would have been considered had we not wasted the time of the Senate this afternoon—that is, in consideration of documents. I refer to the Department of Agriculture's report to the parliament on livestock mortalities, which has some relationship, Senator Canavan—through you, Mr President—to activities at sea. There are the excellent figures represented by the Australian livestock export industry as reported by the department for the period of July to December 2013. I am able to go a stage further and report this evening on the six-month period from 1 January 2014 to June 2014, particularly on the export of cattle and sheep.

Let me share once again why Australia is the leading livestock exporting country in the world. For the period of July to December 2013, our livestock exporters exported 441,644 cattle. Of that number, only 535—0.12 per cent—were lost during the voyage. In other words, more than 441,000 of 441,600 got to our end markets in prime condition. If I go forward to cattle numbers in January to June of this year, the number was equally impressive with only 1,000 of 663,000 not making it. In other words, 99.85 per cent of the cattle arrived safely. When it came to sheep numbers, the figures were 1.22 per cent and 0.59 per cent. These figures are outstanding for an industry that is so mature and that has such a reputation internationally. As you know, because I have spoken on it so often in this place, it distresses me that we have people, particularly the Greens and others, who so badly decry this industry and run down the participants in it, when we not only lead the world but also have increased the survival rates of livestock being moved.

Let me put it into perspective. I gave you the figures of 0.12 per cent for cattle and 0.15 per cent. When I was opening an international cattle diseases conference about six weeks ago, my veterinary colleagues were telling me that the mortality levels of the cattle on the range lands—including drought and overstocking, which was caused by the disastrous decision of the then Labor government to ban the export of live cattle to Indonesia—were about three to eight per cent per annum. Compare that with 0.12 per cent. There is an industry which you yourself were associated for some period of time, Mr President—that is, the mortality rate of
humans in Australia. Remember the figure of 0.12 per cent for cattle. The mortality rate for human beings in this country is 0.6 per cent, some four times the mortality rate of cattle on ships going to our destination ports, which are Asia, the Middle East, North Africa and, more recently, countries such as Russia.

It is interesting to reflect on just how important Australia is as a trusted supplier of protein in markets like the Middle East and North Africa, and traditionally in places like the Philippines, Singapore, Malaysia—throughout Asia, including, of course, Indonesia where we are once again trying to re-establish the level of confidence that we had gathered over so many years. You will often hear it said in this place by others that we can replace the live export trade with the meat trade. I am on record often enough over the years saying that live animal sales reflect meat sales. The best example is that when we lost the live export trade to Saudi Arabia some years ago we also lost the meat trade. When live exports to Indonesia halved in 2011, the apparent logic of those who were opposed to this trade was, 'If live exports have halved, surely meat exports will double.' What happened with meat sales? They also halved.

The point to be made here is that, of the 109 countries around the world that export live animals for production purposes and the processing and supply of protein, only one has ever supplied and continues to supply services, personnel, investment of time and money, and transfer of expertise and technology to improve the standards of livestock management in our target markets—and that country, amazingly enough, is Australia.

I probably should have declared not a conflict of interest but a convergence of interest, because this is an industry with which I was associated for several years. My elder brother took over my live export practice. I have actually been told accusingly by Greens and others that I should declare a conflict of interest. If I did that, he would have to go back to 1846 when my great-great-grandfather, Captain Edward Back, was the master of the first vessel that ever exported live animals—they were cattle—out of the colony of Western Australia through the port of Fremantle. They were live cattle going to Batavia, now Jakarta. Amazingly enough, the report from the captain's log of the vessel, the Black Swan, was that all stock arrived safe. So, if I have a conflict of interest, it goes back to 1846!

But I want people to know just how well animals are, firstly, selected. What is the point of selecting sheep or cattle that are not going to make the voyage and be a required commodity at the other end? Remember that we have supplied many of our markets for 40 years. Can you imagine a product that is undesirable and not wanted by the market at the other end being bought for 40 years? It is because they know we are a trusted supplier of a quality and safe product.

The animals are well transported into feedlots where they are inspected by people like I was years ago, AQIS accredited veterinarians. They are highly respected and highly competent. It is unfortunate to see that some of my Senate colleagues have called into question the integrity and professionalism of those veterinarians. I reject that. If anyone is concerned about that, they simply need to examine answers to a question that I have asked of the department of agriculture at different times. That question is: how many, if any, cases have there been of AQIS accredited veterinarians being anything other than of high integrity? None of the departmental officials in their history can remember an incidence in which any of my colleagues have been the subject of any adverse comment.
The animals are inspected. If the importing country requires vaccination, treatments or whatever, these are all undertaken. The animals are inspected again as they go on to trucks and into feedlots and inspected yet again as they go on to the ships. I recall one occasion when we were loading 116,000 sheep and about 22,000 cattle as well as camels, goats and, in fact, reindeer in the Port of Fremantle one day. This old lady came up to me and asked what the sheep do for entertainment. It was too much for me and I said, 'After they promenade around the deck of an evening, we put them to bed!'

But I can assure you, Mr President, that the best indicator of the health and wellbeing of the livestock on the ships, as indeed is the best indicator of the health and wellbeing of children, is the fact that they not only maintain their body weight but, younger animals particularly, gain body weight on the way to the other end of the voyages they undertake. Australia leads the world in this. I give credit here to the Australian Maritime Safety Authority for setting international standards for the quality of ships and the way in which the ships are prepared—including the provision of feedstuffs, air conditioning, exchange of air, and water—for the voyages.

The story that I want to leave the Senate with this evening is of an industry that is well governed and well managed. I give credit to the minister, the exporters and the department. At different times I have been critical of the department, but these days I believe they are back on track. Australia stands proud of the tradition of the live export trade. (Time expired)

Senate adjourned at 21:20

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

Australian Prudential Regulation Authority Act 1998—Australian Prudential Regulation Authority (confidentiality) determination—No. 14 of 2014 [F2014L01274].

Australian Research Council Act 2001—Approval of Australian Laureate Fellowships Proposals for funding commencing in 2014—Determination No. 130.


Defence Act 1903—Section 58B—
Post indexes and approved clubs – amendment—Defence Determination 2014/47.
Service residence contribution and removal costs—Defence Determination 2014/46.

Environment Protection and Biodiversity Conservation Act 1999—


Migration Act 1958—
Determination of Daily Maintenance Amounts for Persons in Detention—IMMI 14/088 [F2014L01281].

Migration Regulations 1994—
Classes of Persons and Addresses—IMMI 14/084 [F2014L01284].
Health Service Provider—IMMI 14/085 [F2014L01278].
Specification of Addresses—
IMMI 14/068 [F2014L01279].
IMMI 14/069 [F2014L01280].


National Health Act 1953—
National Health Determination under paragraph 98C(1) (b) Amendment 2014 (No. 9)—PB 74 of 2014 [F2014L01286].

National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2014 (No. 9)—PB 78 of 2014 [F2014L01291].

National Health (Paraplegic and Quadriplegic Program) Special Arrangement Amendment Instrument 2014 (No. 6)—PB 79 of 2014 [F2014L01287].


National Health (Price and Special Patient Contribution) Amendment Determination 2014 (No. 6)—PB 73 of 2014 [F2014L01289].

Public Governance, Performance and Accountability Act 2013—
Public Governance, Performance and Accountability (Section 75 Transfers) Determination 2012-2013 [F2014L01290].


Therapeutic Goods Act 1989—
Therapeutic Goods (Listing) Notice 2014 (No. 4) [F2014L01275].
Therapeutic Goods (Listing) Notice 2014 (No. 5) [F2014L01277].
Indexed Lists of Departmental and Agency Files

Tabling

The following document was tabled by the Clerk pursuant to order:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2014—Statement of compliance pursuant to the order of the Senate of 30 May 1996, as amended—Health portfolio.