Senate

Official Hansard

No. 6, 2014
Thursday, 19 June 2014

FORTY-FOURTH PARLIAMENT
FIRST SESSION—THIRD PERIOD

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SITTING DAYS—2014

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
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<tr>
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<td>11, 12, 13</td>
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<tr>
<td>March</td>
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<tr>
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<td>December</td>
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RADIO BROADCASTS

Broadcasts of proceedings of the Parliament can be heard on ABC NewsRadio in the capital cities on:

<table>
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<tr>
<th>City</th>
<th>Frequency</th>
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<tr>
<td>BRISBANE</td>
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<td>CANBERRA</td>
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<td>PERTH</td>
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<td>SYDNEY</td>
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For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
FORTY-FOURTH PARLIAMENT
FIRST SESSION—THIRD PERIOD

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

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Parry
Temporary Chairs of Committees—Senators Cory Bernardi, Thomas Mark Bishop, Suzanne Kay Boyce, Sean Edwards, David Julian Fawcett, Mark Lionel Furner, Alexander McEachian Gallacher, Scott Ludlam, Gavin Mark Marshall, Anne Sowerby Ruston, Dean Anthony Smith, Ursula Mary Stephens, Glenn Sterle and Peter Stuart Whish-Wilson

Leader of the Government in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC
Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator 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 Australian Labor Party—Senator the Hon Penny Wong
Deputy Leader of the Australian Labor Party—Senator the Hon Stephen Conroy
Leader of the Australian Greens—Senator Christine Anne Milne
Chief Government Whip—Senator Helen Kroger
Deputy Government Whips—Senators Christopher John Back and David Christopher Bushby
Chief Opposition Whip—Senator Anne McEwen
Deputy Opposition Whips—Senators Catryna Louise Bilyk and Anne Elizabeth Urquhart
Australian Greens Whip—Senator Rachel Siewert

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

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
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<tr>
<td>Back, Christopher John</td>
<td>WA</td>
<td>30.6.2017</td>
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<tr>
<td>Bernardi, Cory</td>
<td>SA</td>
<td>30.6.2014</td>
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<tr>
<td>Bilyk, Catryna Louise</td>
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</tr>
<tr>
<td>Birmingham, Simon John</td>
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<tr>
<td>Bishop, Thomas Mark</td>
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<tr>
<td>Boswell, Hon. Ronald Leslie Doyle</td>
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<tr>
<td>Boyce, Suzanne Kay</td>
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<tr>
<td>Brandis, Hon. George Henry, QC</td>
<td>QLD</td>
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<tr>
<td>Brown, Carol Louise</td>
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<td>Bushby, David Christopher</td>
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<td>Cameron, Douglas Niven</td>
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<td>Carr, Hon. Kim John</td>
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<td>Cash, Michaelia Clare</td>
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<td>Collins, Jacinta Mary Ann</td>
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<td>Faulkner, Hon. John Philip</td>
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</table>
Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives.

<table>
<thead>
<tr>
<th>Territory</th>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
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<tr>
<td>Australian Capital Territory</td>
<td>Lundy, K.</td>
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<td>Northern Territory</td>
<td>Scullion, N. G.</td>
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<td>30.6.2017</td>
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</table>

(1) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice H. Coonan, resigned 22.8.11), pursuant to section 15 of the Constitution.

(2) Chosen by the Parliament of Western Australia to fill a casual vacancy (vice J. Adams, died in office 31.3.12), pursuant to section 15 of the Constitution.

(3) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. N. Sherry, resigned 1.6.12), pursuant to section 15 of the Constitution.

(4) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. B. Brown, resigned 15.6.12), pursuant to section 15 of the Constitution.

(5) Chosen by the Parliament of South Australia to fill a casual vacancy (vice M. J. Fisher, resigned 15.8.12), pursuant to section 15 of the Constitution.

(6) Chosen by the Parliament of Western Australia to fill a casual vacancy (vice C. Evans, resigned 12.4.13), pursuant to section 15 of the Constitution.

(7) Chosen by the Parliament of Queensland to fill a casual vacancy (vice B. Joyce, resigned 8.8.13), pursuant to section 15 of the Constitution.

(8) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice M. Thistlethwaite, resigned 9.8.13), pursuant to section 15 of the Constitution.

(9) Chosen by the Parliament of Victoria to fill a casual vacancy (vice D. Feeney, resigned 12.8.13), pursuant to section 15 of the Constitution.

(10) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr, resigned 24.10.13), pursuant to section 15 of the Constitution.

**PARTY ABBREVIATIONS**

Heads of Parliamentary Departments

Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—C Mills
Parliamentary Budget Officer—P Bowen
# ABBOTT MINISTRY

<table>
<thead>
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<th>Title</th>
<th>Minister</th>
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<tbody>
<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 Minister)</td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>Assistant Minister for Infrastructure and Regional Development</td>
<td>The Hon Jamie Briggs MP</td>
</tr>
<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>
</tr>
<tr>
<td>Assistant Minister for Employment (Deputy Leader of the House)</td>
<td>The Hon Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Attorney-General</td>
<td>Senator the Hon George Brandis QC</td>
</tr>
<tr>
<td>Minister for the Arts (Vice-President of the Executive Council)</td>
<td>Senator the Hon George Brandis QC</td>
</tr>
<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>
</tr>
<tr>
<td>Treasurer</td>
<td>The Hon Joe Hockey MP</td>
</tr>
<tr>
<td>Minister for Small Business</td>
<td>The Hon Bruce Billson MP</td>
</tr>
<tr>
<td>Acting Assistant Treasurer</td>
<td>Senator the Hon Mathias Cormann</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Steven Ciobo MP</td>
</tr>
<tr>
<td>Minister for Agriculture</td>
<td>The Hon Barnaby Joyce MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Agriculture</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Minister for Education (Leader of the House)</td>
<td>The Hon Christopher Pyne MP</td>
</tr>
<tr>
<td>Assistant Minister for Education</td>
<td>The Hon Sussan Ley MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Education</td>
<td>Senator the Hon Scott Ryan</td>
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<tr>
<td>Minister for Industry</td>
<td>The Hon Ian Macfarlane MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Industry</td>
<td>The Hon Bob Baldwin MP</td>
</tr>
<tr>
<td>Minister for Social Services</td>
<td>The Hon Kevin Andrews MP</td>
</tr>
<tr>
<td>Assistant Minister for Social Services (Manager of Government Business in the Senate)</td>
<td>Senator the Hon Mitch Fifield</td>
</tr>
<tr>
<td>Minister for Human Services</td>
<td>Senator the Hon Marise Payne</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Social Services</td>
<td>Senator the Hon Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td>Minister for Communications</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Communications</td>
<td>The Hon Paul Fletcher MP</td>
</tr>
<tr>
<td>Minister for Health</td>
<td>The Hon Peter Dutton MP</td>
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<tr>
<td>Minister for Sport</td>
<td>The Hon Peter Dutton MP</td>
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<tr>
<td>Assistant Minister for Health</td>
<td>Senator the Hon Fiona Nash</td>
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<tr>
<td>Title</td>
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<tr>
<td><strong>Minister for Defence</strong></td>
<td><strong>Senator the Hon David Johnston</strong></td>
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<tr>
<td>Minister for Veterans’ Affairs</td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td><strong>Minister Assisting the Prime Minister for the Centenary of ANZAC</strong></td>
<td><strong>Senator the Hon Michael Ronaldson</strong></td>
</tr>
<tr>
<td>Assistant Minister for Defence</td>
<td>The Hon Stuart Robert MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Minister for Defence</strong></td>
<td><strong>The Hon Darren Chester MP</strong></td>
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<tr>
<td><strong>Minister for the Environment</strong></td>
<td><strong>The Hon Greg Hunt MP</strong></td>
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<tr>
<td><strong>Parliamentary Secretary to the Minister for the Environment</strong></td>
<td><strong>Senator the Hon Simon Birmingham</strong></td>
</tr>
<tr>
<td><strong>Minister for Immigration and Border Protection</strong></td>
<td><strong>The Hon Scott Morrison MP</strong></td>
</tr>
<tr>
<td>Assistant Minister for Immigration and Border Protection</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td><strong>Minister for Finance</strong></td>
<td><strong>Senator the Hon Mathias Cormann</strong></td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>Senator the Hon Michael Ronaldson</td>
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<tr>
<td><strong>Parliamentary Secretary to the Minister for Finance</strong></td>
<td><strong>The Hon Michael McCormack MP</strong></td>
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</tbody>
</table>

Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
<table>
<thead>
<tr>
<th>Title</th>
<th>Shadow Minister</th>
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</thead>
<tbody>
<tr>
<td>Leader of the Opposition</td>
<td>Hon Bill Shorten MP</td>
</tr>
<tr>
<td>Shadow Minister Assisting the Leader for Science</td>
<td>Senator the Hon Kim Carr</td>
</tr>
<tr>
<td>Shadow Minister Assisting the Leader for Small Business</td>
<td>Hon Bernie Ripoll MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Small Business</td>
<td>Julie Owens MP</td>
</tr>
<tr>
<td>Shadow Cabinet Secretary</td>
<td>Senator the Hon Jacinta Collins</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Hon Michael Danby MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Dr Jim Chalmers MP</td>
</tr>
<tr>
<td>Deputy Leader of the Opposition</td>
<td>Hon Tanya Plibersek MP</td>
</tr>
<tr>
<td>Shadow Minister for Foreign Affairs and International Development</td>
<td>Sen. Claire Moore</td>
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Thursday, 19 June 2014

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

DOCUMENTS

Tabling

Senator MADIGAN (Victoria) (09:31): by leave—I table a document relating to my adjournment speech on Tuesday, 17 June 2014.

BILLS

Privacy Amendment (Privacy Alerts) Bill 2014

Second Reading

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

Senator BACK (Western Australia—Second Deputy Government Whip in the Senate) (09:32): I am delighted to continue my remarks on the Privacy Amendment (Privacy Alerts) Bill 2014, introduced by Senator Singh in March. I wish to go back to the topic that I was speaking on prior to the adjournment, and that was that this government is not going to be drawn into the same errors that characterised the Rudd followed by Gillard followed by Rudd governments between 2007 and 2013. Those governments were characterised by thought bubbles, poor consultation and hasty decision making, with poor outcomes and, inevitably, tears all around. Of course the government and all senators on this side have a deep concern about this, because measures that enhance the protection and security of the personal information of Australians are critical, particularly in the digital environment in which we find ourselves. That does not only extend to Australia, of course; it extends well beyond Australia's borders, internationally. But there is much more work to be done, and Senator Singh, as I said in my contribution in March, should have known that and the opposition should have been prepared to engage with the government much earlier than this.

The government have always supported the broad principles of privacy protection for individuals. It is part of our DNA. But we have previously expressed concerns about the details of this bill and especially about the Labor Party in government—and then in opposition rushing to make the same mistake—failing to consult broadly with affected members in the community and with industry, those who will be responsible for the implementation. It was my colleagues Senator Sue Boyce, whom I congratulate on her valedictory speech last night, and then Senator Gary Humphries, who was here gracing us with his presence in the chamber last night, who drew attention to many of the concerns that I wish to address in my contribution this morning—concerns, for example, as were expressed by a number of the submitters regarding the lack of definition of terms such as 'serious breach' or 'serious harm' in the legislation, as well as concerns, which my colleagues cited in their minority report, about the regulatory overload for business. That was something that very rarely concerned the Labor Party in government, and it would appear they have not learned their lessons, because they are again having no regard for this in opposition.
The bill in 2013 was based on the general requirements of Australian Privacy Principle 11—which requires regulated entities that hold personal information to prevent the loss, unauthorised disclosure or misuse of that personal information—all of them reasonable precepts. We look then to the term of risk. The proposed model, we were told, would create a requirement to notify the Office of the Australian Information Commissioner and affected individuals where there has been a data breach which has given rise to a real risk of serious harm to an individual. That was their recommended approach, the ALRC’s recommended approach, in which they defined a real risk as a risk that is not a remote risk. These are indefinite terms and should obviously be given much more consideration and credibility in terms of the activities.

It was not just the coalition that was concerned at the lack of time given by the then Labor government when this legislation was introduced. I quote from Liberty Victoria at the time:

… we note with extreme disappointment that public comment opened on 18 June 2013 and closed two days later on 20 June 2013.

Not two weeks, not two months, but two days. They went on to say:

This is not conducive to open and transparent Government and it is extremely unlikely that many members of the public or any other interested party will have had time to review the Bill, let alone prepare submissions to this Committee. Privacy is an important issue and with increasing amounts of personal data being collected by both the private and public sectors, the issue as to how that information is used and protected is of high public interest.

We confirm that view taken by Liberty Victoria. A second group, one that you would think would have enormous interest in this question, is the Australian Privacy Foundation. They expressed their concern, citing:

… seriously negative impact on the democratic process that is inherent in the provision by the Parliament of 1½ working days—

they brought it down from two—

during which civil society organisations are expected to discuss, draft and finalise a Submission to your Committee.

Surely the Labor Party must have seen the signals at that time. Then there was a submission from the Cyberspace Law and Policy Centre at the University of New South Wales Faculty of Law highlighting their concerns that there were ‘around 10 working hours to collaborate on, draft and finalise a submission’. It begs the question whether or not the Labor Party at that time, then in government and now in opposition, were even serious about consultation when one group said two days, another said 1½ days and then the University of New South Wales law faculty centre said 10 hours for consultation.

Why do we have this massive concern on our side? Because we do not want to see again Australia descend into what we saw between 2007 and 2013, and that was the exercise of the Rudd, followed by the Gillard, followed by the Rudd Labor government rushing into poor policy development. Let me give some examples of those. The first was the pink batts, where there was a failure to consult with the states, who for a long time had the expertise, the opportunity and the time to implement the type of activity proposed, and a failure to consult with industry, particularly in relation to occupational health and safety and welfare issues. This was evident in the recent royal commission into the pink batts project, and what a tragedy that we even had the circumstances where a royal commission had to be called.
Evidence came out about the failure by the government of the day to consult with their own departments as to how it would be implemented. We had seen evidence at the time—we said so, and unfortunately it played out in the royal commission—of the basic lack of any business experience. If only a risk analysis had been done at that time to understand that a project of that nature was only ever going to get the sharks, the fly-by-nighters, the people with no interest at all in anything other than their own wealth acquisition, coming into that sort of market. So, to come back to the legislation that has been brought forward by Senator Singh, there was a circumstance where there was inadequate time to consult, inadequate opportunity to engage with stakeholders and inadequate involvement in the decision-making process by people affected or likely to be affected.

We saw this again with the NBN. Needless to say when we speak of privacy issues, those associated with internet connectivity et cetera are very much to the fore. I recall when I first came into this place that Senator Conroy, in response to a question I asked him about a business plan, very proudly told the chamber that we did not need a business plan, that we did not need a cost-benefit analysis. I asked him what risk analysis he had undertaken? Well, of course, that was not necessary either! We have now seen the failure of the NBN project. I will give just one small example of things that would have been shown up by a proper risk analysis, and that is the asbestos contained within the pits—the old Telecom, PMG, now Telstra pits. That would have been exposed, we would have known about them and we could have dealt with them if only there had been adequate consultation.

I will not dwell today on the ban on the live export of cattle in June 2011, except to say it is still very raw for those who were the victims of it, whose lives and businesses and activities and families were destroyed by that. There was no consultation with industry, there was no consultation with the department who advise them, there was no consultation with affected personnel and, worse than that, there was not even dialogue with the government of Indonesia or other Asian neighbours. We are still living today with the overall impact of that failed process.

I say again that the government is in favour of all of those activities that will protect the privacy of individuals to the extent that that is possible. But, unlike Labor, we are not going to be rushed into activities in which industry is not consulted, families are not consulted and affected people are not consulted.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (09:43): Before I start my substantive speech on the Privacy Amendment (Privacy Alerts) Bill 2014, I would like to make some comments about some of the comments made by the previous speaker. He talked about a lack of transparency and a lack of planning and, very typically, kept referring to things that happened when we were in government. I would just like to point out some of the issues around Infrastructure Australia, where people have been gagged and sent on gardening leave so that there is no transparency and no planning to be done. So we will look forward to those speeches coming up later in the session, Senator Back. Can I also say that this is not a new situation for anyone in either of the chambers.

Turning to the privacy legislation we are debating, I point out that Labor is the party that cares about protecting Australian's privacy. It is Labor that understands that Australians care about who has their data and how it is used. It was the Labor Party that enacted the Privacy
Act in 1988 and it was the Gillard Labor government that made significant improvements to that Privacy Act.

I remind Senator Back that this bill is substantially the same as the Privacy Amendment (Privacy Alerts) Bill 2013, which passed the House last year but lapsed when the parliament was prorogued before the 2013 election. It was the important next step, put forward by the Attorney-General Mark Dreyfus, and I am glad that it has returned to the parliament as a private senator's bill thanks to Senator Singh, one of my Tasmanian Labor colleagues.

The 2013 bill was passed in the House of Representatives on 6 June 2013 with the support of the coalition, and I hope that they will vote in support of this bill in this place. I am disappointed that the Liberal Party did not consider this bill important enough for the current Attorney-General to put forward as government business. Once again, it has taken the Labor Party to push this important reform. I am disappointed that the Liberal-Nationals government did not think that the security of the personal and financial data of Australian citizens was worthy of their time.

Once again, the Liberal-Nationals government has shown that it is out of touch with the concerns and expectations of the Australian people. Once again, the Liberal-Nationals government has shown that it is out of touch with the realities of the 21st century and the changes to the way that customers and clients interact with businesses and government agencies.

The issue that this bill deals with is timely, given that, in the digital world we now inhabit, a large amount of our private data is held by businesses, government agencies and organisations that we interact with on an everyday basis. Our personal data is held by everyone—from banks, credit card companies, telecommunications companies, government agencies, libraries, supermarkets, pharmacies and department stores to, often, our local coffee places or bookstores.

Large companies and government agencies, in particular, often hold personal data that we would not want to go public or fall into the wrong hands. As time progresses the amount of data held by companies and government organisations, and the number of companies and government organisations that hold data, is likely to grow considerably. Unfortunately, though, despite our best efforts and best assurances, breaches of our data can and do occur.

We have seen breaches of privacy from multinational companies and small businesses. I will give you some recent examples. The Department of Immigration and Border Protection, in February this year, accidentally published personal details of around 10,000 asylum seekers held in Australia. The major software company Adobe was hacked in October last year, with 130 million user records being stolen. In November and December last year, a similar event occurred to the American retailer Target, with data from around 40 million credit and debit cards stolen. In February 2013, the Australian Broadcasting Corporation revealed that the personal details of almost 50,000 internet users had been exposed online after the ABC’s main website was hacked. In 2009, in Lancashire, England, a health worker lost a memory stick containing the medical details of more than 6,000 prisoners and ex-prisoners from Her Majesty's Prison Preston.

With the number of organisations holding our data increasing, the number of breaches is likely to increase into the future. In their submission to the Senate inquiry for the 2013 bill,
the Office of the Australian Information Commissioner—the OAIC—noted that a significant number of Australian organisations had suffered a data breach. In their evidence, they said:

… 21 per cent of Australian organisations interviewed had experienced a data breach, and a 14 per cent of organisations interviewed were unsure if they had experienced a data breach. Furthermore their evidence highlighted that in instances of an admitted breach:

- 18 per cent of organisations interviewed did not notify anyone outside the organisation of the data breach;
- 68 per cent did not notify affected customers of the data breach; and
- 79 per cent did not notify affected suppliers of the data breach.

Australians would not, and do not, consider such practices to be good enough. Furthermore, the OAIC noted:

There is evidence that the incidence of data breaches is increasing on a global scale and within Australia …

This evidence would be of concern to most Australians.

Whether the breach occurs due to an accident while using technology, the loss or theft of technology like laptops or flash drives, or it is due to deliberate and criminal attacks on network infrastructure or assets, the result is still the same: the personal data of Australians entering the public sphere, with the possibility of its use for nefarious purposes.

And no matter how that data is breached, Australians believe it is reasonable that they be informed, and expect to be informed, when their data is breached. In a survey conducted last year, the OAIC reported that 96 per cent of Australians believe they should be notified of data breaches that affect them. After all, it is their information which has been mishandled. And if you know your data has been breached, there are a number of precautions that you can take to protect yourself from loss. These precautions include changing passwords, changing or cancelling credit cards and switching service providers, amongst other precautions.

It would be a surprise to most Australians to find out that there is not currently an obligation for them to be informed when their personal data is breached. In fact, most Australians would be horrified to know that there is not an obligation for them to be notified when there is a serious breach of their personal data.

In my time as chair of the Joint Select Committee on Cyber-Safety, there were many occasions when the committee heard evidence of the need for mandatory breach reporting laws. During our inquiry into cyber-safety and senior Australians, University of Canberra Centre for Internet Safety director, Alastair MacGibbon, told the committee:

… we do not actually know how many data breaches there are in Australia and we do not know how much of our personal identifiable information is out there because there is no compulsion to report such breaches either to the individuals or to a central Commonwealth authority like the Privacy Commissioner or others.

He said:

We believe that the Australian Law Reform Commission report, particularly in relation to its recommendations about data breach notification … should be followed up.

Similarly, the Australian Communications Consumer Action Network, or ACCAN, in their submission to the inquiry on the 2013 bill, said:
It is entirely possible that there have been a great many more incidents that have gone unreported, leaving consumers with no knowledge that their personal information has been mishandled or accessed without authorisation, and unable to seek any redress or take action to limit possible damage arising from these breaches.

This bill puts in place a compulsory notification regime in order to ensure that all Australians are informed if their personal data have been breached, and builds on the privacy regime Labor implemented in government. I think it is a reasonable requirement, and most Australians would agree.

Because the bill requires organisations to report breaches to affected clients, it will also encourage government agencies and private sector organisations to lift their security standards and be more transparent about their information-handling practices. It will ensure that all organisations covered by this bill will take data security much more seriously. I know that many organisations are increasingly taking data security seriously and have robust systems in place. They take the security of their customers' and clients' data seriously and they have become aware of just how important it is, because it can cause serious damage to their brand when data breaches occur.

This bill will also help all businesses and organisations more widely, enabling industry, consumers and regulators to have more information about data breaches. A better picture will form of what leads to breaches, either accidental or malicious, and what measures and mitigations all parties can take to prevent or respond to breaches that do occur. It will help inform and encourage best practice.

This bill is a long overdue measure recommended by the Australian Law Reform Commission way back in its 2008 report, *For your information: Australian privacy laws and practice*. The 2013 bill was referred to the Legal and Constitutional Affairs Legislative Committee, which reported on it in June 2013. Submissions strongly supported the introduction of mandatory data breach notification provisions for Commonwealth government agencies and certain private sector organisations including the Australian Law Reform Commission, the ALRC, and the Office of the Australian Information Commissioner, the OAIC.

There are a significant number of benefits of compulsory breach notifications both for individuals and organisations. The OAIC gave evidence that said:

Identity theft and personal fraud is an increasingly problematic issue in Australia. In the 2010/11 financial year, personal fraud cost Australians $1.4 billion. Further, 1.2 million Australians aged 15 years and over were victim to at least one incident of identity fraud in that year; a significant increase from 806,000 victims in 2007-8.

These are extraordinary figures. They are figures that should be of concern to all senators in this place.

Time and time again as chair of the cybersafety committee, I heard of the devastating impact of identity theft and fraud particularly amongst senior Australians. I have heard evidence of individuals losing tens of thousands, even hundreds of thousands of dollars through identity theft. Australian Bureau of Statistics data shows that in 2010-11, 0.3 per cent of Australians, some 44,700 people, were victims of identity theft and another 3.7 per cent of the population, some 662,300 Australians, were victims of credit card fraud.
Identity theft is not a victimless crime. The lives of thousands of Australians are ruined each year—utterly ruined. Family homes are lost. Marriages fail and families fall apart. And it often begins with data breaches. However, the OAIC gave evidence to the Senate inquiry into the 2013 bill, saying:

In some circumstances, notification can prevent or limit identity theft and personal fraud by helping to protect personal information against misuse, loss or unauthorised access, modification or disclosure. Specifically, where personal information has been compromised, notification can be essential in helping affected individuals regain control of that information and mitigate potential harm. For example, where an individual's identity details have been stolen, once they have been notified the individual can take steps to regain control of their identity information by changing passwords or account numbers, or requesting the reissue of identifiers. Such steps help prevent or limit the risks resulting from the theft of personal information.

Of course, personal data extends just beyond financial data. The Australian Law Reform Commission's report of May 2008, For your information: Australian privacy laws and practice, illustrates this point, saying:

Other types of personal information, such as health information, if disclosed, could subject a person to discriminatory treatment or damage to his or her reputation. Informing a person that such information has been disclosed makes that person aware of what may be the possible consequences of the breach. Australians have a right and an expectation that their confidential personal information, whether their financial information, health information or any other personal information, be kept secure and private. They have a right to be informed when breaches occur. That is why the bill we are debating today is of such importance. Individuals that have their data breached due to the actions or negligence of companies or government agencies do not have to sit passively by. They can actively take steps to minimise their risk of suffering identity theft or being the victim of other crimes—if only they know of the breach.

Notification can also be of benefit to the organisation in which the data breach occurred. The OAIC in their evidence, mentioned previously, says:

Notification can help rebuild public trust and demonstrate to the public that the entity takes the security of personal information seriously, and is working to protect affected individuals from the harms that could result from a data breach.

There are also commercial benefits for those companies with good, strong data protection notification regimes or privacy alert regimes and those with good information on privacy practices in being trusted more by their customers. As the Cybersafety Law and Policy Centre at the University of New South Wales Faculty of Law said:

The reputation risk of being seen to behave inappropriately is transferred to the non-discloser, who now stands out and is clearly not responding appropriately.

This bill will require all entities currently regulated by the act to notify affected individuals and the OAIC where there has been a data breach that gives rise to a 'real risk of serious harm' to an affected individual. A real risk is defined as a risk that is not a remote risk. Therefore, only the more serious data breaches will need to be notified. The OAIC will have the power to compel notification to affected individuals where it becomes aware of a serious data breach that has not been notified as a result of an individual's complaint or otherwise. The OAIC will
also be given the power to exempt an entity from the notification requirement where it is in
the public interest to do so.

The notification must contain at least four key pieces of information. First, it must contain
a description of the breach. Secondly, it must contain a list of the types of personal
information that were accessed or disclosed. Thirdly, the notification must contain
recommendations about the steps that individuals should take in response to the breach.
Finally, contact information for affected individuals to obtain more information and assistance
must be included. Noncompliance with the scheme would attract the normal Privacy Act
remedies. These remedies can take a number of forms and could include public or personal
apologies, compensation payments or enforceable undertakings. A civil penalty could be
sought where there has been serious or repeated noncompliance with mandatory notification
requirements. I expect that a majority of Australians would see this as fair and reasonable.

This proposal has strong support from state and federal information privacy
commissioners, from IT security companies and from privacy and consumer advocates, and
this proposal is becoming a norm globally. In support of this view, the Cyberspace Law and
Policy Centre at the University of New South Wales Faculty of Law gave evidence to the
inquiry into the 2013 bill that:

Mandatory Data Breach Notification is increasingly the norm, and something we support in general:
its been law in parts of the USA for a decade, is increasingly common in other countries, and has
been under discussion in Australia for years. The general concept is also increasingly accepted in
Australia, including by some businesses who appreciate the transparency behind it as a necessary part of
earning the essential ingredient, consumer trust and confidence in e-commerce and online systems in an
environment where absolute security clearly can clearly not be promised.
The public is increasingly concerned with how their data is managed and protected. They are
aware of just how much it could cost them through identity theft and other nefarious uses of
their private information.

Australians have an expectation that they will be informed if their personal data is
breached, and Australians deserve to be informed if their personal data is breached. If a
corporation or agency's data is breached, it is the customer, as I said, or the client of the
business or agency who could end up with all the problems. As Professor Phair from the
Cyber-Safety Policy Centre at the University of New South Wales told the Joint Select
Committee on Cyber-Safety:

The other problem is that if you are an SME or even a large organisation and you have had a data
breach—lost a whole lot of customer identifying data, including credit cards et cetera, the CVV2 track
data on the back, which is even more important—that is, the three numbers on the back of your credit card that you often have to give when you
are buying online—you have been compromised as an SME. You have moved on and brought in an IT security company to
mop up the problem. Everything is good, but it is all those people that bought off your website who
have the heartache for quite some time.

That is why this legislation we are debating today is so important.

Australian customers or clients should have the right to find out, so that they can change
passwords and take other precautions. They should know which companies and which
government organisations are failing to hold their data safely. Australians also want and
expect penalties for companies and organisations that fail to notify when they have not kept our data secure. That is why I call upon the Senate to support this bill.

Senator LUDLAM (Western Australia) (10:03): I rise to add the Greens' support for the Privacy Amendment (Privacy Alerts) Bill 2014 and to acknowledge Senator Singh for bringing this matter before us today. This is very strongly in line with Greens policy; in fact, in the run up to the election last September, we announced and launched a digital rights package that had mandatory data breach notification as one of its components.

This is a bill that was on the Senate Notice Paper before the last election, and my understanding at that time was that the coalition, then in opposition, supported it. It is a shame that SenatorBack has left us; I have got a lot of time for him. But I did find it somewhat puzzling that he admonished Senator Singh for somehow not giving people enough advance warning that this matter was being brought forward when it has been on the Notice Paper for years. It is a matter that has been canvassed certainly for as long as I have been involved in this field, and, as previous senators who have contributed to the debate have outlined, it is a matter of basic common sense. If a service provider or an organisation that you have trusted with private information—which can range from trivial personal details all the way up to your medical records, your credit card and quite intimate material—loses control of it, you have a right to know. I would have thought that was something the coalition—or the Liberal Party at least, with its supposed focus on the liberty and integrity of the individual—would have been falling over themselves to legislate.

Nonetheless, it has come forward as a private senator's bill. I was puzzled when, after the election, the government did not simply proceed with the matter. There were no significant voices raised in industry—maybe a little bit of grumbling—but the fact is that most people working in this field, in an Australian industry context, would be well aware that the reliability or the integrity of your business model depends on people trusting that their data is secure. Given that so much of our private information has now been shifted online, you have effectively lost control over it; so what you would hope is that the people you have entrusted with it would, at the very least, let you know if that material has been made insecure or lost.

Data breaches and the sort of stuff that we are talking about can range from the inconvenient all the way up to the life threatening. When the Department of Immigration let go of thousands of people's records not so long ago, that actually put people's lives at risk. Those people had a right to know about that, rather than finding out about it in the media. It affects people in this building. The fact is that we were not told for quite a long period of time that, allegedly—and there appear to be quite strong indications now that this is the case—hackers working for the Chinese government had penetrated the mail servers of this building, affecting staff, senators, representatives and journalists working here.

When Senator Singh closes the debate later in the morning, I would be interested if she could spell this out, because my reading of the way it is drafted is that it is intended to catch organisations such as those who run the mail servers here at Parliament House. I think that anybody in any quarter of Australian society, whether they work in Parliament House or not, has a right to know if their private material and data has been compromised.

Citizens absolutely have a right to privacy. That is something that is recognised globally and yet what we see is something of a patchwork. Mandatory data breach notification does exist in various jurisdictions but it is very unevenly applied. I would draw senators' attention
to World Law Group's *Global guide to data breach notifications* which they published in 2013 that outlines just how uneven the regulatory environment is around the world. One thing that Australia could do, in taking a fairly strong stand about mandatory data breach notifications, is, apart from encouraging other countries around the world to step up as well, create a competitive advantage. Data is mobile. It can be stored all over the place. So why would Australia not take a strong stand in that regard? That is something that to me almost feels self-evident. I will be interested when Senator Birmingham stands up, as someone who has had quite a long association with these issues, to hear if he can put in black and white the position of the government as to why on earth you would not proceed with a matter like this.

Citizens absolutely have a right to privacy and the examples even from the last couple of years, where quite large corporations—major companies and government departments—have simply lost control of people's material, is almost too long to get into a 20 minute speech. Sony was one of the most high profile, Telstra, First Super, ANZ Bank. These are just examples from recent times. The Australian Privacy Commissioner in 2012 said that it appeared that these kinds of events were on the rise. The Australian Information Commissioner, Professor John McMillan, said that there is 'strong support for the notion that the Government must treat data breach notification is a mandatory process' and that 'internationally, the tide is moving in this direction'. He said that in 2012. It is not like this issue was new to this parliament. It is not even, in my view, a particularly complex matter, so I very much look forward to hearing the government's argument as to why it should not proceed. If it is the usual parliamentary tactic where you take a good idea and come up with some fabricated reason why you cannot pass it and then reintroduce it as a government bill—we see that happen from time to time—this is one instance where I would not begrudge it, as long as it gets done.

As I say, citizens have a right to privacy and corporations and powerful institutions and governments have an obligation to transparency. That is something, I suppose, of the *Cypherpunk Manifesto*. We see this government, particularly under this Attorney-General, as moving in the opposite direction—as annihilating privacy for ordinary people while withdrawing government operations behind a curtain of national security. Perhaps that will come out in Senator Birmingham's comments as a reason to oppose this kind of bill.

I do want to acknowledge while I have the floor someone who has done more than most to advance these issues around personal privacy, data security and also the obligation of governments and powerful institutions to transparency. It is two years today since Mr Julian Assange, an Australian citizen, entered the Ecuadorian embassy in the Knightsbridge in London and threw himself on the mercy of the Ecuadorian government in a bid for asylum because he was not getting any protection or any help from the Australian government at the time. Since the change of government we have seen absolutely no change in posture or policy from the incoming government. In fact, if anything, things have got substantially worse. But I do want to acknowledge Julian Assange, who has now spent two years in the close confines of a very small embassy premise. I also want to put firmly on the record my thanks and gratitude on behalf of millions of Australians to the Ecuadorian President and the Ecuadorian authorities for taking this stand. While sometimes the debates in here may seem somewhat abstract, these are issues that affect us all, whether we like it or not. Everything that we do in
some sense is mapped and recorded online and the integrity of that material and our rights to its protection and our rights to privacy are something that should not simply be frittered away.

Again, I thank Senator Singh for bringing this bill forward for debate and look forward to putting it to a vote and sending it to the other place for consideration.

Senator BIRMINGHAM (South Australia—Parliamentary Secretary to the Minister for the Environment) (10:11): It is a pleasure to rise and speak to the Privacy Amendment (Privacy Alerts) Bill 2014, which was introduced by Senator Singh. I acknowledge her contribution in bringing this to the parliament as a private member's bill to amend the Privacy Act 1988 and to establish a framework for the mandatory notification by government agencies and certain private organisations to notify the Australian Information Commissioner and affected individuals of serious data breaches involving their personal information.

This, of course, reflects a bill that the previous government brought forward last year in 2013. That bill was passed by the House of Representatives on 6 June and brought to the Senate and was considered in rather rapid time by the Senate Legal and Constitutional Affairs Legislation Committee, which reported to the Senate on 24 June 2013. As all speakers to the debate so far have acknowledged, these issues around privacy are critically important, but we do need to equally acknowledge that we have here is a relationship between privacy and the rights of individuals and how that is appropriately dealt with on the one hand and of course then regulation, regulation in particular of parts of the digital economy, and how that is appropriately dealt with on the other hand. We need to make sure that in addressing these two competing issues we get the balance right and that we make sure that the rights of individuals to have confidence in their privacy are strong and respected but that also the enormous contribution that the digital economy can make to our future economic wellbeing and economic growth is not hampered in any way and that we remain a competitive country, and hopefully an even more competitive country, for start-ups and other businesses operating in the digital space to operate.

As I indicated, the previous bill was considered by the Senate Legal and Constitutional Affairs Legislation Committee in the space of just a short couple of weeks. That bill was brought into the Senate, and, for some reason, the government of the day thought it deserved only a rapid-fire consideration by that committee. Concerns were expressed at the time of that committee's report being handed down about the very fast consideration of the bill.

Additional comments provided by former Senator Humphries and departing Senator Boyce highlighted some of those concerns around the speed with which the assessment of this legislation was undertaken and the bill was made available to others outside of this parliament to consider. Their comments at the time highlighted remarks by the Cyberspace Law and Policy Centre of the University of New South Wales Faculty of Law that, because of the very short nature of the Senate inquiry, which reported within a couple of weeks of the bill's passage from the House of Representatives, they had around 10 working hours in which to collaborate on, draft and finalise a submission on what is, as I am sure all senators would acknowledge, a complicated area.

The Australian Privacy Foundation also expressed this concern, citing in their submission to the inquiry:
... the seriously negative impact on the democratic process that is inherent in the provision by the Parliament of only 1-1/2 working days, during which civil society organisations are expected to discuss, draft and finalise a Submission to your Committee.

It was notable at the time that there were no public hearings held and so no opportunity for live testimony as such, and for that exchange of views and opinions that comes with such live testimony and the opportunity for people to assess the merits of the bill and whether it effectively achieves its aim of providing privacy without jeopardising in any way the potential growth of our digital economy.

The bill lapsed before the Senate in advance of the 2013 federal election. So, despite having been rushed through the committee process, it then languished on the Notice Paper under the previous government until the parliament was dissolved.

But, aside from the concerns about the speed of its consideration, there were some concerns at the time from submitters regarding the lack of definition in the legislation that is proposed, and similar concerns, I would imagine, would continue to exist, given the almost identical nature of the legislation that Senator Singh has brought forward now. Those concerns included, in particular, definitional concerns—about what actually constitutes 'a serious breach' and 'a serious harm'. These are genuine concerns. It is reasonable for people to wonder how they can definitely comply with this legislation and what their obligations and responsibilities are. Also, an absence of clear definitions in the legislation creates a circumstance of uncertainty for businesses and agencies which are expected to comply, and, of course, in creating those concerns, you end up with a situation where people are at risk of noncompliance if they are not always erring very much on the side of caution.

The principles of the bill and the principles underpinning it and the remarks we have heard from other senators demonstrate that there is good reason to see further reform in this space—a reform that builds upon the Privacy Act and gives people confidence about how those operating in the digital economy treat matters of privacy and private information and details that are provided to them. The bill is of course intended to strengthen existing voluntary data breach notification frameworks in order to counter what is seen as an underreporting of data breaches and to help prevent or reduce the effects of serious crimes, especially those like identity theft.

The bill and the model that is proposed would require notification to the Office of the Australian Information Commissioner and affected individuals where there has been a data breach which has given rise to a real risk of serious harm to an affected individual. 'Real risk' is defined as a risk that is not a remote risk—a somewhat circular definition, I would note. But this is seen to mean that it would not be required to report less serious privacy breaches to affected individuals or the Office of the Australian Information Commissioner. The requirement to notify would apply to data breaches involving personal information, credit reporting information, credit eligibility information, and tax file number information. The content requirements of notification are, at a minimum: a description of the breach, a list of the kinds of personal information concerned, contact information for affected individuals to obtain more information and assistance, and recommendations about the steps that individuals should take in response to the breach. The Office of the Australian Information Commissioner would have power under the legislation to compel notification to affected individuals where it becomes aware of a serious data breach that has not been notified as a result of an individual's
complaint or otherwise and it is in the public interest to do so. The Office of the Australian Information Commissioner would of course have its normal investigative enforcement powers in relation to noncompliance with an obligation to notify. Consistent with the measures of the legislation, a civil penalty would only be available to be sought by the Privacy Commissioner where there has been a serious or repeated noncompliance with mandatory notification requirements.

The government is not opposed to considering proposals that improve data security practices. We are broadly sympathetic to the concerns that drive legislation of this nature. But we do remain concerned that the consultation on the initial legislation was inadequate and that the opposition, in bringing this legislation back to the Senate, has done little to rectify that. We are not just concerned about the consultation by the executive of the previous government in drafting the legislation but also, as I have outlined, by the availability of time for consultation by the relevant Senate committee when considering this legislation, as identified by a number of those who made submissions to that inquiry.

We do think there is more work to be done in consulting more broadly on the implications of a mandatory notification scheme. Unlike those opposite, it is not the default position of this government that everything is always solved by a legislative or regulatory outcome. There are circumstances where you can get good outcomes without recourse to the law or the need to legislate or regulate further. This may or may not fall into one of those categories; what we want to do is give it full and proper consideration to make sure the broad principles of privacy are respected but also that it does not impose an excessive regulatory burden on industry.

We are, as a government, very determined and very eager to see growth in the digital economy space. We want to make sure we spur innovation. This is the type of industry, and the sector of our economy, that provides enormous opportunity for future growth. It reflects the highly educated workforce of Australia, giving the opportunities we would hope for the employment and growth of that highly educated workforce. We are working steadily and carefully to implement policies that drive further innovation in the digital economy.

Just one of the ways we are doing that—and it is a way that is related in some part to this legislation—is through our approach to open data and open data sources and ensuring that, as a government, we take all the steps we can to spur innovation through open data access. Government controlled data has been identified by many around the world to be of immense economic value. A 2013 report by McKinsey & Company researchers estimates there is $3–$5 trillion in economic value annually from open data across seven different sectors in the United States. So far, we have managed to add dramatically to the availability of information and data across government since our election in September. In fact, 85 per cent of the data that is available through data.gov.au has been added since the coalition was elected last September—a dramatic increase in the amount of information available to Australian innovators and users.

Mr Turnbull, as the Minister for Communications, working with his department, Geoscience Australia and the finance portfolio, in particular, has been striving to deliver on our election commitments on e-government and the digital economy, particularly on our commitment to driving this approach to open data access. A senior working group to identify datasets of high value to the economy has been established in the Communications portfolio, providing leadership across government in achieving the significant growth we have had. More than 20 high-value government datasets have been identified thus far—covering areas...
such as geocoded addressing, finance, energy and infrastructure—which we believe as a
government can, if made open and available, provide real economic returns through their
utilisation by businesses and innovators across the economy.

Importantly, government is working to make sure that any such data released is
anonymised, where appropriate, to protect privacy. That is obviously a key criterion in our
approach to the provision of open data access. We give a firm commitment that, while we
work to provide more information and a greater stream of knowledge that can be accessed by
the private sector for wealth generation across the economy, we will of course be very careful,
taking each dataset one at a time to make sure we have appropriate protections and
precautions around privacy.

We will be releasing more such datasets around this year's GovHack competition in July
and August, which encourages coders to make use of government data to design new apps
like TripView. It is important to realise that this is the type of innovation that can lead both to
efficiency and savings across government and to areas of economic growth. By being open as
a government and making our data sources and IT as accessible as possible, people can see
opportunities to do things more efficiently. That has certainly been the case in the United
Kingdom where the reforms of the Cameron government, under the GOV.UK website, have
dramatically streamlined what the government has been able to achieve in the digital world.
The UK government have cut back on a lot of their unnecessary online presence to provide a
government interface for voters and residents of the UK that is genuinely user-friendly and
focused on the key outcomes they expect from their government. It has been made far more
user-friendly and achieves far greater satisfaction ratings across the UK in terms of the use of
government information. Importantly, it has also achieved very significant savings in the
UK—hundreds of millions of pounds worth of savings—in terms of the procurement of IT
systems, the cost of running government websites and the overall cost of government
interaction with the digital economy.

It is a real win-win, because satisfaction with government websites has gone up
dramatically whilst the cost of operation has gone down dramatically. This has come through
not just a commitment to be more responsive to community needs but also, importantly, a
commitment to open data and open government principles which ensure that all of the
information that underpins gov.uk is openly available. Obviously, an individual's personal
data is protected, but all of the structural information that underpins that transformation that
the UK has been on is openly available for other countries to be able to access.

I certainly hope that Australia, at the Commonwealth level and across all the states and
territories, will look very closely at the UK model and will develop it for their own needs. We
need to make sure that we follow a similar approach of streamlining government online
presence so that residents of Australia have a single portal, a single access point, and get high
satisfaction by being able to find easy answers to the things they need, or by being able to
have an easy interaction with the government services that they seek. We need to do this in a
manner that, hopefully, can also provide some cost savings.

We are, as a government, determined to drive the digital economy space, but to do so in a
way that protects privacy principles to the utmost. We do not necessarily oppose this
legislation, but we do think it needs far greater consultation, and we think it is appropriate for
us to look closely at it and ensure— (Time expired)
Senator FAWCETT (South Australia) (10:32): I also rise to make some brief remarks about this private member's bill put forward by Senator Singh. I would like to start by acknowledging that the whole issue of information, whether it be private information, information about companies, how we collect and how we store that information and, most importantly, how we secure that information, is quite important. It is of immense value to individuals, it is of immense value to companies and it is of immense value to countries. You only have to look at some of the things that have been occurring around the world recently, such as data retention and data security, to see why it is so valuable.

On the international stage, in May this year, we saw an indictment by a US grand jury that has caused new tensions between Beijing and Washington around accusations that there were PLA personnel who had stolen some billions of dollars worth of corporate secrets from America as well as some 700,000 pages of personal emails and other classified or private information from the US. Eric Holder, a US Attorney-General, made some quite pointed remarks about the nature of this kind of espionage, this kind of theft of information. What it points out and really highlights is that, regardless of whether the information is private, commercial or of national interest, the ability to collect and store, and the controlled release of that information, is really quite important.

The same discussion around that US case with the indictment looked at things in Australia where we have overseas companies seeking to acquire Australian resource companies. There is quite a deal of discussion about the impact of either the deliberate seeking-out of that data through hacking, or inadvertent leaks, or breaches of data privacy, as it affects the commercial transactions and as it affects people's ability to influence commercial outcomes through knowing personal data.

We saw also in Australia, in May this year, that the Australian Privacy Commissioner is investigating the superannuation company, Cbus, for a second time, about the leak of workers' personal details. In that case a senior employee of Cbus leaked personal information of around 300 employees of a company that was subject to a construction union industrial campaign. That employee happened also to be the honorary president of the Queensland branch of the CFMEU. What the Cbus files revealed was that the internal inquiry found that this person had inappropriately sent personal details of more than 300 workers to a third party without consent. The company has subsequently said that he has to undergo some remedial training. But the issue here is that the workers were employed by a company, Lis-Con, and the allegation is that they wanted that information to help and industrial campaign against the company. What we see is that this issue around data privacy is important.

Senator Bilyk: So, you're supporting it?

Senator FAWCETT: I am. I will take that interjection, because the government is saying that, in principle, we support the concept of better data protection. But it comes as a whole package of understanding why it is important at the national level, the commercial level and the private level. There is no point in trying to bring through legislation that is not well thought through for the simple reason that it touches so many areas of Australia's national life, national interest and the interests of individuals.

In relation to the last case I was talking about I am sure that the current Royal Commission into union corruption will be investigating this whole area to look at how these kinds of data breaches, breaches of peoples' private information, have been used to try to influence
commercial outcomes or, in fact, industrial relations outcomes in Australia. In relation to that particular Cbus case, the two people, who still hold their jobs at the fund, admitted providing the detailed information to union officials and delegates upon request until amendments were made to privacy legislation. So, that does highlight the importance of having appropriate legislation because it does constrain the behaviours of individuals. But what we also see is that there are some people who will seek to extract it; there are some processes that are poor enough that it is leaked inadvertently; and you will always still find, unfortunately, those people who are prepared, for their own personal gain or the gain of an organisation that they are a member of, to breach the requirements of legislation—or, in fact, the rules of their own company—to leak information. So I think it is beyond doubt that it is important, and it is important that we have appropriate legislation.

Now that legislation is certainly not without dispute. We have seen a great deal of discussion on the international stage around this whole area of what data can be collected, how it should be protected, how long it should be retained and what should happen if it is released. Edward Snowden has been a lightning rod for this debate over the last 12 months, with people arguing that citizens of a country are just that: they are citizens and not suspects. This is balanced, however, with the legitimate need that security agencies have to understand what is happening. So we have seen in the EU, for example, the data retention initiative—where metadata could be held for up to two years, versus the original six months for the purpose of billing—struck down in April by the EU Court of Justice because people were trying to find this balance.

Yet, as we look at the news headlines today where we see people holding Australian nationality being involved with ISIS in both Syria and Iraq, we recognise the importance of having appropriate data collected and held by national agencies in the national interest. The last thing we wish to see is people like that free to go and be indoctrinated in that kind of training in those kinds of activities and then be able to come back to Australia and bring that kind of mindset and that kind of world view that sees that kind of violence as being acceptable into our society without our security agencies being aware of them.

For that reason, one of the things that I do support in the bill that Senator Singh has brought forward is the fact that there will be exemptions. Chapter 33 in the Privacy Act talks about some of the exemptions that already exist. There are a number of ways that entities can be exempt, either completely or partially, from the Privacy Act. Under the existing law they can be completely exempt from the information privacy principles. Broadly speaking, while those apply to all agencies, chapters 34 to 38 go more particularly to discuss the agencies that are partially or completely exempt from the Privacy Act: namely Defence, the intelligence agencies, federal courts and tribunals and specified agencies that are exempt under the Freedom of Information Act and certain agencies with law enforcement functions and others.

This is a really important area that we understand because the private member's bill that has come forward here talks about the exemptions, but some of the definitions in the bill have been queried by people who put in submissions to last year's inquiry. As we look at the debate that has been kicked off in the US and the EU and other parts of the world, the definitions become important in Australia around: what data it is appropriate to hold; whom is it appropriate to collect that data on; under what conditions it should be retained; and for how long should it be retained. Definitions in those kinds of arguments are really important.
While we go to definitions, I have just a brief comment on the headlines today. As we define these people who are fighting with ISIS in Syria and in Egypt, I actually deplore the use of the title 'Aussie jihadists'. 'Aussie' is a term of ownership and of pride that we use for our sportsmen, for our diggers: for people of whom we say, 'These are Australians we are proud of.' We give them that name. If these people happen to have Australian citizenship, that is fine, you can call them an Australian citizen. But I would encourage people in the media not to use the title 'Aussie' for someone who is betraying in such a blatant way the values and standards that this nation stands for—the values and standards that our soldiers have served and fought to protect; the values and standards that our civil society works so hard to preserve and to encourage and to nurture into our young people. Those are the people we call Aussies, not those who betray them. By all means, technically, acknowledge the fact that they may hold Australian citizenship, but do not give them that term of ownership and support.

I come to the report that was done last year when the then Labor government tried to put this bill through. The coalition minority report highlighted that, while in principle we support the notion of having better disclosure where there has been a breach of data because, as I have just outlined, it is important and it affects a whole range of areas, definitions are important and it is not something that we should just be rushing through. The Cyberspace Law and Policy Centre of the University of New South Wales highlighted in their submission that they had only had around 10 working hours in which to collaborate on, draft and finalise a submission. Now, unfortunately, that was not an uncommon occurrence for the previous government. There were a number of pieces of legislation which were rushed through without time to get adequate input, and people question why unintended consequences occur from legislation. It is because things are dreamt up and pushed through without time for the community, for stakeholders and for the Senate—particularly the committee system—to do an adequate review so as to understand where those unintended consequences can be. That is where we see bad outcomes.

One that is very applicable to South Australia, my home state, is the bill around better access to the Woomera range area for mining, something that both sides of politics support. But the concern that the coalition raised last year when we were in opposition was the fact that, although Dr Hawke did a thorough job of doing the review and it covered a range of areas, it was a couple of years before it ended up in legislation. The stakeholders around that are involved with the world's premier test range, one of the world's premier mining resources which is hugely significant for South Australia's economy, our national defence and, in fact, even on a global scale for our allies with the allied defence capability for weapons testing and evaluation, and the stakeholders were given less than a week—only five working days to consider that information and to provide feedback to the then government.

We have since reintroduced a bill and we are working through that now so that we give access, but it has allowed a larger range of stakeholders to provide more detailed input so that we can get the arrangements right so that not only will Defence still be able to maintain and use that range as a premier test range in the national interests of the country but industry can have the certainty they need to make the significant investments that they have to make to do both the exploration and development of mining leases, knowing what the terms mean. Again, it came back in part to some of the definitional items in that Woomera bill. It said that Defence could basically override the agreement if there was a national defence requirement.
But there was no definition as to what that meant. Did that mean there was an operational difficulty in a place like Afghanistan? Did it mean that there were hordes swarming over Australia's beaches? What did it mean? There was not that definition in the legislation to give people the assurance.

Likewise here, our concern is replicated by people like the Australian Privacy Foundation, who said:

... the seriously negative impact on the democratic process that is inherent in the provision by the Parliament of only 1-1/2 working days, during which civil society organisations are expected to discuss, draft and finalise a Submission to your Committee.

I come back to the importance of giving adequate time for consultation and the importance of civil society around the parliament to have input into discussions such as these go to the important issues of data, privacy, who can hold it, how long they can hold it, what happens if it is released, how people are affected, how reparation should be made and how people should be given an opportunity to correct that. Those are important issues. In fact, last night at a dinner, in discussing the relationship between the US and Australia and speaking with the Libyan ambassador, one of the things he highlighted was around the fact that they are trying to regrow a national government. During the years of Gaddafi, the civil society—who are the people who are able to hold government to account in terms of providing an alternative voice and considered opinions on policy areas—had been essentially shut down and excluded. One of the challenges they have in that country now is re-establishing a strong voice for civil society to work alongside government, quite apart from the security issues they are having, so that they get that balanced view. And yet here we are in Australia, where we have a strong civil society and the process that was put into this bill meant that we only gave those people a day or perhaps a day and a half to get the information, read it, talk about it and give a response back to the Senate.

If Australia wants to maintain its premier place in the world as a leading nation of stable government and well-considered legislation that does not unduly disadvantage people, then we do need to make sure that stakeholders—whether they be government agencies, interest groups or civil society groups—have adequate opportunity to receive the information, consider, debate and formulate a balanced view in order to reflect back to the work of this Senate through its committee system so that we can make sure that legislation that goes forward does not have unintended consequences.

The coalition senators in the minority report noted the concern that was coming forward from a number of submitters saying that there was not enough definition around terms, such as 'serious breach' or 'serious harm'. It goes directly to the point that if you do not have the definitions correct you start getting interpretations or consequences that were never intended by the drafters of the bill. That is why the coalition supports, in principle, the need for better privacy arrangements around data; but they have to be thought through. They have to be looked at with a balance of national interest, intelligence and security agencies, who is exempted, why they are exempted and under what conditions. There is the whole argument that the Snowden case has brought up around citizen or suspect and the commercial imperatives. We see issues with companies like Cbus releasing information for industrial campaigns. To look at all of these things—the implications, who is guilty when, what is an extenuating circumstance, how does the law apply—a day and a half is not adequate for that.
While I commend Senator Singh for her desire to bring this forward and keep it on the agenda, the way to do it is not to bring it in like this without consulting, advising the government, asking why we actually can take an opportunity to reinstitute consultation with civil society—

Senator Singh: There was consultation over five years!

Senator FAWCETT: Senator Singh is interrupting yet again, but I come back to the point that if it has taken that long—and I will take that interjection—over five years, why was only a day and a half given to the stakeholders, to civil society, to have their input?

Senator Singh: They've been consulted for years and years!

Senator FAWCETT: Senator Singh—through you, Mr Acting Deputy President—the problem is, with things that are worked up through initial consultation, and we saw this again with the Hawke review and Woomera, the work that is done only comes to a head when it takes form in legislation. And it is the wording in the legislation which is the culmination of all the stakeholder inputs that needs the opportunity for review. The bare facts are discussed, but it is the form of the legislation, and particularly regulations that flow from it, that need the review. That is the objection of the coalition to this bill. We support it in principle but there needs to be more considered input from the stakeholders, particularly civil society, before we would support moving forward with it.

Senator KROGER (Victoria—Chief Government Whip) (10:52): Before I comment on the bill, Acting Deputy President Bishop, I acknowledge your service to the parliament. I was here when you gave your valedictory speech this week. May I say, it demonstrated the significant contribution you have made to this place over a long period of time. I note that your wife was in the gallery. I know that she and your family have been tremendously supportive of your services to this place. I would like to put on the record my appreciation.

We worked very closely together on the foreign affairs committee. When I came to this place, I did not expect military justice to be one of the things that I would understand and become an expert at. I can thank you for putting that on my radar so that I could have greater comprehension of all matters in relation to military justice, as well as other matters in the defence arena. Enjoy your retirement from this place, although I know that there will certainly be no retirement in a professional sense.

The ACTING DEPUTY PRESIDENT (Senator Mark Bishop): Thank you, Senator Kroger.

Senator KROGER: My pleasure.

Senator Bilyk interjecting—

Senator KROGER: Senator Bilyk, I would be happy to offer one for you, but it is not your time yet. Good luck to you. I hope your time does not come too soon at all. I come to the Privacy Amendment (Privacy Alerts) Bill 2014. I will share some observations that have been made not only this morning but at other times in relation to the bill that has been brought to the chamber by Senator Singh. I notice, as has already been stated, that this bill is similar to a bill that was introduced by the former government in 2013. We heard that the bill was passed by the House of Representatives on 6 June 2013 and there was a very brief inquiry undertaken by the Senate Legal and Constitutional Affairs Legislation Committee. I understand the inquiry was particularly brief and the committee reported on this bill on 24 June 2013.
Before I start my comments, I note the interjections across the floor from Senator Singh to Senator Fawcett. Senator Singh said that consultation happened for years and years. The fact of the matter is that, if that had happened, the bill would have been introduced to parliament by the former government before June last year. The facts just do not stack up.

The government, as has been appropriately recognised, support the essence of what is being sought here. What concerns us is the process. Process is incredibly important. That is what the Senate is all about. It is our responsibility to ensure that all proper processes, inquiries and considerations are undertaken so that, when legislation comes here and is finally passed or denied, it is done in the most authoritative way. That is the role of the Senate. We are very different to the House of Representatives in terms of our mandate. It is the mandate of the Senate to review all legislation so that we can ensure that, as Senator Fawcett so properly characterised, unintended consequences of legislation, even in the best interests of any parliament, do not have adverse effects, particularly on stakeholders. That is our primary concern here.

When I was looking at the detail of the explanatory memorandum that Senator Singh put together—and I commend her for that—I was reminded of a website that raised the issue of privacy concerns. There are many examples of overt breaches. One in Australia particularly concerned me. I think it was raised here earlier. It was the allegation of a privacy breach with the very large superannuation fund called Cbus. My concern is that this breach could have happened to any superannuation fund. If you think about the degree of private information we have to provide to all these funds, then every citizen would be concerned. In the case of Cbus, it was alleged that the personal information of hundreds—not just one or two but hundreds—of Cbus members was leaked to a union boss as part of an industrial campaign. Someone inside extracted the private details of individual members so that they could be contacted for an industrial campaign. Those allegations, I might add, were sent to the Australian Federal Police for investigation. Such was the significant nature of that breach. The allegations were forwarded not only to the Australian Federal Police but also to the Australian Privacy Commissioner. What was alleged at the time was that a senior employee of Cbus leaked names, birthdates, postal and email addresses, and even phone numbers—information that, I am sure you would agree, we would hope would remain private when we provide it to any superannuation fund and that it would be retained with that intent. But in this case, it was not. Superannuation contribution details of the more than 400 members were provided. Most of those people, though, were not members of any union and, in fact, they were not union members to the New South Wales Construction, Forestry, Mining and Energy Union.

It was sent to that union's branch secretary without their consent. It is the nature of these sorts of breaches, where they are direct and overt, that we have serious concerns, because we all know in this modern age just how much information we have put out there to providers. If you subscribe to a private health insurance provider, you have got to provide all sorts of very intimate details. It is information that we would not want to get out, because of the nature of it.

We have had conversations in this place many times about a national identity card. It could be used for all sorts of purposes. In fact, I have been involved with the current and ongoing JSCEM inquiry into the conduct of elections. One of the issues there is the validation of those turning up to vote, who are not required to provide a form of identity and that gives an
opportunity for someone to vote in another person's name. Many, many examples have been raised in the inquiry where people use another name—perhaps not Senator Catryna Bilyk, but Catryna Bilyk, for example, in Tasmania—and they may vote in her name. In that case there is no way notionally to identify that the person is not Catryna Bilyk. There is nothing to attest to the fact that they are not that person.

Identification and the determination of registration and details—and all of that sort of thing—is really important in today's modern age. But what is more important—and I raised the national ID card—is that one of the biggest stumbling blocks to that ID card is the fact that people are concerned, and rightly so, about the way in which their personal details may be breached and misused. We have it here, as I said, and that was reported to the AFP and the Australian Privacy Commissioner. This is just one example in Australia where privacy details have been abused and used by an insider.

Yes, in essence, we support what this bill seeks to do. I have sat here in this chamber—well, I am going into my last week before I leave next week—for six years and watched as legislation has been passed without the proper scrutiny that it deserves. When that happens, you get unintended consequences. I can cite numerous examples of legislation that was rushed through without proper consideration. We have prosecuted it quite extensively, but it was legislation that had come through without being given proper consideration. There has been significant, significant consequences.

Senator Bilyk: What about your Infrastructure Australia legislation?

Senator Singh: What about the Racial Discrimination Act?

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Senator Bilyk and Senator Singh, standing order 197 says that interruptions are disorderly. You will not interrupt Senator Kroger.

Senator KROGER: Senator Bilyk and I just think that we are having a drink outside and we are having the usual argy-bargy. I appreciate your ruling. If I can try to go back to where I was—you have very successfully interrupted my train of thought—the one that comes to mind, because it affected some stakeholders and some constituents of mine in Victoria, was the introduction of the pink batts insulation scheme. It was introduced on the run and it is one we can all relate to very well. We know why it was suggested: it was necessary to inject capital into the economy so we did not go into the GFC. We know the arguments for it. There has been a judicial inquiry held into that. This is one thing that every Australian man and woman can identify with, because what it demonstrated was that the stakeholders were not consulted prior to the rollout of that program. It did not come here for due consideration; there was no proper inquiry before it was rolled out; it was literally policy done on the run, which was legislated and rolled out straightaway.

Departmental staff have indicated that they were not aware of the various consequences of the way in which they rolled out that program. If I can take you back, we know that there were literally hundreds of fires. I visited a house in in Victoria, where the retired lady was so lucky; she had a fire in her kitchen; they had installed the insulation. She did not know there was a choice. The provider called up and said, 'You know, you can get this and you won't have to pay for it.' She thought, 'Oh, okay.' She did not understand, because the details were not provided to her. She had the insulation installed; they installed it over the current
insulation; it blocked and created a huge problem with the electricity in her kitchen. She was in the bedroom when a fire started in her kitchen. It was a neighbour who alerted her to it. She was one of the lucky ones. I went in, and you could see this extraordinary situation where she was very lucky. There was a fire in her kitchen ceiling. Thankfully, she was in the bedroom. She was not intoxicated by smoke.

The whole point of that was that the stakeholders—electricians, for instance—who are skilled and licensed to install insulation were not consulted on what the process here should have been. This could so easily have been averted, and it was not. Alarm bells were ringing at various levels from the Prime Minister and the minister responsible down—we know all that—but no-one took any note. That is probably a very stark but very good example of unintended consequences.

That brings me back to this, because we are just seeking to ensure that, for legislation that comes here, we as a Senate do the task that is set out for us. It is our mandate to review legislation, so we can consult properly, consult widely and ensure that everyone who has significant input has the opportunity to provide that and that what we end up doing is not just creating another layer of red tape, another layer of bureaucracy, but ensuring that the proper processes are put in place.

There is a fantastic booklet that has been put out by the Abbott government. It is this booklet, entitled The Australian Government Guide to Regulation. I would suggest that every person in this place should pick it up and have a read, because it is like a plumber's guide to plumbing. It is our guide to legislation. Everybody in this place should take the time to read this because it will save time, ultimately, for senators of this place and members in the other chamber if they pick up this guide and read it to ensure that the proper processes have been undertaken in bringing any legislation into this place.

I go to page 40 of the guide. There are many areas. This one covers the area of stakeholders. I am not going to go through it. Everybody in this place is bright enough to consult it, pick it up and have a read. But there are various aspects of it which I really commend to the senators in this place to read. They include 'Proper consultation delivers better outcomes'. In that section, we have 'Understanding the attitudes and likely reactions of the people affected', 'Making sure every practical and viable policy alternative has been considered', 'Confirming the accuracy of the data on which your analysis was based'—these are all subheadings which detail ways in which you can do this. Others are 'Ensuring there are no implementation barriers or unintended consequences', 'Affected groups will feel you have listened and considered their views'—and it goes on. It also talks about 'the right consultation tool' to use for the particular job that you are seeking to undertake.

This is not a guide that has been put together for legislators. It is a guide for all agencies, for all departments, which should pull out this little book to literally do a checklist when they are looking at introducing or considering policy. There are also options for the way in which you can consult stakeholders, including 'full public consultation', 'targeted consultation', 'confidential consultation' and 'post-decision consultation'.

In closing, I refer to the committee that inquired into this bill for a very, very limited time. I have to acknowledge the work that former Senator Humphries and outgoing Senator Boyce did on this. They made a number of recommendations in additional statements, if you like, to
the report. I do not have time to go through those additional recommendations, but I commend these additional comments to the chamber for consideration.

Senator WILLIAMS (New South Wales) (11:12): I would like to contribute to this debate. The Privacy Amendment (Privacy Alerts) Bill 2014 seeks to amend the Commonwealth Privacy Act 1988 as amended by the Privacy Amendment (Enhancing Privacy Protection) Act 2012. One of the first things that you learn in life is that you cannot educate idiots. I refer to the opposition here. Look at what they have done in their time in government: the rush, rush, rush. We could talk about the pink batts fiasco, the hundreds of houses burnt down and, sadly, the four lives lost—and the inquiry underway now will no doubt find out more about that.

We could talk about the emails that came in about the live beef exports, so it was: 'Let's just rush another decision. Let's just rush it.' The ramifications for rural Australia of another rushed decision because of the 'Miss Populist' Prime Minister—Ms Julia Gillard, at the time—were terrible: the loss of exports of live animals. Of course, those live animals had to be under 350 kilos live weight, so the immediate suspension of the live trade of cattle to Indonesia meant that, as time went on, those cattle exceeded that weight, then they could not go to Indonesia. So they were brought down south. We had cows being brought from the top of Western Australia to Inverell, where I live, in northern New South Wales, for slaughter—two or three days on road trains—because of a rushed decision.

The reason I make this point is that nothing has changed. Here it is again: 'Let's rush, rush, rush.' Let us have a look at the facts of the inquiry. This bill was referred to the Senate Legal and Constitutional Affairs Legislation Committee on 18 June 2013. Submissions closed on 20 June—two days later, submissions closed—and the committee was to report on 25 June. It was referred on 18 June and it had to report six days later. What was the rush? In their submission, the Cyberspace Law and Policy Centre of the University of New South Wales were scathing of this rushed time frame. I quote from their submission:

(Note that we received this at close of business Tuesday, due noon Thursday; the provision of around 10 working hours in which to collaborate on, draft and finalise a submission to your Committee is clearly inadequate …

I agree: 10 working hours in which to lodge a submission is clearly inadequate. What is this about? Aren't we seeking public input, public submissions and public witnesses to actually scrutinise the legislation? They went on:

… even given the demands of the legislative process.)

The submission from the Cyberspace Law and Policy Centre at UNSW on this Bill comprises only this message, and is necessarily incomplete. (We would normally hope to survey issues raised by others in some depth before focusing on particular aspects which deserve separate comment or support, but this has only happened in cursory form, as has the review of the text.)

This is our whole argument here. Let me continue. Civil Liberties Australia put in a submission—not that I am a big fan of civil libertarians, but they have the right to have their say like everyone else in this country. They share concerns of other civil society groups about the short time frame. They said, 'What was the rush?' From referral of the bill, to reporting in six days, will someone please answer: what was the rush? It is a simple question. Why so little time for submitters to lodge their submissions? Why so little time to actually interview
witnesses? Why such little time to report? Perhaps someone on the opposition bench could answer that question before this debate is over.

I expressed earlier the point about the rushed decision on the live cattle exports and the rushed decision on the pink batts stimulus plan. There were many rushed decisions on school buildings where, unfortunately, builders did not get paid because of the rushed decisions as to who got the contracts, the scrutiny of those companies—and then who went broke. Some builders built schools under the Building the Education Revolution and never got paid. I know of one builder in a country town who lost $600,000. He did not get paid. That was another rushed plan by the Australian Labor Party in their rush to do things. And that is the analogy I draw with this very legislation.

It is all right being in a rush to suit them. Mr Acting Deputy President Fawcett, you would remember only too well the guillotining legislation. Between November 2010 and June 2013, Labor—along with their political allies, of course, the Greens, who assisted them all the way—guillotined 214 pieces of legislation. We in government will not be pressured into agreeing to a proposal without giving it full and proper consideration. There has been no proper consideration by Labor on this bill. But we should not be surprised, because they were in chaos when they were in government.

The Liberal-National government is not opposed to considering proposals that improve data security or practices. Measures that enhance the protection and security of personal information of Australians are critical, particularly in a digital environment. We have heard of all the hackers and of people getting control of bank accounts and credit card numbers. They are certainly out there. Security in this region is vital, especially as more move to the digital age. It is not the days of: 'Hang on, the bank is sending out my bank statement and I look through it.' Now it is at the stage of going online. With electronic funds transfer, BPAY and that sort of banking we need tight security there. But there is more work to be done, including consulting broadly on the implications of a mandatory notification scheme. We need to consult broadly with the community and industry. We in government are not prepared to agree to a proposal without giving it full and proper consideration.

Senator Kroger mentioned some of the things that Senator Humphries and Senator Boyce said on the inquiry. Let me quote some of those things they said in the additional comments by coalition senators.

1.1 Coalition senators are, like a number of submitters to this inquiry, concerned with the lack of due process and time for scrutiny afforded to this bill through the committee.

So it was clear in writing there, in those additional comments. And further:

1.2 Coalition senators understand that the number and depth of analysis of submissions to this inquiry has been hampered by the restrictive timeframe—

as I said, referred on 18 June, report on 24 June. That is simply outrageous. You just ask the question: why the rush? They called for submissions on 18 June, closed submissions on 20 June, and then report on 24 June. It further states in the additional comments of coalition senators:

Given the importance of the nature of this matter, and the extensive criticisms which were levelled at the primary privacy legislation when it was examined by the committee last year, it is most unfortunate that thorough and detailed scrutiny should not have been afforded to this bill.
The senators also said:

In its submission, the Cyberspace Law and Policy Centre of the University of New South Wales, Faculty of Law highlighted that it had "around 10 working hours—
as I have mentioned. Also:

The Australian Privacy Foundation too expressed this concern, citing a:

... seriously negative impact on the democratic process that is inherent in the provision by the
Parliament of 1-1/2 working days …

I will repeat that. This is what the Australian Privacy Foundation also expressed:

... seriously negative impact on the democratic process that is inherent in the provision by the
Parliament of 1-1/2 working days, during which civil society organisations are expected to discuss, draft
and finalise a Submission …

Those additional comments by the coalition senators went on:

The Coalition has on a number of occasions highlighted consultation, or lack thereof, as a point of
concern when dealing with bills through Senate committees. On this occasion, that concern is self-
evident through the limited time available for submissions.

They made the point:

1.7 Coalition senators note the concerns expressed by a number of submitters regarding the lack of
definition of the terms 'serious breach' or 'serious harm' in the legislation. We note also concerns
expressed about 'regulatory overload' being experienced by industry as it digests both the new privacy
regime and this latest tranche of significant enhancements to that regime. In the absence of public
hearings of the committee and the receipt of live testimony, it is difficult to know what weight to place
on these concerns.

So we have this item brought up today by the opposition, and how do we get a message
through to them that rush, rush, rush means mistake, mistake and more mistakes? That is
exactly what we have here.

I am not going to speak for the whole 20 minutes but I support my colleague Senator
Kroger when she highlighted this in her presentation to this chamber. So let's just put the
brakes on. Let's just do it properly and get it right the first time. You will be very interested
when Senator Bishop presents the report hopefully next week—I am sure it will be next
week—on the inquiry we have had into ASIC. We have gone through it slowly, precisely, to
do the best we can to get things right. This is no exception. Don't rush it; get it right. We have
already seen far too many costly errors and mistakes, financial and life costing, unfortunately,
by those opposition when they were in government. Rush, rush, rush and mistake, mistake,
mistake. Let's get this one right.

Senator O'SULLIVAN (Queensland) (11:23): Before I address the core issue, I want to
take the opportunity to reject some of the assertions that have been made by speakers opposite
that would suggest, if left untested, that this side of politics, this coalition of National and
Liberal people, do not have a high regard for the rights of citizens, particularly with respect to
their right to privacy.

Over many, many decades, federal coalition governments, Liberal governments, National
governments independently in the states and quite literally thousands of convened local
authorities who share our philosophical view of politics across this country have paid detailed
attention to issues relating to the privacy of our citizens and those who look to us to protect those rights.

There has been enormous progress in this area, and I personally am proud to be attached to a coalition that has at its very heart the interests of citizens with respect to privacy issues as we examine legislation and the impact of legislation, looking at it through that very important prism.

It is important today that this debate be put into the context of: it is not opposition on our part to any sensible progressive legislation that would enhance our citizens' rights to privacy; it is an attempt to apply due process that in and of itself does not have the ability to provide the safeguards required for changes to this important class of legislation.

In this debate there has been reference to the ALRC report that resulted in the recommendation concerning data breach notifications. I am sure it has been quoted by other speakers, but to underpin and segue into my next comments, I will repeat it again for the Hansard: agencies and business organisations should be required to notify individuals—and the Privacy Commissioner—where there is a real risk of serious harm occurring as a result of a data breach. Prima facie it would be difficult for anybody to mount an argument against that important principle.

The authors of that report were Justice Berna Collier, Justice Robert French, Justice Susan Kenny, Justice Susan Kiefel, Professor David Weisbrot, Professor Les McCrimmon and Professor Rosalynd Croucher. These are noted jurists and principals from academia with whom I probably have little in common. I am no jurist and I am no academic but I promise you that I share with them the value of their recommendation about enhancing and maintaining privacy protections for the good citizens of Australia.

What does divide us at the moment is that that eminent group of people had no less than 28 months to consider material put before it before they arrived at that recommendation. Their report was 74 chapters and included 295 recommendations for reform—I repeat: 28 months—after they had the benefit of examining and interrogating submitters with over 585 written submissions. They reported that there was a very high level of public engagement.

Their brief, their mandate, is different to the brief and mandate of this place. As a senator, my obligations to the people of Australia have been explained to me in some detail. My obligations are to very carefully make a contribution to, in the first instance, the development of legislation and regulation so that we can continue to improve the orderly, free and protected society that we enjoy here in Australia. Some of the legendary senators of this place have mentored me and counselled me to go steady, to be cautious, to be thorough and to ensure that I consult broadly with the relevant constituencies, to whom I have a particular responsibility to get the situation right, in the same way the commissioners did with this recommendation in their report.

I reject absolutely any assertion made against this coalition government—or, indeed, former coalition governments—which suggests that they did not hold issues of protecting the privacy of the citizens of Australia near to their heart, as they steadily and carefully developed the legislative and regulatory arrangements in which we work. Might I point out that the need for caution and care is to see that any legislation that is adopted by this place on behalf of the citizens of this country does not upset, disturb or, more importantly, produce unintended
consequences because it was poorly drafted and not thoroughly considered. At times I myself have been exposed to the frustrations of privacy legislation, where, for example, I needed to represent the interests of my late mother. In a modern and busy society, from time to time, I had the obligation to represent my mother and to make arrangements for her affairs. My mother was 90, and I held her power of attorney, but I found it immensely frustrating that it would sometimes take weeks to resolve matters that were causing her great distress, because of the inhibitions presented by privacy legislation.

I cannot believe that the fathers in this place who drafted that legislation had intended for it to frustrate the circumstances in which I was endeavouring to operate to support my mother. My circumstances presented more than once with aged family and relatives. I know that this frustration also exists for people who are endeavouring to represent people with disabilities—people with new-late-onset disabilities, such as hearing or sight disabilities; Again, I suggest that the drafters of such legislation would have avoided those inhibitions if time had been taken to carefully consider the implications of legislation that they introduced. I am sure that there are those who would correct me and say that legislation was not rushed. Perhaps the rush to the legislation in and of itself is not the only element that we need to be conscious of, as we develop legislation. My life's experience, which sadly is now reaching its sixth decade, has taught me that most things which I have rushed into eventually turn out to be inadequate and do not meet the standards that I had set for myself from the beginning. In fact, I often quote my son who has said to me over the years: 'Dad, most of the mistakes we make in business, we make on the way in, not in there and not on our exit plan.'

The only test that needs to be applied to this debate is whether the journey of this bill has met the test of proper scrutiny. Unlike the tenure of the academics and jurists, who made this recommendation to us, the way this Senate considers legislation is through the very useful and powerful process of Senate inquiry. Many speakers have talked about the undue haste in which this bill was presented to the Senate inquiry in 2013. Some of those quotes are worth repeating to reinforce the principle that this Senate should reject this legislation, not on the basis of its merit nor of its underlying philosophy—that of protecting our citizens' privacy, which all of us would support—but on the basis that the process, if done with haste, is flawed and would expose us all to adopting legislation that is ill-considered and ill-tested. When you have bodies of the quality of the Cyberspace Law and Policy Centre at the University of New South Wales or the Australian Privacy Foundation, who speak out against the haste with which this legislation has been considered, then we should listen.

I recently received a quote which suggested that the amount of contemporary information retained today is greater than the aggregate amount of information accumulated since mankind has been keeping records. I understand that each year that will remain true. For example, in 2015 we will have a body of data collected on earth that is greater than all information recorded before it, including data created in the calendar year of our Lord 2014. So this is a very serious issue. Electronic data started to have accelerated accumulation about 45 years ago and society are still coming to terms with the collection, the storage and the additional responsibilities that go with this.

As I recently commented when the head of Australia Post came to this place to complain to us that Australia Post was starting to experience difficulties in the reduction of the volume of thin mail—that is, letters with a stamp affixed to the corner—my initial reaction was, 'Who
didn't see that coming?' I would make the same comment with respect to the collection and our responsibility as a nation, as a government and, indeed more specifically, as the Senate, to look at, to prepare and to give passage eventually to legislation which secures and enhances those areas of responsibility relating to the collection and the management of data for and on behalf of our citizens. Given these challenges have progressively been coming into our lives over the last 45 years, I too ask the question: what is the rush? We need to go very steadily in this space. We have an obligation to consult. While the jurists and the academics have a responsibility to interrogate and recommend, we have the responsibility to test and examine and to test and examine, and to do so exclusively with the people who have an interest in relation to the outcome of this legislation. For me, that is code for me going back to my constituency in the state of Queensland, talking broadly with groups, organisations and individuals as we make this very important journey to continue to protect the environment in which data is held.

This matter will only grow in stature and importance as time passes. Legislation that we introduce needs to consider what I call across-the-horizon considerations. I once saw a skit on the television where Moses was coming down from Sinai with what appeared to be three tablets which, the impression was, contained the Commandments. It was meant to be a funny skit and Moses fell over out of sight of the camera. There was much breaking of granite and when he raised up, he had a very suspicious look about him as he scurried down the mountain with only two tablets under his arm; the suggestion being that the third tablet may have helped our modern society interpret contemporary guidelines with respect to offences and conditions existing today which perhaps were not anticipated or considered in the time of Moses.

History has always had to deal with this challenge. As time progresses and contemporary life brings new demands to our society, and challenges for legislators and law enforcement, we will always have to contemplate continuing changes with legislation and regulation to support our citizens.

I want to close by saying that I will never, in the time I am here—short or long—engage in the adoption of legislation which I am not personally satisfied has been scrutinised, examined, road-tested and considered very broadly by the society I represent. There will be times when that will no doubt get me into some trouble but if legislation does not meet the test of being good public policy and good law which is there to support our society's very important protections—such as data privacy—then I will not support the legislation.

Let me close simply by quoting an unattributed statement which says, 'At times it is folly to hasten and at other times to delay. The wise do everything in its proper time.' I urge colleagues, wherever you sit in this chamber, to support any initiative or move which ensures that this important legislation, which is capable of being supported by everybody, is given the proper time for consideration.

**Senator COLBECK** (Tasmania—Parliamentary Secretary to the Minister for Agriculture) (11:44): I commend Senator O'Sullivan for his very considered contribution to the debate. I think it has been quite clearly articulated during the debate here this morning that the government in no way opposes proper management of data and appropriate frameworks around the management of privacy. Senator O'Sullivan quite clearly articulated that in his presentation, and I know my other colleagues have likewise.
I do not take away from Senator Singh's obvious intention to ensure that there are frameworks in place. But, like my colleagues, I do express concern that this is being pushed onto the chamber and the parliament without sufficient process for consultation. And I would have thought that this opposition might have learnt some lessons from its time in government and the many failures that it had through lack of consultation. It was a feature—

Senator McKenzie: A hallmark.

Senator COLBECK: a hallmark—that is a better word; thank you, Senator McKenzie—of their administration. And when you have organisations such as the then Cyberspace Law and Policy Centre of the University of New South Wales Faculty of Law saying that they had around 10 working hours to collaborate on, draft and finalise a submission on a matter of this level of moment, I would have thought that it would be obvious that that was inadequate consultation. When you have a number of organisations, including the Australian Privacy Foundation, expressing concern around the consultation on and the preparation of the legislation that was presented to the parliament last year, I would have thought that that would have been an obvious indicator that there were concerns around its preparation. I would have thought that that would have been obvious, given the concerns that were raised and what I believe was the general inadequacy in the addressing of those concerns.

Even in the government's Senate committee report from last year, I do not believe they genuinely addressed the concerns that were raised by people who submitted to that inquiry. Even as an opposition, if they had genuinely wanted to put some framework like this into the public arena, there should have been a full and open and proper consultative process through which you would derive the legislation. You would make sure that the inadequacies that were raised in the previous incarnation of the legislation were given a proper airing, so that those who expressed concern previously would have the opportunity to have those concerns addressed.

I note the concerns around the definitions in the document. Experience would show any legislator that getting the correct terms and definitions in place may have a profound and lasting impact, and getting them wrong may have a bigger and a detrimental impact. It is absolutely incumbent on us all to do the work to ensure those things are right. We have to do that, particularly in relation to matters of privacy. They can have long-lasting and, in many cases, completely unconsidered and negative impacts on the broader community.

The opposition brought this piece of legislation to the parliament without going through due process when it was initially introduced and they rushed it through a Senate inquiry in a short period of time—which, as I said before, was a hallmark of the way that they operated previously. Those are genuine reasons for the government at this point in time not to support this bill.

You would have thought that they would have learnt, as I said earlier. They brought on a piece of biosecurity legislation which would impact across all of Australia and they proposed to give the parliament one day to conduct a Senate inquiry. On that occasion, we were fortunate in that enough members of this chamber said that one day to consider the biosecurity legislation for the entire country was not enough. But obviously, as to the bill we are talking about now, that leeway was not given to the parliament. That is disappointing. There were so many times when the then government used their numbers in this place to ram through pieces of legislation, with short Senate inquiries that did not provide adequate
consultation but had effects down the track—think the mining tax, think pink batts, think school halls; you can line them all up.

Senator Kroger: And the NBN.

Senator COLBECK: Well, the NBN—dear oh dear! There was even one piece of legislation that they introduced within 24 hours which had six amendments made to it within those 24 hours, and it was so bad that they even put a sunset clause in it so that the bill would kill itself off. You would have thought that they would have learnt their lesson, but obviously they have not.

We do not deny that there should be proper processes in place to ensure management of data. In fact, a matter was raised, I believe, earlier in the debate where a senior employee of Cbus leaked names, birth dates, postal and email addresses and phone numbers of contributors to the CFMEU for use in a campaign. That indicates that there needs to be some work done. I think it is fair that there should be some work done. But it should be done utilising proper consultation and proper process. And all of the people who have been mentioned in the debate this morning who have expressed concern would applaud that. You do not give an organisation like the Cyberspace Law and Policy Centre of the Faculty of Law of the University of New South Wales 10 hours to consult on something like this. It really does not stack up. And of course when you have the Australian Privacy Foundation also expressing concerns, that is a fair indication of why proper consultation should be put in place and why we do not support this piece of legislation.

Debate adjourned.

PETITIONS

Employment Pathways for People with Disability

The Clerk: A petition has been lodged for presentation as follows:

TO THE HONOURABLE PRESIDENT AND MEMBERS OF THE SENATE IN PARLIAMENT ASSEMBLED

The petition of the Federation of Ethnic Communities' Councils of Australia, the following sponsors:

Vision Australia

and the undersigned shows that, in Australia, people with disability are only half as likely to be employed as people without disability. In 2010, Organisation for Economic Co-operation and Development ranked Australia 21 out of 29 countries in employment participation rates for people with disability. Around 45% of people with disability in Australia are living either near or below the poverty line. The labour force participation rates for people with disability indicate those from culturally and linguistically diverse background are about half as likely to be in employment or looking for a job compared to Australians from English speaking background with a disability. In addition, United Nations Committee on the Rights of Persons with Disabilities specifically recommended that the Australian Government adopt initiatives to increase employment participation of women with disability by addressing specific underlying structural barriers to their workforce participation.

Your petitioners ask that the Senate leads the way in promoting better employment pathways for people with disability, as a part of recognising the benefits of a vibrant and diverse workforce and the importance of employment to the functioning of families. We call on the Federal, State and Territory public services to double the participation rates of people with disability by 2017, and, in doing so, establish a good practice example for private sector and the community to follow.

by Senator Boyce (from 143 citizens).
Petition received.

NOTICES

Presentation

Senator Xenophon to move:

That the following matters be referred to the Community Affairs References Committee for inquiry and report by 27 October 2014:

The current requirements for labelling of seafood and seafood products, with particular reference to the following matters:

(a) whether the current requirements provide consumers with sufficient information to make informed choices, including choices based on sustainability and provenance preferences, regarding their purchases;

(b) whether the current requirements allow for best-practice traceability of product chain-of-custody;

(c) the regulations in other jurisdictions, with particular reference to the standards in the European Union (EU) under the common market regulation (EU) No 1379/2013 Article 35;

(d) the need for consistent definitions and use of terms in product labelling, including catch area, species names, production method (including gear category), and taking into account Food and Agriculture Organisation guidelines;

(e) the need for labelling for cooked or pre-prepared seafood products with reference to the Northern Territory’s seafood country of origin regulation;

(f) recommendations for the provision of consumer information as determined through the Common Language Group process conducted by the Fisheries Research and Development Corporation;

(g) whether current labelling laws allow domestic seafood producers to compete on even terms with imported seafood products; and

(h) any related matters.

COMMITTEES

Selection of Bills Committee

Report


The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 7 of 2014

1. The committee met in private session on Wednesday, 18 June 2014 at 7.20 pm.
2. The committee resolved to recommend—That—

   (a) contingent upon its introduction in the House of Representatives, the provisions of the Australian Renewable Energy Agency (Repeal) Bill 2014 be referred immediately to the Economics Legislation Committee but was unable to reach agreement on a reporting date (see appendix 1 for a statement of reasons for referral);

   (b) the provisions of the Business Services Wage Assessment Tool Payment Scheme (Consequential Amendments) Bill 2014 and the Business Services Wage Assessment Tool Payment Scheme Bill 2014 be referred immediately to the Community Affairs Legislation Committee but was unable to reach agreement on a reporting date (see appendices 2 and 3 for statements of reasons for referral);
(c) the provisions of the Carbon Farming Initiative Amendment Bill 2014 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 7 July 2014 (see appendix 4 for a statement of reasons for referral);

(d) contingent upon their introduction in the House of Representatives, the provisions of the Excise Tariff Amendment (Fuel Indexation) Bill 2014, the Customs Tariff Amendment (Fuel Indexation) Bill 2014, the Fuel Indexation (Road Funding) Special Account Bill 2014 and the Fuel Indexation (Road Funding) Bill 2014 be referred immediately to the Economics Legislation Committee for inquiry and report by 7 July 2014 (see appendix 5 for a statement of reasons for referral);

(e) the Migration Amendment (Protecting Babies Born in Australia) Bill 2014 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 28 October 2014 (see appendix 6 for a statement of reasons for referral);

(f) the provisions of the National Health Amendment (Pharmaceutical Benefits) Bill 2014 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 26 August 2014 (see appendix 7 for a statement of reasons for referral); and

(g) the provisions of 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 be referred immediately to the Community Affairs Legislation Committee but was unable to reach agreement on a reporting date (see appendices 8 and 9 for statements of reasons for referral).

3. The committee resolved to recommend:

That the following bills not be referred to committees:

- Corporations Amendment (Simple Corporate Bonds and Other Measures) Bill 2014
- Fair Work (Registered Organisations) Amendment Bill 2014.

The committee recommends accordingly.

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

- Save Our Sharks Bill 2014.

(Helen Kroger)

Chair

19 June 2014

APPENDIX 1

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:

Name of bill:

Australian Renewable Energy Agency (Repeal) Bill 2014

Reasons for referral/principal issues for consideration:

Examination of how effective ARENA has been in developing commercial clean energy technologies for Australia's future prosperity.

Possible submissions or evidence from:

ARENA, CSIRO, Department of Industry, Local Governments, Universities, Grant Recipients or Potential Recipients in ARENA's project pipeline.

Committee to which bill is to be referred:

Economics Legislation Committee
Possible hearing date(s):
   24 July, 7 August, 21 August.
Possible reporting date:
   4 September 2014
   (signed)
Senator Siewert

APPENDIX 2
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of bill:
   Business Services Wage Assessment Tool Payment Scheme Bill 2014
   Business Services Wage Assessment Tool Payment Scheme (Consequential Amendments) Bill 2014
Reasons for referral/principal issues for consideration:
   The Government did not consult stakeholders on the details of the Bill. Stakeholders have expressed to the Opposition a desire to have an opportunity to put their views on the record.
Possible submissions or evidence from:
   • Graeme Innes, Disability Discrimination Commissioner
   • National Disability Services (Ken Baker)
   • The Australian Federation of Disability Organisations (Matthew Wright, CEO)
   • The National Council for Intellectual Disability (Mark Pattison)
   • ADE CEOs (for example, David Barbargello, CEO, Endeavour Foundation)
   • People with Disability Australia
   • Disability Advocacy Network Australia
Committee to which bill is to be referred:
   Community Affairs Legislation Committee.
Possible hearing date(s):
   To be determined by the Committee,
Possible reporting date:
   26 August 2014
   (signed)
Senator McEwen
Whip/Selection of Bills Committee Member

APPENDIX 3
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of bill:
   Business Services Wage Assessment Tool Payment Scheme (Consequential Amendments) Bill 2014
Business Services Wage Assessment Tool Payment Scheme Bill 2014

Reasons for referral/principal issues for consideration:

- To investigate the effectiveness of the payment scheme in redressing and resolving the matters associated with the application of the BSWAT Tool.
- To ensure that the payment scheme will be available and fully accessible to everyone who is entitled to it.

Possible submissions or evidence from:

- Graeme Innes, Disability Discrimination Commissioner
- National Disability Services
- The Australian Federation of Disability Organisations
- The National Council for Intellectual Disability
- Australian Disability Enterprise CEOs
- People with Disability Australia
- Disability Advocacy Network Australia
- Maurice Blackburn Law Firm
- Department of Social Services

Committee to which bill is to be referred:

Community Affairs Legislation Committee.

Possible hearing date(s):

25 July

Possible reporting date:

26 Aug

(signed)
Senator Siewert
Whip/Selection of Bills Committee Member

APPENDIX 4

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:

Name of bill:
- Carbon Farming Initiative Amendment Bill 2014

Reasons for referral/principal issues for consideration:

- The impact and operation of the CFI amendments on existing land sector projects and changes to research and development.
- Application of the CFI to other industry areas and community energy efficiency projects.
- Role and operation of Australian Carbon Credit Units in a grant based system.

Possible submissions or evidence from:

- Land and Farming sector
- Environmental Groups

CHAMBER
Local councils
Industry bodies
Renewable Energy Industry

Committee to which bill is to be referred:
Community affairs Legislation Committee

Possible hearing date(s):

(signed)
Senator McEwen

APPENDIX 5
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:

Name of bill:
- Excise Tariff Amendment (Fuel Indexation) Bill 2014
- Customs Tariff Amendment (Fuel Indexation) Bill 2014
- Fuel Indexation (Road Funding) Bill 2014
- Fuel Indexation (Road Funding) Special Account Bill 2014

Reasons for referral/principal issues for consideration:
- Distributional analysis of fuel excise increases.

Possible submissions or evidence from:
- Road user groups
- Regional and community stakeholders
- Treasury/Dept of Infrastructure

Committee to which bill is to be referred:
- Senate Economics Committee.

Possible hearing date(s):
- TBC

Possible reporting date:
- Monday, 7 July

(signed)
Senator McEwen

APPENDIX 6
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:

Name of bill:
- Migration Amendment (Protecting Babies Born in Australia) Bill 2014

Reasons for referral/principal issues for consideration:
Legal obligations Australia has to babies born in Australia.

Possible submissions or evidence from:
Human Rights Law Centre
Asylum Seeker Resource Centre
Amnesty International

Committee to which bill is to be referred:
Legal and Constitutional Affairs Committee.

Possible hearing date(s):
18-24 August, 2014

Possible reporting date:
28 October 2014

(sign)
Senator Siewert

APPENDIX 7
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of bill:
National Health Amendment (Pharmaceutical Benefits Bill 2014

Reasons for referral/principal issues for consideration:
To scrutinise the implications of increasing the cost of pharmaceuticals on consumers and to examine the effect of changing the Pharmaceutical Benefits Scheme safety net

Possible submissions or evidence from:
Pharmacy Guild of Australia, Consumers Health Forum, Public Health Association of Australia

Committee to which bill is to be referred:
Community Affairs

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

Possible reporting date:
26 August 2014

(sign)
Senator McEwen

APPENDIX 8
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of bill:
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
Reasons for referral/principal issues for consideration:
Controversial Budget measures are contained in these two bills, including cuts to pension indexation, cu

Possible submissions or evidence from:
ACOSS - Cassandra Goldie, Peter Davidson
UnitingCare - Lin Hatfied Dodds
National Seniors - Michael O'Neil
Council of the Aging - Ian Yates
Anglicare Australia - Kasy Chambers
Brotherhood of St Laurence - Tony Nicholson
Carers Australia - Ara Creswell
St Vincent De Paul - John Falzon
Mission Australia - Catherine Yeomans
NATSEM - Ben Philips
ANU - Peter Whiteford
ACTU - Matthew Cowgill
National Council for Single Mothers - Terese Edwards
National Welfare Rights - Maree O'Halloran, Gerard Thomas
AFDO - Matthew Wright
People with Disability Australia - Craig Wallace
National Disability Services - Ken Baker

Committee to which bill is to be referred:
Community Affairs

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

Possible reporting date:
26 Aug 2014

(signed)
Senator McEwen

APPENDIX 9
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of bill:
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

Reasons for referral/principal issues for consideration:
Investigate the impact of this budget measure on low and middle income families who will be affected by it, particularly in relation to the financial stress and other forms of hardship that these measures may create for people.
Possible submissions or evidence from:
- ACOSS
- Welfare Rights
- Australian Lawyers Alliance
- National Union of Students
- Department of Employment
- Department of Social Services

Committee to which bill is to be referred:
- Community Affairs

Possible hearing date(s):
- July 25th, July 28, Aug 6,7,8.

Possible reporting date:
- Sept 4

Whip/Selection of Bills Committee Member
Senator Siewert

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

Senator MOORE (Queensland) (11:52): I move:
(1) At the end of the motion, add, 'and, in respect of:
(a) the Australian Renewable Energy Agency (Repeal) Bill 2014, the Economics Legislation Committee report by 4 September 2014;
(b) the Business Services Wage Assessment Tool Payment Scheme Bill 2014 and the Business Services Wage Assessment Tool Payment Scheme (Consequential Amendments) Bill 2014, the Community Affairs Legislation Committee report by 26 August 2014; and
(c) 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, the Community Affairs Legislation Committee report by 4 September 2014.

It will come as no surprise to anyone in the chamber that we are seeking an amendment. It relates specifically to reporting dates for a series of committees that come directly out of the budget. I have been lucky enough to have been in the chamber and heard some of the discussion we had on the previous bills. We heard justifications from both Senator O'Sullivan and Senator Colbeck about the distinct need for effective consideration of important pieces of legislation that will have an impact on many people in our community.

The bills for which we ask for amendments to reporting dates come specifically under that heading. They are pieces of legislation which will have significant impacts on members of our community—particularly the Business Services Wage Assessment Tool Payment Scheme Bill 2014 and its related bill, and the two massive social services and other legislation amendment bills—and which come directly from the budget.
If these bills, and the Australian Renewable Energy Agency (Repeal) Bill 2014, are so important—and we expect to hear from the government that they are absolutely critical pieces of legislation—the bills should have been introduced immediately after the budget was announced, because they are cause for significant changes impacting on a wide range of people. Those people have come to us. As well as coming to us, they have gone to the media and talked to their local representatives about their concerns for themselves, their families and their communities around the introduction of these budget changes—some of which have introduction dates of 1 July 2014.

These are budget changes, the impact and justification of which need to be widely considered, which were announced last month and are intended to be introduced from 1 July 2014. We know the government has a position on the budget, which they have articulated at considerable length in this place. We accept that as the motivation for the changes. What we need to know is what the impact of these changes will be. In terms of the social services and other legislation amendment bills we are already on record, through the estimates process, asking at length for details of the processes and how these changes will operate. There are significant changes to the family payment and to indexation on the income-free asset and value limits for working-age allowances. These are really intricate changes to existing processes which will have an impact—and not just by themselves, because a number of these changes will have a cumulative effect on people in our community who are already quite vulnerable.

What we have not seen at any stage is a strategic explanation of what it will mean to an individual in our community who is impacted by a range of these changes. We have asked. We have asked through Senate estimates and in this place: if you are a carer, if you are in a single-parent family, if you work in a disability workshop, what will be the change to your situation that comes out of the legislation that has been put before us?

There is an expectation, in the last week of sitting of this Senate, that we will have extraordinarily short committee hearings to look at what the changes will mean and to hear what people in the community want to say and ask about these changes. We are aware that by asking for longer consideration and a chance to have committees meet and consider these processes, there will need to be an amendment to introduction dates. We are aware of that, but that is an issue the government should have considered when they brought them in without giving us the legislation for consideration straight after the budget.

The government knows that. They understand the way this place works. They must have processes in place to look at what the impact would be with a changed introduction date. All those things are completely within the ownership of the government. It is within the capability of the government and the departments to work it out. What we say is that these bills need a longer chance for consideration for exactly the same reasons we heard strongly argued by members of the government earlier. We move the amendment as circulated in the chamber.

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:58): I move the following amendment to Senator Moore's amendment:

Omit paragraphs (a) to (c), substitute:

(a) the Australian Renewable Energy Agency (Repeal) Bill 2014, the Economics Legislation Committee report by 7 July 2014;
(b) the Business Services Wage Assessment Tool Payment Scheme Bill 2014 and the Business Services Wage Assessment Tool Payment Scheme (Consequential Amendments) Bill 2014, the Community Affairs Legislation Committee report by 24 June 2014; and

(c) 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, the Community Affairs Legislation Committee report by 23 June 2014.

What this proposed amendment to Senator Moore's amendment seeks to do is bring forward reporting dates. We are not averse to committees of the Senate examining legislation, as is their role; what we are proposing is timeframes which will facilitate the consideration of this legislation in such a way as to give effect to budget measures, some of which are time critical and commence on 1 July.

It is often the case, with the budget being in May and measures that are often proposed to commence on 1 July, that there is a fairly tight time frame between budget night when bills need to be considered and when they need to take effect. That is a function of the fact that we have May budgets and measures that often commence on 1 July. I would indicate that the time frame we are proposing for consideration of legislation is in fact longer than was often the case under the previous government where there were often very constrained time frames imposed on Senate committees to consider legislation in circumstances where they were not time-critical. I think it is entirely reasonable that there be the time frames, as proposed in my amendment, for consideration of legislation by Senate committees. It is not to seek to deny the role and responsibility of Senate committees to do their work, but it is a function of the fact that we have May budgets and often July commencement for legislation, and sometimes that work has to happen in a short time frame.

I also want to draw attention to the Business Services Wage Assessment Tool legislation. This is an attempt by the Australian government to establish a payment scheme for supported employees, many of whom would have intellectual disability, who are in Australian Disability Enterprises and who previously had their wages assessed under the Business Services Wage Assessment Tool. There is a recognition that a new assessment tool needs to be found, but it is also important that supported employees, who had their wages assessed under the Business Services Wage Assessment Tool previously, have the opportunity for some certainty as to funds which they may be owed, and also for those disability enterprises who employ them to have some certainty as to how that might happen. It is important for disability enterprises and it is important for supported employees that there be a scheme in place, arrangements in place, so that they know what their options are, and it is important that that happens sooner rather than later. That is why we are proposing a time frame for consideration of the Business Services Wage Assessment Tool payment scheme legislation that can accommodate that objective.

The government believe that the time frames that are proposed here are reasonable in the circumstances. I would commend my amendment to Senator Moore's amendment to the chamber.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:02): It comes as no surprise that the Greens will not support the amendment to the amendment. We will be supporting the amendment moved by Senator Moore. These dates and time frames that the government wants to put on the consideration of these bills is entirely unreasonable.
Let me first turn to the social services budget measures bills Nos 1 and 2. These amendments bring in the most fundamental changes to the delivery of social security in this country that we have seen for a very long time. When does the government want the community affairs committee to report on them? By Monday. The government will know very well that the community affairs committee have a double hearing on Friday. In other words, we would not even be able to hold a hearing to consider these amendments, let alone be able to contact the dozens or more stakeholders. I am just thinking of some of the peak organisations and community organisations that are going to want to comment on this, let alone individuals who are going to want to comment. We would never be able to get that evidence.

Let me frame what this legislation is bringing in. One of the measures it is bringing in is dropping thousands and thousands of young people under the age of 30 off income support. How long does this government want us to talk about it? Well, no time, because we will have no time to hold a committee hearing. They want us to report on this on Monday. That is four days away. It is entirely unreasonable. That is not even considering all the other measures—the change to family tax benefits, the change to portability on DSP. You name it, with the changes this government want to make, which fundamentally change our community, they want us to consider in less than four days. That is unreasonable.

Then there is the change to BSWAT. Yes, I entirely agree that we need to be working on that. In fact I have made comment on it in both estimates and in this place. Yes, it is a very sensitive issue, which is exactly why we need to consult. I know that Senator Moore has had contact from stakeholders, as have I, saying that they have not been consulted and they are very worried. They want some time to consider this legislation because it is important legislation. It is very important that the people who have been underpaid as a result of BSWAT get some payment and that we get a new tool. I entirely agree with the government on that one. However, the government have given us, generously, only one extra day to report on that one. Again, when is the community affairs committee going to be able to hold a hearing? It is beyond me. They want us to report that on the 24th. That is, again, unreasonable when you consider the impact that it is going to have. Is the legislation the government are proposing actually reasonable? Is it fair? Is it actually going to provide the sorts of payments that people think are adequate, bearing in mind that this is still a very live issue in the community?

In terms of ARENA and the reporting date for that is unreasonable as well. ARENA is a very important organisation that this government, because they are climate deniers, just want to get rid of as soon as possible. We know what their agenda is. The community and stakeholders, again, need time to adequately consider that legislation.

I will go back to the social security changes, because it really just boggles my mind that the government think it is reasonable to make changes. They will have had as many emails, phone calls and messages as, if not more than, we have had about the unreasonableness of these measures. This legislation also changes the indexation for single parents. Not only have this government attacked single parents, but here they are trying to rush through, by next Monday, an inquiry. It would take an inquiry into the measures that just affect single parents, given what they have already done to them. They are removing the education supplement and changing indexation. Again, these are all complex measures that we have not had time to
adequately look at, because, as I said in this place earlier this week, in estimates, departments were not able to give us the details around these measures because some of it they are still making up. So what they are asking us to do is have a completely nonsense time period to consider these measures when they are not even able to tell us how these processes and these measures are going to operate. We will be supporting Senator Moore’s original amendment because we think that is a fairer time frame to consider what are unreasonable measures.

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

The Senate divided. [12:12]

(The President—Senator Hogg)

Ayes ....................30
Noes ....................39
Majority ...............9

AYES

Back, CJ
Birmingham, SJ
Boyce, SK
Cash, MC
Edwards, S
Fawcett, DJ
Fifield, MP
Kroger, H (teller)
Mason, B
Nash, F
Parry, S
Ronaldson, M
Ryan, SM
Seselja, Z
Smith, D
Bernardi, C
Boswell, RLD
Bushby, DC
Colbeck, R
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Macdonald, ID
McKenzie, B
O’Sullivan, B
Payne, MA
Ruston, A
Scullion, NG
Sinodinos, A
Williams, JR

NOES

Bilyk, CL
Cameron, DN
Collins, JMA
Di Natale, R
Faulkner, J
Gallacher, AM
Hogg, JJ
Ludlam, S
Lundy, KA
Marshall, GM
McLucas, J
Moore, CM
Peris, N
Pratt, LC
Siewert, R
Stephens, U
Thorp, LE
Urquhart, AE
Bishop, TM
Carr, KJ
Dastyri, S
Farrell, D
Furner, ML
Hanson-Young, SC
Lines, S
Ludwig, JW
Madigan, JJ
McEwen, A (teller)
Milne, C
O’Neill, DM
Polley, H
Rhiannon, L
Singh, LM
Sterle, G
Sterle, G
Tillem, M
Waters, LJ
Question negatived.

The PRESIDENT (12:14): The question now is that the amendment moved by Senator Moore be agreed to.

Question agreed to.

Original question, as amended, agreed to.

NOTICES

Withdrawal

Senator XENOPHON (South Australia) (12:15): I ask that business of the Senate notice of motion No. 2 standing in my name for today, proposing to refer the Export Legislation Amendment Bill 2014 and related bills to the Rural and Regional Affairs and Transport Legislation Committee, be withdrawn.

Postponement

Senator HANSON-YOUNG (South Australia) (12:16): by leave—I move:

That general business notice of motion no. 285 standing in my name for today, relating to asylum seekers from Iraq, be postponed till the next day of sitting.

Question agreed to.

BUSINESS

Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:17): I move:

That—

(a) the following government business orders of the day be considered from 12.45 pm today:

No. 3 Public Governance, Performance and Accountability Amendment Bill 2014
No. 4 Tax and Superannuation Laws Amendment (2014 Measures No. 2) Bill 2014
No. 5 Tax and Superannuation Laws Amendment (2014 Measures No. 3) Bill 2014
No. 6 Tax Laws Amendment (Implementation of the FATCA Agreement) Bill 2014
No. 7 Excise Tariff Amendment (Product Stewardship for Oil) Bill 2014
No. 8 Railway Agreement (Western Australia) Amendment Bill 2014
No. 9 Student Identifiers Bill 2014

CHAMBER
No. 10 Veterans' Affairs Legislation Amendment (Mental Health and Other Measures) Bill 2014;
(b) business of the Senate order of the day no. 2 (Australian Meat and Live-stock Industry (Export of Live-stock to Egypt) Repeal Order 2014—motion for disallowance) be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today; and
(c) government business be called on after consideration of the motion for disallowance listed in paragraph (b) and considered till not later than 2 pm today.
Question agreed to.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:17): I move:
That the order of general business for consideration today be as follows:
(a) general business notice of motion no. 286 standing in the name of Senator Moore relating to the paid parental leave scheme; and
(b) orders of the day relating to government documents.
Question agreed to.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:18): I move:
That general business order of the day No. 27 (Flags Amendment Bill 2014) be considered on Thursday, 26 June 2014 under the temporary order relating to the consideration of private senators' bills.
Question agreed to.

NOTICES
Postponement

The following items of business were postponed:

General business notice of motion no. 271 standing in the name of Senator Di Natale for today, proposing the establishment of a select committee into the Abbott Government’s budget cuts, postponed till 23 June 2014.

General business notice of motion no. 283 standing in the name of Senator Whish Wilson for today, relating to the Marrakesh Treaty, postponed till 23 June 2014.

COMMITTEES

Rural and Regional Affairs and Transport References Committee
Reference

Senator McEWEN (South Australia—Opposition Whip in the Senate) (12:19): At the request of Senator Sterle, I move:
That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 3 December 2014:
Grain export networks, including the on- and off-farm storage, transport, handling and export of Australian grain, with particular reference to:
(a) the principles and practices underpinning an efficient grain supply chain from farm-gate to port;
(b) grain marketing and export arrangements and their impact on farm-gate returns;
(c) competition constraints on grain transport, storage and handling services;
(d) the extent to which transport, storage and handling arrangements are transparent and accountable; and
(c) any other related matter.

Question agreed to.

**Education and Employment References Committee**

**Reference**

**Senator RHIANNON** (New South Wales) (12:20): I move:

That the following matter be referred to the Education and Employment References Committee for inquiry and report by 27 November 2014:

Portable long service leave, with consideration given to:

(a) the creation of a nationwide portable workplace entitlement scheme for long service leave and any other appropriate entitlements, taking into account:
   (i) the number of Australian workers in insecure work, and
   (ii) increased workplace mobility and increasingly precarious working conditions;

(b) developing recommendations as to how any such scheme could be paid for and implemented, including:
   (i) the role of existing portable long service leave schemes operating in some sectors, and
   (ii) how the scheme should be coordinated and by whom; and

(c) any other relevant matters.

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

The Senate divided. [12:24]

(The President—Senator Hogg)

**AYES**

Di Natale, R  
Ludlam, S  
Milne, C  
Siewert, R (teller)  
Whish-Wilson, PS  
Xenophon, N  

Hanson-Young, SC  
Madigan, JJ  
Rhiannon, L  
Waters, LJ  
Wright, PL

Ayes ....................11

**NOES**

Bernardi, C  
Birmingham, SJ  
Boswell, RLD  
Brown, CL  
Cameron, DN  
Cash, MC  
Collins, JMA  
Feggleston, A  

Bilyk, CL  
Bishop, TM  
Boyce, SK  
Bushby, DC  
Carr, KJ  
Colbeck, R  
Edwards, S  
Farrell, D

Noes ....................48

Majority ...............37
Question negatived.

**World Refugee Day**

**Senator HANSON-YOUNG** (South Australia) (12:27): I move:

That the Senate—

(a) acknowledges that 20 June 2014 is World Refugee Day, when all nations recognise the resilience and humanity of forcibly displaced people around the world;

(b) notes the vast and positive contribution that refugees have made and continue to make to Australian society;

(c) reaffirms Australia's strong commitment to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol in recognition of the need to restore hope to those seeking protection in our region; and

(d) calls on the Government to:

(ii) be more transparent and open about the conditions and circumstances experienced by asylum seekers in immigration detention centres controlled by the Australian Government,

(ii) establish independent and systematic monitoring of sites of immigration detention, and

(iii) take steps to prevent further incidents and improve safety and conditions for asylum seekers in immigration detention centres.

**Senator CASH** (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (12:27): by leave—Australia has a long and proud history as a refugee resettlement country and as a cooperative international partner in sharing the responsibility for refugee protection. It is only right that this generous and ongoing humanitarian commitment is acknowledged through events like Refugee Week. Refugee Week also provides an opportunity to recognise the plight of refugees around the world and acknowledge the contribution made by a range of government and non-government organisations in helping refugees contribute to Australian society. It was therefore disappointing but hardly surprising to see an eleventh-hour amendment to this motion by Senator Hanson-Young in an attempt to score cheap political points at the expense of what could have been a tripartite motion celebrating the rich diversity of refugee
communities throughout Australia. The government will not be supporting the amended motion.

The PRESIDENT: The question is that the motion moved by Senator Hanson-Young be agreed to.

The Senate divided. [12:30]

(The President—Senator Hogg)

Ayes ...................... 11
Noes ...................... 46
Majority ................ 35

AYES
Di Natale, R
Hanson-Young, SC
Ludlam, S
Madigan, JJ
Milne, C
Rhiannon, L
Siewert, R (teller)
Waters, LJ
Whish-Wilson, PS
Wright, PL
Xenophon, N

NOES
Bernardi, C
Bilyk, CL
Birmingham, SJ
Bishop, TM
Boswell, RLD
Boyce, SK
Brown, CL
Bushby, DC
Cameron, DN
Carr, KJ
Cash, MC
Colbeck, R
Collins, JMA
Edwards, S
Eggleston, A
Farrell, D
Fawcett, DJ
Fifield, MP
Furner, ML
Gallacher, AM
Hogg, JJ
Kroger, H
Lines, S
Ludwig, JW
Lundy, KA
Marshall, GM
McEwen, A (teller)
McKenzie, B
McLucas, J
Moore, CM
O’Neill, DM
O’Sullivan, B
Parry, S
Peris, N
Polley, H
Pratt, LC
Ruston, A
Ryan, SM
Singh, LM
Sinvodinos, A
Smith, D
Stephens, U
Sterle, G
Tillem, M
Urquhart, AE
Williams, JR

Question negatived.

Tobacco Plain Packaging

Senator XENOPHON (South Australia) (12:32): I seek leave to amend general business notice of motion no. 284 standing in my name and the names of Senators Madigan and Di Natale by omitting paragraph (b)(iii).
Leave granted.

Senator XENOPHON: I, and also on behalf of Senators Madigan and Di Natale, move the motion as amended:

That the Senate—
(a) notes that cheap cigarettes are currently being sold in Australia, reportedly as low as $13 for a packet of 25 cigarettes, following the introduction of plain packaging for tobacco products; and
(b) calls on the Australian Government to:
(i) introduce a minimum floor price on cheap and/or cross-subsidised tobacco products to remove the cost differential, and
(ii) recognise the value of preventative measures such as Quitline and the National Tobacco Campaign, and increase funding accordingly to maximise the effectiveness of these measures and campaigns.

The PRESIDENT: The question is that the motion as amended be agreed to.

The Senate divided. [12:35]

(The President—Senator Hogg)

Ayes ...................... 11
Noes ...................... 43
Majority ................. 32

AYES

Di Natale, R
Ludlam, S
Milne, C
Siewert, R (teller)
Whish-Wilson, PS
Xenophon, N

Hanson-Young, SC
Madigan, JJ
Rhiannon, L
Waters, LJ
Wright, PL

NOES

Bernardi, C
Birmingham, SJ
Boswell, RLD
Cameron, DN
Cash, MC
Collins, JMA
Eggleston, A
Fawcett, DJ
Furner, ML
Hogg, JJ
Lines, S
Lundy, KA
McEwen, A
McLucas, J
O’Neill, DM
Parry, S
Polley, H
Ruston, A
Singh, LM
Smith, D

Bilyk, CL (teller)
Bishop, TM
Boyce, SK
Carr, KJ
Colbeck, R
Edwards, S
Farrell, D
Fifield, MP
Gallacher, AM
Kroger, H
Ludwig, JW
Marshall, GM
McKenzie, B
Moore, CM
O’Sullivan, B
Peris, N
Pratt, LC
Ryan, SM
Sinodinos, A
Stephens, U
Thursday, 19 June 2014

NOES
Sterle, G
Williams, JR

Tillem, M

Question negatived.


The PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: The government was unable to support the motion just voted on. However, the government can assure Senator Xenophon that we are open to consideration of issues raised in his notice of motion and share his concerns about the price of cheaper cigarettes on the market. The government is willing to work with Senator Xenophon to continue to build on the already promising reduction of smoking rates in Australia.

COMMITTEES

Legal and Constitutional Affairs References Committee
Reference

Senator WRIGHT (South Australia) (12:40): I seek leave to amend business of the Senate notice of motion No. 4, standing in my name for today, proposing a reference to the Legal and Constitutional Affairs References Committee relating to illicit firearms. Leave granted.

Senator WRIGHT: I move the motion as amended:

That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 2 October 2014:

The ability of Australian law enforcement authorities to eliminate gun-related violence in the community, with reference to:

(a) the estimated number, distribution and lethality of illegal guns, including both outlawed and stolen guns, in Australia;
(b) the operation and consequences of the illicit firearms trade, including both outlawed and stolen guns within Australia;
(c) the adequacy of current laws and resourcing to enable law enforcement authorities to respond to technological advances in gun technology, including firearms made from parts which have been imported separately or covertly to avoid detection, and firearms made with the use of 3D printers;
(d) the extent to which the number and types of guns stolen each year in Australia increase the risk posed to the safety of police and the community, including the proportion of gun-related crime involving legal firearms which are illegally held;
(e) the effect banning semi-automatic handguns would have on the number of illegally held firearms in Australia;
(f) stricter storage requirements and the use of electronic alarm systems for guns stored in homes;
(g) the extent to which there exist anomalies in federal, state and territory laws regarding the ownership, sale, storage and transit across state boundaries of legal firearms, and how these laws relate to one another; and
(h) any related matters.

CHAMBER

The PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: The government does not support this motion. The Commonwealth has in place some of the most stringent firearm laws in the world, particularly around the import and export of firearms. The possession or manufacture of a firearm without a licence, including 3D-printed guns, is illegal in all jurisdictions. The previous government ripped millions of dollars from law enforcement and border protection agencies, and they are now being rebuilt in terms of capability. The previous government was particularly savage in its cuts to the Australian Crime Commission, the very agency which produces the national illicit firearms report and firearms transaction database, which answers many of the references argued for in the motion.

The Commonwealth is working with the states and territories to ensure that Australia has consistent penalties for illegal possession of guns and police have consistent powers to search for illicit firearms. We have already implemented a number of measures since coming to government to deal with the firearm threat, and the Australian government will soon introduce legislation to follow through on our election commitment to introduce minimum mandatory sentences for illegal gun trafficking.

Question agreed to.

Regulations and Ordinances Committee

Delegated Legislation Monitor


BILLS

Public Governance, Performance and Accountability Amendment Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator CAMERON (New South Wales) (12:45): I rise today to speak on the Public Governance, Performance and Accountability Amendment Bill 2014, which Labor is supporting. The bill makes a series of amendments to the Public Governance, Performance and Accountability Act 2013. The legislation that the bill we are debating today seeks to amend forms part of the work of the financial reform framework that we commenced when we were in government.

This commenced with the announcement of the Commonwealth Financial Accountability Review, otherwise known as CFAR, in December 2010, when my colleague the Leader of the Opposition in the Senate, Senator Wong, was Minister for Finance and Deregulation. Through a series of consultations and discussions, the former Labor government introduced and passed the Public Governance, Performance and Accountability Bill 2013. The Public Governance, Performance and Accountability Act, which commences operation on 1 July 2014, will replace the Financial Management and Accountability Act 1997 and the Commonwealth...
Authorities and Companies Act 1997 as the primary financial framework legislation of the Commonwealth.

The Public Governance, Performance and Accountability Act will consolidate in one piece of legislation all of the governance, performance and accountability requirements for Commonwealth government entities. The Public Governance, Performance and Accountability Act aims to improve transparency and consistency across Commonwealth operations.

The Public Governance, Performance and Accountability Act is designed as an evolution to the existing financial framework, containing new elements which are designed to improve the quality of public financial management in the Commonwealth.

The Public Governance, Performance and Accountability Act itself was subject to a two-year consultation and consideration process prior to being passed by the parliament last year. The act sets out the principles of a coherent financial framework for all Commonwealth entities. The act aims to create a financial framework where Commonwealth entities have the flexibility and incentives to adopt appropriate systems and processes that help them to achieve their objectives efficiently and effectively.

The almost 12 month-period since its passage has allowed for further consultation and consideration by relevant stakeholders in order to refine the operation of the Public Governance, Performance and Accountability Act.

The amendments contained within the bill being debated today are a result of this consultation and consideration period, which commenced when we were in government. We in the opposition will be supporting this bill and the amendments contained in it. Overall, the amendments in this bill are either minor or technical or substantive amendments that are sensible to make in order to facilitate the effective operation of the legislation.

I would also note the work done by the Joint Committee of Public Accounts and Audit, which has conducted and completed an inquiry into the development of the rules relating to the Public Governance, Performance and Accountability Act.

The rules, which will provide further clarification or detail to the main act in the same way that the current regulations through the Financial Management And Accountability Act 1997 and the Commonwealth Authorities and Companies Act 1997 operate, are not part of the legislation being debated today and I do not propose to discuss these any further.

Given that Labor will be supporting this bill and the amendments contained in it, I will not be going through all the amendments being considered today in detail. In summary, the opposition will support the passage of the bill, which makes a series of amendments to the Public Governance, Performance and Accountability Act. These amendments are either minor or technical, or sensible substantive amendments that do not detract from the intent and objective of the Public Governance, Performance and Accountability Act.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (12:50): I thank Senator Cameron for his contribution. The Public Governance, Performance and Accountability Amendment Bill 2014 before us, if enacted, would make a number of technical changes to clarify, simplify, enhance and improve the understanding and operation of the Public Governance, Performance and Accountability Act 2013 and the supporting rules. The related legislation, which takes effect from 1 July this year, will
modernise the Commonwealth's current financial accountability performance and reporting frameworks.

As Senator Cameron mentioned, the bill incorporates specific amendments in response to the recommendations of the Joint Committee of Public Accounts and Audit to reduce potential confusion regarding the duties of public officials who are subject to the conduct of the Australian Public Service.

The PGPA Act will also put beyond doubt the continuing powers of the Auditor-General to conduct a performance audit of a Commonwealth entity at any time. Corresponding adjustments on duties of officials will be included in the Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Bill 2014, which will be introduced into parliament next week. Those amendments will also ensure symmetry of duties for those officials who are employed under the Parliamentary Service Act 1999.

The amendments contained within this bill support a better way for how the Commonwealth does its business. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

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

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (12:52): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a second time.

Tax and Superannuation Laws Amendment (2014 Measures No. 2) Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator CAMERON (New South Wales) (12:53): Labor is supporting the Tax and Superannuation Laws Amendment (2014 Measures No. 2) Bill 2014. The bill has three parts. It increases the Medicare levy low-income threshold at the point at which the levy starts to be paid for families and their dependent children or students in line with movement in the CPI commencing in 2013-14.

The bill ensures that families who have previously been exempt from paying the levy will continue to be, if their incomes have increased in line with or less than the CPI. As such, it provides more low-income earners with free access to health care.

It contains amendments to protect against situations where taxpayers have anticipated the impact of announcements made by the previous government with regard to tax laws which have been overturned by the current government and, as a result, have been left worse off—
this is taxpayers who have filed tax returns, lest anybody listening to this debate today thinks that this might have broader applicability.

Thirdly, it is to introduce an integrity rule to limit the ability of taxpayers to avoid paying tax by dividend washing, which is a taxation loophole created by the tax treatment of franking credits.

The opposition welcomes the government's decision to increase the Medicare levy low-income threshold, but we will not resile from our condemnation of the government's attacks on the universality of health care in this country or its very clear broken promises.

This measure in no way compensates for the savage attack on Medicare that Labor has fought for over the last four decades and we will continue to fight for Medicare.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (12:55): I thank Senator Cameron—I think—for his contribution and commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson) (12:55): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (12:56): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Tax and Superannuation Laws Amendment (2014 Measures No. 3) Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator CAMERON (New South Wales) (12:56): Labor will be supporting the Tax and Superannuation Laws Amendment (2014 Measures No. 3) Bill 2014. This bill implements a previously announced Labor government measure which restricts the immediate deduction for the cost of acquiring mining rights so that it is only available for genuine exploration activities.

The opposition welcomes the government implementing this sensible measure to prevent base erosion within the mining industry. This was first introduced by the then Assistant Treasurer David Bradbury in the 2013-14 budget. The opposition recognises that it is important to protect this important concession that allows companies to immediately deduct costs incurred during genuine exploration activity. Unfortunately, in recent years, it has become apparent that companies were using this deduction to claim expenses that were not associated with genuine exploration activities.
Unfortunately, while the government has accepted this tax integrity measure, it has abandoned around $1 billion of tax measures to address base erosion and profit shifting. This is a government that goes soft on multinationals but hard on vulnerable Australians like pensioners and the jobless. However, we would like to see the government implement measures to prevent base erosion and profit shifting by multinational companies in Australia as they are applying to ensure that US nationals are complying with their domestic tax laws.

The government has shown a significant gap between its rhetoric and its actions when it comes to ensuring that multinationals pay their fair share of tax in Australia. By not proceeding with similarly sensible measures as are implemented in this measure, the Australian people have forgone $1.1 billion in revenue that is being made up in cuts to essential services. It is a simple equation: every dollar avoided by multinational companies must be paid for by Australian taxpayers and businesses or by cutting services.

With this budget we have seen which side the government is on: the side of the billionaires; certainly not the battlers. The Prime Minister used his speech in Davos on the government's G20 agenda to argue 'the G20 will continue to tackle businesses artificially generating profits to chase tax opportunities.' However, the only action the government has taken on multinational tax integrity is to dump Labor's thin capitalisation reforms and transparency measures.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (12:59): Again, I thank Senator Cameron for his contribution and commend to the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson) (12:59): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (12:59): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Tax Laws Amendment (Implementation of the FATCA Agreement) Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator CAMERON (New South Wales) (13:00): Labor will be supporting the Tax Laws Amendment (Implementation of the FATCA Agreement) Bill 2014. The bill requires Australian financial institutions to collect information about their customers who are likely to be taxpayers in the United States of America and to provide that information to the Australian Taxation Office, who, in turn, will provide that information to the United States Internal
Revenue Service. This gives effect to the Australian government's commitments set out in the agreement between the government of Australia and the government of the United States of America to improve international tax compliance and to implement FATCA, which was signed in Canberra on 28 April 2014.

The opposition welcomes any sensible steps to assist tax authorities, whether in Australia or overseas, in ensuring compliance with their tax regulations. However, we would like to see the government implement measures to prevent tax base erosion and profit-shifting by multinational companies in Australia to ensure that the United States nationals are complying with their domestic tax laws. Cracking down on multinational profit-shifting is not just about making sure that firms pay their fair share of tax. It is also about making sure that the tax burden is fairly shared across companies. It is hard for a local Australian company without subsidiaries in offshore tax havens to compete against a multinational that is able to get away with paying a lower tax share.

Unfair tax arrangements also distort investment decisions by creating an incentive to invest overseas and put local companies at a disadvantage compared to international conglomerates. The Labor Party welcomes sensible steps to assist tax authorities in ensuring compliance with tax regulations. However, Labor is concerned that multinational profit-shifting will invariably become more tempting as industries internationalise, and we urge the government to close corporate tax loopholes to address this issue.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (13:02): I thank Senator Cameron for his contribution and I commend this bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson) (13:03): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (13:03): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Excise Tariff Amendment (Product Stewardship for Oil) Bill 2014

Customs Tariff Amendment (Product Stewardship for Oil) Bill 2014

Second Reading

Debate resumed on the motion:

That these bills be now read a second time.

Senator CAMERON (New South Wales) (13:03): Labor will be supporting the Excise Tariff Amendment (Product Stewardship for Oil) Bill 2014 and the Customs Tariff Amendment (Product Stewardship for Oil) Bill 2014. The Product Stewardship for Oil
Program encourages increased collection and recycling of used oil in Australia by providing oil recyclers with product stewardship benefits. The Excise Tariff Amendment (Product Stewardship for Oil) Bill 2014 and the Customs Tariff Amendment (Product Stewardship for Oil) Bill 2014 amend the Excise Tariff Act 1921 and the Customs Tariff Act 1995 to increase the rate of excise and excise equivalent customs duty applying for oils from 5.449c per litre or kilogram to 8.5c per litre or per kilogram to address the cost of the PSO scheme.

The opposition supports any move to ensure thoughtful and sustainable use of our precious natural resources. Unfortunately, the government's commitment to protecting our natural environment does not extend much further than tokenistic gestures. The government simply has no credibility when it comes to the environment. Its record makes one ask why the environment minister does not go the same way as the minister for science in this government. The record is astounding, ranging from moving backwards on climate change to risking our reputation for outstanding world heritage icons. The government disallowed the endangered community listing of the River Murray from the Darling to the sea. The government went against all reason and all advice and sneakily had the world's largest marine reserve system re-proclaimed to undo the management plans that gives it effect. The government has begun the process of handing over environmental approval powers to the states to give Campbell Newman, of all people, control over the Great Barrier Reef and to give Colin Barnett control of Ningaloo Reef. Talk about environmental vandalism! The policy that we are debating—the Excise Tariff Amendment (Product Stewardship for Oil) Bill 2014—will increase the levy for certain oils in order to encourage the use of recycled oils and the increased collection and recycling of used oils. It will put a price on oils, which will achieve an environmental outcome. We say let's take that policy and put it to work with carbon pollution. We say let's internalise the externalities and actually make a difference to carbon pollution.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (13:06): I thank Senator Cameron for his generous and temperate speech, and I commend these bills to the Senate.

Question agreed to.

Bills read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson) (13:07): As no amendments to the bills have been circulated, I shall call the minister to move the third reading.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (13:07): I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

Railway Agreement (Western Australia) Amendment Bill 2014

Debate resumed on the motion:

That this bill be now read a second time.
The Railway Agreement (Western Australia) Amendment Bill 2014 relates to a loan from the Commonwealth to the Western Australia government made in 1961 to help Western Australia fund a standard gauge railway from Kalgoorlie to Perth. At the time, legislators did not make provision for early repayment, setting a deadline of 2041. This bill will correct that situation. The bill clears the way for the Western Australia government to repay the outstanding debt of about $1.6 million now, if it chooses to do so. Labor is happy to support the bill.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (13:08): I thank Senator Conroy for his great contribution. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson) (13:08): As no amendments to the bill have been circulated, I shall call the minister to move the third reading.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (13:08): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Student Identifiers Bill 2014

Debate resumed on the motion:

That this bill be now read a second time.

Senator CAMERON (New South Wales) (13:09): Labor supports the Student Identifiers Bill 2014, which is substantially similar to one we introduced when we were in government. If Australia is to be a nation of highly skilled, high-paid workers, we must encourage young Australians to undertake education that will give them the relevant skills. That encouragement takes many forms and the student identifier is a very practical one. It makes it easier for those who have decided to study to keep track of the paperwork associated with enrolment and academic records. It smooths and removes a potential frustration which may even deter some people from enrolling at all. It can be difficult for students to keep track of training records, particularly when trying to gather evidence of prior learning, when entering a higher level course later on or when trying to compile a comprehensive record of study prior to a job interview. The student identifier will help students keep track of their to VET training and keep a record of all qualifications and certificates achieved throughout their lives. The scheme will make it easier for students to collate their VET achievements into a single, nationally recognised, authenticated transcript which can be provided to employers as proof of qualifications or to a training provider when seeking recognition of study previously undertaken.

The student identifier will also assist in developing evidence based programs which effectively target skill shortages and skill needs of industry and better support the
management of government funded subsidy programs. Labor is proud of having made a record investment in skills and training for smarter jobs and a stronger nation. We set in place education, training and industry policies that position Australia to compete in the Asian century. Labor also expanded access to student loans to reduce up-front financial barriers for people studying for a diploma or advanced diploma. In total, the Labor government invested more than $19 billion in skills funding between 2008-09 and 2012-13, a 77 per cent increase compared to the Howard government's investment.

In 2011, a total of $6.5 billion was invested in Australia's national training system with the Labor government share being $2.4 billion or 37 per cent. Since commencing in 2009, the Labor government provided funding of $6.06 billion to support state and territory skills and workforce development under the national agreement.

Labor supports this bill because it is substantially similar to the one we introduced when we were in government.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (13:12): I thank Senator Cameron for his contribution. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson) (13:12): As no amendments to the bill have been circulated, I shall call the minister to move the third reading.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (13:13): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a second time.

Veterans' Affairs Legislation Amendment (Mental Health and Other Measures) Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator FARRELL (South Australia) (13:13): I rise to indicate that the opposition, the Labor Party, is very pleased to support the Veterans' Affairs Legislation Amendment (Mental Health and Other Measures) Bill 2014 and that we will be voting in favour of it today, in a few moments. We believe our nation has a great responsibility for our veterans and ex-service men and women, and we must ensure that they are looked after in times of need. We are very proud of our veterans and grateful that they have helped protect our nation and its interests.

The mental health of our veterans and current serving personnel has been a longstanding concern of Labor, while in government and of course now in opposition. That is why today we are supporting this piece of legislation.
The bill will build on the very good work that Labor did in government—particularly, I think it is worth recording, the work that the former ministers, Minister Snowdon and, before him, Minister Griffin, did in this area to expand the mental health services for veterans and members of the Defence Force and their families. This bill will enhance the operation of the Veterans' Review Board and make other improvements to veterans' affairs services and administration. It will also improve access to mental health services for current and former members of the ADF and their families.

From 1 July this year, access to treatment under non-liability healthcare arrangements will be expanded to include diagnosed conditions of alcohol use disorder and substance use disorder, regardless of whether the condition is service related or not. Also, from 1 July, eligibility for treatment under non-liability healthcare arrangements for members of the Defence Force with peacetime service only will be expanded by removing the current cut-off date of 7 April 1994. This will ensure that personnel with at least three years' continuous full-time peacetime service will now also be eligible for non-liability health care for PTSD, anxiety and depressive disorders, and alcohol and substance use disorders. Members who discharge before completing their three years continuous full-time service may also be eligible, where discharge is on the grounds of invalidity or physical or mental incapacity to perform duties.

Veterans and members who have been unsuccessful in previous liability claims may be able to access mental health treatment under the expanded non-liability healthcare initiative. This means that treatment for the mental health conditions of PTSD, anxiety and depressive disorders and alcohol and substance use disorders will be available without the need for the condition to be accepted as related to the member's service. Mental health services for veterans, members and their families will be further improved through the expansion of the client groups eligible for counselling through the VVCS.

On that note, I indicate again that we support this legislation.

**Senator WRIGHT** (South Australia) (13:17): I rise to speak on the Veterans' Affairs Legislation Amendment (Mental Health and Other Measures) Bill 2014, and, as the spokesperson for veterans' affairs for the Australian Greens, I am also very pleased to support this bill and its implications for veterans' access to mental health services. This bill will amend the Veterans' Entitlements Act 1986 and the Military Rehabilitation and Compensation Act 2004 to effect changes which will promote the mental health and wellbeing of current and former members of the Australian Defence Force.

The area of veterans' mental health is critically important. We know that veterans and their families face unique challenges relating to mental health and wellbeing which can be complex, debilitating and intergenerational. We know that veterans from past conflicts, such as the Vietnam War, have suffered, and their partners, carers and families have suffered with them also, often silently.

We know that there are many men and women returning from overseas deployments in the Middle East and closer to home, and we must ensure that we do everything we can to look after this newest generation of veterans. Their service is unlike anything we have seen before, in the very different context of modern warfare. They have been on more deployments than in any previous conflict. There are also an increasing number of female veterans, and we simply do not know enough about the new challenges they will face as they reintegrate into civilian
life. We also know that their partners and their families will face unique challenges, as they carry out crucial, but often unrecognised and underappreciated, roles as carers.

This bill brings in a variety of amendments to current legislation governing veterans' entitlements and compensation. It will expand the eligibility for non-liability health care to include individuals with peacetime service who were discharged because of invalidity or because of physical or mental incapacity to perform their duties.

Eligibility will also be expanded to include individuals with alcohol use disorder and other substance use disorders. This is important because we must recognise the prevalence of alcohol and substance abuse amongst veterans, and the links of these to mental ill-health, and, in particular, post-traumatic stress disorder, or PTSD. We have known for many years that veterans can struggle with alcoholism and substance abuse, and it is also important that these will now be recognised as mental health conditions, linked to their service. Veterans from decades-old conflicts, and their families, have long known of this link, and we are now seeing this manifest in the newer generations of the veterans' community, unfortunately. These addictions have obvious effects on the veteran and their family, but they can also contribute to criminality, homelessness and domestic violence, factors whose prevalence is often underestimated or ignored in the veteran community. These veterans are in need of help, as are their families.

The bill will also expand eligibility of the Veterans and Veterans Families Counselling Service, the VVCS, to include current and former members who served during peacetime in the border protection service or in an Australian or overseas disaster zone. It will expand eligibility also to members involved in training accidents, members who were medically discharged, and submariners. Many of these people were previously unable to access services through the VVCS. This is important because it recognises the unique and important contribution of these groups.

These men and women have served on our behalf, and often suffer because of this service, so we have a duty to care for them and ensure that they are given the best support for their requirements. The Greens have always said that if we are prepared to enlist people in the defence forces, we are obliged to care for them properly. It is a huge responsibility to ask members of the community to serve on our behalf in situations that are often perilous or dangerous, and it is imperative that we then take that responsibility seriously and cater for their needs if they are injured in that situation.

The bill will also expand circumstances in which young people are taken to be wholly dependent on a member of the Defence Force. It will do this by including eligible young people for whom the member is liable to provide child support.

Among other amendments, the bill will also enable the Chief Executive Officer of Comcare to be nominated for appointment to the Military Rehabilitation and Compensation Commission, and various functions of the Veterans' Review Board. This bill makes technical and administrative amendments on a variety of areas which will go some way to promote the mental health of members of our veteran community, including partners and families the veterans. For these reasons the Greens are pleased to support this bill. However, we must ask ourselves: are we doing enough to support our veterans and their families? Are we, in this place and in Australia more generally, doing enough to look after these men, women, their partners, carers and family members? Are we looking after all groups and adequately ensuring
that services are responsive and appropriate for all? Are we doing enough to look after partners and families, who are a critical and often forgotten part of the picture?

The Greens strongly maintain that if, as a society, we are prepared to take the momentous and grave decision to send men and women to serve on our behalf in situations of danger and conflict, then we do have a grave responsibility to care for them properly on their return. They do face unique challenges, and so do their families as a result of their loved one's service, but they do not always receive the care and support they deserve.

Carers play a crucial role in the welfare and support of veterans, and they do that on behalf of the entire society. The evidence shows us that the partners and families of veterans are also susceptible to challenges with their own health and mental health as a result of their loved one's service. The Brain and Mind Research Institute reported that partners of Vietnam veterans have mental illnesses at levels 20 to 30 times higher than the general population. In 2005 a study at the University of Melbourne reported that psychological disorders affect partners and children of veterans at substantially higher rates than the non-veteran population and carry an associated risk of cardiovascular and other physical diseases. Veterans' children are reported to be at risk of higher rates of various congenital birth problems and health problems. Long-term studies show that being the partner or child of a Vietnam veteran with PTSD is a predictor of mental disorders, which can in turn affect grandchildren.

This morning I attended a Parliamentary Friends of Mental Illness breakfast and heard from young people who had been carers of parents with a mental illness. One young woman, Johanna, spoke eloquently and movingly about her experience of caring for two parents, both of whom had served in the ADF and both of whom were suffering from depression and PTSD. She had been a carer since she was five years old. She said that, effectively, her childhood had finished at five years. She is now a young woman in her early 20s. She also indicated that she has experienced depression. It is not surprising. She is struggling to do year 12; she is not able to attend school much of the time because she needs to be there for her parents, whom she loves dearly. She said that both parents are rarely at home at the same time because one will be in hospital when the other is not and vice versa. These are the children and families of veterans. As a society, we need to make sure that we are looking after them adequately.

It is reported that suicide levels amongst veterans' children are up to three times higher than in the rest of the Australian population. So the Australian Greens want to see effective mental health strategies which are responsive to the changing face of the veteran community and the people who are supporting them. To do this we need research into emerging issues and groups such as the specific needs of female veterans and the intergenerational effects of service on children and grandchildren. We also need innovative peer-based mental health support which will tackle stigma, which is one of the key barriers to veterans and their families seeking the help that they need. We need high-quality research into the training and preparation that is optimal for both veterans and their families before they are deployed—prophylactic training. Partners and families have told me frequently that they felt underprepared and unaware of the possible mental health risks to their loved ones. In addition, there is increasing evidence about measures that can be taken to build resilience and protect against conditions like PTSD. It is incumbent on us as a community to embrace the best practices before we send people away in our name.
One of the things I hear most from members of the Vietnam veterans and their families is: 'Don't let what happened to us happen to them. Make sure you look after these young people.' We must make sure that we look after our newest veterans and their families and that we do not fail them in the way that, arguably, we failed previous generations of those who served Australia. The Australian Greens stand with the veterans to call for a strong and compassionate plan that meets their mental health and broader needs. This legislation goes some way towards that. The Greens will be supporting the bill.

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (13:27): I thank the spokesman from the ALP and the spokeswoman from the Greens for their strong support in relation to the new government's measures in this regard. But I will just express a little bit of disappointment. There was no reference to the Transition and Wellbeing Research Program that I launched in Adelaide last week. This is a $5 million joint project between the Department of Defence and the Department of Veterans' Affairs. Senator Wright, I will send you a copy of my press release, which you may not have seen, which addresses the very issues that you are talking about in relation to contemporary veterans and their families. This is the largest research project of its type undertaken and I would hope that, once you see it, I will also have some welcoming comments from you.

This bill reflects this government's commitment to recognising the unique nature of military service. Tackling mental health challenges for veterans and their families was one of the four pillars of our plan for veterans that we took to the last election. The government currently spends about $166 million a year on mental health services for veterans, members and their dependants. This amount is demand driven, not capped.

With the passage of this bill, access to treatment under the non-liability healthcare arrangements will be expanded from 1 July 2014 to include diagnosed conditions of alcohol use disorder and substance use disorder, regardless of whether the condition is service related. Eligibility for these services for members of the Defence Force with only peacetime service will be expanded by removing the current cut-off date of 7 April 1994. Members who discharge before completing their three years continuous full-time service may be eligible where the discharge is on the grounds of invalidity or physical or mental incapacity to perform duties. This means that treatment for the mental health conditions of PTSD, anxiety and depressive disorders and alcohol and substance use disorders will be available without the need for the condition to be accepted as related to the member's service.

Mental health services for veterans, members and their families will be further improved through the expansion of the client groups eligible for counselling through the VVCS. From 1 July 2014, current and serving members with certain peacetime service will be eligible for counselling. Access to counselling will also be extended to the partners and dependent children, up to the age of 26, of these newly eligible groups and to the partners and dependent children, up to the age of 26, as well as the parents, of members killed in service related incidents.

Another significant measure in the bill will enhance the operations of the Veterans' Review Board, also known as the VRB. The bill will introduce a legislative framework for alternative dispute resolution processes, including conferencing and mediation. There is widespread support amongst the ex-service organisations for this change.
Some might view the changes in this bill as 'legalising' the board or turning the board into a replica of the Administrative Appeals Tribunal. I want to reassure the veteran community that that is not the case. These changes are designed to give the board more modern and efficient processes. Where a matter goes to a hearing, the same informal and non-legalistic approach to hearings will continue, which I know is appreciated by many in the veteran community.

Amendments to the Military Rehabilitation and Compensation Act will expand the circumstances under which an eligible young person is taken to be wholly dependent on a member. The expansion will include an eligible young person for whom the member is liable to pay child support. It should be noted that these situations are not exhaustive and other circumstances that meet wholly dependent status for an eligible young person will continue to be determined on a case-by-case basis.

Further amendments to the Military Rehabilitation and Compensation Act will enable the chief executive of Comcare to be nominated for appointment to the Military Rehabilitation and Compensation Commission. Amendments relating to the Commonwealth Seniors Health Card and seniors supplement will reduce the administrative burden on clients who travel overseas for more than six weeks. Finally, the bill will make a technical amendment to an end date for a period of service in an operational area in schedule 2 of the Veterans' Entitlements Act. The measures in the bill will benefit veterans, members of our defences forces and the families of our military personnel. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Smith) (13:32): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (13:32): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a second time.

REGULATIONS AND DETERMINATIONS

Australian Meat and Live-stock Industry (Export of Live-stock to Egypt) Repeal Order 2014

Disallowance

Debate resumed on the motion:


Senator COLBECK (Tasmania—Parliamentary Secretary to the Minister for Agriculture) (13:33): I rise to continue my contribution on the disallowance motion moved by Senator Rhiannon and note the government's support for the live export trade. We are proud of the work that we have done to grow this trade on behalf of the beef industry in Australia. I move:
That the question be now put.

A division having been called and the bells being rung—

Senator Colbeck: Mr President, having consulted the opposition, who have some things they wanted to contribute to the debate, I seek leave to withdraw my motion to end the debate.

The PRESIDENT: There being no objection, leave is granted. The vote will not proceed.

Senator FARRELL (South Australia) (13:40): The opposition welcomes the recommencement of the livestock trade with Egypt, which has been welcomed by producers and the live export industry. Labor strongly supports the almost $1 billion live export sector. The recommencement of trade to Egypt has only been possible through ESCAS, which the Labor government put in place. It is interesting that each time the minister talks about the opening of a new market he praises the ESCA System. It also important that there is a continued effort to build public confidence in the live export trade.

While in government Labor had proposed to build further on the ESCA System. This government has not proceeded with Labor's proposals, in particular for the establishment of a new independent inspector-general of animal welfare and live exports. Furthermore, one of the first acts of the new government was to abolish the Australian Animal Welfare Advisory Committee on 8 November 2013.

Over 10,000 men and women work in the livestock sector. Livestock exports are an important trade for Australia, and the opposition is committed to supporting that live trade. Live exports not only underpin jobs across the nation but also support higher cattle and sheep prices, which deliver fairer returns at the farm gate. Australia now has arguably the strictest system in the world to ensure that our exported sheep and cattle are treated as humanely as possible. We are the only one of 100 countries that export livestock that seeks to ensure international animal welfare standards are met throughout the entire supply chain. If successful, this disallowance motion would remove the ability for the government to apply ESCAS in the Egyptian market.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (13:43): I move:

That the question be now put.

The ACTING DEPUTY PRESIDENT (Senator Smith): The question is that the question be now put.

The Senate divided. [13:48]

(The Acting Deputy President—Senator Smith)

Ayes ......................47
Noes ......................9
Majority..................38

AYES
Back, CJ
Birmingham, SJ
Brown, CL
Cameron, DN
Colbeck, R
Cormann, M
Bernardi, C
Boyce, SK
Bushby, DC (teller)
Cash, MC
Collins, JMA
Dastyari, S
Thursday, 19 June 2014

AYES
Edwards, S
Faulkner, J
Fifield, MP
Johnston, D
Lines, S
Lundy, KA
Marshall, GM
McEwen, A
McLachlan, J
Nash, F
O’Sullivan, B
Peris, N
Ryan, SM
Singh, LM
Smith, D
Sterle, G
Tillem, M
Williams, JR

Farrell, D
Fawcett, DJ
Gallacher, AM
Kroger, H
Ludwig, JW
Macdonald, ID
Mason, B
McKenzie, B
Moore, CM
O’Neill, DM
Parry, S
Ruston, A
Seselja, Z
Sinodinos, A
Stephens, U
Thorp, LE
Urquhart, AE

NOES
Di Natale, R
Ludlam, S
Rhiannon, L
Waters, LJ
Wright, PL

Hanson-Young, SC
Milne, C
Siewert, R (teller)
Whish-Wilson, PS

Question agreed to.

The ACTING DEPUTY PRESIDENT (Senator Smith): The question is that the motion moved by Senator Rhiannon be agreed to.

The Senate divided. [13:52]

(The Acting Deputy President—Senator Smith)

Ayes ....................9
Noes ....................38
Majority ...............29

AYES
Di Natale, R
Ludlam, S
Rhiannon, L
Waters, LJ
Wright, PL

Hanson-Young, SC
Milne, C
Siewert, R (teller)
Whish-Wilson, PS

NOES
Back, CJ
Birmingham, SJ
Brown, CL
Cash, MC

Bernardi, C
Boyce, SK
Bushby, DC (teller)
Colbeck, R
Social Security Legislation Amendment (Green Army Programme) Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

to which the following amendment was moved:

At the end of the motion, add "but the Senate:

(a) notes the recent reduction to Landcare funding;
(b) regrets that the Green Army Programme funding allocation will in part replace the funding that was previously available to Natural Resource Management groups to undertake high quality conservation work and that the net effect of this program will be to transfer funding from skilled Natural Resource Management workers with a long-term focus, to unskilled, work-for-the-dole-style volunteers and short-term projects; and
(c) condemns the Government for introducing a program that will reduce the funding available for conservation in Australia.

Senator CORMANN (Western Australia—Minister for Finance) (13:55): I thank all senators who participated in this debate. The Green Army is a key election commitment by the coalition and it will commence from July 2014. I commend the bill to the Senate.

The ACTING DEPUTY PRESIDENT (Senator Smith): The question is that the amendment moved by Senator Siewert be agreed to.

Question negatived.
Original question agreed to.
Bill read a second time.

Third Reading

Senator CORMANN (Western Australia—Minister for Finance) (13:56): I move:

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

Bill read a third time.

Sitting suspended from 13:57 to 14:00

QUESTIONS WITHOUT NOTICE

Defence Procurement

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:00): My question is to the Minister for Defence. Following the minister's recent trip to Japan with the Foreign Minister, the Foreign Minister was quoted in The Australian newspaper as saying that discussions with the Japanese government included 'the prospect of purchasing even an entire submarine'. Will the minister rule out the purchase of submarines from Japan for Australia's future submarine fleet, or are you afraid to contradict your protector, Ms Bishop?

Honourable senators interjecting—

The PRESIDENT: Order! When there is order we will proceed. I remind senators that their questions need to be properly framed within the standing orders.

Senator JOHNSTON (Western Australia—Minister for Defence) (14:01): We all know that, in 2009, the then Labor government made a commitment to buy 12 submarines with an initial operating capability due in 2025-26. Of course, that plan was never adhered to and, indeed, Labor did absolutely nothing to further that program. In 2013, because of its own inactivity, Labor was forced to move the initial operating date for capability by four years to 2029-30. In doing so, it removed nearly $20 billion from the program leading up to that date. So submarines, under Labor, were in a state of complete and utter shambles.

In the recent two-plus-two defence and foreign ministers meeting in Japan—a very, very successful meeting—Australia and Japan discussed proposals to enhance practical bilateral defence cooperation between the two countries, reinforcing messages from the Shangri-La dialogue in Singapore the week before. Security and defence cooperation with Japan is a very important cornerstone of our bilateral relationship, which builds upon the 2007 joint declaration—

Senator Moore: Mr President, I rise on a point of order on direct relevance. The specific question was, 'Will the minister rule out the purchase of submarines from Japan?' There are 24 seconds remaining.

The PRESIDENT: There is no point of order. The question was broader than that. The minister still has 24 seconds remaining to address the question.

Senator JOHNSTON: In order to strengthen our defence cooperation with Japan, we are examining a number of areas to enhance that cooperation through exercises bilateral and trilateral and the exchange of defence science and technology. One of those areas is in submarine hydrodynamic technology. But of course we are talking to many other countries about this because—(Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:04): Mr President, I ask a supplementary question. Given that the minister has refused to overrule the Foreign Minister's statement of the prospect of purchasing even an entire submarine from Japan, will he now admit to the Senate that his pre-election promise to build 12 new
submarines in South Australia was a lie? Why is the government planning to kill off Australia's submarine-building capacity just like it has killed off our shipbuilding industry?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:04): All of this froth at the mouth simply discloses this particular senator's extreme ignorance as to the state of the Japanese Constitution. Japan has a very constricted defence posture at the moment because of its Constitution. If the senator had the faintest idea what he was talking about—which he does not—he would understand that it is simply not that simple. In dealing with the matter of submarines—having seen the Labor Party, with huge fanfare, announce a program that had no money and no work done over five years—we are starting, as I said, with a very clean sheet of paper. We are consulting the Germans, the French, the Brits and the US. (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:05): Mr President, I ask a further supplementary question. Minister, given that you have now twice refused to overturn and contradict Foreign Minister Bishop in her idea to buy a submarine, I will give you one more chance to guarantee you will build 12 submarines in Adelaide as you promised before the last election.

Senator JOHNSTON (Western Australia—Minister for Defence) (14:06): So there they were, Mr President, promising the South Australians that there would be 12 submarines, whilst all the while taking money out of the future Defence Capability Plan—some $20 billion—from the submarine program. And, of course, in the constriction of defence funding, $16 billion, reducing us to 1.56 per cent of GDP, the lowest since 1938, South Australia, which is the 'defence state' was absolutely ravaged. Where was Senator Conroy when that was going on? Where were the South Australian senators? They were asleep at the wheel. South Australia was ravaged by Labor in the defence space and they said nothing. We will fix the problem.

Asylum Seekers

Senator BERNARDI (South Australia) (14:07): My question is to the Assistant Minister for Immigration and Border Protection, Senator Cash. Can the minister please inform the Senate how long it has been since the last successful people-smuggling venture to Australia?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:07): I thank Senator Bernardi for the question and obviously note his longstanding commitment to protecting Australia's borders. I am pleased to inform the Senate that today marks exactly six months since the last successful people-smuggling venture to Australia by boat. That translates to 26 weeks or 182 days.

By way of comparison, in one month alone last year—July 2013—4,077 people arrived on 46 boats. On this very day in June last year, in June 2013, 139 people arrived on three boats. In fact, on 24 July 2013, in just one day, 508 people arrived on six boats. I confirm for the Senate that today marks six months under the Abbott government's strong border protection policies since there has been a successful people-smuggling venture to Australia.

But there were some who were sceptical, despite the success of the Howard government, that our policies would work. They said it couldn't be done. In fact, Bill Shorten, the Leader of the Opposition, said it couldn't be done. What did he say?
There is no doubt in my mind that the Coalition's boat-person policy is just absolutely not working. What did shadow minister Richard Marles have to say:

Turning back the boats was always a furphy.

… … …

…resolve on the part of this government … is completely shot to pieces…

Mr President, I say to you and I say to senators: the only thing that is shot to pieces is those and their opinion on the other side. It is six months today under the Abbott government's strong border protection policies since there was a successful people-smuggling venture to Australia.

**Senator BERNARDI** (South Australia) (14:10): Mr President, I ask a supplementary question. I thank the minister. Could she explain to the Senate how Operation Sovereign Borders has delivered this impressive result and why is it important to continue to send a strong message to people smugglers?

**Senator CASH** (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:10): The message to people smugglers under the Abbott government could not be clearer: Australia is not open for your vile trade; Australia is not open for your vile business. It is quite simple that stopping the boats has also saved people's lives. The great human tragedy of the policies of the former government, that were so vocally supported by Senator Hanson-Young and the Australian Greens, was that 1,000 people were confirmed to have died at sea. That is the tragic result of what occurs when you lose control of Australia's borders. I thank the men and women of the Australian Customs and Border Protection Service, who do a sensational job under this government now in patrolling our borders. *(Time expired)*

**Senator BERNARDI** (South Australia) (14:11): Mr President, I ask a further supplementary question. Can the minister update the Senate on the last time such a long period of time passed between illegal boat arrivals and what this milestone actually means for the thousands of asylum seekers languishing in refugee camps around the world who actually have applied for asylum in Australia?

**Senator CASH** (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:11): It was actually, as Senator Cormann has stated, many years ago since Australia undertook a period of six months since a boat arrived in Australia. It was, however, in 2007 and it was under the former Labor government. But, guess what? It was when the former Howard government's policies were in place. Who remembers what happened in August 2008, under former minister for immigration Chris Evans, when he stated that the proudest moment of his political career was when he dismantled the Howard government's strong border protection policies? We now know what the result of that was—in excess of 50,000 people arrived under the former government; 1,000 people confirmed dead at sea; thousands of children behind bars; and a cost to the Australian taxpayer of in excess of $11.5 billion.

**Budget**

**Senator PERIS** (Northern Territory) (14:12): My question is to the Minister representing the Minister for Health, Senator Nash. I refer to Associate Professor Brian Owler, President of the Australian Medical Association, who says:
Recent evidence indicates that 12.2 per cent of indigenous Australians do not access a GP because of cost in the current system. A co-payment will hamper our collective efforts to "close the gap" …

Is the President of the AMA right?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:13): I am aware of comments by Professor Brian Owler. What I would say to the chamber is this government is absolutely committed to improving health outcomes for all Australians, including Indigenous Australians.

The senator should be aware that the community controlled health organisations claim Medicare benefits for primary health care. The senator would, I am sure, also be aware that they are also able to access grant funding as well to deliver primary health care. In 2014-15 the grant funding amounts to $382 million. This government is very well aware of how important it is that we ensure Indigenous Australians have access to primary health care. We need to improve those health outcomes and we will absolutely be ensuring, as my colleague Senator Scullion has been continuing to say, that we will focus on frontline delivery and health care.

Senator PERIS (Northern Territory) (14:14): Mr President, I ask a supplementary question. I refer again to comments by Associate Professor Owler, who says:

… among the more disadvantaged in society, 12 per cent of people defer or do not see their GP due to cost. It will significantly increase with a co-payment.

Is the President of the AMA right?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:15): This government, as I have continued to say in this chamber, is absolutely focused on ensuring we get the best health outcomes for the Australian people.

Honourable senators interjecting—

The PRESIDENT: Order! Senator Nash, resume your seat. Senator Moore is on her feet. On my right, Senator Moore is entitled to be heard in silence. Senator Moore.

Senator Moore: Mr President, my point of order is on direct relevance. You have to be fast, you beat me last time, Senator Nash, by sitting down so quickly. The question was: is the President of the AMA right?

The PRESIDENT: I cannot instruct the minister on how to answer the question. The minister has been going for 14 seconds and has 46 seconds remaining to address the question. There is no point of order at this stage. I am listening closely to the minister's answer. I call the minister.

Senator NASH: Thank you very much, Mr President. I do not look at question time as a race to the time to sit down. I had simply concluded my answer.

Honourable senators interjecting—

The PRESIDENT: Senator Nash, just resume your seat. Order! Minister, please continue.

Senator NASH: Thank you very much, Mr President. As I have indicated to this chamber, there has been a range of arrangements that have changed in this budget as a result of the fact that it is this government that are looking to ensure a sustainable health system into the future.
Those changes have been made because we, unlike those on the other side, are going to ensure that sustainable health system.

The PRESIDENT: Resume your seat, Senator Nash. Senator Wong.

Senator Wong: Thank you, Mr President, my point of order is relevance. The Australian Medical Association has put the proposition that the effect of the government's policies will be that people will defer or not see their general practitioner due to cost. The minister is being asked about that proposition. She should return to the question in her answer.

The PRESIDENT: Order! As I have said, I cannot tell the minister how to answer the question, but I do draw the minister's attention to the question. The minister.

Senator NASH: Thank you very, Mr President. I can indicate to the chamber our commitment to getting better health outcomes.

Senator PERIS (Northern Territory) (14:17): Mr President, I ask a further supplementary question.

Honourable senators interjecting—

The PRESIDENT: Senator Peris, do not ask the question yet because you have people interjecting and you need to be heard. Order! Senator Peris.

Senator PERIS (Northern Territory) (14:17): Thank you, Mr President. When Australia's peak medical association does not support the government's $7 GP tax, how can the Australian people?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:18): What the Australian people supported—

Honourable senators interjecting—

The PRESIDENT: Senator Nash, just resume your seat. It will assist if senators at the front of the chamber desist from discussing the matter across the chamber. The question is being asked of Senator Nash, not of any other senator at this stage. As the minister responsible, the minister has the call to answer the question. The minister.

Senator NASH: Thank you very much, Mr President. What the Australian people support is this government fixing the budget mess of the previous Labor government. What the Australian people support, which they showed at the last election, was this government being the government able to fix the economic mess that was left to us by the previous Labor government. There have been some tough decisions. It is this government that is, indeed, going to spend $500 million more on Indigenous health over the forward estimates than was spent by the previous Labor government between 2009-2010 and 2012-2013. If you are asking the question about who has the commitment to Indigenous health, it is this coalition government.

Honourable senators interjecting—

The PRESIDENT: When there is silence I will give Senator Hanson-Young the call. Senator Hanson-Young is entitled—on my left—to be heard in silence. Senator Hanson-Young.
Asylum Seekers

Senator HANSON-YOUNG (South Australia) (14:20): My question is to the Minister Assisting the Prime Minister, Senator Abetz. This week the Prime Minister has classified the conflict in Iraq as 'dangerous' and has said that maximum violence and terror has been directed towards civilians. Last week an Iraqi asylum seeker was forcibly removed from Australia and returned to this conflict zone. Minister, who made the decision to deport this man and who made the assessment that it was safe to do so?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:20): Mr President, I think we can all be agreed that the situation in Iraq is a matter of great regret and a matter of great concern. I am sure that nobody in this chamber would seek to play politics with it. In relation to individual circumstances of asylum seekers in this country and the determinations that are made, they go through the normal processes of which we are, or should be, aware in this place. Talking about individual cases I am not sure is necessarily helpful, but what I will do is take the detail of the question on notice and see if there is anything further that I can provide to the honourable senator.

Senator HANSON-YOUNG (South Australia) (14:21): Mr President, I ask a supplementary question. I thank the minister for his answer, and I appreciate him taking the matter on notice. Could the minister also take on notice: how many other people have been removed from Australia to Iraq in the last month, both voluntarily and by forced deportation?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:21): The answer to that is yes.

Senator HANSON-YOUNG (South Australia) (14:22): Mr President, I ask a further supplementary question. Could the minister outline for the chamber what negotiations have been occurring to ensure that those people forcibly or voluntarily removed from Australia to Iraq are being looked after in Iraq and what monitoring of their safety is happening?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:22): I am happy to try to get some detail in relation to those matters, but can I suggest to the honourable senator that there might be a very substantial difference between somebody being forcibly removed and somebody being voluntarily removed. If they are voluntarily removed, it means they actually wanted to go back whence they came. I would simply refer Senator Hanson-Young to an answer provided by Senator Cash earlier this week indicating that, under our watch, more asylum seekers have voluntarily left Australia to go back to their country of origin than have sought to arrive in this country, which is something that I think we should take note of.

School Chaplaincy Program

Senator SESELJA (Australian Capital Territory) (14:23): My question is to the Attorney-General, Senator Brandis. Can the Attorney-General advise the Senate on the decision of the High Court in the Williams No. 2 matter?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:23): Thank
you, Senator Seselja. This morning the High Court gave judgement in Williams v Commonwealth of Australia No. 2. The effect of the court's decision is that the Commonwealth's National School Chaplaincy and Student Welfare Program is invalid. The basis of the decision is that the school chaplaincy program is invalid because, the court found, it is not supported by any legislative head of power in the Constitution. In particular, the court decided that the program was not a benefit to students within the meaning of section 51(xxiiiA) of the Constitution and was therefore not supported either by that or by any other constitutional head of power. It is important to note that, in arriving at that conclusion, the court did not deal with the merits of the program, merely with the question of whether it fell within a particular constitutional definition.

Senator SESELJA (Australian Capital Territory) (14:24): Mr President, I ask a supplementary question. Can the Attorney-General advise the Senate what implications the decision may have for any other Commonwealth government programs?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:24): The court did not deal with any other Commonwealth programs. It did not consider the broader question of whether division 3B of the Financial Management and Accountability Act was a valid law. It merely decided that, insofar as that act purported to validate the school chaplaincy program, it was ineffective because the school chaplaincy program was not supported by any constitutional head of power. The court did not decide that any other Commonwealth program was invalid. I notice a statement by the shadow minister for finance, Mr Burke, issued a short while ago, in which he suggests a range of Commonwealth programs are put at risk as a result of the court's decision this morning. That statement by Mr Burke is erroneous and ignorant.

Senator SESELJA (Australian Capital Territory) (14:25): Mr President, I ask a further supplementary question. Can the Attorney-General advise the Senate what assurances the government can provide to recipients who have already received funds under the school chaplaincy program?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:26): Yes, Senator Seselja, I can. It follows from the court's judgement that Commonwealth payments to persons under the school chaplaincy program were invalidly made. The effect of the decision is that these program payments, totalling over $150 million, are now debts owing to the Commonwealth under the Financial Management and Accountability Act. However, under that act, the Minister for Finance has the power to approve a waiver of debt of an amount owing to the Commonwealth which totally extinguishes that debt. I am advised by my friend Senator Cormann that he has today agreed to waive the program payments made to date. That decision will provide certainty to funding recipients that these debts will not be recovered in consequence of that decision.

Budget

Senator McLUCAS (Queensland) (14:27): My question is to the Minister representing the Minister for Health, Senator Nash. I refer to the example given by Associate Professor Owler, the President of the AMA, of a young woman with a breast lump who needs a biopsy for diagnosis. Can the minister confirm that out-of-pocket costs could rise to at least $63 over
nine visits as a consequence of co-payments for GPs, radiology and pathology adding up? Does the minister agree that the imposition of a $7 GP tax will increase costs and could deter women from accessing an often life-saving early diagnosis?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:27): I can again indicate to the chamber that I am well aware that there have been a range of commentary on the budget around the health measures since the budget was introduced. I know that there have been a range of comments around the changes to some of the current charges for healthcare provision. I have indicated to the chamber on several occasions that those decisions have been made because of the necessity to have a sustainable health system into the future. That is the priority for this government. Unlike those opposite, we do not believe—

Senator Moore: Mr President, I raise a point of order on direct relevance. The minister did hear the question. It was specifically related to the comments from Associate Professor Owler. I have taken time to make this point of order and I ask you to draw the minister's attention to the particular question.

The PRESIDENT: The minister still has one minute and 12 seconds remaining to address the question that was asked of her. I am listening closely to the minister's answer. The minister should address the question.

Senator NASH: I have indicated to the chamber that I am very well aware of those comments. I have indicated to the chamber that there has been a change in arrangements for the Medicare payments because of the need to ensure a sustainable health system into the future. I will continue to answer—

Senator Wong: Mr President, on the point of order: direct relevance is the point of order. The question is about whether a woman would be deterred from accessing life-saving early diagnosis in the case of suspected breast cancer. It is a very serious question. The minister should return to the answer.

The PRESIDENT: At the one minute 12 mark remaining in the question I did draw the minister's attention to the question. The minister has 54 seconds remaining to address the question.

Senator Wong: Are you going to continue to make light of this?

Senator NASH: The Leader of the Opposition would well know that I certainly am not making light of this. The Leader of the Opposition just asked me if I am going to continue to make light of this. The answer to that is clearly no, because I am not making light of it in the first place. I am answering the question.

Senator Wong: You can deal with the consequences of your policy!

Honourable senators interjecting—

The PRESIDENT: Senators on my right and left! Order!

Senator NASH: Thank you, Mr President, and I will also take the most recent interjection from the Leader of the Opposition, saying that we have to deal with the consequences of our policy. The consequences of the previous Labor government policy is an unsustainable health system. If this government does not make the changes to the policy, our children and their children will be paying for it for decades.
Senator McLUCAS (Queensland) (14:32): Mr President, I ask a supplementary question. I refer to a common scenario, given by Associate Professor Owler, of patients on the anti-clotting medication warfarin who may not always fall under the 10-visit concession cap. Associate Professor Owler says that when patients go on warfarin they usually need a large number of visits to determine whether their blood is too thin or thin enough for this treatment. Isn't it true that with a $7 GP tax this could add up to hundreds of dollars for this life-saving treatment?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:32): I am well aware of Professor Owler's comments on this. Those opposite would be well aware of the changes in financial arrangements and would know the answer to that question. I do not have anything further to add.

Senator McLUCAS (Queensland) (14:34): Mr President, I ask a further supplementary question. Given the AMA has described the co-payment as 'unfair and unnecessary' and 'poor health policy', does the minister agree that introducing a $7 GP tax undermines the principle of preventive health and will hurt those who need our support the most?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:34): What I agree with is making sure that we have a sustainable health system into the future. What I agree with is making sure we have a strong economy. What I agree with is making sure we get the budget back on track. We have indicated to the chamber why this has been a tough budget, and this government have indicated very clearly why those changes have been made. We are going to ensure a sustainable health system into the future and we will make sure that we improve health outcomes for all Australians.

Carbon Pricing

Senator RUSTON (South Australia) (14:35): My question is to the Minister for Finance, Senator Cormann, representing the minister for the Environment. Can the minister advise the Senate if the carbon tax has been repealed? If not, why not?

Senator CORMANN (Western Australia—Minister for Finance) (14:35): I thank Senator Ruston for that question. I regret to inform the Senate that the carbon tax has not been repealed. The reason it has not been repealed is because the Labor Party again joined in with the Greens to vote against the repeal of the carbon tax, in defiance of the judgement made by the Australian people. They are very cocky over there, jumping up and down and saying, 'Everybody knows it's not been repealed'. Not everybody on the Labor side seems to know that the carbon tax has been repealed. This is the tax that every single member of the Labor Party campaigned that we would never get. They said there would never be a carbon tax under a government led by Julia Gillard.

Then of course we had Kevin Rudd coming back as Prime Minister saying that he has removed the carbon tax. We had Senator Pratt putting out pamphlets in Western Australia—

Honourable senators interjecting—

The PRESIDENT: Senator Cormann, resume your seat. When there is silence we will proceed.

Senator CORMANN: I understand why Labor are touchy, because they are doing the wrong thing against the national interest. We had Senator Pratt say that Labor have already
removed the carbon tax. Then of course we had her successor, Senator-elect Bullock, go to Western Australia and say that Labor is voting to repeal the carbon tax, on the very same day that Labor was voting to keep it, here in this chamber. We had the truth-teller from Western Australia, Senator Bishop, out there saying that Labor should get rid of the carbon tax, but then, not to be outdone, the shadow minister, Mr Butler, on Sunday said:

We do support the abolition of the carbon tax.

Wait for this:

We voted to abolish the carbon tax in the Senate … So, we're not voting to support the carbon tax.

It is time that Labor stopped misleading the Australian people. If you are against the carbon tax, vote to get rid of it.

Senator RUSTON (South Australia) (14:39): Mr President, I ask a supplementary question. Can the minister please further inform the Senate: what savings can be passed on to households and businesses once the carbon tax is repealed?

Senator CORMANN (Western Australia—Minister for Finance) (14:39): Here they are, all cocky and jumping up and down. Of course we are keeping the carbon tax. Their shadow minister Mr Butler went on television to say:

We do support the abolition of the carbon tax. We voted to abolish the carbon tax in the Senate … So, we're not voting to support the carbon tax.

and you, here in this chamber, did the exact opposite. Of course, families across Australia could be saving $550 a year, on average—a lower cost of living—at a time when people could very much do with that help. Household average electricity bills would be around $200 lower than they otherwise would be.

Honourable senators interjecting—

The PRESIDENT: Senator Cormann, resume your seat. Senator Cameron, I remind you that interjections are disorderly.

Senator CORMANN: I have to say that again. The cost of living for the average family would go down by $550 a year. Their electricity costs would be $200 a year lower than they otherwise would be. Gas bills would be $70 lower a year than they otherwise would be. Of course, the Labor Party, which wants to have it both ways, is voting to keep these costs imposed on families. (Time expired)

Senator RUSTON (South Australia) (14:41): Mr President, I ask a further supplementary question. Can the minister advise the Senate whether the carbon tax is set to increase on 1 July despite opposition claims that it has been abolished?

Senator CORMANN (Western Australia—Minister for Finance) (14:41): Senator Ruston, that is a very good question, because the carbon tax that the Labor Party voted to keep, even though they are telling everyone they are against it and they want to abolish it—in fact, Senator Pratt said they had already abolished it—continues to go up and up every year. In the first year it was $23 a tonne. It was to raise $7.6 billion. Then, from 1 July 2013, it went up by five per cent to $24.15 a tonne, and on 1 July 2014, a couple of weeks away, it is due to go up again by another five per cent. This is the tax that the Labor Party is telling the Australian people they are opposed to. It is the tax that Julia Gillard said we were never going to have. It
is the tax that Labor senator after Labor senator from Western Australia said they were going to get rid of, on the same day that Labor in this chamber was voting to keep it. It is time that Labor remembered the national interest and it is time that Labor stopped misleading the Australian people.

**Australia Post**

**Senator MADIGAN** (Victoria) (14:42): My question is to the Minister representing the Minister for Communications, Senator Fifield. Minister, in reference to recent announcements by the CEO of Australia Post, Mr Fahour, that Australia Post will be slashing around 900 jobs over the next 12 months, can the minister outline exactly where the 900 job losses in Australia Post will be from?

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:43): Thank you, Senator Madigan, for your question and for the notice. The decision to which Senator Madigan refers has been taken by the management and board of Australia Post and does reflect the significant structural challenges the company is facing. Australians are sending fewer letters. About one billion fewer letters have been sent in the last five years as Australians increasingly communicate using email, SMS and social networking sites. We are quickly approaching the point—as early as next financial year—where losses from the letters business is so large that it can no longer be subsidised by profits from the parcels business. The job reductions to which Senator Madigan refers will not come into effect immediately. They will be phased in over 12 months. This will affect the size of Australia Post's back office and support functions, including managerial and administrative roles. These are mostly located at Australia Post's corporate headquarters in Melbourne.

**Senator MADIGAN** (Victoria) (14:44): Mr President, I ask a supplementary question. Can the minister outline any expectations the minister may have for any further job losses over the next 12 to 24 months within Australia Post?

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:44): I should add, in conclusion to the previous question, that the company has made a public commitment that no customer-facing services, such as retail workers and posties, will be affected as a result of the decision announced on 10 June.

In direct response to Senator Madigan's first supplementary question: as a government business enterprise, these are the types of decisions that are managed by the board of Australia Post. It is important that we recognise that, as I said before, Australians are choosing to send fewer letters, placing the sustainability of the company under great pressure. Australia Post already has made a combined loss in its regulated letters business of more than $400 million over the last two financial years. This trend will continue to accelerate as letter volumes continue to fall by more than eight per cent each year. The fact is that Australians are making the active choice to send fewer letters.

**Senator MADIGAN** (Victoria) (14:45): Mr President, I ask a further supplementary question. Australia Post has refused to rule out the offshoring of quality Australian jobs. Can the government rule out this prospect for them?
Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:45): Operational and staffing matters are the responsibility of the Australia Post board. The government is confident that the management and board of Australia Post will continue to manage the company in the best interests of all Australians. It is a company that is responding to significant and worsening structural challenges. Australia Post, as I alluded to, expects to make a total company loss—for the first time since corporatisation—as early as next financial year. Australia Post's management are absolutely committed to ensuring that the long-term sustainability of the company and their decisions reflect this commitment.

Budget

Senator TILLEM (Victoria) (14:46): My question is to the Minister representing the Minister for Infrastructure and Regional Development, Senator Johnston. I refer to the government's decision to freeze Federal Assistance Grants and rip $925 million from local councils over the next four years. Is the minister aware of comments by the Municipal Association of Victoria president, Councillor Bill McArthur, that these cuts will be a:

… black hole in Victorian council budgets, with much of it in rural communities.

Is the Municipal Association of Victoria right?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:46): The 2013-14 budget saw $2.2 billion allocated to local governments under the Financial Assistance Grant program. This includes an accelerated payment of $1.1 billion, which was paid in June 2013. The remaining $1.1 billion will be distributed in 2013-14. In the 2014-15 budget, the government announced that the indexation applied to the Financial Assistance Grant program would be paused for three years. This savings measure delivered $900 million. As a result, the national financial assistance pool will be an estimated $9.3 billion over the forward estimates. This will continue to fluctuate due to changes in the population estimates by the Australian Bureau of Statistics.

The situation is that we will accelerate the payment of $1.1 billion to June this year and distribute the remaining $1.1 billion, as I have said, this year for the Financial Assistance Grant pool. Funding increases through the Roads to Recovery program provides an additional $350 million in 2015-16. The Black Spot Program, much of which I talked about yesterday, provides an additional $200 million in 2015-16. This will significantly impact and offset the effect on local governments from the freeze on the Financial Assistance Grant program. They are paid equally in quarterly instalments to state and territory governments for immediate distribution to local government bodies. That immediate distribution helps them greatly. The fourth quarterly payment to local government—(Time expired)

Senator TILLEM (Victoria) (14:49): Mr President, I ask a supplementary question. Is the minister aware of comments by the Local Government Association of Queensland's chief executive, Greg Hallam, that:

Rural, remote and Indigenous councils get the double whammy— a freeze on grants at a time when petrol and diesel costs will rise.

Is the Local Government Association of Queensland right?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:49): The abolition of the carbon tax would be a great saving to these particular councils.
Opposition senators interjecting—

Senator JOHNSTON: But many of you over there think you have already done it.

Honourable senators interjecting—

The PRESIDENT: Order! Silence on my left and on my right.

Senator JOHNSTON: As I was explaining yesterday, the Roads to Recovery program is what is going to adjust this situation. We have advanced much money in this budget, in stark contrast to what went on under the previous Labor government. In re-introducing the fuel indexation for fuel, we are enhancing regional infrastructure and delivering new road infrastructure projects. We are reducing indexation to assist in funding by raising approximately $2.2 billion. This money is going into regional infrastructure. Regional infrastructure is something that the previous government—(Time expired)

Senator TILLEM (Victoria) (14:51): Mr President, I ask a further supplementary question. I will make this an easy one for the minister: can you please advise us on what services local council should cut as a result of the government's grant freeze? Should it be Home and Community Care, libraries, emergency management, roads in regional areas or Meals on Wheels to the elderly? That is an easy one! Have a crack.

Senator JOHNSTON (Western Australia—Minister for Defence) (14:51): The flippancy of that question, when the legacy—

Honourable senators interjecting—

The PRESIDENT: Senator Johnston, resume your seat. Order! If you wish to debate it—

Government senators interjecting—

The PRESIDENT: On my right! If you wish to debate it, the time is after the finish of question time.

Senator JOHNSTON: The flippancy of that question about jobs, employment in regional councils, when this government is confronted with $1 billion in interest every month, highlights the fact that, over there, they do not give a fig about regional people, about jobs and—

The PRESIDENT: Senator Johnston, resume your seat. Senator Tillem has got to his feet.

Honourable senators interjecting—

Senator Tillem: On a point of order, Mr President—

The PRESIDENT: No, I understand why you are on your feet, Senator Tillem, but you are entitled to be heard in silence.

Senator Tillem: The question was in relation to which services ought to be cut. It was a very simple question, Mr President, and there is no relevance in the answer that the minister is giving.

The PRESIDENT: There is no point of order at this stage. The minister—

Honourable senators interjecting—

The PRESIDENT: Order! Senator Johnston, resume your seat. When there is silence on both sides, we will proceed. There is no point of order at this stage. The minister still has 26 seconds, and I cannot instruct the minister how to answer the question.
Senator JOHNSTON: There should be no need for those cuts, because, as I said yesterday and today, an additional $350 million for the Black Spot Program—

Senator Wong interjecting—

Senator JOHNSTON: And of course we all have to put up with the carping of the Leader of the Opposition. It is just unbelievable how irrelevant she really is to this whole issue, because $200 million is there for the Black Spot Program. I have said most of the coverage—

(Time expired)

Budget

Senator BOSWELL (Queensland) (14:54): I have a question to the very popular Assistant Minister for Health, Senator Nash.

Honourable senators interjecting—

The PRESIDENT: Senator Boswell, I will give you the call when there is silence. You are entitled to be heard in silence, Senator Boswell.

Senator BOSWELL: Mr President, this is probably my final question. Would you give me a little protection on this, please?

The PRESIDENT: Senator Boswell, can I say: you never have warranted protection in this place; you have looked after yourself very well! But, in accordance with the way this chamber is run, you will be given and afforded the same protection as everyone else.

Senator BOSWELL: Will the minister advise the Senate what the government's budget is doing to improve the health outcomes for Aboriginal and Torres Strait Islanders?

Opposition senators interjecting—

The PRESIDENT: When there is silence on my left, we will proceed.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:56): I thank the much more popular Senator Boswell for his question! This government is committed to improving Aboriginal and Torres Strait Islander health as a priority. As we have reinforced through the budget, we are committed to the delivery of effective and efficient health services for Aboriginal and Torres Strait Islander people. In 2014-15, more than $920 million will be spent on the provision of Indigenous health programs. Overall funding levels for Indigenous health will continue to grow over the next four years. From 2014-15 to 2017-18, the government will invest $3.1 billion in Indigenous-specific health programs, an increase of over $500 million from under the previous Labor government in 2009-10 to 2012-13.

This government is committed to the development of more sustainable and viable services. Through the budget, we will expand activity in the key areas of child and maternal health and chronic disease prevention and management. These are priority areas to close the gap. We are expanding programs that have demonstrated their effectiveness in improving health outcomes. There is Better Start to Life, with an investment of $94 million to expand efforts to improve child and maternal health, and the expansion of Healthy for Life, with $36 million to an additional 32 Aboriginal community controlled health organisations to improve management of chronic disease. From 1 July 2014, the Indigenous Australians Health Program will be established, consolidating four existing funding streams into one, giving more flexibility and
improving outcomes. Unlike the previous government, we are going to take the decisions to
direct funding towards efficient and effective health services that ensure real outcomes.

Senator BOSWELL (Queensland) (14:58): Mr President, I ask a supplementary question. Thank you, Minister, for the very comprehensive answer. I have another question for you. Can the minister advise the Senate how the $94 million for the Better Start to Life program will expand efforts to improve the health of Indigenous mothers and their children?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:58): The Better Start to Life approach announced in the budget targets the health of Indigenous mothers and babies so children are given the best possible start to life. The government is committed to closing the gap by ending the cycle of disadvantage which starts with poor child health. Focusing on those critical early years means that Aboriginal and Torres Strait Islander children will get a positive foundation for life.

Through the $54 million investment in Better Start to Life New Directions: Mothers and Babies, the government will expand efforts in child and maternal health to support Indigenous children to be healthy and go to school. This expansion will mean that the sites will be increased from 85 to 137, and the Australian Nurse-Family Partnership Program will be expanded by $40 million to increase the sites from three to 13, with an absolute focus on this area.

Senator BOSWELL (Queensland) (14:59): Mr President, I ask a further supplementary question. Minister, can you update the Senate on the next steps in the Commonwealth government's National Aboriginal and Torres Strait Islander Health Plan?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:59): This government is determined to ensure real changes and improvements in health outcomes for Aboriginal and Torres Strait Islander people. I recently announced the development of an implementation plan for the National Aboriginal and Torres Strait Islander Health Plan before the end of the year. We will be developing a targeted on-the-ground implementation plan in order to translate those good intentions into actions. It is only through targeted and strategic action on the ground that real outcomes can be realised. I would like to acknowledge the important work that has gone into the health plan by the Aboriginal and Torres Strait Islander people, stakeholders, peak groups and representative organisations, who contributed to the framework. I look forward to working with those stakeholders so that we can ensure we turn that very good framework into real action and real outcomes on the ground.

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Asylum Seekers

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (15:01): I have some further information in response to the question asked of me by Senator Hanson-Young in question time today. I am advised that if someone is considering returning home, it is important to remember the decision to return is theirs. We do accept that it is not always an easy decision to make. However, Australia does not return failed asylum seekers who are
found not to be refugees where this would contravene Australia's non-refoulement obligations under other human rights instruments.

BILLS

Social Security Legislation Amendment (Green Army Programme) Bill 2014

Second Reading

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

Senator XENOPHON (South Australia) (15:02): I seek leave to have incorporated into Hansard my remarks on the Social Security Legislation Amendment (Green Army Programme) Bill 2014.

Leave granted.

The speech read as follows—

At this stage, I cannot support this bill.
I believe it is important to provide training pathways and support to help people find gainful employment. In that sense, I support the intention of this bill, and particularly its aim of linking social and environmental outcomes.

They are laudable aims, but my fear is that this bill as it stands does not achieve those aims.
Instead, it is missing essential basic safeguards that would ensure both the protection of workers in the program and the outcomes the bill seeks to achieve.

There are basic rights all workers in Australia deserve, whether they are participating in the mainstream workforce or in a program like the one proposed in this bill.

Instead, people participating in the program will not be subject to any Commonwealth laws or protections. They will not be considered workers, trainees or volunteers under the law.

It is important to remember that many of the people who would be participating in this program would be some of society's most vulnerable: young, or disadvantaged, or disconnected. They may not have a lot of workplace experience or may be suffering from physical or mental health issues.

These are people who deserve protection in the workplace the most.

I note that the Government has stated that contractual protections will be built into agreements with service providers, but in my view that is nowhere near good enough.

It is also not good enough to say that providers will be bound by any state or territory laws that apply, given that most of these powers were handed over to the Commonwealth to form a national framework in 2010.

Access to the Commonwealth system would provide a more appropriate level of protection to participants in the program.

During the inquiry into the bill, the Law Council submitted:

"The Green Army Programme Guidelines do provide that Project Sponsors and their subcontractors must comply with the provisions of all relevant work health and safety laws, provide a safe working environment, and develop project specific work health and safety plans... However there is a significant difference between a contractual obligation to ensure safety (which might, if breached, mean that a service provider has their contract terminated) and the sanctions of criminal law that come with being bound by workplace health and safety legislation."
The submission continues:

"A contractual obligation to the Commonwealth to protect workers from injury does not provide the workers themselves with any compensation or redress if they are injured at work... The provision of insurance cover will mitigate the risk to some extent, but it is not clear why voluntary workers should be disadvantaged relative to other trainee employees in relation to workplace health and safety and income protection."

I support these comments. At the very least, participants in the program should be considered to be trainees or volunteers, and given the legal protections that offers.

I also think it's important to note the concerns that have been raised in relation to minimum payments under the scheme.

As others have said, participants in the scheme will not receive any other social security payments. There is no minimum payment or minimum hours to be worked, so participants could be far worse off in the program compared to receiving assistance.

I note the Senate Education and Employment Committee recommended that a minimum number of hours be mandated in the legislation to ensure reasonable payments to participants.

In addition to this, I believe those payments should be part of the means test for Newstart and other allowances, to make sure participants don't miss out and still get a fair go.

Lastly, I am concerned about the lack of requirement in the legislation for providers to offer training paths to participants. Without valid and useful training options, there is, as currently designed, potentially no long term benefit for participants and the program may do nothing to encourage and support people into the workforce.

Ultimately, while I broadly support the intention of programs such as the Green Army Programme, I cannot support this legislation without amendment.

There are essential safeguards missing from this legislation that will put participants in the program at risk. While I understand the provisions in this bill are similar to previous programs, there is no reason why participants in the Green Army Programme should be exempt from such basic rights.

Further, a lack of minimum payment levels and training programs will mean that participants may not only not benefit from the program, but may be worse off.

Mr Deputy President, the aim of supporting people into the workforce is a worthy one. But this bill does not achieve that aim and may in fact cause harm to the people involved in the Green Army Programme. I will not be supporting the bill without significant amendment to address these problems and ensure the safety and wellbeing of the program's participants.

Debate adjourned.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Budget

Senator McLUCAS (Queensland) (15:02): I move:

That the Senate take note of the answers given by the Assistant Minister for Health (Senator Nash) to questions without notice asked by Senators Peris and McLucas today relating to copayments for medical services.

Senator McLUCAS: During the election campaign we heard that there were going to be no changes to Medicare, there were going to be no new taxes. The budget has put an absolute lie to those commitments made by the now Prime Minister during their campaign. Today's question time has confirmed that there are changes to Medicare and there are new taxes that will be imposed on the Australian people.
The chorus of opposition grows to this budget, particularly the health budget. We have had the Rural Doctors Association expressing concerns about what this budget will do to the health of regional, rural and remote Australians, particularly Indigenous Australians.

Today we have seen Associate Professor Brian Owler take what one would think is an unusual action to get his voice heard and that is to write an opinion piece in today's Age. It is an unusual action. I do not speak for Associate Professor Brian Owler, but it must mean that he is finding it difficult to have the views of the AMA heard by this government. It was interesting to note during question time Senator Abetz refer to the AMA as an 'interest group'. I am sure they will be pleased to know that that is the respect that Senator Abetz has for the leading medical organisation in this country. In the article Associate Professor Owler concludes by saying:

The co-payment is unfair and unnecessary. Ideology has pushed this proposal too far. It is poor health policy. The Prime Minister should step in and scrap this policy. If not, it deserves to fail in the Senate.

You could not be clearer, Associate Professor Owler: you do not think a lot of this co-payment. He says it is unfair. That is right—it is a tax on the poor and sick in our country, on the elderly and children, those who use our health system the most. Associate Professor Owler references a patient on warfarin. This issue was also raised with me by a pathology nurse when I was running a street stall recently. She said, 'Patients often have to go daily to have warfarin blood tests, to test whether or not their blood is suitable to take warfarin.'

Associate Professor Owler also says that not all of these patients will be under the cap of 10 co-payments for concession patients. He concludes:

That will mean hundreds of dollars in co-payments.

We also noted his comments that the co-payment will mean that, with regard to a preventative health approach, the use of GPs in particular, people will not go to the doctor in order to achieve good health. He references a woman with a lump in her breast that will mean, on his reckoning, at least $63 for an early detection event. He concludes:

The effects of delayed diagnosis are expensive and often tragic.

This is what the president of the AMA is telling this government. The co-payment is also unfair to doctors, particularly GPs. The budget in fact has turned the principle of bulk-billing on its head. If a doctor bulk-bills now, they will be penalised. They will lose $5 in the Medicare rebate. They will also lose the bulk-billing incentive that is currently provided. This particularly affects pathology and diagnostic imaging, because the bulk-billing incentive applies to all their patients, not just the people who are on the concession payment.

In my final comments I want to go to Professor Owler predicting in his article that Senator Nash would resort to claiming that the health budget is unsustainable. We heard that all through estimates and we heard it today. He says:

The health budget is not out of control. As a proportion of GDP, Australia’s healthcare spending has remained constant. In 2011 it was 8.93 per cent compared to the OECD average—(Time expired)

Senator BERNARDI (South Australia) (15:07): I heard Senator McLucas say 'What a shame,' and I say what a shame it is for the Australian people that we had to sit through that empty rhetoric from Senator McLucas. This is a shadow minister, apparently, who has got a long history in this place and on medical issues, and the best that the shadow minister could
do was launch an appeal to authority, one individual who has an opinion, and refer to them and say, 'That must be the definitive outcome.'

It is a flawed logic, because there is none of the detail that is necessary in order to put forward a policy. We know where Senator McLucas has done her research: it is in the media. That is where all good research is done by the opposition, apparently. They cannot think for themselves. They cannot draw the conclusion that they supported a Medicare co-payment in a previous incarnation of the Labor government and now they do not. Like all snake-oil salesmen, those who peddle miraculous cures as they tour around the country, they say, 'Trust us. We'll give you the solution to your problems.' But, like all snake-oil salesmen, they are peddling falsehoods, they are peddling fraud.

A great example of that was when Senator McLucas said, 'If you go to the doctor now, you're not going to be able to be bulk-billed.' What a crock! What an absolute load of codswallop, because there have been no changes to the Medicare payment, no changes to Medicare, that have passed through this chamber, so there is no way that there is any change to the current system. But Senator McLucas, for the benefit of the cameras and the Australian people, hammed it up and peddled her alarmist falsehoods and snake oil—the balm that is going to cure everything—in this chamber.

If someone is prepared to peddle that sort of nonsense, the sort of nonsense that they use to cover up their six years of dysfunctional and hopeless government—the deception of the Australian people—and if they are prepared to do it now in opposition, they are simply not worthy of being considered as an alternative government.

Let me remind you, Mr Deputy President, that serious measures need to be taken to redress a structural imbalance. The structural imbalance in the budget is the fact that the Labor Party ran up about $300 billion worth of debt in six years. They had us on course to have $667 billion worth of debt had they been re-elected. What do we have to show for it? We have nothing.

Senator Abetz: Pink batts and burnt houses.

Senator BERNARDI: That is right—thank you, Senator Abetz—I beg your pardon: we have burnt houses. We had porous borders. We had multibillion dollar school hall budget blow-outs. We had a range of dysfunction. We had $900 cheques sent to people who lived overseas or sent to those who lived in eternal heaven—dead people received $900 cheques from the people opposite.

This is an appalling act of hypocrisy from the people opposite, the previous government members, to say that they will not support measures that are intended to rejig our budget to put Australia back on a sustainable fiscal path. It is the ultimate betrayal of the Australian people. It is the same sort of rhetoric in which they maintained, as we heard from Senator Cash, that nothing could be done to stop the people smugglers; nothing could be done to stop the illegal boats from coming here; and nothing could be done to stop the people drowning at sea.

You know what? Nothing could be done, because they were not prepared to do anything. They were the laziest bunch, the most hypocritical bunch of government members, that we have ever seen in the history of this country and now they stand up in sanctimonious piety and say, 'It's not our fault. We haven't done anything.' You have come up short for the Australian
people. You have come up short in government and you are coming up even shorter in opposition.

What you have done for this country is reduce politics to a laughing stock. You have reduced it to a joke, because no-one believes anything you say anymore.

Senator Carol Brown interjecting—

Senator BERNARDI: I notice that Senator Carol Brown is being very vocal over there, but not once during the term of the previous government did she have anything to say about stopping the boats and how important it was. She didn't say anything about the debt and deficit. The only thing that Senator Carol Brown had to say was how bad Senator Polley was while she was trying to get rid of her during preselection.

The DEPUTY PRESIDENT: You wish to raise a point of order. It will be a debating point, I am sure, but do you want to raise a point of order, Senator Carol Brown?

Senator Carol Brown: I ask that Senator Bernardi withdraw that last statement, because it is not true.

The DEPUTY PRESIDENT: It is a debating point, Senator Carol Brown. Order! There is no point of order.

Senator PERIS (Northern Territory) (15:14): The Abbott government's new proposed GP tax is a broken promise. It breaks the promise made by Mr Abbott that there will be no new taxes and it breaks the promise made by Mr Abbott to lower the cost of living. It is much worse than just broken promises. This new tax will have an adverse effect on the health of Australians.

The Prime Minister also promised to be the Prime Minister for Indigenous Australians. He promised to keep working to close the gap. This new tax will widen the gap. This tax is not credible right across Australia, but I strongly believe that those who will be affected the most are Indigenous Australians, particularly in the Northern Territory.

Aboriginal people in the Northern Territory already have the worst health outcomes in Australia. This tax will mean that fewer Aboriginal people will go to a GP. This will lead to worse health outcomes and it will end up being more expensive if people go to a hospital, not to a GP.

A research paper recently undertaken by the Centre for Remote Health in the Northern Territory was recently published in the Medical Journal of Australia. The paper was titled The cost-effectiveness of primary care for Indigenous Australians with diabetes living in remote Northern Territory communities. The paper found that not only do the low rates of primary health care resulted in higher rates of hospitalisation, higher mortality rates and lower life expectancy, but it also costs more. The paper concluded that there are significant cost savings and better health outcomes for patients with diabetes when access to primary care is improved. While the paper was specific to diabetes, its findings apply to all chronic conditions.

In remote areas, it is logistically not possible to charge the tax. In a remote community, the health clinic is the only option. They cannot go to hospital. If a child who has been injured is taken to the clinic, you cannot ask them for $7 to be stitched up. If a woman has been a victim of domestic violence, how do you charge them before treating the injuries? If people are
charged, they will not go and that means their health will get worse. It will cost a lot more than $7 if they have to go to hospital because they did not see a doctor. As a result of this, the Aboriginal Medical Services have said that they have no choice but to absorb the tax, costing them millions a year. What that will mean is that they will have no choice but to cut preventative programs and awareness programs like nutrition programs, programs that reduce smoking, programs to warn women about the dangers of drinking whilst pregnant. These preventative and awareness programs are the most important if we are to achieve long-term gains in improving the health outcomes for Aboriginal Australians. Cancelling this program is exactly the opposite of what we should be doing to close the gap on Aboriginal life expectancy.

The president of the AMA supports this view that prevention is far better than the cure and that preventive health is far more cost-effective. In fact, just today, the Professor Brian Owler, the President of Australian Medical Association, stated:

Anyone working in health understands the basic premise that prevention is not only better than the cure, but it also makes economic sense. Diagnosing and managing chronic disease properly in general practice keeps patients out of more expensive hospital care. People with chronic diseases are very much affected by the co-payment. This proposal poses a financial barrier for vaccinations and other preventative healthcare measures and chronic disease management.

The recent COAG Reform Council report showed that, among the more disadvantaged in society, 12 per cent of people defer or do not see their GP due to cost. It will significantly increase with a co-payment.

To my disbelief, I also found out that the tax was introduced without any modelling. There was no analysis as to how it would impact on Closing the Gap targets. In fact, the associate professor also said that that was one of the main reasons that the AMA's response to this proposal is a lack of evidence. He stated that

Modern medicine is evidence-based. We are trained not to accept blind assertions, opinions or ideology in determining the best treatment without supporting evidence.

For the government to be introducing any major health policy without assessing the impact of a Closing the Gap target is dismissive of Closing the Gap. If I can just reiterate what my colleague quoted earlier from Professor Brian Owler:

The co-payment is unfair and unnecessary. Ideology has pushed this proposal too far. It is poor health policy. The Prime Minister should step in and scrap this policy. If not, it deserves to fail in the Senate.

Senator BOYCE (Queensland) (15:18): I would like to begin by supporting the Assistant Minister for Health's assertion that the AMA is an interest group. It is very much an interest group. In fact, it is, perhaps, one of the most effective GPs’ unions that is to be seen around. They are doing a bit more lobbying. It is a shame, of course, that they have the support of the opposition in the guise of Senator McLucas and even more so from the other place, with Ms Jenny Macklin spreading untruths, distortions and fear amongst the Australian population with regard to the budget measures taken by this government. We had to—because of the economic mess that we have been left. As Senator Bernardi said earlier, there is currently no co-payment for GPs. There will not be a co-payment for GPs until July next year. So spreading rumours about hypothetical cases and fear is ridiculous. It is unfair to the Australian population. I would also like to quote from Professor Brian Owler's piece today. He said:
It is impractical to collect co-payments in this [aged care] setting, particularly from patients with dementia. It is only likely to drive GPs out of this area.

What a demeaning, hypocritical, patronising statement! Since when do people with dementia automatically qualify as terribly impoverished and therefore not able to pay a GP co-payment? People with dementia certainly deserve our support and help. But that does not mean that they cannot afford to pay a fee.

I would suggest that if Professor Owler does not know how to go about charging someone with a mental health condition, he could talk to any psychologist or psychiatrist in Australia, who every day face that issue of how you go about recouping a fee for service from someone with a mental health problem. We can come up with every scenario you like. It becomes a little bit like the black knight performance that we got from Senator Doug Cameron during Senate estimates recently, where he started out wanting to know what would happen to 50-year-old woman facing domestic violence if she left home? When the Department of Human Services satisfactorily answered that and pointed out the number of supplements that were available to assist someone like that, he wanted to move the goal posts about his hypothetical person who was going to suffer dire consequences under this government. So it is crazy and dishonest of the opposition to continue with this line of 'Let's see how much we can scare them out there.' If people using Warfarin do not have their blood tests done, they are in great danger of serious consequences. Why would this opposition spend their time trying to frighten people out of going to a doctor for service when they will not have to pay the GP co-payment by trying to come up with worst-case scenarios one after the other?

As the Assistant Minister for Health has already pointed out, excellent work is being done and there has been some fantastic support given in rural and remote health and in Aboriginal and Torres Strait Islander health. There is no need for people to be frightened of the consequences of a GP co-payment. They certainly do not need to be concerned about those consequences right now because they are not happening right now, despite the opposition's best efforts to scare people into thinking that the co-payment is occurring right now. We need to look at the fact that the Assistant Minister for Health was one of the strongest proponents of an inquiry into the needs of rural and remote health services. She understands providing support to people who are marginalised—people in remote Australia, people requiring extra services—extraordinarily well. When she calls the AMA an interest group, she is simply speaking the truth. They are an interest group and to suggest that they are a disinterested group in medical terms is ridiculous. *(Time expired)*

**Senator TILLEM** (Victoria) (15:23): I am shocked. This is astonishing. I wish to speak to the motion concerning the answer given by the Assistant Minister for Health. Today we have seen the government embark on a policy that is scaring Australians. Costs for medical care will go up and the fear is so great that those people who are sick—the elderly, the young, the unemployed—will not be able to afford health care in this country. The government wants to change the Medicare card to a credit card. We have a system which provides for everyone, which looks after those who cannot afford it, but this government is going to rip the heart out of universal health care, rip the heart out of affordable medication and put the burden back on those who are sick. Make no mistake: this is a tax on being sick and unwell.

Doctors are reporting that patients are cancelling appointments or not turning up because they fear they cannot afford it. This is not a scare campaign; this is what is going to happen. A
media report today says that the AMA considers this an ill-thought-out policy. The AMA is an interest group and their interest is in health care. The Hippocratic oath says first do no harm but that is what this government are doing. They are causing harm to the average Australian who is sick and unwell. Those who want preventative medication or health care are not going to be able to get it. It is not just about paying $7 when you go to see your GP; it is about the payment required for diagnostics, for blood services, for scans. These services are not cheap. The costs will mount. Before you get an MRI done you will have to pay up front. The rebate is being reduced, it is reported.

Senator Boyce talked about a scare campaign. No-one needs to run a scare campaign because every Australian is afraid of what is going to happen to health care in this country. It is astonishing that the assistant minister got up in the Senate and did not answer a single question concerning what those in the community are saying about their fears and their concerns. Day after day we ask questions of the assistant minister and we get no answers. We have had floundering responses about irrelevant things.

Some interesting stats were released in relation to people in rural and regional Australia, as well as those of a lower socioeconomic background. The COAG report has found that close to 16 per cent of Australians do not have their prescriptions filled because they cannot afford them. There is a delay because they fear the costs, that they are unable to pay from their medications. This, compounded with what is going to be an additional burden, is what is scaring the Australian community.

We will see, with the increase in medical costs, that more and more Australians will rock up to emergency wards in hospitals and this will no doubt put a massive strain on our hospitals. I am not sure that this is something the government has considered or even modelled. By cutting access to front-line health care through locals and GPs we are increasing the burden on the hospital system. I am yet to hear the Assistant Minister for Health address that issue. My fear is that the damage that will be done to Medicare by this government will be irreversible. I will argue the case in this place for as long as I can.

Question agreed to.

Asylum Seekers

**Senator HANSON-YOUNG** (South Australia) (15:28): I move:

That the Senate take note of the answer given by the Minister for Employment (Senator Abetz) to a question without notice asked by Senator Hanson-YOUNG today relating to asylum seekers from Iraq.

I asked the minister just whose decision it was to forcibly deport last week an Iraqi asylum seeker back to Iraq. The reason I ask this is that we know that the situation in Iraq is becoming worse by the day. In the last week there have been half a million Iraqis displaced as a result of the conflict. Our own Prime Minister this week described the situation as so dangerous that it is impacting on the security of the region and on the rest of the world and that the brutal attacks, the violence, are being directed towards civilians. That is what our own Prime Minister has said. Yet, last weekend, the Australian authorities deported an asylum seeker who had arrived here in Australia in 2012. That man has been sent back to Iraq in the middle of what is now a very dangerous conflict zone.

The question to Senator Abetz representing the Prime Minister was: whose decision was it to deport that man, and who made the assessment that forcibly returning him to Iraq last week
was safe? Who made the assessment that it was safe to send the Iraqi asylum seeker who had come to Australia seeking refuge and protection back to a war zone? That is what has happened—in the space of a week we have deported somebody back to a conflict zone that our own Prime Minister has said is unravelling so quickly that terror is being inflicted on the country's own civilians.

The other question I had was: just how many other people have we returned to Iraq in the last month? I want to be clear about this: the man I am referring to was forcibly removed. I have the documentation right here. I have his flight itinerary, and it says that the government is removing him. So he was forcibly removed. There are, of course, other asylum seekers who are being forced to choose between the horrific conditions inside detention on Manus Island and Nauru and Christmas Island, or facing the awful circumstances of danger back in their home country.

We also need to know how many of those people have been coerced into choosing between two hells. The question for this government is: just how voluntary is it for somebody to choose between living in the inhumane hell of Manus Island and having their human rights abused there, or opting to go home and having their human rights abused there?

As one asylum seeker put it to me recently, 'I either decide to die on Manus Island or to die at home,' and that is the choice that this government is putting to these men, women and, indeed, children. So how many Iraqi asylum seekers have we deported in the last month back to a conflict zone? On what basis has it been determined that it is safe to do so? And, for the man in question, what is the government doing to ensure his safety is protected, now that he has been dumped back in the middle of a brutal, violent war, as the Prime Minister himself has identified? It is unconscionable that we are sending Iraqi asylum seekers back to these war zones. This coming Monday in this place we will vote to suspend the deportation of those people—(Time expired)

Question agreed to.

MINISTERIAL STATEMENTS

Senator FIERRAVANTI-WELLS (New South Wales—Parliamentary Secretary to the Minister for Social Services) (15:33): I present three ministerial statements and documents relating to the APEC Women the Economy Forum, Australian Government's Aviation Safety Regulation Review and World Trade Organization Trade Facilitation Agreement.

COMMITTEES

Economics References Committee

Government Response to Report

Senator FIERRAVANTI-WELLS (New South Wales—Parliamentary Secretary to the Minister for Social Services) (15:34): I present two government responses to committee reports as listed at item 15 on today's Order of Business. In accordance with the usual practice, I seek leave to have the documents incorporated in Hansard.

Leave granted.

The documents read as follows—
Australian Government response to the Senate Economics References Committee report:
Inquiry into Ticket scalping in Australia
June 2014

BACKGROUND

On 11 December 2013, the Senate referred the issue of ticket scalping to the Senate Economics References Committee (the Committee), in particular its prevalence and impact on ticket prices; the efficacy of existing regulations; and issues of illegality.

This is not the first review of ticket scalping in Australia. The Commonwealth Consumer Affairs Advisory Committee (CCAAC), an expert advisory council on consumer policy matters, was provided terms of reference to examine this issue in December 2009. The CCAAC finalised its report, Ticket on-selling in the Australian market, in November 2010, and it is available on its website at http://ccaac.gov.au.

The CCAAC found, among other things that 'the incidence of unauthorised ticket on-selling in Australia is very low, due to few sold out events in Australia each year, where sell out events and sell out ticket category or seating type are a precondition for a strong secondary market'. They also found that while 'ticket on-selling does not cause significant consumer detriment…there are concerns about specific issues related to on-selling…includ[ing] issues such as the transferability of tickets, transparency in ticket allocation and fair access to tickets'.

In this respect, the CCAAC found that ticket on-selling can have both benefits and costs for businesses and consumers. For example, it can provide consumers 'greater access to tickets, convenience and the ability to transfer tickets', and it helps businesses increase 'publicity, revenue and attendance at events'. At the same time, it can prevent certain business objectives in pricing tickets, such as providing fans with affordable tickets, and it can have risks for consumers, including the potential for counterfeit tickets.

The Australian Consumer Law (ACL), which is set out in the Competition and Consumer Act 2010, provides a number of important protections for consumers with respect to ticket on-selling. For example, it prohibits suppliers of on-sold tickets from making misleading or deceptive statements regarding whether the tickets they are on-selling are authorised or will provide entry to a particular event. It also includes a set of consumer guarantees, which are aimed at ensuring that consumers get what they paid for. The CCAAC's report identified that the existing consumer protection framework was 'adequate to protect consumers from unfair trading practices in the ticket market'.

The protections in the ACL are supported by specific requirements at all levels of Government. In particular, the CCAAC's report identified certain event or venue specific laws at state and territory level. Australia has previously also implemented specific legislation for events such as the Olympic Games hosted by Sydney in 2000 where additional Commonwealth regulation may have been warranted.

The Government does not consider that there is a need to amend the law with respect to ticket on-selling at this time. In this respect, the Government notes that the Australian Competition and Consumer Commission's (ACCC's) data identifies that it has only received around 50 complaints regarding this issue in the four years since the ACL came into force (on 1 January 2011). By comparison, it received over 185,000 contacts in FY 2012-13 alone. The Government also notes that the majority finding of the Committee was that it 'does not see any need for more regulation of the ticketing industry at the moment'.

At the same time, the Government would support any industry initiatives that further strengthened the market for tickets, including the primary market for tickets.

SUMMARY OF GOVERNMENT RESPONSE
The Government notes that the recommendations in the report are broadly for the industry or the Australian Competition and Consumer Commission (ACCC), which is an independent statutory authority, to undertake steps to further improve the market for tickets in Australia.

The Government would support any action that resulted in net benefits for consumers in Australia seeking to purchase tickets. However, it would primarily be a matter for businesses and the ACCC to determine how they respond in this respect.

GOVERNMENT RESPONSE TO MAJORITY REPORT RECOMMENDATIONS

Recommendation 1

The committee recommends that both COMPSS and LPA review the criticism that has been levelled at the primary market identified in this report and consider how event holders and promoters could adopt or revise a code of best practice to address the criticism. The committee notes particularly the desirability of having greater transparency in the way in which tickets are issued and distributed.

The committee supports the Ticket Brokers Association’s suggestion that an industry-wide standard of conduct be established. It recommends that the Australian Competition and Consumer Commission (ACCC) be consulted during the development of this code.

The Government notes this recommendation.

The ACCC can provide guidance to industry participants to help them to develop any industry initiatives to this issue. In particular, its Guidelines for developing effective voluntary industry codes of conduct, which is based on its experiences in using codes of conduct to regulate market behaviour, may be useful to the industry in developing any industry initiatives.

Recommendation 2

The committee recommends that the ACCC consult with the major participants involved in the sale and re-sale of tickets to sporting and entertainment events with a view to identifying areas where consumer education needs to be strengthened. The aim then would be to devise a consumer education strategy that would arm consumers with the information they need to protect themselves against poor practices in the industry and unscrupulous ticket scalpers.

The committee recommends that, based on the findings of this consultation, the major participants (and their representatives) in the primary and secondary ticketing markets, revise or develop a code of best practice that places a heavy emphasis on, and seeks to strengthen, consumer education.

The Government notes this recommendation.

As an independent statutory authority, the ACCC is responsible for setting its own operational priorities. Its responsibilities include administering and enforcing the requirements of the Competition and Consumer Act 2010.

The ACCC’s compliance and enforcement policy is available on its website, at www.accc.gov.au. It notes in its policy that it ‘makes comprehensive use of educational campaigns to provide information and advice to consumers and businesses, and to use persuasion to encourage compliance with the Act’.

It also notes that it ‘provides targeted and general information, tips and tools to help consumers via a wide range of channels; [and] it liaises extensively with business, consumer and government agencies about the Act and the ACCC’s role in its administration’.

Recommendation 3

The committee recommends that the ACCC, as lead agency, coordinate with the states’ Fair Trade Offices to obtain a more accurate understanding of ticket scalping practices within the industry across Australia and the significance for Australia, if any, of overseas trends. The aim would be to:

- allow consumers to present their views on, and recount their experiences of, purchasing event tickets;
obtain a better understanding of measures that have proven to be effective in protecting consumers from unscrupulous ticket scalping in Australia;
• identify ways to bring greater consistency across all states when dealing with ticket scalping; and
• draw on overseas experiences that could be used to inform government decisions on future regulation of the secondary ticket market if required.

The Government notes this recommendation.

The Australian Consumer Law (ACL), which commenced on 1 January 2011, harmonised provisions scattered across 20 national, state and territory consumer laws into one law. It means that all consumers in Australia have the same rights and all businesses have the same obligations, irrespective of where they transact.

This national approach to consumer protection is supported by the systems put in place by ACL regulators to create a national approach to administering and enforcing the ACL. In particular, ACL regulators regularly consult and communicate about their priorities and developments in the marketplace, as well as how they will handle and manage concerns in different markets.

This new national approach, which is underpinned by a memorandum of understanding (MOU) agreed by all ACL regulators, means that ACL regulators can consider matters such as this in a comprehensive manner.

Recommendation 4

The committee recommends that the ACCC consult with the states' Fair Trade Offices to review the procedures for reporting and acting on complaints or concerns about purchasing tickets to sporting or entertainment events, in order to ascertain:

• whether information sharing about ticket scalping could be improved between the states and federally;
• whether consumers are confused about procedures for reporting complaints, including the appropriate agency to receive and act on complaints (the relevant state or federal jurisdiction);
• whether there is jurisdictional overlap that causes unnecessary duplication or conversely gaps that undermine consumer protection; and
• the extent to which consumers are reluctant to report complaints related to purchasing tickets for sporting or entertainment events.

If the consultations uncover weaknesses, the committee recommends that the ACCC work cooperatively with the states towards remedying the identified deficiencies.

The Government notes this recommendation.

The MOU agreed between ACL regulators includes a number of elements aimed at improving coordination between regulators. This includes a commitment by regulators to communicate, cooperate and coordinate with one another in relation to monitoring and enforcing the ACL, and to support the effective sharing of relevant information.

These commitments have been in operation since the ACL commenced and we would not expect that there would be significant concerns with cooperation or information sharing between ACL regulators. The MOU is available on the Consumer Law website, at www.consumerlaw.gov.au.

Recommendation 5

The committee also recommends that, based on the results of the consultations and if required, the ACCC revise the advice it provides to consumers regarding the purchase of event tickets in both the primary and secondary markets.

The Government notes this recommendation.
Guidance material prepared by ACL regulators to educate consumers regarding the requirements of the consumer policy framework is ordinarily updated to reflect new developments, including the outcomes of any consultations with businesses or other government agencies.

**Recommendation 6**

The committee recommends that, in light of the growing sophistication in software, the Federal Government ensure that the effects of such advances on the primary and secondary ticket markets are monitored.

The Government notes this recommendation.

The ACCC monitors compliance with the ACL in all sectors of the economy (including the market for tickets), in accordance with its enforcement and compliance policy.

**GOVERNMENT RESPONSE TO MINORITY REPORT RECOMMENDATIONS**

**Recommendation 1**

That there be federal laws amending the Australian Consumer Law to outlaw ticket scalping and to empower consumers on the basis set out in paragraphs a) to f) above.

The Government does not accept this recommendation.

As identified earlier in this Government response, there is no basis for considering a regulatory response to this matter at this time. In particular, as the majority report identified, there is little firm evidence on the extent of ticket on-selling in Australia. The ACCC’s complaints data identifies that there is likely to be only a low level of consumer detriment associated with this issue at present.

Australian consumer agencies and regulators routinely monitor consumer policy matters such as this. If the issue of ticket on-selling became a greater issue in the future and impacted adversely on the market for tickets, that would provide an appropriate opportunity to reconsider whether to take a stronger response.

1 COMPSS is the Coalition of Major Professional and Participation Sports and the LPA is Live Performance Australia, which is the peak body for Australia’s live performance industry.

**AUSTRALIAN GOVERNMENT RESPONSE TO THE REPORT BY THE SENATE EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS REFERENCES COMMITTEE:**

*Provision of Childcare*

**MAY 2014**

**Preamble**

The Australian Government welcomes the opportunity to respond to the report of the Senate Education, Employment and Workplace Relations References Committee: 'Provision of Childcare'.

On 25 November 2008, the Senate referred the following matters to the Committee for inquiry and report:

a. the financial, social and industry impact of the ABC Learning collapse on the provision of child care in Australia;

b. alternative options and models for the provision of child care;

c. the role of governments at all levels in:

   i. funding for community, not-for-profit and independent service providers,

   ii. consistent regulatory frameworks for child care across the country,

   iii. licensing requirements to operate child care centres,

   iv. nationally-consistent training and qualification requirements for child care workers, and
v. the collection, evaluation and publishing of reliable, up-to-date data on casual and permanent child care vacancies;
d. the feasibility for establishing a national authority to oversee the child care industry in Australia; and
e. other related matters.

The Committee tabled its report on 23 November 2009. The report contained ten recommendations made by the Committee and a further nine recommendations made by Senator Sarah Hanson-Young.

The Government is committed to establishing a sustainable future for a more flexible, affordable and accessible child care and early childhood learning market that helps underpin the national economy and supports the community, especially parent's choices to participate in work and learning and children's growth, welfare, learning and development.

As announced on 17 November 2013, the Government has established a Productivity Commission Inquiry into Child Care and Early Childhood Learning to report on and make recommendations about how the child care system can be made more flexible, affordable and accessible. The scope of the Inquiry is broad-ranging and will address many of the issues raised in the report's recommendations.

The Government thanks the Committee and the Senator for their recommendations.

RESPONSE TO RECOMMENDATIONS

PART 1—RESPONSE TO RECOMMENDATIONS FROM THE COMMITTEE

Committee Recommendation 1

The committee recommends that further research be carried out regarding the possible adverse effects of commencing formal childcare at very young ages and for long duration, possibly in conjunction with bodies such as the Centre for Community Child Health.

Government Response: Noted

On 17 November 2013, the Australian Government announced that the Productivity Commission will undertake an Inquiry into Child Care and Early Childhood Learning.

In making its inquiry, the Productivity Commission has been asked to report on and make recommendations about the contribution that child care and early learning can make to child development.

The Productivity Commission will provide its final report to Government by the end of October 2014.

Committee Recommendation 2

The committee recommends the Government makes public detailed information pertaining to the use of Commonwealth funding by state and territory governments, to clarify the scope and impact of its promise to provide universal access of 15 hours per week of preschool services for all 4 year-olds in Australia in the childcare sector.

Government Response: Noted

The Australian Government has published information under the previous National Partnership Agreement on Early Childhood Education (2008-2013) on the outcomes required of state and territory governments to receive Commonwealth funding under the National Partnership.

In the later years of the National Partnership, the Australian Bureau of Statistics (ABS) published data on preschool participation in Preschool Education Australia cat no 4240.0. Data collected in August 2013 was published by the ABS in Preschool Education Australia on 7 March 2014.

On 19 April 2013, the Council of Australian Governments endorsed the National Partnership Agreement on Universal Access to Early Childhood Education for the 18 months covering the period from 1 July 2013 to 31 December 2014. Under this National Partnership, the Australian Government allocated $655.6 million to state and territory governments. State and territory implementation plans under the current National Partnership are published on the Standing Council for Federal Financial Relations website http://www.federalfinancialrelations.gov.au/ when they are agreed.

Committee Recommendation Nos 3, 4, 5, 6 and 7

Committee Recommendation 3
Noting recent funding increases, the committee nonetheless recommends that there be further funding increases for ECEC.

Committee Recommendation 4
The committee recommends a substantial increase in the level of funds paid directly to childcare operators in particular areas of need, through programs such as the Inclusion Support Subsidy: services for disadvantaged children, such as children with additional needs or indigenous children; and services operating in rural and remote areas or areas of high unmet demand such as low socioeconomic areas.

Committee Recommendation 5
The committee recommends that economic modelling of various childcare funding models be carried out to establish the most efficient means of funding the quality provision of childcare services that meet the needs of families.

Committee Recommendation 6
The committee recommends that funding of childcare services continue to be increased and, following a review of the current funding models including economic modelling of alternative mechanisms, increases to funding be implemented in accordance with those funding mechanisms that are identified as most effective.

Committee Recommendation 7
The committee recommends that the government await the report of the Australia's Future Tax System Review Panel and recommendations within regarding the funding of the childcare sector. If no specific recommendations are made, the government should consider amending the current funding system based on the economic modelling to be carried out.

Government Response: Noted
On 17 November 2013, the Australian Government announced that the Productivity Commission will undertake an Inquiry into Child Care and Early Childhood Learning.

The Inquiry will be broad ranging, focusing on parents' choices, work and study needs, the needs of rural, regional and remote families, shift workers, out of pockets costs and the needs of vulnerable children. In particular, the Inquiry will examine the contribution that access to affordable, high quality child care makes to women's increased participation in the workforce and the ways in which care can be made more flexible to meet the needs of families.

The Government has asked the Productivity Commission to ensure that, where it makes recommendations for Government policies and funding, it does so within the existing funding parameters. It is important that the Government take a prudent approach to the spending of taxpayers' money, including on child care and early learning.
In examining the costs and benefits of Australia's child care and early learning system, the Commission may choose to model a range of possible scenarios as it examines what sort of system is optimal for Australia's economy, community and parents and how such a system is to be funded and by whom.

The Inquiry will consider payments to services, including those in areas of need, and rebates and subsidies available to families, including the Child Care Rebate and Child Care Benefit. The Commission will also make recommendations on options for enhancing the choices available to Australian families as to how they receive child care support, so that this can occur in the manner most suitable to their individual family circumstances. Mechanisms to be considered include subsidies, rebates and tax deductions, to improve the accessibility, flexibility and affordability of child care for families facing diverse individual circumstances.

The Productivity Commission will provide its final report to Government by the end of October 2014.

Committee Recommendation Nos 8, 9 and 10

Committee Recommendation 8

The committee recommends to the government the establishment of a new statutory body, widely representative of the sector, for the purposes of advising the minister on childcare policy and its implementation, with powers to oversee a uniform regulatory regime operating across states and territories.

Committee Recommendation 9

The committee recommends that, in the interest of greater transparency and accountability, the new statutory childcare body be responsible for the following:

- working with stakeholders to create a policy agenda which outlines priority areas, benchmarks and targets to be achieved in the area of early childhood education and care;

- publishing an annual report which:
  (a) outlines the progress being made in these priority areas;
  (b) details how Federal Government funding is being spent, especially by state and territory governments;
  (c) details the state of the early childhood education and care sector including vacancy data, numbers of children with additional needs, information on staff, costs, usage, and other information that is already collected by Commonwealth Government agencies.

Committee Recommendation 10

The committee further recommends to the government that this recommendation be taken to COAG for its consideration, particularly in view of the need to establish within the national body clear lines of responsibility between national, state and local obligations in regard to regulation and compliance.

Government Response: Noted

Body to oversee uniform regulatory regime

The National Quality Framework for Early Childhood Education and Care (NQF) commenced on 1 January 2012 (except Western Australia where it commenced on 1 August 2012). The NQF is a national system for the regulation and quality assessment of child care and early learning services. It applies to most Long Day Care, preschool, Family Day Care and Outside School Hours Care services.

A key element of the NQF was nationally consistent implementation.

To assist in ensuring consistent implementation, the Australian and state and territory governments fund the Australian Children's Education and Care Quality Authority (ACECQA), an independent National Authority established under the Education and Care Services National Law Act 2010. ACECQA was
established through the Council of Australian Governments (COAG) and came into effect on 1 January 2012.

ACECQA's key functions include:

- promoting national consistency;
- publishing and maintaining national registers of child care and early learning services, providers and Certified Supervisors;
- promoting continuous quality improvement by child care and early learning services; and
- educating and informing services and the community about the National Quality Framework (NQF).

The Department of Education, as the Commonwealth primary policy department responsible for child care and early learning, works with ACECQA and key early childhood focused stakeholders, as well as participating in working groups with state and territory counterparts, to discuss early childhood policy agenda, priorities and related benchmarks and outcomes.


A review of the National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care is being undertaken in 2014 to assess the extent to which the objectives and outcomes of the National Partnership have been achieved. Among other things the review will examine the effectiveness of the governance arrangements for the National Quality Framework, including the role and structure of ACECQA, and the effectiveness of this body in contributing to effective and efficient implementation of the National Quality Framework.

Ministerial advice on child care policy and its implementation

The Government will establish a new Ministerial Advisory Council for the child care and early learning sector. The Council will be co-chaired by the Assistant Minister for Education and a respected sector expert and leader.

The Advisory Council will provide the Government with well-informed recommendations on proposed legislation and policies based on consultation with, and direct knowledge of, the sector.

The Council will convene at least once every six months and the Assistant Minister for Education will attend at least two meetings of the Council each year.

Transparency and accountability

The Government shares the Committee's interest in transparency and accountability. The Department of Education publicly reports on its progress in the implementation of the Government's child care policies through:

- providing information at a regional and state by state level for the Report on Government Services about the usage of child care and the Government's expenditure on early childhood education and child care
- publication of an annual report on its achievement and activities throughout the previous financial year
- publication of data each quarter in the Child Care and Early Learning in Summary.

ACECQA reports on its operations through the publication of an annual report. In addition to the annual report:

- under the Multilateral Implementation Plan (MIP) for the National Partnership Agreement for the National Quality Agenda for Early Childhood Education and Care, ACECQA is required to provide six-monthly performance reports to the Standing Council on School Education and Early Childhood (SCSEEC), with input from jurisdictions. The reports fall due in May and November each year from 2012 to 2015 and in March 2016

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CHAMBER
ACECQA provides an annual forward workplan on a financial year basis to SCSEEC, which sets out the key deliverables, budget and timelines for addressing the strategic priorities set out in the letter of expectation that is provided by SCSEEC to the ACECQA Board. The forward workplan is submitted to the last SCSEEC meeting in the previous financial year, and ACECQA provides six-monthly progress reports to SCSEEC against that plan.

ACECQA also provides a progress update as a standing item of each SCSEEC meeting.

PART 2—RESPONSE TO RECOMMENDATIONS FROM SENATOR HANSON-YOUNG

Senator Hanson-Youn...
The office of Australia's first National Children's Commissioner was established through the *Australian Human Rights Commission Amendment (National Children's Commissioner) Act 2012*. The office sits within the Australian Human Rights Commission, an independent statutory organisation that reports to Parliament through the Attorney-General.

The role of the National Children's Commissioner is to focus on the rights and interests of children, and the laws, policies and programs that impact on them.

Ms Megan Mitchell was appointed as the first National Children's Commissioner on 25 February 2013. Ms Mitchell commenced in the role on 25 March 2013 for a five year term.

**Senator Hanson-Young Recommendation Nos 4, 5, 6, 8 and 9**

**Senator Hanson-Young Recommendation 4:**

That the Government review the current funding mechanisms for early childhood education, including the appropriateness of the Child Care Rebate and Child Care Benefit.

**Senator Hanson-Young Recommendation 5:**

That the Commonwealth ask the Productivity Commission to look into funding models and their impact on the determinants of the quality of care.

**Senator Hanson-Young Recommendation 6:**

In order to implement quality benchmarks, including affordability for parents, the Greens recommend a significant increase in, and long-term investment of, funding into early childhood education and care.

**Senator Hanson-Young Recommendation 8:**

That a Capital Grants Fund be made available to community groups and not-for profit providers to assist with costs of maintaining the capital of centres and facilities.

**Senator Hanson-Young Recommendation 9:**

That a national planning system be developed to ensure child care places are available where needed and are equitably available to all children, and in consultation with local communities.

**Government Response: Noted**

Please see response to Committee Recommendation Nos 3, 4, 5, 6 and 7.

**Senator Hanson-Young Recommendation 7:**

The Government must ensure that no public funds are directed to corporate companies that are floated on the stock exchange, wishing to operate early childhood education centres.

**Government Response: Not agreed**

The Australian Government funds early childhood education and care that are approved by state/territory regulatory authorities under the Education and Care Services National Law, provided they meet the eligibility requirements set out in Commonwealth family assistance law. These eligibility requirements do not take into consideration whether a service is for profit or not-for-profit. However they do consider an applicant's suitability to operate a service (including for example, governance, record of financial management and compliance with Commonwealth and state/territory laws) and the service's ability to meet operational requirements (such as the requisite number of hours per day, weeks per year, and the priority of access guidelines).

*The Family Assistance Legislation Amendment (Child Care Financial Viability) Act 2011* allows the Government to scrutinise the financial viability of large providers of Long Day Care. In addition, there are penalties for centres that fail to meet regulatory requirements.
AUDITOR-GENERAL'S REPORTS
Reports Nos 41, 42, 43, 44, 45 and 46 of 2013-14

The DEPUTY PRESIDENT (15:34): In accordance with the provisions of the Auditor-General Act 1997, I present the following reports of the Auditor-General:
No. 41—Commercialisation Australia Program: Department of Industry.
No. 42—Screening of international mail: Department of Agriculture; Australian Customs and Border Protection Service.
No. 44—Performance audit: Interim phase of the audits of the financial statements of major general government sector agencies for the year ending 30 June 2014: Across agencies.
No. 45—Performance audit: Initiatives to support the delivery of services to Indigenous Australians: Department of Human Services.
No. 46—Performance audit: Administration of residential care payments: Department of Veterans' Affairs.

COMMITTEES
Abbott Government's Commission of Audit Select Committee
Report

Senator DI NATALE (Victoria) (15:35): Pursuant to order I present the report of the select committee's inquiry into the Abbott government's Commission of Audit, together with the Hansard record of proceedings and documents presented to the committee.
Ordered that the report be printed.

Senator DI NATALE: I seek leave to speak to the report.
Leave granted.

Senator DI NATALE: This inquiry was timely because there was intense public interest in the budget and in the work of the commissioners, particularly because of what it meant for the future of the country. I would like to thank the committee for a very broad-ranging inquiry that covered many aspects of the Australian economy and society. I would like to give special thanks to the deputy chair, Senator Lundy, and to the secretary, Lyn Beverley, for their hard work in making the final report of this inquiry that we are tabling today such a timely and comprehensive document.

Our inquiry was able to take a detailed look at the workings of the Commission of Audit. We examined their terms of reference and questioned many of the underlying assumptions that they were working towards. We heard from experts about the true state of the national economy. We looked at the effect of the commission's recommendations on health and welfare and on employment. We looked at alternatives to the many cuts that were recommended, including examining Australia's overgenerous use of tax concessions.

There is very little doubt that the Commission of Audit report had a very significant influence on the federal budget. Not every recommendation found its way into the federal budget—which is really not surprising, when you consider how radical some of their
proposals were. But what is surprising is that in some cases the response to the commission of audit from the government went even further than the commissioners recommended.

Mr Hockey says that criticism of his budget is political in nature, and he is right, because politics is a contest of ideas. It is about priorities. It is about whether we want to live in a caring and compassionate country or a cruel and harsh one. Politics forces us to make decisions about what we think is fair and decent. So, yes, Mr Hockey, our criticism of the budget is intensely political—and rightly so.

Mr Hockey slams criticism of his budget as class warfare—then, in the same breath, he tells average Australians that they work for over one month each year to support welfare recipients. The hypocrisy of that is simply breathtaking. The very definition of class warfare is perpetuating the myth that hardworking Australians are having their taxes wasted on dole bludgers and no-hopers. We know from the work of the committee that is a lie: the vast majority of Australians get much more out of the tax system than they put in. We get it in the form of health care, education, income support, the roads we drive on and so on. We also learnt that most of what people work towards, through their taxes, is not paying for dole bludgers—it is actually paying for assistance for older people. In other words, people work hard to contribute to their retirement and the retirement of their co-workers.

It is true, though, that some high-income earners do contribute more to the system. But it is also important to remember that many professionals—people like myself: doctors, lawyers, pharmacists, dentists—have managed to achieve high incomes in large part because we received a taxpayer funded university education. We were beneficiaries of the system. As a medical student, I was lucky enough to get a taxpayer funded education. I was also lucky enough to get into a decent hospital training program. After that, working as a GP, I was able to get income thanks to Medicare. It was not my hard work that made those conditions possible; I was the beneficiary of the tax system. Without that, I would not have been able to achieve the things I have. As a result of that, I also have a responsibility to make a contribution and help those people on lower incomes who did not get the same start that I had—a stable home environment, a decent school, some good luck; all of those things. That is why I, like many other Australians, want to make sure that we do contribute so that people who do not have the same luck, the same start in life, might get the opportunities that mean even they could one day become a dentist, a lawyer, a pharmacist and so on.

It is convenient, and we saw this through the Commission of Audit work, to foster resentment about paying tax. You create an environment where you can slash services. Terms like ‘great big new tax’ and the like demonise the fact that we need to collect tax for things like health care, education, disability support, transport and so on. That taxation is the price we pay for a fair and decent society.

One of the things the report did was look in detail at the issue of tax concessions. Look at the language Mr Hockey uses: he talks about lifters and leaners; he talks about making sure we end the culture of entitlement. What we learnt was that Australia is one of the most generous countries in the world when it comes to providing tax handouts to the big end of town. Mr Hockey will not say that the average worker has to spend weeks to fund tax concessions and subsidies like fossil fuel subsidies in the form of the diesel fuel rebate or other subsidies for superannuation, private health insurance and so on. The bulk of these benefit people on high incomes. Why is it that the average Australian should pay for the
cheap fuel of the mining industry—an industry that has made massive profits, most of which go offshore? Why should you slug ordinary Australians? Why is it most Australians have to work to pay for the massive superannuation tax concessions? I think it was former Liberal leader John Hewson who said this was one of the areas the government should be focusing on, and recommended that to the Commission of Audit. He says we are approaching $150 billion in super tax concessions, most of which go to the wealthy. Through this committee process, people were able to learn about the huge handouts that go to the big end of town and the priorities of both the commissioners and the government in framing their budget.

What was very clear is that—rather than picking on young kids who are doing their best to get a job and are now going to be cut off from income support, and will struggle to feed and clothe themselves; or the single mother whose tax support will be cut; or the pensioner with a chronic disease who will face huge out-of-pocket health care costs—there was an opportunity for the commissioners and the government to start looking at addressing the real age of entitlement, and that is the entitlement that exists at the big end of town. It is true that there is some heavy lifting going on there—but there is a hell of a lot of leaning, too.

The report does not say that all of these tax concessions and subsidies should be removed tomorrow. What it does say is that we need to have an open, frank and factual debate about these huge tax concessions. We need to look at whether we really want to target the poor, the sick and the vulnerable or whether we want to target those who can afford to do a little bit more of the heavy lifting, and truly end the age of entitlement.

**Senator LUNDY** (Australian Capital Territory) (15:44): I also rise to speak on the tabling of this final report of the Select Committee into the Abbott Government's Commission of Audit. I am grateful for this opportunity to speak to the report being tabled today. As you see, this report provides quite a damning insight into the process that went on to form part of Mr Abbott and Mr Hockey's unfair and disreputable budget. The secretive processes, the flawed assumptions and the lack of evidence to support recommendations contained in the Commission of Audit report were of great concern to the committee. Let me spell out some of these concerns. The conflicts of interest identified among commissioners and the secretariat were not made clear, and the processes for managing these conflicts were not disclosed, even though it was asserted they were addressed. As was highlighted in the committee's first interim report, the processes used by the National Commission of Audit to gather and analyse information lacked transparency. We spent many hearings trying to provide that transparency through the committee's work. It was not forthcoming. We were also concerned about the processes around stakeholder meetings. These appeared to the committee to be ad hoc, and the ways the submissions were dealt with remaining unclear.

The committee was pleased that submissions made to the commission were eventually made public, however, we were also disappointed that information on meetings and consultation with stakeholders has not been provided, so we still do not have the full picture. We are also very concerned about the time frame provided for a report of this scale. We do not believe the time frame was sufficient. The chair of the commission urged that the recommendations be adopted in full, yet admitted that they did not have the time to work through each proposal thoroughly with each relevant department. I will come back to that point shortly.
On this point there were agencies that were identified by the commission for abolition which had not even been given the courtesy of a meeting with the commissioners, or with even one of the commissioners, to explain their role and function and perhaps, if necessary, justify it. It is worth making the point that there were agencies that were not even given a heads-up that they had been flagged for abolition, or scrapping, until the day the Commission of Audit report was published. You can imagine the shock that that would have provided to the professionals providing those functions on behalf the Commonwealth.

During the course of the inquiry the committee requested costings for each of the commission's recommendations. This information was not forthcoming. The commission went on to admit that they did not prepare costings for all of their recommendations and did not undertake detailed financial modelling. In fact, in an answer to a question on notice the commission noted that they instead provided advice on 'the broader order of magnitude of savings potentially arising from its recommendations'. I would like to emphasise that without the detailed financial modelling estimates provided can only be treated as indicative. There is no basis for accuracy in that regard.

What a shock it was when many of the recommendations in the Commission of Audit report landed, front and centre, in the budget that the Abbott government handed down. The lack of costings and the limited evidence-base relied upon was not appropriate for a report of this magnitude, as I said, or for it to form the basis of so many of the Abbott government's measures in the budget. For example, in relation to the GP co-payment recommendation, we know now that it has become policy. The chair of the commission admitted that they did not have technical expertise for that analysis. The committee proved that the commission's terms of reference were based on a number of incorrect assumptions. There was the contrivance that the government needed to respond to some kind of budget crisis or spending blowout. This so-called budget crisis has been thoroughly discredited by reputable economists.

As far as the broad fiscal policy is concerned, the ACTU pointed out in their submission to the inquiry that Commonwealth revenues as a percentage of GDP were slightly lower than they were in the 1996-97 budget at the time of the last Commission of Audit and substantially below the level of the 2007-08 budget handed down by the then Liberal Treasurer, Mr Costello. In fact, Commonwealth expenditure as a percentage of GDP is only 0.2 per cent higher than it was in 1996-97 when the last review was undertaken.

Another example of the false assumptions made—very relevant to the constituency I represent in the Australian Capital Territory—is the assumption from the outset that the Public Service is too large and inefficient. The fact is, and evidence shows, that the Australian Public Service indisputably ranks as one of the most efficient and effective in the world. We had substantive evidence, as you would expect, from the CPSU National Secretary, Ms Nadine Flood, to this effect. She was able to point to statistics from comparable countries around the performance of the Australian Public Service. Government employment as a percentage of the population is currently lower than it ever has been. Notwithstanding this, the Commission of Audit called for a range of agencies and functions to be transferred from the Commonwealth to states as well as extensive outsourcing of public services like Centrelink. I will come back to that in a moment. The commission gave an extremely conservative estimate that these measures would result in the loss of almost 15,000 Public Service jobs. But, I remind my colleagues, we know that a detailed analysis was not done and as the CPSU, the
union representing public servant workers, pointed out, given the massive amount of work the commission wanted to cut or outsource, they expected this number to be closer to 25,000 jobs lost.

Some 40 per cent of Australia's public servants are employed in Canberra and live in our region. We have already lost upwards of 6,000 APS positions since the Abbott government took office. While the Canberra economy is becoming increasingly diverse, there is no underestimating that such a significant reduction in the size of the Public Service will lead to economic challenges for Canberra. I am pleased that the ACT government in their recent budget brought down a series of thoughtful measures to help the ACT economy along. We have faced these types of challenges before. We are in a much stronger position to withstand some of the impacts, but it is through the thoughtful and clever budgeting of the ACT government which ensures that our level of economic activity remains as high as possible and confidence does not take a nosedive.

The Australian Public Service was subjected to tough efficiency dividends under the previous government that I was a part of. There is no denying that there was little left to cut with the application of those dividends. But one key difference was that our efficiency dividend sought to target the non-jobs area where waste and inefficiencies did exist. That remains as a stark difference from the arbitrary and ideological approach of trying to create smaller government with little consideration to the function and operation of the Public Service itself.

In conclusion, I want to reflect more broadly on this exercise. What we now know is that the Commission of Audit report and all of its hastily pulled together recommendations, which are without a substantive evidence base, form the basis and heart of many of the Abbott government's recent budget decisions. That audit has put a deep fear into the people of Australia as they now observe an unfair budget: a budget they had no idea was coming; a budget that was not foreshadowed in any election promises prior to the general election last year. And yet it has subjected Australians to the most unfair—and now disreputable—budget that they have ever seen. It has been a shock for many people. It will remain so as we continue to see the radical directions that a government which misled the people at the last election continues to take, and no flimsy exercise such as this Commission of Audit and the recommendations put forward will provide any political cover for a government as negligent as this.

**Senator DASTYARI** (New South Wales) (15:54): The final report into the Senate Select Committee into the Abbott Government’s Commission of Audit that is being tabled here reveals the commission of audit process for what it was: a sham, a fraud and a fig leaf with predetermined outcomes designed to ascertain one single political goal of producing a report that is so outrageous, so devastating, so bad for the people of Australia and so unpopular that it could even try and make the last budget look reasonable. It failed on many levels. The report that was produced by the Commission of Audit was predetermined from the start, and our report into that process reveals this. It was an inquiry where not one of the commissioners was there to properly and adequately represent the community sector and the services sector.

Let me be clear: five very eminent people were chosen to do this Commission of Audit review for the government, and I have no issue with any of them as individuals. Many of them have contributed in many ways, particularly in the business field and many of them have
a contribution to public policy. My issue throughout this whole process was that they were the only voices that were participating in this. Rather than having a balanced process, with people from the community sector, from the charity sector and from the trade union sector included as part of this discussion, you had a process that was stacked by the Business Council of Australia, who themselves had called for this review in the first place.

Let us be clear, the first people to call for a Commission of Audit were those in the Business Council of Australia. They called for this process, and in calling for it, they produced their own report in the middle of last year about what they would like to see in a commission of audit review. The government then appointed the chairman of the Business Council of Australia to head up the inquiry and, more worryingly, hired the policy director from the BCA—the person who had already produced their report—as the head of the secretariat. This was not an open process; this was not a transparent process; this was not a fair and equitable process; this was a predetermined process. The terms of reference themselves were highly worrying. There is no doubt that if you are going to have a debate about debt and about spending, firstly, you have to be honest about the facts—and there is a lot of debate going on in politics at the moment about what those facts are. Secondly, you have to make sure that you are looking at not only expenditure but also income. I think a major flaw in this process was that failure to have a proper process where the income component was also being looked at.

So, what did you get at the end of this? You got a series of outrageous measures and outrageous proposals that came through from the Commission of Audit, some of which, worryingly, this government seems to think are something that they want to inflict on the Australian people. The ideas that came through included ideas like the co-payment for Medicare services; they floated a $15 fee, but the government proposed a lower figure. It is another example of where this report has been—

Senator Fawcett: A co-payment was a Hawke government idea.

The DEPUTY PRESIDENT: Order!

Senator DASTYARI: Ideas about the deregulation of university fees is another thing that the government has chosen to adopt.

Senator Kroger: He was in a nappy then. He would not know about the Hawke co-payment idea.

The DEPUTY PRESIDENT: Order on my right!

Senator DASTYARI: Senator Kroger, the fact that I happen to have been born overseas and, as a migrant, did not come to this country until 1988 is perhaps nothing that should be made light of or joked about. But I know that was not your intention.

The DEPUTY PRESIDENT: Order, senators! Not across the chamber. To the chair, Senator Dastyari.

Senator DASTYARI: There is also the idea of increasing the interest rates on student HELP debt, the idea of not proceeding with the final two years of Gonski, the discussion about those who are younger without dependents moving to areas of higher employment by directly impacting their access to welfare, abolishing the family tax benefit B, lowering the Paid Parental Leave scheme, scrapping the Australia Network and consolidating—which is a nice way of saying cutting—a whole series of Indigenous programs. All of these were ideas
that the government chose to adopt, and there was a series of ideas that the government did not adopt. My concern about this process from the start was that it was a stacked committee with a stacked inquiry with a predetermined set of outcomes that would allow the government to say, 'Look how terrible these measures are; we're not going that far. We're only going to go 75 per cent of the way, we're only going to go 60 per cent of the way' in order to make what the government knew was going to be a series of broken promises in the budget process look reasonable. And frankly, they failed. They failed because it does not matter how you set it up. It does not matter how many inquiries, processes, documents, sham reviews or commissions the government was going to conduct. The fact is that the budget that got produced—and this played a key role in providing input—is bad for Australia and bad for Australian families. That is why there is an outcry across the country by so many different people, so many different groups and so many different organisations that say that this is not the budget that they were promised, these are not the measures that they were told about before the election, and there was a series of promises.

From the start of the process, those on this side of the chamber made it very, very clear that we felt this was going to be nothing more than a fig leaf to cover what was going to be a sham process to give the government cover for broken promises. Unfortunately we were proven right. The final budget that was produced at the end of this had repeated broken promise after broken promise.

What concerns me is that we have here a series of recommendations that I worry the government is going to adopt as part of the MYEFO process. I worry that there is a series of measures here that are more damaging, more painful and more hurtful, and that even this government, with its tin ear, felt it was not appropriate to impose them now, but they are going to be imposed on Australian families. Until the government is able to give us an ironclad commitment that the remaining ideas are off the table, that is a danger we will live with.

In concluding I do want to acknowledge the incredible work of Senator Richard Di Natale, who chaired the inquiry, and Senator Kate Lundy, who was the deputy chair. Senator Di Natale was incredibly gracious and accessible with his time and the time of his staff. They spent a lot of time working on this process, and it should be acknowledged that the way in which he conducted himself throughout the process was of the high standard that we expect of a place like the Australian Senate. The deputy chair, Senator Lundy, did an incredible job. There were a lot of meetings at the start of the year—which I know a lot of people were not here for. The committee team, the committee staff and the secretariat did a fantastic job, as always. I note that these kinds of inquiries tend to be simply additional work on the already very heavy workload, and I think that should be acknowledged.

Finally, I acknowledge that that the coalition senators participated in a very healthy debate as part of this process. I acknowledge Senator Smith and the several opinion pieces that he wrote in the Fin Review; I think I wrote a few as well, where we clearly disagreed with one another. There was a lot of enjoyment and Senator Smith is clearly a big fan of Bob Hawke and Paul Keating. He kept speaking about them at every inquiry meeting we had, and I promised him that I will one day get him a signed poster from the two of them.

Senator SMITH (Western Australia) (16:03): I also would like to make some brief remarks with regard to the Senate Select Committee on the Abbott Government's Commission
of Audit—not the title that I would necessarily have chosen, but it does capture a couple of important points. The first is that the new government, led by Tony Abbott, did indeed commission the work of a national audit commission process. In doing so, it set about an urgent review of the scope, efficiency and function of the Commonwealth government that it inherited on 7 September. In doing so, it set itself the task, through the National Commission of Audit process, to look at how best to achieve the savings necessary to deliver a one per cent budget surplus prior to 2023-24. I can understand that some people in the Senate and in the Australian community might be a bit alarmed and want to know, 'Why such a lengthy period between the present and 2023-24?' Fundamentally there are two views in our community at the moment, and these were ably demonstrated and vigorously discussed, as Senator Dastyari has suggested, through the National Commission of Audit Senate Select Committee process. Those views fall into one of two camps. There is the head-in-the-sand camp, which believes there is no problem with the financial arrangements of the Commonwealth and we are destined for a glorious future and nothing need change. The second view—a view that I subscribe to without hesitation, and a view that many Senate colleagues on this side subscribe to—is that there is a budget emergency.

If you look at the comments of the Australian Industry Group, if you look at the comments of the Business Council of Australia; indeed if you look at the comments of the IMF and the OECD more recently, you will discover that they agree that there is a budget emergency, and the Commission of Audit Committee dissenting report covers those issues well.

Debate adjourned.

Scrutiny of Bills Committee

Report

Senator POLLEY (Tasmania) (16:06): I present the 6th report and Alert Digest No. 6 of 2014 of the Standing Committee for the Scrutiny of Bills.

Ordered that the report be printed.

Public Accounts and Audit Committee

Report

Senator SMITH (Western Australia) (16:07): On behalf of the Chair of the Joint Committee of Public Accounts and Audit, I present two reports of the committee, as listed at item 11 on today's Order of Business. I seek leave to make a statement relating to the committee's decision on the appointment of the independent auditor.

Leave granted.

Senator SMITH: I wish to make a statement on the appointment of the Independent Auditor of the Australian National Audit Office. The Joint Committee of Public Accounts and Audit is required under the Public Accounts and Audit Committee Act 1951 to endorse the proposed appointment of any person to the office of Independent Auditor before that appointment can be recommended to the Governor-General. The committee is also obliged to report its decision to parliament. The Independent Auditor is a person appointed from the private sector on a part-time basis to serve as an external auditor to the Audit Office. I take this opportunity to advise the Senate that, on 29 May, the committee unanimously approved
the appointment of Mr Peter Van Dongen, current National Managing Partner, Assurance, at PricewaterhouseCoopers.

**Parliamentary Joint Committee on Human Rights**

**Report**

_Senator SMITH_ (Western Australia) (16:08): On behalf of the Parliamentary Joint Committee on Human Rights, I present the seventh report of the 44th Parliament of the committee on the examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011.

Ordered that the report be printed.

_Senator SMITH:_ I move:

That the Senate take note of the report.

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights seventh report of the 44th Parliament. This report covers 42 bills introduced in the period 13 to 29 May, seven of which have been deferred for further consideration, and 218 legislative instruments received during the period 8 March to 30 May. The report also includes the committee's consideration of 15 responses to matters raised in previous committee reports.

Of the bills considered this report, I note that the following bills are scheduled for debate in the parliament this week: the Migration Legislation Amendment Bill (No. 1) 2014 and the Fair Work Amendment Bill 2014. The report outlines the committee's assessment of the compatibility of these bills with human rights. I encourage my fellow senators to look to the committee's report to inform their deliberations on the merits of the proposed legislation.

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 of compatibility in the area of human rights. The Migration Legislation Amendment Bill (No. 1) 2014 consists of six schedules of amendments to the Migration Act and the Australian Citizenship Act. Key changes include: amending the existing limitations on applying for a further protection visa whilst in Australia to include situations where the first visa application was made on behalf of a non-citizen—this would cover situations where the non-citizen did not know of or did not understand the nature of the application due to a mental impairment or because they were a minor; extending debt recovery provisions for detention costs to all convicted people smugglers and illegal foreign fishers; amending the role of authorised recipients for visa applicants; the Migration Review Tribunal and Refugee Review Tribunal's obligations to give documents to authorised recipients; providing access to and use of material and information obtained under a search warrant in migration and citizenship decisions; and amending the procedural fairness provisions that apply to visa applicants.

As noted in the report, the committee has raised concerns about each of these amendments. In most cases, the committee has sought more information from the minister, noting that the statement of compatibility for the bill did not provide an adequate assessment of how the limitation on rights in each case was reasonable, necessary and proportionate. In particular, the committee noted that extending the statutory bar on repeat protection visa applications to children and persons with a mental impairment engages a number of human rights. These include the best interests of the child and the rights of persons with a mental impairment to legal capacity. The schedule also engages Australia's non-refoulement obligations, the
obligation not to return people to harm. In this regard, the committee notes that merits review of decisions to remove people from Australia is an important aspect of our non-refoulement obligations. I encourage senators to consult the full discussion of the bill in the report, which provides a more detailed account of the issues raised.

Finally, in relation to the responses to matters previously raised by the committee, the report contains consideration of 15 such responses and the committee's concluding remarks on these matters. With these comments, I commend the committee's seventh report of the 44th Parliament to the Senate.

Senator STEPHENS (New South Wales) (16:12): I would like to briefly speak to the seventh report. As Senator Smith said, there are 42 bills and 218 instruments in the seventh report of this parliament, which is only six months old. I want to express my appreciation to the members of the committee and the secretariat, and to Senator Smith for his chairmanship of this committee since the government came to power. This committee was established by the former government. I was privileged to be a member of the committee from its formation and have continued to be actively involved. It is an incredibly important committee. What we see in the work of this committee is a totally non-partisan approach to the task at hand. The key principles about whether the legislation or the instruments before the committee are reasonable, necessary and proportionate underpin all the work that we do.

I commend the committee and I commend Senator Dean Smith for the improvements to the process that he has introduced. They have been very thoughtful and very helpful, because we can sometimes be overwhelmed by the amount of work that is present to us. I thank the committee for the opportunity to be part of such an important part of our legislative process.

Question agreed to.

Education and Employment Legislation Committee

Additional Information

Senator McKENZIE (Victoria—Nationals Whip in the Senate) (16:14): On behalf of the Education and Employment Legislation Committee, I present additional information received relating to estimates.

DOCUMENTS

Tabling

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

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

COMMITTEES

Legal and Constitutional Affairs Legislation Committee

Membership

Senator BIRMINGHAM (South Australia—Parliamentary Secretary to the Minister for the Environment) (16:15): by leave—I move:

That Senator Siewert replace Senator Wright on the Legal and Constitutional Affairs Legislation Committee for the committee’s inquiry into the provisions of the Australian Citizenship Amendment (Intercountry Adoption) Bill 2014, and Senator Wright be appointed as a participating member.
Question agreed to.

**BILLS**

**Social Security Legislation Amendment (Increased Employment Participation) Bill 2014**

Message received from the House of Representatives agreeing to the amendments made by the Senate to the Social Security Legislation Amendment (Increased Employment Participation) Bill 2014.

**Australian Workforce and Productivity Agency Repeal Bill 2014**

**Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014**

**Family Assistance Legislation Amendment (Child Care Measures) Bill 2014**

**Migration Legislation Amendment Bill (No. 1) 2014**

**First Reading**

Bills received from the House of Representatives.

Senator BIRMINGHAM (South Australia—Parliamentary Secretary to the Minister for the Environment) (16:17): I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

**Second Reading**

Senator BIRMINGHAM (South Australia—Parliamentary Secretary to the Minister for the Environment) (16:18): I present a revised explanatory memorandum relating to the Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014 and I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

**Australian Workforce and Productivity Agency Repeal Bill 2014**

The Australian Workforce and Productivity Agency Repeal Bill 2014 provides for the repeal of the *Australian Workforce and Productivity Agency Act 2008* and the abolition of the Australian Workforce and Productivity Agency.

This Bill is a critical part of the Government's agenda for reforming governance arrangements for vocational education and training, as well as rationalising the number of portfolio bodies across government.
The Australian Workforce and Productivity Agency Act 2008 establishes the legislative framework for the Agency, which provides independent advice in relation to Australia’s current, emerging and future skills and workforce development needs.

As part of the winding down of the Agency’s operations, it is the Government’s intention that the Agency’s staff and functions be transferred into the Department of Industry to strengthen resources and the capacity of the Department of Industry to provide targeted advice.

The Agency has made a valuable contribution to policy development and refinement in key area of skills and workforce development. I would like to take this opportunity to thank all serving and prior board members for their involvement and engagement with the Agency and its policy and research.

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION AMENDMENT (BILATERAL AGREEMENT IMPLEMENTATION) BILL 2014

Today I am announcing a major step forward in the Government’s commitment to reduce red tape. Duplications in environmental regulation between the Australian Government and states and territories add an unnecessary burden to business, increasing the administrative and compliance costs and delaying projects. We are lifting that burden where it achieves the same environmental outcome, providing faster approvals and a simpler process which will deliver productivity benefits for the country.

Approval bilateral agreements have always been a feature of the EPBC Act since it was passed in 1999. This Government is now implementing the efficiencies envisaged when the EPBC Act was first drafted. We are now delivering on the original intent of the EPBC Act.

The Government has been working closely with states and territories to negotiate the approval bilateral agreements that will implement this policy. When the policy is fully implemented, state and territory governments will, for the first time, be able to make a single approval decision that accounts for both state matters and matters of national environmental significance. This will dramatically simplify environmental approvals and remove unnecessary bureaucracy, while maintaining the high standards set out in the EPBC Act.

The Government agrees that decision-making should be the responsibility of the most appropriate level of government. State and territory governments have responsibility for land and water management in Australia. They have processes in place for evaluating the environmental impacts of development proposals consistent with the principles of ecologically sustainable development.

Where state and territory processes meet the high standards set out in national environmental law, I can accredit them under the EPBC Act. There is more than one way to deliver efficient processes that protect the environment. It is only sensible that bilateral agreements be tailored to reflect state processes, while still providing for the outcomes sought by this government.

The Australian Government remains responsible for ensuring that the objects of the EPBC Act are met and environmental standards are maintained. We have developed an assurance framework that will give us, and the Australian public, confidence. The framework is built on accreditation standards under the EPBC Act. It is given effect by approval bilateral agreements and accreditation of state processes. The reform will also improve our ability to track and report on matters of national environmental significance and the environment, by making more information publicly available. The reform is good for the economy and good for the environment.

Consistent with our commitment to improve the economic climate for business while protecting the environment, we will continue to work with states and territories to bring all processes up to the national standard, and deliver increased strategic approaches that continue to streamline regulation.

This complements our wider environmental regulatory reform policy agenda such as our audit of environmental regulation, and the work of the House Standing Committee on the Environment.
The one stop shop policy is breaking new ground in improving the way that Australia ensures the protection of our environment and a more productive economy.

Amendments

The Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014 (the Bill) amends the EPBC Act to facilitate the efficient and enduring implementation of the Australian Government’s one stop shop reform for environmental approvals.

This Bill makes amendments to clarify the existing provisions of the EPBC Act to help ensure the durable operation of the one stop shop and provide certainty for business. None of the amendments change or reduce the standards that state and territory processes must meet in order to be accredited under bilateral agreements.

Water Trigger amendment

This Bill includes an amendment that will allow me to include the ‘water trigger’ in the things state and territory approval decisions can cover under bilateral agreements.

Currently, the EPBC Act does not allow for the accreditation of a state or territory process for the purpose of approvals relating to large coal mining and coal seam gas developments that are likely to have a significant impact on a water resource. This means that at the moment coal seam gas and large coal mining developments must go through two separate approval processes and often need to comply with two sets of conditions. This Bill will remove this restriction, but importantly, it will not remove the water trigger itself. The same environmental standards remain. It will create a consistent approach to all matters of national environmental significance: where state approval processes meet the high environmental standards, they can be accredited.

Including the water trigger in approval bilateral agreements is important for establishing a one stop shop for environmental approvals. With these amendments, based on past projects, it is anticipated that almost all large coal mine and coal seam gas projects would benefit from streamlined approvals under the one stop shop.

Providing a single approval process for the water trigger will reduce the regulatory burden on business while ensuring that high environmental standards are maintained. Robust environmental assessments of these actions will continue to be required, but delivered through a single assessment and approval process by the states. This will provide more certainty for investors with a simpler, streamlined regulatory system which is good for Australia’s international investment reputation.

Under the current regulatory framework, there have been delays between the granting of state and territory and Australian government approvals. Delays are typically between 30 - 40 days, but can be longer. This can result in a significant gap between the state and the Australian government approval decisions with real economic consequences.

If this project was covered under the one stop shop, this type of delay would be avoided. Streamlined regulation is good for the economy, with lower costs and fewer delays for industry.

To ensure that the states and territories have the best available scientific information when making approval decisions for these projects, I am also proposing an amendment to allow all states and territories to request advice from the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development. This will ensure that comprehensive environmental assessments can continue to include robust and independent science.

The community can have confidence that the impacts on water resources from large coal mining and coal seam gas developments will continue to be subject to rigorous assessment and approval processes.

Technical amendments to facilitate the implementation of bilateral agreements
This Bill also makes a number of technical amendments to provide certainty about the operation of bilateral agreements under the EPBC Act. These amendments will ensure that bilateral approval agreements are robust, durable and provide long-term certainty for business and the community.

- The Bill will provide certainty for proponents about the practical operation of the bilateral agreements. It will remove the need for proponents to make unnecessary referrals to the Commonwealth.

- The Act currently provides for agreements to be suspended or cancelled in extreme circumstances. In the unlikely event that this occurred, the amendments will ensure that the Commonwealth can follow the most efficient process to progress projects already being assessed, without duplicating state or territory processes.

- These amendments also recognise that states and territories have set up their processes in ways that best reflect the circumstances in their state or territory. These technical amendments will ensure the focus of accreditation is on the process meeting high environmental standards, rather than technicalities.

- The amendments also clarify that, in addition to the terms of the bilateral agreement, I can take into account all matters, such state or territory policies and plans, that I consider relevant when deciding whether to accredit a state or territory process.

- A new provision to provide ongoing certainty to the community about the operation of the agreement will allow bilateral agreements to remain in force when states and territories make small changes to legislation and processes, where the substance of the arrangement or process continues to meet high environmental standards. The amendments will also allow bilateral agreements to refer to and incorporate documents, such as policies and guidelines, which change over time. This is particularly important to ensure that environmental decisions reflect the latest science and best practice.

Conclusion

This Bill demonstrates the Government's commitment to implementing genuine reform to deliver more effective and efficient regulatory processes while maintaining high environmental standards. It gives effect to the joint commitment of the Commonwealth and each of the states and territories for greater cooperation in environmental approval that will deliver productivity improvements and other substantial benefits for all Australians. The reform is good for the economy and good for the environment.

In providing for a streamlined and outcomes focused approach to environmental approval, these refinements to the EPBC Act will reduce regulatory burden and remove the red-tape that currently restricts our ability to realise the long-term ecologically sustainable economic, business and infrastructure development opportunities from which we all benefit.

I commend this Bill to the House.

FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE MEASURES) BILL 2014

Today I am introducing the Family Assistance Legislation Amendment (Child Care Measures) Bill 2014 which will do two things:

- maintain the Child Care Benefit income thresholds for three years; and

- continue to pause the Child Care Rebate limit at $7,500 per child, per year for a further three years.

Both of these measures will apply from 1 July 2014 for three years, to 30 June 2017.

These measures do not in any way pre-empt the Productivity Commission Inquiry into Child Care and Early Childhood learning which is a holistic review into what is needed for the next generation –
not just the next few years. The Productivity Commission's draft report will give us the first insight into their proposed reforms and is due next month.

The measures contained in this bill are, however, necessary. The Government is making decisions that repair the Budget, strengthen the economy and prepare Australia for the long term challenges and opportunities that confront us.

Child Care Benefit is a means tested payment based on a family's income. The Child Care Benefit provides assistance to families with child care costs. The amount of Child Care Benefit a family receives depends on the family's income, the type of care used, the hours of care and the number of children in care, as well as the parent's work, training or study commitments.

The Child Care Benefit measure in this Bill is a 2014 15 Budget measure and is one element of the Government's broader measure to maintain eligibility thresholds for Australian Government payments for three years. Maintaining the Child Care Benefit income thresholds will provide an estimated saving of $230 million over the forward estimates.

Child Care Benefit eligibility requirements will remain unchanged. The Government will continue to index, that is increase, the Child Care Benefit standard hourly rate, the minimum hourly amount and the multiple child loadings by the Consumer Price Index on 1 July each year.

It is important to note that the out of pocket costs incurred by most families because of this Child Care Benefit measure will be partially offset by the Child Care Rebate, which is not income tested and which covers up to 50 per cent of out-of-pocket child care costs up to $7,500 per child, per year.

The Child Care Rebate indexation pause at $7,500 was first implemented by Labor in 2011. Labor announced an extension of the measure as part of their 2013-14 Budget and then took the $105 million in savings from the budget bottom line but never legislated for it. When this government sought to legislate the measure, Labor combined with the Greens in the Senate earlier this year to block the legislation that would have given effect to their own measure (as part of the Social Services and Other Legislation Amendment Bill 2013).

Labor tried to justify blocking their own measure by claiming that the savings had been intended to "directly support" their Early Years Quality Fund (EYQF). Labor said it opposed the Coalition Government's attempt to implement Labor's own CCR provision because the Coalition Government had frozen the EYQF funds (Hansard, 4/12/13).

This Government did put a freeze on the EYQF funds – but only while an independent review was undertaken. That independent review found the fund was fundamentally flawed and inequitable and would benefit less than 30 per cent of long day care workers. This government has honoured funds contracted from the EYQF and also redirected the remaining funds – over $200 million – towards professional development activities to benefit the whole long day care sector, not just a minority.

So, if Labor chooses to block its own measure again – it will need to come up with a different excuse.

These measures will not impact families with incomes below $41,902 (which is the lower income threshold for Child Care Benefit). These families will continue to receive the maximum rate of Child Care Benefit. The amount of Child Care Benefit a family receives tapers to zero as their income increases to the relevant maximum income limit. For example, a family with three children in child care for 50 hours per week with an income of up to $170,404 is currently eligible to receive some Child Care Benefit, as well as up to $7,500 Child Care Rebate per child per year.

The upper income threshold of $97,632 referred to in the legislation is a mechanism for the very complex way in which Child Care Benefit is calculated and tapered, depending on a family's income, the number of children in care, the type of care, and hours used. This is a level of complexity that has been raised by families and service providers alike in the course of the Government's Productivity Commission Inquiry.
Overall, this Government is increasing child care assistance to $28.5 billion over the next four years (2014-15 to 2017-18) to assist around a million families each year through the Child Care Benefit and Child Care Rebate.

But we cannot forget the context in which we are all operating today: Labor delivered six budget deficits; they left $123 billion in cumulative deficits ahead; and their debt is costing Australians $1 billion a month in interest, effectively dead money.

The days of borrow and spend must come to an end. The Coalition has delivered a budget of both saving and building; it's a budget that ensures we will get back to living within our means, just as households must. Even though we inherited a mess, we are taking responsibility and fixing it up through strong and fair action. This Bill is an important part of that action.

MIGRATION LEGISLATION AMENDMENT BILL (NO. 1) 2014

The Migration Legislation Amendment Bill (No. 1) 2014 amends the Migration Act 1958 (the Act) and the Australian Citizenship Act 2007 (the Citizenship Act) to:

- ensure that sections 48, 48A and 501E of the Act can be correctly applied according to policy intention;
- ensure that a bridging visa application is not an impediment to the exercise of the removal of a person under subsection 198(5) of the Act;
- apply the debt liability provisions of the Act to all convicted people smugglers and illegal foreign fishers;
- clarify the obligation of the Migration Review Tribunal and the Refugee Review Tribunal to give documents to an authorised recipient;
- clarify the role of the authorised recipient, and the extent of the obligation to notify an authorised recipient of direct communications made with the person who appointed them;
- provide access to, and use of, material and information obtained under a search warrant issued under the Crimes Act 1914 for certain purposes of the Act and Citizenship Act;
- ensure that the procedural fairness requirements prescribed in the Act will apply universally to all visa applications and provide for greater consistency in decision making; and
- repeal provisions in the Act which contain references to section 14 of the Electronic Transactions Act 1999.

Limitation or prohibition on valid applications for visas

The first Schedule to the Bill will ensure that sections 48, 48A and 501E of the Act can be correctly applied according to policy intention.

Sections 48, 48A and 501E of the Act limit or prohibit the making of valid visa applications by persons who have been refused a visa or who held a visa that was cancelled.

Currently, section 48 limits further visa applications by a person in the migration zone who held a visa that was cancelled. This means a person whose visa has been cancelled at any time in the past will not be able to make a further visa application while they are in Australia. This is not consistent with the policy intention, which is to limit further visa applications if the person has held a visa that was cancelled only since last entering Australia.

In addition, the amendment will clarify that sections 48, 48A and 501E also apply to limit or prohibit the making of further visa applications by persons who were refused a visa for which a valid application was made on the person’s behalf. This is irrespective of whether the person knew about, or understood the nature of, the application because the person lacked capacity due to a mental impairment, or because the person was a minor at the time of that application.
The amendment will ensure that, consistently with the policy intention, the application of sections 48, 48A and 501E will not be determined by reference to a retrospective and subjective assessment of the person's knowledge or understanding of the visa application made on their behalf. Instead, the application of these provisions can be determined by reference to the objective criterion of whether or not the person has been refused a visa since they last entered Australia as a matter of fact.

The amendment will protect the integrity of Australia's visa systems by ensuring that minors or mentally impaired persons who have been refused a visa and who do not otherwise have a lawful basis for remaining in Australia, cannot make or have made on their behalf, unmeritorious visa applications in order to prolong their stay in Australia. It also ensures that different members of the same family unit, some of whom may be minors or mentally impaired, who applied for visas together will receive consistent immigration outcomes and be bound by the same consequences.

Schedule 2 – Removal of unlawful non-citizens

The second Schedule to the Bill will clarify the interaction between section 195 and subsection 198(5) of the Act. This is to ensure that a bridging visa application is not an impediment to the removal of a person under subsection 198(5) of the Act.

Currently, subsection 198(5) of the Act does not explicitly cover situations where a detainee has applied only for a bridging visa, which has resulted in a small cohort of detainees being unable to be removed from Australia. This amendment now clarifies the wording of subsection 198(5), to ensure the correct operation of removals policy intent.

In addition, these amendments put beyond doubt that a person cannot be removed if they have applied for a protection visa and the grant of the visa has not yet been refused or the application has not yet been finally determined. This puts beyond doubt that subsection 198(5) of the Act does not apply to an unlawful non-citizen who has made a valid application for a protection visa.

These measures will apply to the removal of a detainee on or after the commencement of this Schedule, including if the detainee was detained before that day.

Schedule 3 – Recovery of costs from certain persons

The third Schedule to the Bill will apply the debt liability provisions of the Act to all convicted people smugglers and illegal foreign fishers.

On 9 November 2009, the relevant operative provisions of the Migration Amendment (Abolishing Detention Debt) Act 2009 commenced. These amendments removed liability for certain persons and liable third parties to the Commonwealth for the cost of keeping, maintaining, and transporting them while they were in immigration detention.

Under existing legislative arrangements, convicted people smugglers and illegal foreign fishers who are detained because of section 250 of the Act, remain liable to the Commonwealth for their detention and removal costs. The Act also contains a number of provisions that facilitate the recovery of these debts. However, under current provisions of the Act, a person is not liable for costs arising from their immigration detention and removal if they were not initially detained because of section 250, or because they were not in immigration detention at the time of their conviction, or because they have since been granted a visa (for example, a criminal justice stay visa while in prison). Accordingly, the debt liability provisions cannot be applied to all people smugglers and illegal foreign fishers, regardless of how or if they were detained and whether they have been granted a visa.

This inability to apply the debt liability provisions of the Act consistently to all convicted people smugglers and illegal foreign fishers, negates any financial disincentive to these persons to participate in people smuggling or illegal foreign fishing.

Changes to the Act will make it clear that these provisions will apply either at the time of conviction or after the convicted people smuggler or illegal foreign fisher has completed serving the whole or part of their criminal sentence. These amendments will also clarify that detention transportation and removal
costs are recoverable from a convicted people smuggler or illegal foreign fisher regardless of their current status or whether or not they were believed to be a people smuggler or illegal foreign fisher at the time of their immigration detention.

Schedule 4 – Authorised recipients

The fourth Schedule to the Bill will clarify the obligation of the Migration Review Tribunal (MRT) and the Refugee Review Tribunal (RRT) to give documents to an authorised recipient. The amendments also clarify the role of an authorised recipient and remove the requirement to notify an authorised recipient of direct oral communications made with the person who authorised them.

The first amendment addresses the Full Federal Court’s decision in *SZJDS v Minister for Immigration and Citizenship* [2012] FCAFC 27, in which the Full Federal Court found that the MRT or the RRT’s obligation to give documents to an authorised recipient does not extend to review applications which have not been properly made. The amendment will put it beyond doubt that where an authorised recipient has been authorised by a review applicant to receive documents on their behalf, the MRT or the RRT must, consistent with the review applicant’s wish, give documents relating to the review to the authorised recipient, even if the review application itself was not properly made.

The second amendment is to clarify the intended operation of the provisions relating to authorised recipients. Currently, the Act provides that an authorised recipient can do things on behalf of an applicant or a person that consist of, or include, receiving documents in connection with the application or matters arising under the Act or the *Migration Regulations 1994*. This is broader than the policy intention for the role of an authorised recipient, which is only to receive documents and not do anything else on behalf of the applicant or person, and has led to comments by the Full Federal Court in *MZZDJ v Minister for Immigration and Border Protection* [2013] FCAFC 156 that the relevant provision means that an authorised recipient is “constituted effectively as the agent of the visa applicant”.

The amendment therefore clarifies that an authorised recipient is authorised to only receive documents and to update their own address for the purpose of receiving documents. If an applicant or person has an intention to allow another person to do additional things on their behalf, evidence must be provided to the Department or the Tribunal separately to the authorisation of that person as an authorised recipient.

Finally, the amendments remove the current requirement to notify an authorised recipient of direct oral communications made with the applicant or person. This is a consequential amendment to the clarification of the role of an authorised recipient. If an authorised recipient is only authorised to receive documents, then there is no longer a reason or a need to inform the authorised recipient of communications made directly with the applicant or person. However, this would not prevent the Department or the Tribunal, under policy, from informing the authorised recipient of relevant and important direct communications made with the applicant or person, in circumstances where the authorised recipient has also been given separate authority to act for the applicant or person, other than to receive documents.

Schedule 5 – Crimes Act Warrants

The fifth Schedule to the Bill will provide access to, and use of, material and information obtained under a search warrant issued under the *Crimes Act 1914* for certain purposes of the Act or Citizenship Act.

These amendments overcome the limitation on receiving and using information obtained under a search warrant issued under Division 2 of Part 1AA of the *Crimes Act 1914* for the purposes of making certain administrative decision under the Act or Citizenship Act.

The purposes for which the material and information can be received and used in the context of the Act are:
- making a decision, or assisting in making a decision, to grant or refuse to grant a visa;
making a decision, or assisting in making a decision, to cancel a visa;
making a decision, or assisting in making a decision, to revoke a cancellation of a visa; and
making a decision in relation to the detention, removal, or deportation of a non-citizen from Australia.

The purposes for which the material and information can be received and used in the context of the Citizenship Act are:

making a decision, or assisting in making a decision, to approve or refuse to approve a person becoming an Australian citizen;
making a decision, or assisting in making a decision, to revoke a person's Australian citizenship;
making a decision, or assisting in making a decision, to cancel an approval given to a person under section 24 of the Citizenship Act.

The Department of Immigration and Border Protection has a critical role to play in ensuring fair and reasonable decisions are made regarding people entering or the detention, removal or deportation of a person from Australia to ensure compliance with immigration laws. It is in the public interest that, where available, immigration decision makers are able to use and share information that help inform lawful decisions.

Immigration criminal investigators have at their disposal legitimately obtained material that could be made available to administrative decision makers if supported through appropriate legislation. The Bill seeks to facilitate the use and sharing of material or information obtained under a section 3E Crimes Act 1914 search warrant.

The amendment proposes to use material already in the possession of the department, as well as enabling other agencies to provide material obtain under a warrant, for certain visa and citizenship decisions. The amendment would not further extend coercive powers or administrative responsibilities, simply provide further information to administrative officers for more effective decision making.

Schedule 6 – procedural fairness requirements and removing redundant references

Part 1 of the sixth Schedule to the Bill will remove the current distinction between applications for visas that can be granted when the applicant is in the migration zone and which are subject to merits review by the MRT or the RRT, for which the Act requires an opportunity to be given to the visa applicant to comment on certain adverse information before a decision to refuse can be made, and applications for other types of visas.

The amendment addresses the finding of the High Court in the case of Saeed v Minister for Immigration and Citizenship [2010] HCA 23 (Saeed) that although the Act does not require an opportunity to comment to be given to applicants for visas not subject to MRT or RRT review, nevertheless there is a requirement under the common law to provide the visa applicant with an opportunity to comment before a decision can be made on the visa application. The Saeed decision means that procedural fairness must be given to all visa applicants. The only difference is whether the statutory or the common law procedural fairness requirements apply, depending on the visa applied for.

The amendment therefore removes the current distinction between applications for visas. In other words, the amendment will ensure that the procedural fairness requirements prescribed in the Act will apply universally to all visa applications and provide for greater consistency in decision making.

Part 2 of the sixth Schedule to the Bill will repeal provisions in the Act which contain references to section 14 of the Electronic Transactions Act 1999 (the ET Act). These provisions have become redundant following the amendment to the ET Act in 2011 which restructured and renumbered provisions in the ET Act, and the subsequent amendment made in 2013 to the Electronic Transactions Regulations 2000.
I commend the Bill to the Chamber.
Debate adjourned.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

**Business Services Wage Assessment Tool Payment Scheme Bill 2014**

**Business Services Wage Assessment Tool Payment Scheme (Consequential Amendments) Bill 2014**

**First Reading**

Bills received from the House of Representatives.

**Senator BIRMINGHAM** (South Australia—Parliamentary Secretary to the Minister for the Environment) (16:19): I move:

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

Question agreed to.

Bills read a first time.

**Second Reading**

**Senator BIRMINGHAM** (South Australia—Parliamentary Secretary to the Minister for the Environment) (16:20): I move:

That these bills be now read a second time.

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

Leave granted.

*The speeches read as follows—*

**BUSINESS SERVICES WAGE ASSESSMENT TOOL PAYMENT SCHEME BILL 2014**

This Bill will establish a payment scheme for supported employees with intellectual impairment in Australian Disability Enterprises who previously had their wages assessed under the Business Services Wage Assessment Tool.

The payment scheme will help provide ongoing employment for employees with disability following a recent court case.

Australian Disability Enterprises are commercial businesses employing people with disability who need support to stay in paid work. These supported employees are paid wages using revenue from the enterprises’ business activities.

There are 193 organisations operating Australian Disability Enterprises in communities across Australia—supporting 20,000 workers with moderate to severe levels of disability.

Supported employees are paid a pro-rata wage, determined using a wage tool stipulated in the Supported Employment Services Award 2010, which is one of the ‘modern awards’ in the Commonwealth workplace relations system.

The Business Services Wage Assessment Tool is one of these wage tools. It was developed by the Australian Government in consultation with stakeholders, and was first used in 2004.

The tool measures a worker’s productivity and competence in performing a job. It is used to determine the wages of about half of all workers in Australian Disability Enterprises.

However, two supported employees were found through a recent court decision to have experienced indirect discrimination because their wages were assessed under the Business Services Wage Assessment Tool, and further representative proceedings are in train.
Acknowledging that legal proceedings may take some time to resolve, the Government has decided to establish a payment scheme to give reassurance to supported employees, and their families and carers, by removing perceived liability that could impact the ability of Australian Disability Enterprises to deliver ongoing employment support.

The payment scheme provided by this Bill will allow registration from 1 July 2014 for payments to former and current eligible employees in relation to work they have performed in the past.

To be eligible for the payment scheme, a person must have an intellectual impairment and have been employed by an Australian Disability Enterprise. Also, the person must have been paid a pro-rata wage determined under the Business Services Wage Assessment Tool, or a training wage paid while waiting for an assessment under the tool to be undertaken. Lastly, the person must have required daily support in the workplace from the Australian Disability Enterprise to maintain his or her employment.

The payment scheme will deliver payments to eligible workers as quickly as possible. People who consider they are eligible and would like to participate in the scheme must register their interest by 1 May 2015. People who wish to test their eligibility and receive an offer must make an application. Applications can be submitted up until 30 November 2015.

There are strict timeframes for the payment scheme. While these timeframes are generous, they do require that people wishing to access the payment scheme take certain actions before set dates. Timeframes will be made very clear in all scheme materials.

Once an application has been received, an applicant's eligibility for the payment scheme will be determined. If eligibility is established, the payment amount to be offered will be calculated, based on half of the amount the worker would have been paid had the productivity element only of the Business Services Wage Assessment Tool had been applied.

If the payment amount works out to be greater than zero, the eligible applicant will receive a letter setting out, amongst other things, an offer to pay that amount and the time in which the applicant may accept the offer.

During the acceptance period, the applicant must seek independent financial counselling and legal advice. Access to a legal adviser and a financial counsellor are funded through the scheme, and certificates from the financial counsellor and the legal adviser must accompany the applicant’s acceptance of the offer. Payment will be made once a valid acceptance has been lodged by an eligible applicant.

To ensure people with disability have the opportunity to provide further information or raise any concerns, the scheme will have both internal and external review processes.

It is the applicant’s choice whether he or she receives a payment from the payment scheme. If the applicant accepts an offer, he or she will cease to be a group member of the representative proceedings, and will be unable to make any further claims in relation to the assessment of wages under the tool.

In the longer term, a new wage assessment process will be developed for use in Australian Disability Enterprises.

However, the Government's immediate priority is to ensure minimal disruption to the employment of supported employees. The payment scheme established by this Bill demonstrates our ongoing commitment to improving certainty for those involved.

BUSINESS SERVICES WAGE ASSESSMENT TOOL PAYMENT SCHEME (CONSEQUENTIAL AMENDMENTS) BILL 2014

This is a companion Bill to the Business Services Wage Assessment Tool Payment Scheme Bill 2014, which will establish a payment scheme for supported employees with intellectual impairment in Australian Disability Enterprises who previously had their wages assessed under the Business Services Wage Assessment Tool.
This Bill establishes a payment scheme to provide reassurance to supported employees, and their families and carers, by removing perceived liability that could impact the ability of Australian Disability Enterprises to deliver ongoing employment support in light of a recent court case.

This companion Bill provides the consequential amendments needing to be made to Commonwealth legislation in light of the new scheme.

For example, amendments to the taxation law will ensure payments under the scheme are eligible income for the lump sum in arrears tax offset.

Amendments to the social security law and Veterans’ Entitlements Act 1986 will ensure the payments are not income tested, and so will not reduce the income support payments of supported employees who receive payments under the scheme.

Lastly, the confidentiality provisions in the social security law will be adjusted to make sure personal information can be obtained and disclosed for the purpose of administering the new scheme.

Debate adjourned.

Offshore Petroleum and Greenhouse Gas Storage Amendment (Regulatory Powers and Other Measures) Bill 2014

Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Bill 2014

First Reading

Bills received from the House of Representatives.

Senator BIRMINGHAM (South Australia—Parliamentary Secretary to the Minister for the Environment) (16:21): I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator BIRMINGHAM (South Australia—Parliamentary Secretary to the Minister for the Environment) (16:21): I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT (REGULATORY POWERS AND OTHER MEASURES) BILL 2014

This Bill will ensure the effective commencement of important amendments to the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (OPGGSA) to strengthen the offshore petroleum regulatory regime in respect of compliance, safety, integrity and environmental management objectives.

The Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures) Act 2013 and the Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Act 2013 received Royal Assent on 14 March 2013 and 28 May 2013 respectively. These Acts include amendments to the OPGGSA that seek to clarify and strengthen the compliance, monitoring, investigation and enforcement powers of the national offshore petroleum regulator, and ensure that
enforcement measures for contraventions of the Act are appropriate in application and severity in the context of a high-hazard industry.

Unfortunately, the relevant Schedules to those Compliance Measures Acts have not been able to commence. Commencement of those Schedules was linked to commencement of the proposed Regulatory Powers (Standard Provisions) Act 2013 as provisions in the Schedules would have triggered provisions in that Act; however the Bill for that Act did not pass Parliament before it was prorogued prior to last year's Federal election.

On 20 March 2014, the Government introduced the Regulatory Powers (Standard Provisions) Bill 2014, which provides a framework of powers for general application across regulatory schemes for monitoring compliance with, investigating breaches of, and enforcing Commonwealth laws.

The Offshore Petroleum and Greenhouse Gas Storage Amendment Bill includes amendments that will link commencement of the Compliance Measures Acts to the commencement of the proposed Regulatory Powers (Standard Provisions) Act 2014. The Government is committed to ensuring that the important amendments to the OPGGSA to be made by the Compliance Measures Acts can properly commence. Incidents such as the blowout at the Montara Wellhead Platform on 21 August 2009 off the northern coast of Western Australia, and the explosion of the Deepwater Horizon on 20 April 2010 in the Gulf of Mexico, highlight the need for a strong, effective and properly resourced offshore petroleum regulatory regime to safeguard both human health and safety as well as the Australian marine environment.

The amendments made by this Bill will also continue to ensure that the relevant standard provisions, now contained in the proposed Regulatory Powers (Standard Provisions) Act 2014 which is currently being considered by the Parliament, are triggered for use within the offshore petroleum regulatory regime. Use of the standard provisions in that Act will prevent unnecessary lengthening of the statute book and duplication within Commonwealth legislation, by negating the need to include those provisions in the OPGGSA itself. This demonstrates the Government's continuing commitment to reduce regulation, and make Commonwealth laws clear and accessible.

The Bill also includes consequential amendments to the OPGGSA to support amendments that I am introducing today to the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003 (the Regutlatory Levies Act). The amendments to that Act would adjust the application of annual titles administration levies to ensure that the National Offshore Petroleum Titles Administrator is able to fully cost-recover its activities undertaken in relation to titles under the OPGGSA. The consequential amendments made by this Bill will insert a regulation-making power into the OPGGSA to provide for regulations to be made to enable amounts of annual titles administration levy to be remitted or refunded in the event that the whole or part of a title is not force for a full year. Providing for refund or remittal in these circumstances will ensure that the Titles Administrator receives sufficient levy to cover its functions in relation to titles while a title is in force, but also that titleholders are not required to pay levy in relation to periods during which the title is not in force.

Other minor policy and technical amendments in this Bill will:

- Remove the ability for the regulator to apply an infringement notice for a breach of the requirement to ensure that there is an operator's representative present at a facility at all times when one or more individuals are present at the facility, given that such a breach is considered a serious offence with consequent health and safety risks to persons at the facility;
- Amend provisions relating to applications for a greenhouse gas holding lease by the holder of a petroleum retention lease, for consistency with similar provisions;
- Remove the requirement to provide a copy of the application with an application for approval of a transfer, application for approval of a dealing, and provisional application for approval of a dealing, given that this requirement is burdensome and duplicative in most cases; and
Correct drafting errors in section 649 of the OPGGSA.

In summary, through a range of measures, this Bill underscores the Government’s commitment to the maintenance and continuing improvement of a strong, effective framework for the regulation of offshore petroleum and greenhouse gas storage activities.

**OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE (REGULATORY LEVIES) AMENDMENT BILL 2014**

This Bill amends provisions in the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003* (the Regulatory Levies Act) relating to the imposition of annual titles administration levy and environment plan levy.

The amendments in relation to annual titles administration levy aim to ensure that the National Offshore Petroleum Titles Administrator is able to fully cost-recover its activities undertaken in relation to titles under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (the OPGGSA). Currently, levy is imposed for each year of the term of a petroleum or greenhouse gas title. A year of the term is defined by the OPGGSA as a period of one year beginning on the day on which the title comes into force or any anniversary of that day.

However, in certain circumstances, a title may remain in force for a period of less than one year. This may include, for example, when the term of an exploration permit or retention lease is extended by the Joint Authority following an application made by the titleholder resulting in a decision to suspend or exempt a titleholder from compliance with any of the conditions to which the permit or lease is subject. In this and other circumstances resulting from applications made by the titleholder, a ‘part year’ in the life of the title may be created – in other words not a neat 12 month period.

Although there may be less than 12 months remaining in the life of the term of a title, the Titles Administrator is still required to conduct administration activities in relation to that title. To ensure the Titles Administrator is fully cost-recovered for its activities, this Bill amends the Regulatory Levies Act to ensure that annual titles administration levy is imposed for a year of the term of a title, even if the title does not remain in force for the full year.

I have also introduced supporting consequential amendments to the OPGGSA to insert a regulation-making power to allow for a refund or remittal of levy, as appropriate, in the event that the title is not in force for a full year. Regulations to be made under this power will ensure the Titles Administrator receives sufficient levy to cost-recover its functions in relation to titles while a title is in force, but that titleholders are not required to pay levy in relation to periods during which the title is not in force.

The amendments made by this Bill in relation to environment plan levy take account of recent amendments to the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* (the Environment Regulations), which enable an applicant for a petroleum access authority, a petroleum special prospecting authority, a pipeline licence, a greenhouse gas search authority or a greenhouse gas special authority to submit an environment plan to the National Offshore Petroleum Safety and Environmental Management Authority.

Environment plan levy is currently imposed on submission of an environment plan, or a revision of an environment plan, under the Environment Regulations, where the activities to which the plan relates are authorised by one or more titles. The amendments to the Regulatory Levies Act made by this Bill will impose levy on submission of an environment plan where the plan is submitted by an applicant for a title.

The Bill also amends the Regulatory Levies Act to ensure that environment plan levy is imposed on submission of an environment plan, or revision of an environment plan, where the activities to which the plan relates will be carried out under a petroleum scientific investigation consent or a greenhouse gas research consent. Recent amendments to the Environment Regulations have clarified that the holder of a consent is required to have an accepted environment plan prior to carrying out a petroleum or...
greenhouse gas activity under the consent. Extending the application of the levy will ensure National Offshore Petroleum Safety and Environmental Management Authority can recover its costs of assessing the environment plan and on-going compliance activities undertaken in relation to the activities carried out under the plan.

Appropriate cost-recovery by both the National Offshore Petroleum Safety and Environmental Management Authority and the National Offshore Petroleum Titles Administrator is critical to ensure that these entities are resourced to effectively administer the offshore petroleum regime.

Debate adjourned.

MOTIONS
Paid Parental Leave

Senator CAMERON (New South Wales) (16:22): At the request of Senator Moore, I move:

That the Senate—

(a) notes the division and dysfunction in the Coalition Government over the Prime Minister's unaffordable and unfair Paid Parental Leave Scheme; and

(b) calls on the Government to release the details of the Prime Minister's scheme, including its costs and modelling that quantifies productivity and distributional impacts.

I am pleased to debate this motion of Senator Moore's. It notes the division and dysfunction in the coalition government over the Prime Minister's unaffordable and unfair Paid Parental Leave scheme, and it also calls on the government to release the details of the Prime Minister's scheme, including its costs and its modelling that quantifies productivity and distributional impacts.

We have heard much from the Prime Minister about how this rolled-gold Paid Parental Leave scheme will improve productivity and workforce participation. But, from opposition to government, the coalition have changed significantly, because they now no longer require a fact based approach to legislation. They no longer require any econometric analysis when it comes to the Prime Minister's pet scheme. That is the rolled-gold Paid Parental Leave scheme that will provide $50,000 to some of the wealthiest families in the country to have leave during the period after the birth of a child. At the same time, they are ripping asunder the social security system and the welfare system that provide some fairness and equity for people who really need fairness and equity and government support in this country. So, on one hand, it is support for those millionaires and high-paid families in the exclusive suburbs of our cities, and yet there is no support for the families in the bush, in regional Australia and in the outer suburbs of our cities. It is clear that when anyone seeks to criticise the budget—including those opposition senators who criticise the budget both in the chamber and publicly and in the media—they are accused of engaging in class warfare.

I was appalled to hear the Treasurer, Mr Hockey, at the Sydney Institute, lecturing and talking to all of those highly paid, wealthy individuals, saying again, 'The age of entitlement is over.' I think someone who has worked all their life as a cleaner, a boilermaker, a truckie or a welder is entitled to a decent retirement. They are entitled to some security in their old age because they have made a huge contribution to this country. The argument that they are some type of 'leaner', that they are not a 'lifter' but a 'leaner', I think is an appalling smear on Australian retirees and pensioners.
It is okay for Senator Cormann and the Treasurer to kick back when the budget has been signed off and relax with their $50 Havana cigars when some people are surviving on $35 a day on Newstart. Their celebratory cigar was worth more than an individual gets on Newstart for the day. So I just think this argument about class warfare is an absolute joke. Criticise the coalition for ripping away at pensioners, ripping away at the education system and ripping away at the health system and you are engaging in class warfare, according to the Treasurer. Well, I think it is okay. The Treasurer can retire with his Havana cigars to his mansion on the North Shore. He can retire to his weekender worth over $1 million in Stanwell Park, overlooking the ocean. He can head off to his cattle station up in the Northern Territory. He is doing okay. He does not understand what it is like to be an ordinary family battling away, trying to educate their kids, trying to send their kids to school, depending on some support from the government to put food on the table. The Treasurer would not know anything about that, and neither would the Minister for Finance. I would say that many, if not the majority, of the coalition would not understand what it is like to battle to pay your rent, to battle to pay your mortgage and to battle to pay your debts. And yet we have these throwaway lines that 'the age of entitlement is over'.

Well, I think Australians are entitled to a decent society in this country. I think they are entitled to a society where they can feed their kids, where they can educate their kids and where they can send their kids to get medical help when it is required. Handing $50,000 of Commonwealth money to some of the wealthiest people in this country when you are telling ordinary families that they have to sacrifice, that they have to be lifters and not leaners, that they are not going to be entitled to decent increases in their pensions, that family tax benefit A will be cut and that family tax benefit B will be cut I think is the height of hypocrisy and arrogance from the coalition.

I can understand why the Prime Minister and the Treasurer do not see this as a big issue. Because if you look at their electorates, at the family recipients getting family tax benefit A, you will see that in North Sydney there are 3½ thousand. But if you go out to Penrith, in the western suburbs of Sydney, you will see that there are 13,000-plus people relying on family tax benefit A to help put food on the table. If you go out to the electorates of Lindsay and Chifley and to the Mount Druitt area, you will find that there are 18,779, nearly 19,000, families depending on some government support to put food on the table, clothe their kids, get transport to and from school and get transport to and from work. These are the real battlers out there, who are just being absolutely wiped by this government. In the Prime Minister's seat of Warringah, there are 4,000 family recipients, compared to Chifley, with 18,779.

One thing I cannot understand is why the National Party are not even more rebellious against the Liberal Party's push for this rolled-gold Paid Parental Leave scheme. Because if you look at some of the National Party seats, out on the north coast of New South Wales in Page, you will see that there are 12,476 recipients of family tax benefit A and in New England, where Senator Williams comes from, you will see there are 12,654. So you can see there is an issue of class and it is a class attack by the wealthy, the Havana-smoking coalition cabinet ministers, on the working-class people in this country. That is what we are seeing before our very eyes.

The government are saying that you should actually cop this, that you should cop $50,000 going to the millionaires in the eastern suburbs and the north shore of Sydney—$50,000 to go
and have a baby. Yet the poorest people, who are really battling, and pensioners are being
told, 'You will not get a rise consistent with the rise that has been paid in the past; you will go
to CPI payments,' which, over a period of time, is a massive cut in the pension. These are the
sorts of decisions that are being made in this budget: look after the rich and the wealthy in this
country and stand on the head of the poor.

If Joe Hockey wants to have a debate about class, then let us understand what class is.
Class is an issue where, if you live in some of the poorer suburbs, towns or cities of this
country, you are battling to get a decent school for your kids. But if you live in the leafy north
shore of Sydney, you can make the choice, with your massive executive salaries, to send your
kids to a private school and they will be looked after. Those families do not have to worry
about whether family tax benefit B or family tax benefit A will be cut or whether their
grandma or grandpa will get a decent increase in their pension. They will still be able to give
their grandkids a quid when they need it. They will still be able to look after their grandkids.
But the people in Mount Druitt, in Penrith or in the outer suburbs of Tamworth will not be
able to do that. They are battling just to survive. So the class issue is quite clear in terms of
the Hockey budget—that is, the working class, the poor class, the underclass in this country
are getting hammered and the upper class will hardly be touched.

You do not hear a lot of whingeing from any of the politicians either in this chamber or in
the House of Representatives about the increase in tax. I have known what it is like not to be
able to pay my bills. As a blue-collar worker, battling when I came to Australia as a migrant, I
know what it is like not to be able to pay my bills. I know what it is like not to be able to pay
my mortgage. But I will tell you: I do not know about that now, in here, because as politicians
in this country we are very comfortable indeed. No-one in this chamber will miss a two per
cent increase in their tax. But what will happen in two years time? That tax hike will be gone
for the political class in this country, and the working class, the pensioners, the retirees, the
superannuants will continue to suffer for years under this Hockey budget.

That is why you have heard more being run this week about the demonisation of refugees,
the demonisation of boat people, all because the government want a diversion from this
horrible class-based budget that they have brought in. They want to talk about anything but
the budget. The health minister cannot answer a question that has been raised by the AMA,
that has been raised by some of the most eminent physicians in the country about the
problems of that extra $7 tax when you go to see a doctor.

Let me tell you: $80 billion cut out of health and education at the same time as handing out
$50,000—$5 billion—to some of the richest people in this country is an absolute outrage.
Unfortunately, I spent the weekend at Penrith hospital. At the weekend one member of my
family spent two days in emergency, because there were no beds in the hospital. When finally
we got a move on the third day, we sat on two seats in the surgical ward for hour after hour
after hour.

Yet this lot over here, the rich, mighty and arrogant coalition, want to cut $80 billion out of
hospital funding and education funding. They want to make sure that, if you live on the North
Shore or the Eastern Suburbs, you get looked after with paid parental leave. You will be able
to afford the best schools. You will be able to afford the best universities. But, if you are a
working-class kid in a working-class family battling to get along, you are going to be
hammered, because fees are going to increase for your education and the cost of a degree is going to go through the roof.

These are the issues that the public are looking at. Is it any wonder the coalition want to talk about refugees and carbon tax? They want to talk about those issues when the public have moved on. The public now realise that the carbon tax will not destroy the economy. They realise that refugees are human beings, yet all you get from this half-hearted, heartless coalition are these arguments and they will not engage on the issues of importance.

They run this argument that there is a great economic crisis, a catastrophe. No-one in the world believes this. No-one else looks at Australia and says that Australia is a country in economic crisis. Give us a break! They know that Australia is one of the richest countries in the world and, as one of the richest countries in the world, we should be looking after our citizens. We should not be using a false argument. We should not be doctoring the books as the coalition have done to try and create a so-called budget crisis. We should not be doing that.

We should be building a decent society, a good society, where every family can get a fair go. If you criticise the unfairness of the coalition's budget, they immediately go to the budget emergency that nobody else believes is a budget emergency. They start demonising asylum seekers and refugees, and now they are moving to some of the poorest people in our country—people on the National Disability Insurance Scheme, people on Newstart, people on disability payments—and demonising them.

You have only got to look at what is being done through the Murdoch press, supported by this coalition. I don't know who supports who; I think it is quite a team happening there between the Murdoch press and the coalition. But is all about demonising the poorest people in this country and at the same time running this false argument that providing $50,000 to the richest people in the country would provide a great productivity boost.

Look at the Canadian experience. Look at Ontario. The issue is not about getting paid parental leave; it is about child care. Ask any family what the issue is for them. Talk to my daughter. 'Wacka' Williams went on Lateline and just wrecked the coalition's position on it. Senator Macdonald came out and asked questions about this issue and wrecked the coalition's position on it. I know the issue for my daughter when her grandkids were not at school was actually getting them into some child care. That is the issue.

This is a bad budget. It is a budget based on lies. It is budget based on deceit. It is a deceitful government, and you are paying a price and we will pay a price.

Senator EDWARDS (South Australia) (16:42): I just joined the chamber when Senator Cameron was halfway through his ideological rant, devoid of any kind of factual basis. It was the usual rhetoric: $80 billion cut from health and education—$80 billion out of the forward estimates that wasn't even there. The money wasn't there.

I am going to spend a little bit of time debunking a lot of what is being said, because around this PPL argument—and the whole budget argument—you would have to say that there is a lot of explosive, inflammatory, clearly wrong rhetoric that the Labor Party and the Greens are expounding out there.

Of course they go to the usual faults like Senator Cameron does: 'It's Murdoch's fault. It's the conservative government's fault. It's everybody's fault.' I can also say, 'It's Fairfax's fault.
It's The Guardian's fault. It's the leftie-leaning media all over the country that are just not getting the message out about what really has to happen.' That is pretty low-rent politics. It is just la, la, la, and everybody glazes over and turns off.

So let's debunk some myths: First and foremost, the $80 billion out of health and education was out of the forward estimates. It was beyond four years and it was put in there as a landmine by the Labor government so that they could claim when they lost government that it had been cut. It was never there; it was never funded—and Senator Polley knows that. I am sure Senator Stephens knows that.

It is put out as a cut. In all of the doorstops and things that we see around this place and what gets fed through the mainstream media, we hear the word 'demonise' and the NDIS. The NDIS is a noble program and it has bipartisan support. Everybody wants to help anybody who is in need in this country and who cannot help themselves; we will help them. But, unfortunately, we cannot pay for it with fairy floss. You need to have real hard cash; a government has to have cash to pay for these services. People need to be employed to run the NDIS to help these people in need. Those programs have to be funded through the efforts of prudent management in the health department. This whole issue of demonising this government because there are cuts—this is an embryonic program. The NDIS is a noble program. Yet, Senator Cameron takes a cheap political shot in saying, 'The coalition is walking away.' We all know that it was a celebration when that legislation passed through this place. We all know that it is going to be a challenge to implement it because it is ground-breaking, world-leading and world-class. We would expect a little bit more support in one of the tightest fiscal environments that a government has had since the last time you handed over the government in 1996, when you left us with a $96 billion debt. You have left us with accumulative deficits worth $124 billion, hurling to a national debt of $667 billion at a cost of $1 billion a month—$12 billion a year to pay the interest on the debt that has been accumulated.

We have a noble program like the NDIS, but we are called out by Senator Cameron as not being a caring government. We are right behind the NDIS and we will continue to be so as long as we manage our money prudently. He talks—in that broad Scottish brogue which I enjoy—about the cost of degrees going through the roof; that is actually mischievous because Senator Cameron knows full well that associate diplomas are going to be funded for the very first time in this country. People with lesser opportunities to go to universities will perhaps find their way to funding—a fairer system across the whole community. I know that Minister Pyne is very keen to ensure that trades and those other areas outside tertiary education are well serviced.

Today, Senator Cameron demonised us for taking control of our borders. We feel for the plight of all refugees. There are 20 million refugees in refugee camps on borders all around this globe. There are 20 million people, and, I suspect, that that number is going to increase. Here we are, being portrayed in cheap political shots from the other side saying that we are not looking out. We have had no boats of illegal arrivals come to this country over the last six months. It is six months today; in the same period in 2012-13 190 boats arrived on these shores illegally because the policy vacuum in which the previous government was operating encouraged crooks, charlatans and those otherwise called people-smugglers in other countries to profit from people's despair. I can assure you that when Senator Cameron attempts to vilify
this kind of tight government management, he is exposing himself with his cheap political rhetoric. I do remind everyone out there, who might want to take note of this contribution, that the extraordinary cost of border protection was nearly $12 billion when your government was in place, Acting Deputy President Sterle. The savings which we have brought to this budget—by stopping the boats, by stopping all these illegal arrivals, by nipping in the bud this cursed trade in people—is projected to be around $2.5 billion. All the detention centres—and in South Australia we have the Inverbrackie that was open to cope with the burgeoning number of people, who came to this country illegally—are now closing. The costs of those detention centres have gone; they have disappeared. The housing, particularly in Inverbrackie, will be made available to other people, probably, legitimate migrants who come to this country and go in a queue to get all the appropriate approvals.

I know that people are desperate, but what are we going to do about the 20 million refugees? Senator Cameron also failed to outline that, when boats were coming to this country, lives were lost at sea. Boats disappeared never to be seen again; and families never heard from them again. If we extrapolate that, since the boats have stopped, probably 250 lives who have not been lost at sea. You would have to say that this government’s approach is compassionate, as there are no children dying at sea. These people smugglers are not pocketing wads of cash—reportedly $5,000, $6,000, $10,000—to go quickly in bigger boats or safer boats. There are many different stories and anecdotal stories, I am sure that you have heard them too. That is all gone and has been stopped now. The reason this has been made possible is a program called Operation Sovereign Borders. Operation Sovereign Borders is a demonstrably successful program, and Minister Morrison has a great deal take credit for. The issue about the budget and the vilification of the budget by Senator Cameron is plainly quite irresponsible. The Secretary-General of the OECD, as recently as last Thursday, said Australia has adopted a responsible budget, where the ratio was 80 per cent of the budget being focused on reducing costs, on scrutinising costs of government, and 20 per cent focused on increases in taxes. I am paraphrasing because I do not have the Secretary-General’s quote here but he said it is a responsible budget. You can refer to it because it is on the public record. He did not say it is demonising working people.

In my home state, I work in the northern suburbs where a 45 per cent youth unemployment rate was presided over by the member for Wakefield, Mr Champion, for the last six years, while his Labor Party were in government and youth unemployment only increased, and he also advocated income management for people. Now there are 500 people in that electorate who are having their income managed and we have a situation where work for the dole is being first implemented. These are the hands up. This is trying to get rid of generational unemployment. We are trying to incentivise all these people. This is the shift in the budget. This is the budget which Senator Cameron has absolutely demonised for the last 20 minutes. He has gone on and on about it. I know that there are jobs in Port Wakefield and Port Lincoln. I know they are there and I know that there are people in Munno Para and Salisbury North and there are people in the areas where the car business is going out of business who will need jobs. And under were all the other jobs are. This government is going to provide them with assistance to relocate.

How is that demonic? How is that demonising the working people of Australia? This government is trying to incentivise. The member for Wakefield is abdicating his
responsibility, calling on the Premier of South Australia to have a minister for the north because he is not coping or he obviously does not know how to fix this problem. He needs a little bit of sound knowledge, a bit of market pull, a bit of an understanding about having profits before employment. If you have profits you have tax and if you have tax the government can pay for the NDIS, for health services and for all these other things. This is how it works.

Senator Cameron vilified PPL. I must say that PPL troubles a lot of people. It is troubling me. I have spoken to the most senior of my colleagues in the government and outlined that I do not think we have been effective in delivering the message of the paid parental leave. It is very difficult. I refer back to the conspiracy which Senator Cameron mentioned we have with the Murdoch press. I could say that our message on PPL is not getting out that well because all the other people from the left wing press want to vilify it. I will not name them because I named them earlier. I am not going to do that, but I will say that we have to be better about getting the message out. There are many myths about the ridiculous assertion that we are feeding millionaires. Let's be real: only 1.7 per cent of working women in this country—I wish it were more and I hope the number increases—earn more than $100,000. So that all these millions of millionaires who are going to be paid $50,000 is just a nonsense. Stop perpetuating the nonsense.

If you want to stand up for women, Senator Cameron, if you want to stand up for them to have a go, disagree when we are doing this or whatever but do not denigrate women who make more than $100,000 a year. Do not denigrate women. Last time I looked I did not have any ovaries, so I cannot have a child. So my career has not been interrupted. We have to address PPL and women are gifted with the ability to have children, so do we take them out of the workforce and stop their careers? We have to do something. Disagree with the amount. Some people in my party have disagreed with the amount. I have a problem in a tight fiscal environment with introducing what people do not understand. We have to articulate the argument about PPL a lot better.

I talk to people out in the country and in the city about PPL and they all think it is going to cost their business more money or they do not understand the thresholds. This is what we have to be better at and I am out there communicating, telling people what the Prime Minister and the Treasurer of this country want for working women. If you look at it, 3,000 of the top companies in this country will be paying a 1.5 per cent levy and 3,000 of those will also enjoy a 1.5 per cent tax cut, but those companies under the top 3,000 in this country will not be paying the 1.5 per cent levy and they will get a 1.5 per cent tax cut. So all the small businesses, all the coffee shop owners, all the delicatessens, all the people in small- to medium-sized enterprises and all the people in franchises will get a tax cut. All the big companies—God forbid, those which employee so many Australians—already have paid parental leave schemes and have had for some time. They will pick up the 1.5 PPL and that will be a cost to the I don't know why the Greens are not coming over here and giving everybody over here a big hug. But, just because we came up with it, a conservative government, it has got to be bad, so: 'We'll demonise it. God forbid we get the facts out. We don't want the facts out there at all.'

I have addressed the issue of the 1.5 per cent. It is just maths: 3,000 of the top companies will pay 1.5 per cent. All companies will get 1.5 per cent tax cuts. That is thousands of
companies. The publicans and all those people that say to me, 'Oh, I'm not sure about it,' will be directly benefited, because they will be able to give their people a workplace entitlement. It is not welfare; it is an entitlement, an entitlement which all the women in the public service, state and federal, already enjoy. This levels out the playing field. Whether you like this or not, this is a progressive piece of legislation which addresses some social inequity which the Prime Minister, the Treasurer and the cabinet want addressed for the women of this country.

I just want to finish my contribution on this by asking people to have a look at the policy in a little bit of detail. Have a look at the five headline points which put this policy right in line with the other 34 OECD countries which have a paid parental leave system in place. Yes, it is up there with some of the most generous paid parental leave systems. I acknowledge that it is generous. But it does bring us into line. Labor brought in paid parental leave on the minimum wage. Well done.

Senator Polley: Very good system.

Senator EDWARDS: It is a good system. I would probably argue, in times of fiscal constraint, maybe we should just take it to 26 weeks off the 18 weeks and make it at the minimum wage. I would have an argument about that with probably most of the women on my side, or the other side, of the chamber. We would argue, but we would eventually make a decision, when this legislation comes up, as to whether we were going to support it or not. There will be a lot of debate about it. I want to make sure, when we come to this place, that everybody on every side of the chamber has heard from as many people in this country about this policy as possible. I have been listening to a lot of people, and there is a lot of confusion still about what this actually does and does not do for women in this country. I urge all of you out there who are behind some reasonable equality for women in the workplace to get the information which is available to you on the various websites so that you can make an informed decision.

Senator MOORE (Queensland) (17:02): Thank you, Senator Edwards. I thoroughly enjoyed most of your contribution. I did have to check with the Clerk, though, to find out exactly what the question before us was. I should have known, because it was actually my motion. But, when I did check, it was a relief to me that I was actually in the right debate. I thought that, as has been known, I might have come in and not been quite sure of which debate was taking place. But I am relieved to know that the question that we are discussing — I do not always like the term 'debating' — this afternoon is about paid parental leave and the perception that there seems to be some variation of opinion within the government ranks about their scheme, the scheme that they proudly told us a number of times that they have taken before the Australian community twice in elections.

As a member of the parliament, I am desperately seeking some detail about this scheme. I tried at the estimates process to find out specific details about how it would work— the operations, the funding models, the promotion processes, around this—and I got no more than the LNP election material, which I had studied closely through the two election campaigns, and, beyond a couple of statements, it said that there was strong support for an enhanced Paid Parental Leave scheme in Australia and the Prime Minister was standing up for the women of Australia. We congratulate that. Of course we congratulate that. I just believe that we need to see exactly what we are promoting. From my perspective, I would like to see some kind of unity of purpose being put out by the government around this issue.
I have asked questions of the government on these issues, and I have been reassured that there is a very broad church in the LNP. That came as a great relief to me, to know that there is a broad church in the LNP. What it actually means, though, in terms of getting detail around the Paid Parental Leave scheme, I am not sure, because, in this broad church, there is an agreement that people are able to follow their own beliefs and, evidently, make their own public comment about proposals that supposedly have been fully understood by the government—and not only fully understood but promoted actively in their election campaigns.

We all in this place have been involved in election campaigns. I am a person who takes a great deal of interest in the issues around paid parental leave and women's empowerment, and I think that is something that is indisputable across the area, but I do not remember a single forum, during either of those two intensive election campaigns, where the topic of the day was the Paid Parental Leave scheme. I do remember seeing some handouts at some of the functions, amidst other things, which showed glowing happy families and had a two-dot-point focus which said that the new Paid Parental Leave scheme would allow payments for women on higher wages at a more reasonable level, to reflect their wages. And that was what we had.

Point (b) of the motion before the chamber calls for the details of this scheme, 'including its costs and modelling that quantifies productivity and distributional impacts'. That is what we are seeking. There is a cost figure in the public arena for the enhanced scheme. I use the term 'enhanced scheme' because we do have an operational paid parental scheme in our country now. It was a hard fought, long awaited and way too late. I am looking at the other women on both sides of this chamber who I believe were waiting for a government in our country to step into the real world and develop a paid parental scheme for Australia. I remember speaking in this chamber at the time and listing some of the nations that did have paid parental schemes in place when Australia did not. That was to our shame, and I think that has been acknowledged.

We went through a difficult process to develop a scheme that was seen quite clearly as a workplace entitlement for working people to ensure that we acknowledged the responsibilities both for career and training enhancement as well as the very important responsibilities of having children and raising families. The process we used as a government was to give a reference to the Productivity Commission. The commission did an extraordinarily detailed and very valuable report about paid parental leave, not just in our country but across the world. On that basis a scheme was developed, and I wish to strongly acknowledge the work of Jenny Macklin. She was the then minister in our government and she fought hard not just within the wider community to ensure that people understood the background the scheme, the need for the scheme and the detailed operations of the scheme; she fought hard within our caucus. People were raising issues about the cost and the community response and also looking at the longstanding issues about what was the responsibility of employers and what was the responsibility of government.

All these things were in a really dynamic mix of debate and extensive community consultation in terms of the work done by a range of committees looking at both employers and employees, employer associations and trade unions, and working together with the common goal of bringing Australia into the 21st century. The aim also was to establish a scheme which provided for women who did not have either the power or the support in their own workplaces in order to come up with an arrangement through the enterprise bargaining
methodology. We all know, and Senator Edwards referred to this, that many companies and businesses through their own workplace relations process have negotiated with their employees an effective paid parental scheme, and there are a large number of those. I wish to acknowledge those companies, because what they had done was acknowledge the workplace reality that the best way to ensure they have trained, skilled and engaged workers, both women and men, was to support them through the time when they are having children and then the time after that. It is not just the paid parental scheme you need to consider, but the full wraparound services in the community to ensure that workers are acknowledged for their roles both in their workplace and in raising families.

All that went on for several months, with consultation across the nation. This consultation exposed serious differences of opinion, as indeed all consultation does. As soon as you acknowledge that you are going to consult you need to be aware that you are going to hear a range of opinions, not all of which meet with your agreement. But, through that process, we were able to identify the key issues. The Labor caucus then discussed how we would introduce a process for paid parental leave in our country. One of the major factors in that discussion was looking at responsible financial management, looking at the environment in which our country was working, internationally as well as domestically, looking at the economic imperatives but also staying true to our strong commitment that we would introduce a paid parental scheme. Linked into that scheme was a very clear review process: while the scheme was operational, the legislation provided for set reviews so that we could look at how the scheme was working, what was working and what was not working, and whether the community was engaging with the scheme and saying that they thought a paid parental scheme was important and they would use it.

Fortunately, the most recent review has very recently been released—a little later than we thought it would be made public but nonetheless it is now public, so I will not have to ask at the next Senate estimates when it will be made public, which will be a relief to everybody. That very detailed review talks about the fact that over 340,000 women have already accessed paid parental leave since it was introduced in January 2011. It also shows that nearly 40,000 fathers and same-sex partners have accessed the dad and partner scheme since January 2013. We introduced the paid parental scheme for women workers in the first place and then enhanced that in view of the very real need for fathers and same-sex partners to be involved both in the birth and in the initial time with their children. That need for that kind of scheme had been raised consistently through the Productivity Commission process and through many community consultations, so many of which I have been involved with for over 25 years. So we know without doubt that, in this period of time, the scheme is being used in our country and it is being used by women from a range of economic backgrounds and circumstances. The limitation is that the time is limited, as is the quantum people receive. The quantum under the government sponsored paid parental scheme is based on the national wage; that is the process on which it operates.

Do I think it would be good to have an enhanced paid parental scheme? I do. I am on record saying that no program should be set in concrete and left to sit there without review and evolution to meet the needs of society. Do I think now is the time? No. It pains me to say that, but I do not believe that now is the time to widen the scheme. What we are talking about is widening an existing scheme.
By this time we should have achieved, absolutely, a cessation of the debate about whether there should or should not be a paid parental leave scheme in our workplaces. My fear is that by widening the scheme—it will cost about $5 billion a year; $20 billion around the forward estimates—the debate will be around the quantum, and that will inflame the division and the negativity in the community about whether this is the right way to spend our money.

We have had that debate. That debate was finalised. We accepted that there needs to be acknowledgement for women and their partners about the birthing of children and the raising of families, and the linkage of that with workplaces. That debate should be over. But the extreme generosity—I am trying to be very calm and kind in my terminology—of this scheme has caused the debate to be reopened in some places, where people have come forward and said that it is a waste of money and that women make their own decisions. I have seen this in the media and I have heard it in public meetings. We are re-awakening debates that should have been finalised.

This comes at a time when many attacks are being made on the most vulnerable in our community—at a time when we are lectured continually about the dangers of the budget crisis. You only have to take a quick snapshot of any time we have a question or debate in this place at the moment to see that the budget crisis in this country is constantly talked about. In this environment it would be extremely valuable to have a reasonable discussion about the role of parenting in the workplace and the best way to work with that.

Coincidently, I think we need to have in our community a debate about that. It is not just a debate about what happens around birthing and paid parental leave; we need an ongoing and responsive debate in our community about the issues of work and family and the cost of raising children and working. The Productivity Commission, when they did the initial work on the Paid Parental Leave scheme, identified that we need to have a clear discussion about, and decision on, how to have a more flexible arrangement within workplaces and around child care. Once you have children and you are maintaining your career you need to have the security that you will be supported in your workplace.

The first two speakers in this debate concentrated extensively on the wider budget arrangement but my belief is that one of the reasons that this debate has become so heated is its timing. The environment in which we are discussing it this Paid Parental Leave scheme sets up a contest, where, on the one hand the government is introducing schemes which are going to be extraordinarily harsh for young unemployed people. These are unprecedented social welfare changes for young people who have survived being born—they have got through that bit—and have reached an age where they are looking for work and are not able to find it. The government is proposing to put in place a range of schemes which ensure that they will get no social welfare support.

At the same time, the government is freezing indexation on a number of existing social welfare payments. We are waiting with expectation for the McClure report, which I believe is going to recommend wide-ranging changes to our whole social welfare system. It seems to me that when we talk about these sorts of things 'wide-ranging changes' often means reductions. And there is also the increased HECS fees and so on.

So in the same budget you have a whole bucket-load of reductions and restrictions on people who are the most vulnerable in our community. That is the government's priority, and that is what they have put forward. The government do not deny that the changes that they are
putting in place will impact on some of the most vulnerable in the community. So you have that in one part of the debate.

None of those things I have talked about were in the election promises document, but if the government were releasing such a document now you would find all those measures. Then, if you turned the page, you would find the proposed new Paid Parental Leave scheme, with a price tag of $5 billion a year, or $20 billion in the forward estimates. That is what saddens me. The people on this side of the chamber are not creating this division. It is a division which is being discussed in the wider community. We have an existing paid parental scheme, which people are using and we are now talking about changing that to a great extent.

Always when people feel strongly about something they tend to be more excited and more elaborate in their debating style. But we have had some on the other side of the chamber who have the sheer gall to accuse people who are questioning this Paid Parental Leave scheme—they are not saying it is abhorrent but are questioning it—of not supporting working women in our community. That does not help the debate. That it is false should be self-evident. It does not acknowledge the reality: there needs to be an understanding of the priorities in our community.

We need to celebrate the success we have had in establishing a paid parental leave scheme in this country. We need to bring people along with us to see that, in the future, there can well be changes to the scheme. We do not oppose looking at how we can enhance the scheme but at this time I do not believe that our community, our economy or our future are best served by looking at a scheme, the full details of which we still do not have. And whilst I am making these comments on this side of the chamber, there are very many people in the LNP who are seemingly able to make similar comments both in the media and elsewhere, and while not always in this place, sometimes the comments have come up within a wider discussion around the debate.

That is the reason for the motion on the paper. It is focused on paid parental leave. It is focused on the fact that we do not know the details but its clear focus is that we are not in opposition to the working women and men in this country. We actually worked to develop a paid parental scheme in this country, and we do not want to go back to the debates which question whether you need such a scheme at all.

**Senator RUSTON** (South Australia) (17:22): I rise to respond to the motion put forward by Senator Moore in relation to the Paid Parental Leave Scheme, but most particularly the issue that she raises in relation to the division and dysfunction in the coalition government. I must say that I find it quite bizarre that you would refer to somebody having their own point of view and standing by what they believe in, and just because it does not necessarily coincide exactly with party policy, say that that is division and dysfunction. I would have called that a democracy where people are allowed to have their own opinion.

I suppose it is very pleasing to hear Senator Moore say that those opposite do support a Paid Parental Leave Scheme. Obviously they are standing on ceremony and not supporting this particular one—and it is their right not to support the detail of it—and, as we rightly notice, there are some people on this side of the chamber who have not supported the entire detail of it. I think we are all okay with that. So I am at a little bit of a loss as to why we are even standing here today discussing this when we all agree that a Paid Parental Leave Scheme
would be a positive thing in our workplace and it is only the detail that we are messing around with.

One of the things that has been first and foremost in my mind for many years since paid parental leave has been on the agenda in the world and in Australia is the debate about what it actually is. I think the most important thing is that this is about women's participation in the workforce—women's continued participation, women's return to the workforce after they have had children. If you look at the statistics across Australia, you realise that the participation of working women during the period of time in which they have children is a lot lower than it possibly could be. It is particularly noticeable for women who have invested a lot of their time in going to university and getting themselves careers, careers that are so terribly important to our community.

Senator Farrell: Then why are you pushing up the costs so drastically?

Senator RUSTON: I raise one particular profession that is tremendously important to where I live—and Senator Farrell might possibly like to pop up and see some time. I live in the country, and one of the big issues we have in the country is that we cannot attract any women doctors. It is hard enough to attract doctors to rural and regional areas, as Senator Farrell would well know, but the really disappointing thing is that often you may get a husband and wife who are both doctors moving to your region; the wife then chooses to have children and we lose her from the workforce. Any initiative that would encourage women, particularly women in regional areas, to remain in the workforce or to return to the workforce reasonably soon after having their children, is a very positive thing for the regions.

But that also raises another thing in terms of equality. We have a situation at the moment where the federal government has a reasonably generous Paid Parental Leave Scheme in operation, a much more generous scheme than the one that offers the base wage for 18 weeks. Invariably, people who live in the country do not work for the federal government, they often do not work for the state government, and almost none of them work for large business. This means that women who work in rural and regional areas are much less likely—even if they want to—to have the opportunity to access any of the current more generous paid parental schemes that exist in our public sector and in our large businesses. I would draw to the attention of the House that there is an issue of equity here for women who live in the country, an issue of equity for women who work in small business. There is an issue of equity between women who work in the private sector and the public sector. So whilst I agree with Senator Moore that we do not need to open up the debate about a Paid Parental Leave Scheme, we do need to open up the debate about what is equitable.

It also hits quite hard another sector of our economy that is struggling at the moment—the small business sector. Small businesses do not have the same sort of hook and incentive to get the best female employees because those women are often offered greater incentives to work for the large companies or for the public sector and a small business cannot afford to put in place a Paid Parental Leave Scheme that would compare with the ones achievable for women working in those other sectors. I think we do need to look at the debate we have at the moment about equity and make sure that it is one of the issues discussed in this forum.

You hear the Leader of the Opposition Mr Shorten making comments about this particular scheme. The staff that work for Mr Shorten would be eligible for the more generous federal government Paid Parental Leave Scheme. It is very, very difficult for us to stand here when
our staff are entitled to these more generous schemes, and say that people who are living out
there in our electorates and in our states, who are not able to get access to this type of scheme,
cannot have it but it is okay for us because we can offer it to our staff.

I go back to the issue of dissent. I do not think there is a massive amount of dissent in the
Liberal Party outside of the expression of a point of view. I draw to the attention of the
chamber to a quote that is often attributed to Voltaire, although I am not actually sure that he
was the first person to say it: ‘I can disapprove of whatever you say, but I will defend to the
death your right to say it.’ I think a true democracy would support that right to the death. So as
we sit here talking about the semantics of someone saying that maybe the amount is a little bit
too high or maybe the timing of the introduction is not quite right, I think that is really
nothing more than semantics. Most disappointingly, there is this idea across the board that it
is just another productive mechanism or initiative that the coalition is seeking to put
out in the marketplace in the hope that we may be able to increase productivity in our economy. I draw
to the house's attention the comments of the Productivity Commission in 2009 when it reviewed Labor's proposed scheme:

… would provide a strong signal that taking time out of the paid workforce to care for a child is viewed
by the wider community as part of the usual course of life and work for parents, rather than a nuisance.
A scheme that intends to signal this should be structured like other leave arrangements, such as those
for recreation, illness and long service leave, rather than being structured as a social welfare measure.

It is obvious that we are all on the same page, but at the moment we seem to be seeking to be
divisive for the sake of division, as opposed to delivering something productive for the
women of Australia.

As another example of this situation and the ridiculous inequity, I draw the house's
attention to an article that was recently in The Australian. It was written by Mr Chris Kenny,
who is well known to all of us in this place, and he said:

Let us pretend for a minute that I work at the ABC—

I must admit, I did see some humour in Chris Kenny pretending that he worked for the ABC, but notwithstanding that—

—hosting a current affairs television program on an annual salary of $280,000.
That seems to be a reasonable ballpark figure for a presenter's salary. If Mr Kenny—or Mrs
Kenny, as we will call her—fell pregnant, she would be entitled under the ABC’s leave
program to have a benefit of 14 weeks off at full pay or 28 weeks off at half pay, or $140,000.
The person working for the ABC would be paid $5,285 a week for 14 weeks, or for 28 at a
half rate, which ends up as a total of $75,385. When you compare this to the government's
current Paid Parental Leave scheme of $622 a week for 18 weeks, totalling $11,000, you can
see the extraordinary inequity that occurs out there in the marketplace.

We need to be having a debate about how we can end up with a situation where all the
women and businesses in Australia have the opportunity to have some sort of equity when
they are competing for services, skills and employment. The disappointing thing is that this is
not the only productive measure that we are putting into the marketplace that the Labor Party
are trying to pull down. That the carbon tax is yet to be repealed absolutely beggars belief.
The people of Australia said they wanted it to be repealed, but, for some reason, those
opposite think it is still their right—despite the fact that they did not get the majority of the
vote—to keep this tax that the Australian people do not want. It is a similar story with the mining tax and other budget measures.

In conclusion, I think it is time that we started having a productive debate about how we can put some of these more positive measures into the marketplace. Let's debate constructively the detail of it, and let's not tear it down for the sake of tearing it down.

Senator O'NEILL (New South Wales) (17:33): I am very pleased to rise to discuss the division and dysfunction that we are seeing in this coalition government from those who have found some voice to respond to the question that Senator Ruston has just indicated should be discussed in this place—the question of what is equitable. I am surprised to see that we have had some murmurings of consideration of that question amongst a few of the Nationals, and a couple of the Liberal members, who have an understanding, having lived in this country long enough, that what the Prime Minister is attempting to do with his Paid Parental Leave scheme is absolutely and totally inequitable. It is an unaffordable scheme and it is an unfair scheme. The Paid Parental Leave scheme is something that should belong to the past. Sadly, here we are right now debating this disgraceful imposition on the Australian people.

I am also pleased to stand in support of this motion put forward by Senator Moore that calls on the government to release some details of the scheme. You would have to hope that there might be some details of the way in which this scheme, which was cooked up by the Prime Minister, was costed. We have had holier-than-thou and sanctimonious conversations across the chamber from those opposite constantly going on about the dollar value of every prospect—cost-benefit analysis is a word I hear in nearly every speech that they make—yet to date we have not seen any of the costing, modelling or productivity gains that they are claiming, or any distributional impacts of this piece of legislation or this policy that the Prime Minister wants to implement. None of that has seen the light of day.

In this Senate, we get to ask questions about the dark arts—the conjuring arts—that are being practised by those opposite during this period in which they consider they are governing. Having questioned the response of the minister on the government's shambles of the paid parental leave policy this week, I think it is fair to describe his response as waffle. He waffled on in a nasal monotone, and it seems that, in his evasive responses to straightforward questions from myself and others, we are not getting any clear answers.

You would expect a clear and well-developed policy response that could be proffered when asked where this policy came from. It is a policy that was taken to two federal elections. The minister's crude ability to swat away these genuine inquiries from senators is, I am sure, a skill that is much admired somewhere in a dark corner of the woods of parliament. But in the sheer gamesmanship that is often distilled into our trying profession one could be even tempted to compare Senator Abetz's dogged effort to prevent a shred of credibility from passing his lips to a nightwatchman deftly blocking a pace attack to survive the last overs before stumps—a nightwatchman but no longer an opening batsman. To continue to indulge in such a comparison, it is only fair to acknowledge the runner at the other end, the nervous rookies, swinging wildly and soon to be caught out down this end of the chamber—the National Party.

We have the rookies down the far end—the National Party. The rookie who distrusts his more seasoned teammate, and for good reason, because what we are seeing on the other side is a team where one member of the team is only playing for himself. We look around this
august chamber and it doesn't take a genius to see that the rookies at the end here, the National Party senators, are sitting next to their misnamed coalition partners, and they are not exactly getting the run of the green at the moment. They are certainly not getting the run of the green on this policy, which is absolutely propping up wealthy people in Liberal seats and really not responding at all to the reality of marginal seats in the rural and regional areas.

They are selling out their constituencies if any one of the National Party stick with his Paid Parental Leave scheme. Day after day here in the Senate and in the House they cling onto power alongside an arrogant government that is tearing daily at the very fabric of our society. They do so for their own existential needs. It is a dysfunctional relationship we are seeing here between the Nats and the Libs. We look across the chamber at those who claim a coalition, but it is more a demolition job on what the National Party pretends to stand for. Not all of them, but too many still are not standing up to the intimidation that is clearly happening with this PPL that is being proposed by the Liberal part of the coalition.

It is clear to all that the Liberals are the leaders—the cigar-chomping, arrogant leaders—in this arrangement the Nats have with their masters. What we are witnessing is arrangements that are completely dysfunctional and getting more toxic by the day. By sticking with the Liberals those in the National Party who stick with the arrangements are actually opting for a policy that is absolutely devastating on its impact on good people in rural and regional areas of this country. We have learned a lot about relationships and spoken about them publicly a lot more over the last 30 years. We all know that it is very unhealthy to stay in relationships with people who exploit you. We all know that, but in a clear indication of deep dysfunction, of the demolition coalition, there are still members of the National Party who remain loyal to the coalition as they betray their constituencies. Day after day they stand and defend in this place policies that take them further and further away from the founding principles that they shout loudly when they are at home in the bush but sell out in vote after vote in the House. We could not have a clearer demonstration of this than the questions that were asked of the Assistant Minister for Health today about the impact of this federal government's budget decisions in the health sector and how that is already damaging the health of people in the communities, and most particularly marginalising those in the bush.

We even had Senator Ruston in the contribution before I got up speaking about the difficulty of getting women doctors into the bush. The reality is that this piece of legislation reveals a very important decision by those in the National Party who decide to stick with their partners and those who are brave enough to stand and move over this side. There are voices that are muted, independence tarnished, policies abandoned, their back broken—it is truly sorry sight to see. Here we are debating yet another critical policy that epitomises the almost complete emasculation of the National Party and those who on the other side have stood and spoken so many times for fairness in our country.

The Prime Minister's signature policy, his personally promoted Paid Parental Leave scheme, is really at the heart of a view of the world of a man who is disconnected from ordinary Australians. We are not here discussing the NDIS or years five and six of the Gonski funding for schools; these are things that this government is running from, weaselling out of in their very unpleasant weaselly way. But what they are keen to do and what this piece of legislation that they support attempts to do is to spend $20 billion on this scheme that pays very wealthy woman $50,000 to have a baby while at the very same time they are ripping the
heart out of child care and the quality of child care, and they are ripping the heart out of the schools into which these children would be able to go. There are a whole lot more of those women in seats held by the ascendant Liberal members who stand to benefit from this policy than there are in National-held seats and, indeed, in Labor-held seats.

I do note the comments of Senator John 'Wakka' Williams and I do note that Senator Boswell and Senator O'Sullivan have made noises of clear dissent from this policy. It certainly reveals a deep and growing division within those opposite and it is one that is a healthy indication that at least some conscience is still alive in the room when they meet and discuss how they are advancing their policy. But what these Nationals who have put themselves on the record as having some understanding of the inequity of the PPL that is proposed need to do is push for the complete scrapping of this puffed-up Prime Minister's policy for wealthy women in his constituency and in others like it.

Labor's paid parental leave scheme stands in stark contrast to the Abbott government's model. We instituted the first paid parental leave scheme this country had seen, a fair and affordable scheme, serving the interests of working women across the country in cities and regions like—just as the school funding that we proposed is sector blind and region blind, indeed, responding to disadvantage in those areas. We proposed and delivered an equitable paid parental scheme across the entire nation. That is the kind of policy ordinary Australians want, not an elitist one. We are seeing in this policy the revelation of the elitism that is the signature of the Prime Minister and the members of the Liberal Party in that demolition coalition.

In particular, many those on low and middle incomes, many of whom would otherwise have had no access to paid parental leave, were mothers who live in regional communities. Since the introduction of Labor's scheme, there have been over 340,000 families that have benefited from that assistance.

I think it was Senator Williams who went on the record on Lateline on 10 June—not too many days ago—talking about Labor's scheme and how helpful it was for his son and daughter-in-law:

Tammy's a solicitor, my son's an accountant, they're pretty well-paid jobs, they work hard. Now Tammy was telling me the minimum wage for those 18 weeks was a huge benefit to help them through their mortgage and their tough times …

The Nationals' Senator John Williams understands that this was valuable.

But Labor's scheme was also equitable, which is a far cry from what is being offered by the Prime Minister and those who are standing alongside him and continuing to support the program that he is set to impose on this country. Before Labor's policy was implemented, around 55 per cent of working mothers had no access to paid parental leave, and most of those, sadly, were from low- and middle-income backgrounds. But today, thanks to Labor's Paid Parental Leave scheme, access to that scheme stands at 95 per cent of all working mothers. That is a significant policy outcome that is positive for women and their families and for the children who they are going to settle into great patterns of care, love and growth in those early days.

Labor's scheme saw taxpayers' money go to those who needed it most: low- and middle-income earners. And it was no accident, because that is what we believe is the role of government—to make sure that we do not leave our fellow Australians behind us. When 55
per cent of mothers had no access to paid parental leave, we gave 95 per cent access. That is
the difference—equitable, fair and generous access given to those who need it most, not to
some sort of a system like Tony Abbott's scheme, which is deeply flawed, awarding largesse
to those who least need it. There is no means test for what this government is proposing. That
means that millionaires will be gifted $50,000 from the public purse of scarce taxpayers' funds to have a baby. It simply does not make sense. It is completely and totally inequitable.
And that is there for everyone to see.

Labor's scheme pays a flat rate; Tony Abbott's makes some mothers more equal than
others, and some babies worth more from the moment that they are born than others. That is
not the kind of Australia that I was born into. That is not the kind of Australia that my parents
came to from the other side of the world. They came here because they knew they were going
to get a fair go—not just a go; a fair go, with some equitable principles behind it, and that is
what they have received for the most part. But Mr Abbott and this government are set to
completely unpick that in every sector that they can. And, from the moment you are born in
this country, this Liberal Party policy is set to discriminate against those who have the least
and to advantage those who have the most. The better off you are, the bigger the cheque you
receive.

The inequity is gobsmacking—not least when we compare Liberals' electorates to their
hapless National Party colleagues' electorates. This policy will see blue-ribbon Liberal
electorates benefit absolutely disproportionately. Treasurer Joe Hockey's seat of North
Sydney has 590 mothers set to benefit. Malcolm Turnbull has 620 mothers who stand to get
the full gain. Tony Abbott's seat of Warringah has 700 mothers who qualify.

Let us have a look at the National Party electorates that are being done over by their
demolition coalition partners. One of those is my duty electorate, the seat of Lyne, held by the
Prime Minister's supposed close friend David Gillespie, where there are only 270 mothers
who are eligible. The same small number, 270 mothers, are eligible in the Deputy Prime
Minister's seat of Wide Bay. And, overall, the average number of women who stand to benefit
in each electorate is 475. By comparison, the Nationals' average is 365. I invite all of the
National Party senators to cross the floor to vote with Labor to defeat this unfair Paid Parental
Leave scheme. It disproportionately benefits the wealthy. It is wrong. It is inequitable. It is
unfair, and it is an unnecessary drain on the public purse of $20 billion at a time when this
government cries poor. That reveals, on another level, the dysfunction of this coalition. They
have not even got an ideological line that they can follow through.

While rolling out an unfair, gold-plated Paid Parental Leave scheme at a cost of $5.5
billion each year, Tony Abbott has decided to hit pensioners and families with savage cuts. In
the same breath as awarding $50,000 to a millionaire to have a baby, he is cutting the age
pension, cutting the disability support pension, cutting the carer payment, cutting support to
young job seekers, cutting family tax benefits and cutting $80 billion from schools and
hospitals. To add insult to injury, the Prime Minister it is also imposing a $7 GP tax, forcing
many low-and middle-income families—and those, critically, with chronic disease and
illness—to have to decide whether they buy groceries or take themselves or their sick child to
see a doctor. Families, pensioners, carers and the disabled are having their support slashed,
only for those dollars taken from them to be doled out to those who need them least. Put
simply, Tony Abbott is robbing the poor to pay the rich.
In parliament this week, I was gobsmacked to hear Tony Abbott say:

… this is the budget that the Australian people elected us to bring down.

A budget that cuts pensions and family support? A budget that cuts funding to health and education and increases taxes? He has got to be joking. All this, despite the government’s pledge—the Prime Minister’s own pledge on the day before the election—that there would be no cuts to health, no cuts to education, no cuts to pensions and no new taxes. This is a Prime Minister who has traded in deceit—so much so that deceit is now the official currency of this government. We even have Liberal members of parliament backgrounding the media on their constructed and determined deception of their National Party colleagues over a proposed increase in fuel tax, backslapping and praising each other for tricking those on their own side. The Liberal Party hoodwinked the Nationals into supporting higher fuel taxes through a ploy to abolish the diesel fuel rebate. Australians were lied to, and the Nationals have been lied to by their own partners. The fuel tax is a massive kick in the guts for regional Australia. Our regions have been completely betrayed. They need somebody to stand up for them and that is why, as a duty Senator for seven electorates—five of those in regional areas—I want to put on the record today that we cannot allow this terrible piece of policy to become part of the fabric of this society. In fact, it would not become part of any fabric—it would rend the fabric apart.

This budget exposes the Liberal Party as the far right ideological beast it has become. But even within that narrow Liberal church some of the parishioners—such as Senator Bernardi and Senator Macdonald—are peeling off their support. Somewhere they understand that what this policy reveals is a complete lack of care for fairness—a complete misunderstanding of the concept of equity and a disdain for fairness. It will not deliver for any ordinary Australians, but will deliver more to those who already have the most.

The PPL is a shining light. The fact is this government came up with this policy because they fail to respect the community. They failed to consult the National Farmers Federation. They failed to consult the Country Women's Association. They failed to consult any Australian who has a deep sense of equity or a vision for this country where all Australian children get a fair go, not a slanted go, from the day they are born. I look forward to the Liberal and National Party senators crossing the floor in great numbers against this disgraceful piece of public policy proposed by the Liberal Party. (Time expired)

**Senator BIRMINGHAM** (South Australia—Parliamentary Secretary to the Minister for the Environment) (17:54): As a government, we are a pursuing a very clear strategy. It is a strategy to bring down the nation’s debt. It is a strategy to get our finances into a sustainable position where we can afford to sustain the type of society that everybody in this chamber believes Australia should have—a society where we look after those who need it, provide opportunity to all those across Australia and reach out to give a helping hand to those who are in need.

We want to make sure the budget is sustainable so we can do all of those things. We want to make sure our country is competitive, which is why we are trying to get rid of taxes that harm Australia's competitiveness like the carbon tax and the mining tax. It is why we are trying to get rid of a whole lot of unnecessary red tape, green tape and bad regulation—to reduce the cost on businesses so that Australian businesses can better compete with the rest of the world; so they are in a position to grow jobs and create more opportunities. Hopefully,
with that we will have fewer people needing the helping hand of government and more people enjoying the opportunities of jobs and of doing better for themselves and their families.

We are trying to ensure we create measures and introduce policies that encourage workplace participation opportunities, whether they are for young Australians, older Australians or women who have just had children. Whatever the case may be, we want to make sure we are encouraging as many people as possible in Australia to contribute to the workforce. We want to make sure that in contributing to the workforce they are contributing not just to a greater standard of living for themselves, but to a greater Australia over all.

I contrast the approach our government is taking—one that coalition governments around Australia have taken—with that of some of the Labor governments we have seen. This week we have seen two state budgets handed down. We saw a state budget handed down in New South Wales, a state whose public finances are back under control. They have actually delivered, this year, a surplus. There is a temporary deficit next year and further surpluses forecast—strong surpluses, robust surpluses, surpluses that will withstand movements in the economy. From that they are investing back in infrastructure that will generate wealth and create jobs and opportunity. It is a good example: after just 3½ years of a Liberal and National government in New South Wales, they have turned the state around. They have their finances on track and they are making a significant difference that will be to the benefit of everybody in New South Wales. Contrast what has happened there in 3½ years with the state budget handed down today in my home state of South Australia.

Senator Farrell: It's a terrific budget! It's getting us back into surplus!

Senator BIRMINGHAM: Senator Farrell says it is a terrific budget. After 12 years of Labor government in South Australia, today they announced this year's budget deficit for South Australia will be $1.232 billion. How terrific, Senator Farrell! How absolutely terrific!

The DEPUTY PRESIDENT: Order!

Senator BIRMINGHAM: A state like South Australia, with 1.6 million people residing in the state, has handed down a deficit. This is not the state debt. Do not be confused, anybody, because—

Senator Farrell: You're closing down Defence!

Senator BIRMINGHAM: There is a state deficit for this single year of $1.232 billion. Next year they are forecasting that they might manage to halve it and get it back to about $500 million.

Senator Farrell: What about the year after that?

Senator BIRMINGHAM: Indeed, the year after they claim they will be back in surplus. I can see the pigs flying around this chamber now, Senator Farrell, because I have heard that claim before. I have heard that claim from the South Australian Labor government before, just as we heard it from the government you were a member of. We heard it from the Rudd-Gillard-Rudd government: 'Oh, we'll be back in surplus in a couple of years time.' It is always in a couple of years time. They never ever get there.

What are we seeing? Senator Farrell wants to talk about jobs and the state of the economy in South Australia. Economic growth was written down in SA from 2½ per cent to 1.75 per cent. Growth is plummeting there. We did not have jobs growth in SA over the last year under
the South Australian Labor government which has been there for 12 years. Jobs shrunk by 1.25 per cent. Senator Farrell forgets that his mob were in power most of last year and his mob have been in power in SA for 12 years. Somehow the current budget circumstances are all our fault. Senator Farrell, come and blame me in 10 years’ time if we are in government that long. Let us actually have a go at governing SA. But, of course, it is your mob who have been there, and all we have seen are jobs lost, debt racked up, and the situation is just getting worse. What are they trying to do to fix it? They have upped taxes—like that somehow fixes it. (Time expired)

DOCUOMENTS

Mid-Year Economic and Fiscal Outlook 2013-14

Debate resumed on the motion:

That the Senate take note of the document.

Senator BIRMINGHAM (South Australia—Parliamentary Secretary to the Minister for the Environment) (18:02): In the previous debate I was talking about matters of economic management and drawing a comparison between the steps we are taking as a new government at the federal level to bring our budget back under control and to create an environment where our economy can grow, where jobs can grow and where there is good and sound opportunity for people. I highlighted some of the outstanding work that has been done in a state budget earlier this week, which was handed down in New South Wales, where these types of steps have been taken. Then I contrasted it with the state budget handed down in South Australia today. It is quite a contrast between where this government is going, a direction started in the MYEFO statement and continued in our budget, and where other governments, in particular the Labor government of South Australia, have headed. I was highlighting the fact that they have handed down a budget today that shows a budget deficit for this year alone in South Australia of $1.232 billion, which is continuing in deficit next year and is somehow promising a surplus down the track.

The problem is that economic growth in the state has fallen through the floor from 2½ per cent, which was forecast for the current year, down to just 1.75 per cent, and 1.75 per cent is, of course, barely an economic growth at all. It is certainly not enough to generate the jobs necessary to create opportunities for young people entering the workforce. It is little surprise then that with such a parlous level of economic growth the job market has shrunk. It has shrunk, in fact, by 1.25 per cent in SA this year. That is how bad things have become. South Australia is the state with the second worst unemployment in the country and, sadly, under the current Weatherill government, it is doing its best to rival Tasmania for the highest level of unemployment, which is currently sitting at 6.8 per cent.

The SA government are claiming they will reverse the 1.25 per cent loss of jobs this year and manage to turn it around to a one per cent growth rate next year. A one per cent growth rate is what the aspiration is under this current budget and, frankly, even that looks unrealistic. It looks unrealistic because the level of tax take, the enormity of the tax hike, in a budget for 2014-15 sees the total level of taxation forecast to be collected in SA going up by 10 per cent next year. That is a whole 10 per cent increase in the tax take in one year. And this is going to turn around the economy? Hardly. It will take money out of the pockets of households, it will
reduce spending and, of course, it will see SA become an even less competitive place for businesses to operate in and for people to invest in.

Some of the specific areas where they are introducing reforms will directly hit households and businesses. We will see the small-business payroll tax concession lost in a year's time. So, of course, it will cost more to hire people. I am pretty sure that is not going to help the South Australian government turn around their jobs in an economic growth crisis. They have upped the emergency services levy, which is essentially a land tax that applies in SA. The average family will be $150 per annum worse off in extra tax they will have to pay under this levy, but that will apply also to insuring cars, paying the fees on houses, as well as commercial businesses and industrial businesses. So upping the tax rate through this form of land tax, the emergency services levy, which will raise some $355 million extra overall, stripped out of households and businesses, is hardly going to turn around the state of the economy in SA. That is hardly going to create a situation where jobs actually grow and where we see some opportunity created for South Australians.

This is a dire budget situation. We see cuts in SA to all manner of services, taxes going up by 10 per cent and still, for the next year, a $500 million deficit. That is how bad the situation is. Of course, we are headed well and truly now into the type of territory of state bank debt levels that will ultimately see South Australians paying billions of dollars in interest every single year just to service the debt and with no opportunity to invest in the future infrastructure or services the state so desperately needs. (Time expired)

Question agreed to.

COMMITTEES

Electoral Matters Committee

Report


That the Senate take note of the document.

The Joint Standing Committee on Electoral Matters has an important role after every federal election to review the conduct of that election and provide recommendations for government and the parliament to consider. This interim report tabled by the Joint Standing Committee on Electoral Matters focuses on Senate voting and party registration which are issues that caused considerable concern in the 2013 election. I am pleased that the JSCEM has tabled this interim report so that policy and legislative decisions can be made to ensure the will of voters at the next Senate election is properly reflected by the senators who are chosen by the people.

The primary concern of JSCEM has been to address the growing practice of preference harvesting by micro-parties, which has made Senate voting convoluted and confusing; and it has simply warped and manipulated the will of voters. Above the line voting and group voting tickets for the Senate were introduced in 1984 to address the high level of informal voting. Voters were required to number every square on the ballot paper and mistakes in preference sequences meant votes were declared informal. Since those reforms, the vast majority of Senate votes have been cast above the line. However, the emergence in recent years of bogus micro-parties who rely on multilayered preference deals with other parties has distorted this
above the line voting system and action needs to be taken. Like the Joint Select Committee on Electoral Reform in 1984, the current Joint Standing Committee on Electoral Matters has been focused on making certain that the will of voters in Senate elections is not distorted or frustrated. This interim report contains what I believe are good recommendations—recommendations that will lead to fair and effective reform of Senate voting and party registration. I trust that the report will be well received, and I think it certainly has been to this stage.

The committee's first recommendation for Senate voting is to allow preferences to be used by voters above the line and to make below the line voting less onerous by requiring voters to fill in only six or 12 squares, depending on whether it is a half Senate election or a double dissolution. In practice, this will mean that the voters themselves will control the candidates and party groups who get their vote and their preferences. So rather than just voting 1 above the line and allowing preferences to flow according to the parties' wishes, voters would be able, for example, to vote 1, 2, 3 and so forth above the line and their preferences would flow through each of those party groups according, importantly, to the voter's wishes. I would say that this reform is uncontroversial and it is certainly overdue.

Similar reforms were considered in 2009 in the then government's electoral reform green paper, *Strengthening Australia's democracy*. It is unfortunate, I believe, that those reforms did not progress at that time. Five years later, there was overwhelming evidence presented to the Joint Standing Committee on Electoral Matters that the Senate voting system was still in need of repair. The evidence is well summarised in chapter 3 of the interim report. Above the line voting has developed to a point where bogus microparties engage in what I call 'game theory' and send preferences through a myriad of politically disconnected parties without any concern as to what a voter's real intention might have been. The 'gaming' of preferences by microparties has bastardised the Senate voting system, and the committee's recommended reforms to above the line voting, I believe, should deal with this very difficult problem.

I concur with proposals to simplify below the line voting in Senate elections. There is no good reason why voters should have to give a vast list of preferences for their vote to be formal. If a voter chooses to vote below the line, then the simple requirement for a minimum number of preferences has far more integrity and is less confusing than a system where voters have to decide on which known candidate might get their 72nd or 45th preference and so forth.

The committee's second recommendation, to abolish group voting tickets, is, I believe, a good recommendation also. It is directly linked to recommendation 1. Group voting tickets served an administrative purpose, helping to minimise the level of informal voting. However, group voting tickets are now being abused by microparties and there has been ample evidence presented to the Joint Standing Committee on Electoral Matters that a voter's true voting intention is getting lost. Preferences are a critical part of our voting system; we all acknowledge that, and the combination of reforms to above the line voting and the abolition of group voting tickets will ensure, I believe, the allocation is controlled by voters. And that is important. I trust that recommendation 3 is adopted by the government and that the AEC is properly resourced to run information campaigns about the changes.

Recommendations 4 and 5 are sensible proposals that will ensure a party seeking federal registration has genuine public support. Currently a party needs only 500 members nationally...
to be registered. This is below the 750 required for registration in New South Wales, equal to the 500 needed in Victoria and well below the 2,350 members required in aggregate to register in every state and territory. Raising the minimum party membership to 1,500 for federal registration is quite reasonable, especially given the privilege that registration gives a party, such as having their name appear above the line on the Senate ballot paper. I am pleased the committee is recommending that parties operating in only one state need fewer members to register and also that members relied upon for party registration can only do that for one party.

I do have serious reservations about the final recommendation, recommendation 6, regarding a new residency requirement for candidates. I am pleased, of course, that the interim report has had bipartisan support. It is a unanimous report. I certainly did not let my concerns about recommendation 6 stop that becoming a unanimous report as a member of the committee, and I look forward to seeing the government's response to the committee's recommendations. *(Time expired)*

**Senator IAN MACDONALD** (Queensland) (18:21): I would urge the government to very seriously consider and then, having done that, implement—in their exact form or in a form close to that—the recommendations of the Joint Standing Committee on Electoral Matters. I had the opportunity to participate in most of the deliberations of the committee in relation to the federal election so far as it related to the Senate voting. I certainly agree with all of the recommendations, although in relation to recommendation 1 there could be an opportunity for the government to consider whether the partial optional preferential voting below the line has a maximum sequential number of preferences to be completed equal to the number of vacancies—that is, six for a half Senate election, 12 for a double dissolution and two for any territory or state. That, I think, is an issue which needs a fraction more consideration. I am not unhappy with what is proposed, but there was some evidence given to us by, I think, Mr Green that you should go to 15. Perhaps I should not attribute that to anyone, but there certainly was evidence that we need to go a little bit further than just the number of senators to be elected, for all the reasons which were very well justified by those who gave evidence in that vein.

Optional preferential voting above the line is, I think, essential. I put myself in this category: even the simplest of voters could clearly work out, above the line, how they want to give preferences to the parties. In my state at the last election, there was an issue—and this happened on a number of occasions, but I relate this one issue—in relation to Katter's Australian Party. People who thought that it was a good idea to vote for Katter's Australian Party put 1 in the box, never thinking that by doing so they were preferencing the ALP before the LNP. I do not make assertions as to the fact that every Bob Katter voter was a voter who would, for their second preference, prefer the coalition to Labor, but I am pretty certain that is right. I say that from long experience in the north and in the electorate of Kennedy, which Mr Katter holds.

At the last election, when House of Representatives tickets were being prepared for pre-polling in the four crucial seats in Queensland—that is, the seats which could have gone to Labor or the coalition, depending on the preference flow: the seats of, as I recall, Herbert, Flynn, Capricornia and Hinkler—Mr Katter first issued a House of Representatives how-to-vote card that gave second preference to the Labor Party. Even his own supporters were so
outraged and incensed that the initial how-to-vote card disappeared and, by the time the election came around, Mr Katter had a two-sided how-to-vote card for those four crucial seats.

Mr Katter appeared at one of our committee hearings, in Mount Isa, and spent all of his time not talking about the electoral system but blaming the Liberal-National Party of Queensland for its dishonest campaign. There were advertisements which he brandished around for the TV cameras. He just happened to forget there were no TV cameras in the room. He said, 'These are lies. This is why we did so badly. It was a dishonest campaign.' The thing that he was brandishing around said: 'A vote for Katter is a vote for Labor.' He knew his supporters would not like that. He protested so much. Initially, that is how he directed them in the four crucial seats in Queensland—not the others, because it did not matter where he directed his preferences for the others; it would not have made any difference to the outcome. But, in the four crucial, marginal seats, he originally gave them to Labor and, after his own party rebelled, he changed it to a double-sided card.

Mr Katter said, 'I didn't give second preference to Labor.' I said to Mr Katter, 'Have you had a look at your group voting ticket?' He said, 'Nobody looks at that.' I said, 'When people voted 1 for you, or your party, in the Senate, they were actually giving—do not hold me to these numbers, but it is something like this—your 33rd, 34th, 35th, 36th, 37th and 38th vote to the Australian Labor Party and your 63rd, 64th, 65th, 66th and 67th vote to the LNP.' I do not want to suggest that this is a personal thing, but I am pleased to say that I led the LNP ticket in Queensland to a stunning victory. In fact, it was the best victory for the coalition anywhere in Australia, although, I have to say, the Western Australians originally did better than us, but on the rerun we in Queensland did far better than any other state. Perhaps inappropriately, I was slightly touched by the fact that, of all coalition candidates anywhere in Australia, I had the highest below-the-line vote. That is not a reason why I raised these things with Mr Katter. Clearly, under the group voting system that we currently have, Mr Katter had lodged his form giving, effectively, his second preference to Labor and his third preference to the LNP.

I guarantee that 99.9 per cent of the people who voted for Katter's Australian Party in the Senate at the last election expected—that they may not have liked it but they would have expected it—that their next vote would have gone to the LNP before the ALP. That just demonstrates how inappropriate this current system is. There was lots of evidence given before the inquiry—and I think Senator Mason was a beneficiary of this at the previous election—on how the preferences of a party, if I could use this vernacular, of the Extreme Left were being used to effectively give the deliberative vote to parties of the Extreme Right, and vice versa: people who voted for parties of the Extreme Right would have been appalled to know that, if they had looked at their group voting ticket, their effective second preference went to parties of the Extreme Left. That is why this current system is unfair. I do not think there would be too many Australians who would disagree with that recommendation of the committee.

I would urge the government to change the system sooner rather than later. I appreciate there are some sensitivities, but this is a reform which must be well in place before the next federal election. If perchance there is a double dissolution, and the triggers are there, we certainly need to make sure that these new rules are in place well before any double dissolution is contemplated.
The fourth and fifth recommendations, as the previous speaker has mentioned, are appropriate. They deal with the number of people in a party and the registration of parties. The sixth recommendation, requiring a candidate to actually live in the state in which they are seeking election does seem sensible. We heard that there was a candidate in the Western Australian rerun who had never even lived in Western Australia and was offering himself to be elected as the champion of Western Australia. It just defies sensibility to think that he could even recover any public funding for votes he might get when he had not even been into the state.

All in all, as Senator Faulkner said, this was a unanimous report of the committee. I congratulate Tony Smith, the chairman, and all of the committee members on the diligence with which they addressed this issue and the quality of the report. It is now essential—I will repeat myself for a third time, because I think it is so very important—for the government to act on this report at the earliest possible time. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

AUDITOR-GENERAL’S REPORTS
Consideration
Orders of the day nos 1 to 17 relating to reports of the Auditor-General were called on but no motion was moved.

DOCUMENTS
Consideration
The following orders of the day relating to committee reports and government responses were considered:

Economics References Committee—Performance of the Australian Securities and Investments Commission—Interim report. Motion to take note of report moved by Senator McEwen. Debate adjourned till the next day of sitting, Senator McEwen in continuation.


Northern Australia—Joint Select Committee—Interim report. Motion of Senator Eggleston to take note of report agreed to.

Legal and Constitutional Affairs References Committee—Current investigative processes and powers of the Australian Federal Police in relation to non-criminal matters—Report. Motion of Senator Waters to take note of report agreed to.

Environment and Communications References Committee—Tasmanian Wilderness World Heritage Area—Report. Motion of the chair of the committee (Senator Thorp) to take note of report agreed to.

Finance and Public Administration References Committee—Senate order for departmental and agency contracts—Report. Motion of Senator Tillem to take note of report agreed to.

Education and Employment References Committee—Technical and further education system in Australia—Report. Motion of Senator Bilyk to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade Legislation Committee—Implementation of the Defence Trade Controls Act 2012—Progress report no. 2. Motion of the chair of the committee (Senator Eggleston) to take note of report agreed to.

Electoral Matters—Joint Standing Committee—Conduct of the 2013 federal election: Senate voting practices—Interim report. Motion to take note of document moved by Senator Faulkner and debated. Debate adjourned till the next day of sitting, Senator Macdonald in continuation.

Abbott Government's Commission of Audit—Select Committee—Second interim report. Motion to take note of report moved by Senator McEwen. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

National Broadband Network—Select Committee—Interim report. Motion to take note of report moved by Senator McEwen. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Rural and Regional Affairs and Transport References Committee—Qantas' future as a strong national carrier supporting jobs in Australia—Report. Motion of chair of the committee (Senator Sterle) to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade References Committee—Australia's overseas aid and development assistance program—Report. Motion of Senator Stephens to take note of report called on. Debate adjourned till the next day of sitting, Senator Stephens in continuation. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade References Committee—Breaches of Indonesian territorial waters—Report. Motion of the chair of the committee (Senator Dastyari) to take note of report called on. Debate adjourned till the next day of sitting, Senator Fawcett in continuation. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Education and Employment References Committee—Fair Work (Registered Organisations) Amendment Bill 2013 [Provisions]—Report. Motion of the chair of the committee (Senator Lines) to take note of report agreed to.

Education and Employment References Committee—Government's approach to re-establishing the Australian Building and Construction Commission—Report. Motion of the chair of the committee (Senator Lines) to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Education and Employment References Committee—Effectiveness of the National Assessment Program – Literacy and Numeracy—Final report. Motion of the chair of the committee (Senator Lines) to take note of report agreed to.

Environment and Communications References Committee—Direct Action: Paying polluters to halt global warming?—Report. Motion of the chair of the committee (Senator Thorp) to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Rural and Regional Affairs and Transport References Committee—Report—Aviation accident investigations—Government response. Motion of Senator Xenophon to take note of document agreed to.

Orders of the day nos 1 to 5, 8 to 10, 18, 20, 22 and 23 relating to committee reports and government responses were called on but no motion was moved.

ADJOURNMENT

The DEPUTY PRESIDENT (18:32): Order! I propose the question:

That the Senate do now adjourn.
Pharmaceutical Benefits Scheme

Senator O'SULLIVAN (Queensland) (18:32): I rise tonight to speak on what is a significantly important matter. As I lead into my speech, I want to briefly reflect on what I think is one of the most powerful honours attached to being a senator in this federal parliament. That is to give voice to someone who does not have the capacity to give voice to an issue for themselves. This evening I stand to speak on behalf of Ms Norma Hamawi, who is a grandmother. I stand here as a grandfather speaking on behalf of a particular grandmother, but indeed in spirit on behalf of many grandmothers, grandfathers, mothers and fathers around the country who are in a most anxious phase of their lives as their children and their loved ones—their sons, their daughters, their brothers, their sisters and, indeed, themselves in some instances—are suffering from a very severe and debilitating condition called atypical haemolytic uremic syndrome.

This disease seems to particularly strike young women in their teens and early womanhood. It is a violent disease. It is a disease that attacks their organs, in particular their kidneys, their livers and eventually their brain. Without treatment, they can suffer from complete organ failure in periods as short as three or four months. But there is a solution to their plight. The solution to their plight is a drug called Soliris, manufactured by Alexion Pharmaceuticals in the United States. Soliris has been here in Australia for a long time and is available through the PBS scheme for a particular condition, but not the condition that I have mentioned. Soliris is available today for patients in this country who suffer from another rare and disabling disorder called paroxysmal nocturnal haemoglobinuria. That the drug is not available to Australians who are suffering from aHUS.

Returning to where I started, Ms Hamawi is the grandmother of a beautiful young woman named Bianca Scott. Bianca is an 18-year-old student or immediate past student who graduated from her high school in 2013 with all of the wonderful promise that comes with that phase of our lives, as we finish our term of education and go out into the world to explore and to grow. Only that was not Bianca's experience. Within a very short period of Bianca’s treatment for an attack of this condition on her kidneys.

Because the drug is not available through the PBS at this time, her family set about trying to do what every parent and grandparent would do, and that is to supply their child with a chance at life—a chance at life in the same way that all of us in this chamber tonight and our colleagues in this entire parliament enjoy as I speak. The family have invested $234,000 of their money in purchasing the drug for young Bianca up until today. They have nothing left. This family has nowhere to go. They have no chattels left to sell. They have no friends or support in the community any longer, after they have enjoyed massive support from friends and family in being able to supply the drug to young Bianca for these past months.

The tragedy is that Bianca's family went to the pharmaceutical company, Alexion Pharmaceuticals, with $15,000—their last $15,000—of the $24,000 required to buy these vials of life that last for two weeks. Twelve thousand dollars every week is the cost to this family to keep this little girl alive and to keep and protect her from long-term and debilitating organ failure. After paying the company $234,000 just in this calendar year, they expected that the company might, on a humanitarian basis, have provided their little girl with the drug this once, even though they cannot pay the full amount.
I do not intend to spend a lot more time on Alexion Pharmaceuticals tonight, because I have put a proposition to them, and I am hoping that somewhere in the world tonight it is under active consideration. They have an application before our federal health department. That application is making its way through the system, through the due diligence, as it should. To their credit, the company have a current humanitarian trial in this country where they are supplying this drug free of charge to 11 sufferers of aHUS. But the tragedy is that there are another 11 souls, as best I can research, who currently are in need of this drug.

I am calling upon the company to consider extending their humanitarian trial until such time as our health department has completed the due diligence required to make a decision with respect to the acceptance of this drug. I understand that that is at an advanced time. I also understand that there will be further negotiations in the coming weeks. I understand that progress has been made. But, if we are unable to get a positive solution with respect to this drug within the next couple of months, people like Bianca Scott will not be with us—or at least they will by then have suffered such extensive damage to their organs that it will not be able to be reversed.

I understand that Alexion are not a charity. I understand that they cannot go all around the world putting their drug, in which they have had considerable investment, out there for nothing. But I put a proposition to them that they do so, for free, as an investment in being a good corporate citizen in our country until such time as our health department has had the chance to properly and carefully navigate the path that is required to have this drug approved.

And I say this: I intend to rise to my feet at every opportunity I can over the coming days and the coming weeks and the coming months to progressively continue my call to Alexion. I will try and garner support from any quarter that I can by any method that I can until such time as they provide us with the relief that is required for these people whilst our government looks seriously at approving their drug on terms and conditions that are very financially favourable to them.

**Fibrodysplasia Ossificans Progressiva**

**Senator McLUCAS** (Queensland) (18:42): Tonight I want to bring to the attention of the Senate and to the attention of the country the circumstances of an engaging and charming little boy by the name of Jarvis Budd. Jarvis will be three in July. He lives in Brisbane. He loves to swim and to play in the mud, he says. He likes singing and his Thomas the Tank Engine. He is like any other toddler, with one huge exception. Jarvis has an extremely rare disorder, fibrodysplasia ossificans progressiva, or FOP. It is an extremely rare condition with only 13 diagnosed cases in Australia and about 800 confirmed cases worldwide. It is variously called mannequin disease or stone man syndrome. It is caused by a recurrent activating genetic mutation. There is no ethnic, racial, gender or geographic predestination.

When Jarvis was born, his big toes were malformed, but the doctors dismissed this, saying that they would right themselves. This was a mistake—but an understandable mistake, given such small numbers. But, if it had been investigated, it would have led to an earlier diagnosis. Jarvis was finally diagnosed with FOP after a fall—a regular, toddler type fall, but one where he landed very heavily on his head. The swelling was quite unusually severe, and he required medical attention. But, some while later, when the swelling finally receded, it became evident that something was really wrong.
Where Jarvis hit the floor, the bump was forming into bone. The soft tissue was forming into bone. With FOP, any knock or fall results in the affected parts of Jarvis's body turning into bone. Any surgery, any injection, anything that breaks his body in any way results in bone forming at the site where the muscle or soft tissue has been affected. Over time, essentially, a second skeleton forms. Jarvis's final diagnosis occurred by sending his blood tests to researchers in the UK.

People with FOP live for about 40 years. It is a progressive disease as each and every injury causes bone to form and there is no cure. It is also of no benefit to try to take out the second skeleton forming. Jarvis's parents, Damien Budd and Lara Boniface, are impressive people. I have spoken with Damien and corresponded with Lara. They are supported by their extended family, which is very much valued by them. Jarvis is cared for by his grandparents for three days a week when both parents work. They very much value the support that they receive.

Here in Australia we have some researchers engaged in finding out about FOP, but most work is happening in the US and the UK. For almost all rare diseases, this is the case. The population of Australia means that it is hard to encourage medical research to focus on these tiny cohorts of people with very rare conditions.

Recent research published in Nature Reviews Genetics has established a link between FOP and a devastating type of childhood brain cancer. It is an early finding, but it may provide a promising research pathway into the future.

So why have I brought Jarvis's story to the Senate? Firstly, to increase the knowledge of FOP in the community so that people can assist with fundraising support for those people with FOP but, in my case, particularly for Jarvis. The expenses are enormous. Lara and Damien need to travel overseas, usually to the UK, for assessment and treatment. They planned to travel to the UK in May. This will happen on a number of occasions into the future. So I do encourage everyone to go to the website www.hopeforjarvis.com, to donate funds and to support Jarvis's family. At this point I would like to quote from a young person who did exactly that. This is from Jackson Munday. He says:

Hi there I'm Jackson and I'm 12 years old
I saw your Jarvis on television and it got me thinking and i felt so sorry for him and his parents
so i have put a jar in my room with currently $69 inside I will donate every bit of it by the end of march so you have more money to cure it.
i am so happy i saw him on TV because i knew he needed help more than anyone i know so tell him is so cute and one day im going to come visit you.

Please follow Jackson's lead and support this amazing family.

Secondly, I do hope this contribution will improve the understanding and knowledge of FOP in the medical profession. Jarvis was finally diagnosed after a friend of Damien and Lara saw a TV program about FOP, which showed photos of the big toe malformation. She immediately rang Lara and said, 'This boy on TV has got what your boy has.' This happened around the same time that Jarvis had the fall. If we had more knowledge in the medical community, we could have more early diagnoses. However, in saying that, I am not blaming the medical community. We have only 13 people in Australia with this condition. But if the
obstetrician at the birth had thought about it just for a moment, we might have had a different outcome. Diagnosis allows the medical profession to get onto the treatment pathway.

In conclusion, it has been my privilege to come to know about Jarvis and his family. I look forward to meeting them in the future. I encourage everyone to support Lara, Damien and Jarvis in whatever way we can.

Finally, how do I know about Jarvis? One of our Young Labor branch members in Cairns is related to Damien. He brought Jarvis’s story to my attention. So thank you, Chris Rollason, for taking the time to tell me Jarvis’s story.

Australian Broadcasting Corporation

Senator IAN MACDONALD (Queensland) (18:49): In March this year I spoke about an issue related to some of the very fine journalists and presenters of the Australian Broadcasting Corporation. I was at that time critical of the ABC and its blase approach to the disclosure of speaking fees that many of their journalists and presenters receive moonlighting. I called upon the ABC to be more transparent.

Tonight, instead of criticising the all-embracing ABC for various faults, I wish to praise a particular program of the ABC and that is in addition to their regional radio, their Heywire program and their Landline program, which I am constantly and consistently in praise of.

Tonight I want to praise some recent good journalism in a program that, believe it or not, is Media Watch. But I praise Media Watch on the condition that they lay off my favourite newspaper, the NT News.

On Monday, Media Watch host Paul Barry had good cause to mention the lack of coverage that some media outlets have given to the Royal Commission into Trade Union Governance and Corruption. The commission has so far shed light on many of the allegations of fraud and corruption. Last Thursday was an especially revealing day at the royal commission. This was reflected on the commercial TV networks that night, as well as on the front pages of The Australian and The Daily Telegraph and a few others the next day.

Media Watch noted that two media organisations chose to ignore this massive story. Despite it being one of the top stories of the day, these outlets were overly subdued in their coverage. First of all, Media Watch noted that Fairfax's The Age and The Sydney Morning Herald gave the commission no coverage on their front page. Then Media Watch rightly criticised their own organisation, the ABC, about ignoring the story. Paul Barry said:

And amazingly it was missing entirely from the previous evening’s 7pm bulletins on ABC TV in Brisbane, Adelaide, Hobart and Darwin.

The day before, when evidence was given about wads of cash being handed to Ms Gillard to fund her home renovations ... ABC TV’s 7pm bulletins in three of those capitals also failed to report the news.

While in Sydney it was down the bottom of the bulletin just before the sport.

It is passing strange that such enormous revelations came out of the royal commission last week yet were not treated as news. Mr Barry continued:

The ABC has done little and has long been accused of refusing to investigate.

... ... ...

Up till now, perhaps, one might have given the ABC the benefit of the doubt.
But with sensational evidence being given under oath last week to a Royal Commission there is surely no justification for ignoring it.

He then agreed with journalist Andrew Bolt, who said:

The ABC has run absolutely dead on the Julia Gillard slush fund scandal, absolutely dead. It's been not a story, it's been terrible. The rare time say, in Melbourne, the 774 presenter Jon Faine, has ever talked to reporters covering it, it has been to yell at them and heckle them …

Bolt pointed out that Jon Faine has been an extremely vocal critic of the royal commission, right up and through to him reading out an alleged statement from a then future commission witness on his program on June 10. Bolt says Faine has, over the length of the commission:

… played down or largely ignored the AWU slush fund scandal involving Julia Gillard.

… has fudged incriminating details.

… dismissed the allegations—now being investigated by Victoria Police and a royal commission into union corruption—as a 'house of cards'

… has conducted belligerent and hostile interviews of journalists Michael Smith and Mark Baker, who uncovered many details of the scandal.

According to Bolt, Jon Faine also:

… attacks the royal commission as 'intensely political'

… refers to the royal commission as an investigation into 'skulduggery', declining to use the word 'corruption' in its title—

and says some very curious things about the commission.

In fact just yesterday, Mr Faine made some extraordinary claims about the royal commission when according to The Australian he called it 'bizarre' and 'Kafkaesque.' Joining Mr Faine in this supposedly unbiased commentary was someone equally impartial to the commission's objectives—that is, ACTU assistant secretary Tim Lyons. Incredibly Mr Faine said:

We may get to share a cell if we're found to be in contempt but this royal commission to me seems to be becoming more bizarre by the day.

You would not be surprised to hear that Mr Lyons agreed. Mr Faine has been reprimanded before by his bosses for not being impartial to the royal commission. He needs to be reprimanded again.

You might recall, Mr President, back in 2011, an Insiders panellist, the respected reporter and journalist Glenn Milne, got fired by the ABC for daring to raise questions about some of the parties now being named in the royal commission. So it seems ABC News—and, in particular, their TV division—have joined their colleague Mr Faine by imposing a reporting ban on any critical news out of the royal commission. The ABC's editor-in-chief, Mr Scott, needs to review his organisation's coverage of the royal commission and instruct them to report accurately, widely and fairly. That is what the public demands for their dollar.

I do not usually conduct witch-hunts into the ABC but I cannot help but say today's lead news item on News Radio this morning as I was waking reported that, in the long-running saga of Slipper v Ashby, the court case had been dropped—a fair news report. It then went on to give prominence to Mr Slipper's version of the reason for the cessation of the case.

The ABC quoted Mr Slipper as saying that the dropping of the case absolutely vindicated him, completely exonerated him from all blame, and showed that it was all a witch-hunt. I do
not want to get into the rights or wrongs of that case—the further I keep away from it, the better—but I am talking about the ABC news coverage of that statement. They played at some length Mr Slipper's view on what the cessation of the court proceedings meant but nowhere did the ABC report Mr Ashby's view.

Reading The Australian—I assume this is correct—Mr Ashby said:

Mr Slipper has been mentally unwell . . . under such circumstances, I do not wish to continue lengthy proceedings that could potentially cause him great harm.

Why wouldn't the ABC give both sides of the story? I am not saying which one is right but, if you are going to present one, you must surely present the other.

The Australian said:

In putting an end to the long-running sexual harassment case against his former boss, Mr Ashby cited Mr Slipper’s emotional well-being and a desire to avoid 'deep pocket' litigation brought about by the federal government’s agreement to pay Mr Slipper’s legal bills.

Again, I do not want to get into that, but ABC News reporting would have you believe that it was Senator Brandis and the Abbott government that had agreed to pay Mr Slipper's legal bills. But any of us that know the reality of it recall that it was the Rudd-Gillard-Rudd government that agreed to pay Mr Slipper's legal costs. I do not necessarily challenge that. I know Mr Slipper kept the Gillard government in power for some time. That is a matter not for my comment.

Wouldn't you think the ABC would make it clear that it wasn't Senator Brandis and the Abbott government that was paying Mr Slipper's costs but a decision by the Gillard government to fund Mr Slipper? This allowed Mr Slipper to continue these cases to such an extent that Mr Ashby did not want to be involved in what he called 'deep pocket litigation', because the federal taxpayers were now subsidising Mr Slipper's defence. As I say, I do not want to get into the issue but I am talking about the ABC's lack of balance in a story which does have two sides.

Senate adjourned at 18:59

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[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.]


Civil Aviation Act 1988—
Civil Aviation Order 82.6—Exemption — initial NVG pilot flight training prerequisites—CASA EX37/14 [F2014L00737].


*Defence Act 1903*—Section 58B—
- Payment or transfer of recreation leave credit—Defence Determination 2014/27.
- Post indexes and summer schools — amendment—Defence Determination 2014/28.

*Education Services for Overseas Students Amendment Act 2014*—Education for Overseas Students Amendment Commencement Proclamation 2014 [F2014L00709].

*Export Market Development Grants Act 1997*—
- Determination of the Balance Distribution Date for Grant Year 2012-13.
- Determination of the Initial Payment Ceiling Amount for Grant Year 2013-14.


*Lands Acquisition Act 1989*—Statement describing property acquired by agreement for specified purposes.


*Private Health Insurance Act 2007*—Private Health Insurance (Prostheses) Amendment Rules 2014 (No. 2) [F2014L00733].

*Quarantine Act 1908*—Quarantine Service Fees Amendment (Import Clearance Fees) Determination 2014 [F2014L00736].

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


Productivity Commission—Report No. 64—Safeguards inquiry into the import of processed fruit products. Motion of Senator McKenzie to take note of document called on. Debate adjourned till Thursday at general business, Senator Urquhart in continuation.

Tertiary Education Quality and Standards Agency (TEQSA)—Report for 2012-13. Motion of Senator McKenzie to take note of document called on agreed to.

Health Workforce Australia—Report for 2012-13. Motion of Senator Boyce to take note of document called on agreed to.

Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2012-13, including report of the Science and Industry Endowment Fund. Motion of Senator Edwards to take note of document called on. On the motion of Senator Back the debate was adjourned till Thursday at general business.


Australian Customs and Border Protection Service—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Back the debate was adjourned till Thursday at general business.

Australian Reinsurance Pool Corporation (ARPC)—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Back the debate was adjourned till Thursday at general business.

Director of National Parks—Report for 2012-13. Motion of Senator Edwards to take note of document called on. On the motion of Senator Back the debate was adjourned till Thursday at general business.


Productivity Commission—Report No. 68—Safeguards inquiry into the import of processed tomato products. Motion of Senator Bushby to take note of document called on. On the motion of Senator Urquhart the debate was adjourned till Thursday at general business.
Wet Tropics Management Authority—Report for 2012-13, including State of the Wet Tropics report. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Back the debate was adjourned till Thursday at general business.

Torres Strait Regional Authority (TSRA)—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Back the debate was adjourned till Thursday at general business.


Productivity Commission—Report No. 67—Safeguards inquiry into the import of processed fruit products. Motion of Senator Bushby to take note of document called on agreed to.

Mid-year economic and fiscal outlook—2013-14—Statement by the Treasurer (Mr Hockey) and the Minister for Finance (Senator Cormann). Motion of Senator Ludwig to take note of document called on, debated and agreed to.

Productivity Commission—Report No. 65—Mineral and energy resource exploration, dated 27 September 2013. Motion of Senator Gallacher to take note of document called on. On the motion of Senator Bushby the debate was adjourned till Thursday at general business.

Defence Abuse Response Taskforce—Fifth interim report to the Attorney-General and Minister for Defence. Motion of Senator Brown to take note of document called on agreed to.

Treaty—Bilateral—Agreement between the Government of Australia and the Government of the United States of America to Improve International Tax Compliance and to Implement FATCA (Canberra, 28 April 2014)—Text, together with national interest analysis and annexures. Motion of Senator McKenzie to take note of document called on agreed to.


Treaties—Bilateral—Free Trade Agreement between the Government of Australia and the Government of the Republic of Korea (Seoul, 8 April 2014)—Text, together with national interest analysis, regulation impact statement and annexures. Motion of Senator McKenzie to take note of document called on agreed to.


Defence Abuse Response Taskforce—Sixth interim report to the Attorney-General and Minister for Defence. Motion to take note of document moved by Senator McEwen. Debate adjourned till Thursday at general business, Senator McEwen in continuation.

Orders of the day nos 25 to 27 relating to government documents were called on but no motion was moved.