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SITTING DAYS—2020

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- MELBOURNE 1026AM
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FORTY-SIXTH PARLIAMENT
FIRST SESSION—FIRST PERIOD

Governor-General
His Excellency General the Hon. David John Hurley, AC, DSC, FTSE (Retd)

Senate Office Holders
President—Senator the Hon. Scott Ryan
Deputy President and Chair of Committees—Senator Susan Lines
Temporary Chairs of Committees—Senators Askew, Bilyk, Brockman, Brown, Chandler, Faruqi, Fawcett, Fierravanti-Wells, Gallacher, Griff, Kitching, Polley, Marielle Smith, Sterle, Stoker and Walsh
Leader of the Government in the Senate—Senator the Hon. Mathias Cormann
Deputy Leader of the Government in the Senate—Senator the Hon. Simon Birmingham
Leader of the Opposition in the Senate—Senator the Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator the Hon. Kristina Keneally
Manager of Government Business in the Senate—Senator the Hon. Anne Ruston
Deputy Manager of Government Business in the Senate—Senator Jonathon Duniam
Manager of Opposition Business in the Senate—Senator Katy Gallagher
Deputy Manager of Opposition Business in the Senate—Senator Kimberley Kitching

Senate Party Leaders and Whips
Leader of the Liberal Party in the Senate—Senator the Hon. Mathias Cormann
Deputy Leader of the Liberal Party in the Senate—Senator the Hon. Simon Birmingham
Leader of The Nationals in the Senate—Senator the Hon. Bridget McKenzie
Deputy Leader of The Nationals in the Senate—Senator the Hon. Matthew Canavan
Leader of the Labor Party in the Senate—Senator the Hon. Penny Wong
Deputy Leader of the Labor Party in the Senate—Senator the Hon. Kristina Keneally
Leader of the Australian Greens in the Senate—Senator Larissa Waters
Deputy Leader of the Australian Greens in the Senate—Senator Nicholas McKim
Chief Government Whip—Senator Dean Anthony Smith
Deputy Government Whips—Senators James McGrath and Slade Brockman
The Nationals Whip—Senator Perin Davey
Chief Opposition Whip—Senator Anne Elizabeth Urquhart
Deputy Opposition Whips—Senators Rafl Ciccone and Malarndirri McCarthy
Australian Greens Whip—Senator Rachel Siewert

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

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Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives.

**Australian Capital Territory**

- Gallagher, K.R.
- Seseija, Z.M.

**Northern Territory**

- McCarthy, M.B.A.
- McMahon, S.J.

---

(1) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice D Bushby), pursuant to section 15 of the Constitution.

(2) Chosen by the Parliament of Victoria to fill a casual vacancy (vice M Fifield), pursuant to section 15 of the Constitution.

(3) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice S Dastyari), pursuant to section 15 of the Constitution.

(4) Chosen by the Parliament of Victoria to fill a casual vacancy (vice S Conroy), pursuant to section 15 of the Constitution.

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

(6) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice A Sinodinos), pursuant to section 15 of the Constitution.

(7) Chosen by the Parliament of South Australia to fill a casual vacancy (vice N Xenophon), pursuant to section 15 of the Constitution.

(8) Chosen by the Parliament of Queensland to fill a casual vacancy (vice G Brandis), pursuant to section 15 of the Constitution.
PARTY ABBREVIATIONS

AG—Australian Greens; ALP—Australian Labor Party;
CA—Centre Alliance; CLP—Country Liberal Party; IND—Independent;
JLN—Jacqui Lambie Network; LNP—Liberal National Party;
LP—Liberal Party of Australia; NATS—The Nationals;
PHON—Pauline Hanson's One Nation

Heads of Parliamentary Departments

Clerk of the Senate—R Pye
Clerk of the House of Representatives—C Surtees
Secretary, Department of Parliamentary Services—R Stefanie
Parliamentary Budget Officer—J Wilkinson
## Morrison Ministry

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<td>Minister for the Public Service</td>
<td>The Hon Scott Morrison MP</td>
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<tr>
<td>Minister for Women</td>
<td>Senator the Hon Marise Payne</td>
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<tr>
<td>Minister Assisting the Prime Minister for the Public Service and Cabinet</td>
<td>The Hon Greg Hunt MP</td>
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<tr>
<td>Minister for Indigenous Australians</td>
<td>The Hon Ken Wyatt AM MP</td>
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<tr>
<td>Assistant Minister to the Prime Minister and Cabinet</td>
<td>The Hon Ben Morton MP</td>
</tr>
<tr>
<td>Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development</td>
<td>The Hon Michael McCormack MP</td>
</tr>
<tr>
<td>Minister for Agriculture, Drought and Emergency Management</td>
<td>The Hon David Littleproud MP</td>
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<tr>
<td>Minister for Communications, Cyber Safety and the Arts</td>
<td>The Hon Paul Fletcher MP</td>
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<tr>
<td>Minister for Population, Cities and Urban Infrastructure</td>
<td>The Hon Alan Tudge MP</td>
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<tr>
<td>Minister for Regional Health, Regional Communications and Local Government</td>
<td>The Hon Mark Coulton MP</td>
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<tr>
<td>Minister for Decentralisation and Regional Education</td>
<td>The Hon Andrew Gee MP</td>
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<tr>
<td>Assistant Minister for Road Safety and Freight Transport</td>
<td>The Hon Scott Buchholz MP</td>
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<tr>
<td>Assistant Minister to the Deputy Prime Minister</td>
<td>The Hon Kevin Hogan MP</td>
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<tr>
<td>Assistant Minister for Regional Development and Territories</td>
<td>The Hon Nola Marino MP</td>
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<tr>
<td>Treasurer</td>
<td>The Hon Josh Frydenberg MP</td>
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<td>Minister for Population, Cities and Urban Infrastructure</td>
<td>The Hon Alan Tudge MP</td>
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<tr>
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<td>The Hon Michael Sukkar MP</td>
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<tr>
<td>Minister for Housing</td>
<td>The Hon Michael Sukkar MP</td>
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<tr>
<td>Assistant Minister for Superannuation, Financial Services and Financial Technology</td>
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<td>(Vice-President of the Executive Council)</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<td>Assistant Minister for Finance, Charities and Electoral Matters</td>
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<td>The Hon Sussan Ley MP</td>
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<td>Minister for Resources, Water and Northern Australia</td>
<td>The Hon Keith Pitt MP</td>
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<td>Assistant Minister for Waste Reduction and Environmental Management</td>
<td>The Hon Trevor Evans MP</td>
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<td>Assistant Minister for Forestry and Fisheries</td>
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<td>Minister for Trade, Tourism and Investment</td>
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<td><strong>Leader of the House</strong></td>
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<tr>
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Thursday, 13 February 2020

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

DOCUMENTS
Tabling
The Clerk: I table documents pursuant to statute as listed on the Dynamic Red.

Full details of the documents are recorded in the Journals of the Senate.

COMMITTEES
Public Works Committee
Meeting

The Clerk: A notification has been lodged as follows:
Public Works—Joint Statutory Committee—public meeting followed by an in-camera briefing on Wednesday, 26 February 2020, from 5 pm.

The PRESIDENT (09:31): I remind senators that the question may be put on any proposal at the request of any senator.

DOCUMENTS
Community Sport Infrastructure Grant Program
Order for the Production of Documents

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (09:31): I table a response in relation to Senate order for the production of documents No. 430, moved by Senator Waters and Senator Rice and agreed to by the Senate on 11 February 2020. In relation to the order itself, the government requires more time to prepare a response to the order and intends to table its response to the Senate by no later than 3 pm on Monday 24 February 2020. As I outlined in the chamber earlier this week, it is not uncommon for governments of both persuasions to require additional time to conduct a thorough and exhaustive search for all relevant documents, especially given the order contains 11 separate subparagraphs. I thank the Senate.

The DEPUTY PRESIDENT: I remind senators that we've agreed that this will be a 30-minute debate, with 10 minutes for each speaker.

Senator FARRELL (South Australia) (09:32): Once again we see this government hiding in respect of the actions that it took on the so-called Female Facilities and Water Safety Stream program. In a moment I'm going to go through what we know about the program that the Prime Minister and the former minister, Minister McKenzie, reported on 30 March last year.

Governments always want to make the most of these sorts of announcements, and it was a very big announcement, of $150 million. It came on top of an earlier announcement of $100 million, so it was almost a quarter of a billion dollars being announced in respect of sporting programs across the country. The Prime Minister was very, very keen to get this message out, as was the minister. You might recall—because, as I said, you've taken a bit of interest in these issues, particularly in your home state of Western Australia and some of the terrible things that have gone on there in respect of this program. But I want to go through what we know about the program that the Prime Minister and the former minister, Minister McKenzie, reported on 30 March last year.

Governments always want to make the most of these sorts of announcements, and it was a very big announcement, of $150 million. It came on top of an earlier announcement of $100 million, so it was almost a quarter of a billion dollars being announced in respect of sporting programs across the country. The Prime Minister was very, very keen to get this message out, as was the minister. You might recall—because, as I said, you've taken a bit of interest in this—that just about every single newspaper in the country got an advance notice about this report, and it was a front-page story on just about all of them: what a terrific job the Prime Minister and the Minister for Sport at the time were going to do in respect of women's changing rooms. Remember we heard the Prime Minister say he didn't want women having to change behind the sheds. He wanted proper, decent, modern facilities for them. I kept a copy of that press release, and it's good that I did, because, if you go to the online portal where this press release is meant to be kept by the government, it's not there. It has disappeared. The government overnight has taken down its press release in respect of that 30 March press conference.

Senator Ciccone: You're joking!

Senator FARRELL: No! What do you make of that? A few weeks ago, when what we now know as 'sports rorts 1' first came out, what was the Prime Minister's defence? The Prime Minister's defence was, 'This is a terrific scheme, because it's providing new facilities for women's sport in this country.' It's a very admirable aim. As I've said time and again, we have no objection to these clubs getting that money. They've all behaved in a proper way. The guilty party here is not the sporting clubs for applying to improve their facilities; the guilty party here is the
government for the way it has deceived the Australian people. But, more particularly, it's deceived the more than 2,000 clubs that applied for the first round of sports rorts.

In particular, all of those clubs who missed out on the first round—the first $100 million—and who saw this press release, which was a front page story in every newspaper in the country, thought they genuinely had a chance of getting that money. The reality was the government said the program was designed to improve facilities for women in this country so they had decent toilets and change rooms and didn't have to change behind the shed out the back, but less than 15 per cent of this money was spent on women's change rooms. Here's a program, and the government says, 'Vote for us, because we're going to fund all this positive infrastructure for women's sport.' How much did they spend on that? It was less than 15 per cent.

In your own state, Deputy President, I know that you're aware of this money going to swimming pools and not women's change rooms. There's nothing wrong with swimming pools; it's a good thing that kids—especially young kids—learn to swim. My grandson is learning at the moment to swim in a pool. But this government deceived sportspeople right across the country.

I made this point yesterday: hundreds of volunteers spent thousands of hours preparing these applications and thinking that this scheme was on the level. If this were such a good scheme, if the government were so proud of this scheme and if the government spent all its activity and time sending out press releases, talking to editors of newspapers around the country and getting them to write this story, why did the government overnight take this press release down?

One reason, we know, is that this money didn't go to improving female sporting facilities around the country. This money went overwhelmingly to marginal Liberal-held seats, marginal National Party seats and those seats which the government wanted to target from the Independents. I'd be embarrassed, too, if I were a prime minister who stood up and said, 'We're going to support women's change rooms in this country,' but all I did was spend the money on a couple of swimming pools in the seat of Corangamite and a couple of swimming pools in the seat of the Attorney-General, Mr Porter. That's where that money was spent.

I probably haven't spoken enough on this particular point; I'll try to correct that now. One of the other defences that the government has been using is that all these people were eligible to get these grants. Well, that's not what the Auditor-General found. There is one line in the report that refers to the fact that, at the initial stage, all of the claims were eligible. But, by the time the money came to be distributed, that was not the case, from a close reading of the Auditor-General's report. And it's an excellent report, I have to say: detailed, forensic, and honest—something, of course, the government is not. I'd like to refer to some of the areas where, clearly, the grants that the government made were not eligible.

One of the criteria was that you couldn't have completed the project if you were applying for the money. Well, eight projects had been completed before the money arrived, before they signed their contracts—clearly, in breach of the guidelines. Four grants were received by clubs after the closing date of applications. After we saw that scandalous photograph of the big cheque at the Yankalilla bowls club, the member for Mayo, Rebekha Sharkie, said: 'I've got other clubs in my area that would also like to apply for this money. If you are handing out $100 million, I've got other clubs that want to do it.' She was told: 'Bad luck; applications have closed.' Four clubs were allowed to submit applications after the closing date.

Senator Ciccone: Really?

Senator FARRELL: Yes, really, Senator Ciccone. And guess what? Their applications were successful! Well, blow me down! Their applications were successful. Another five—quite contrary to the rules, of course—were clearly ineligible because they got their applications in too late, but that didn't seem to worry the government. Another five were allowed to come in and amend their applications—again, in breach of the rules. So it is an absolute scandal.

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (09:42): I rise to take note of the explanation given—or, really, the excuse made by Minister Colbeck, because once again the dog ate his homework! He's got a very hungry dog it seems! They want more time to comply with this order to produce documents about sports rorts No. 2. Well, we saw with sports rorts No. 1 that they wanted more time and then the answer was, 'You can't have the documents,' anyway. So I fully expect that, when we come back to this place on the next sitting day, Monday the 24th, with this extra time we'll still see the same 'we're not going to give you these documents' explanation, because this government just does not understand that democracies and executive governments should operate with integrity, transparency and accountability.

So just when you thought it was safe to go and play sport again—no. You've had sports rorts 1; here is sports rorts 2. Nobody is safe. If you're in a marginal electorate, you will be accosted by a Liberal MP trying to keep his
or her seat and forcing some money on you for facilities that your local council might not even want, as has been reported on at least two occasions.

This time around, in sports rorts 2, the main issue is: it's not like they ignored the guidelines like they did in sports rorts 1; this time around they didn't even have any guidelines. They simply issued invitations, they hand-picked who would get this money and they then announced that before the election. I think sports rorts 2 is more egregious than sports rorts 1 because they didn't even have the decency to seek to develop guidelines for how to spend public money. This was an even more blatant rort than sports rorts No. 1. This government just continues to find new lows.

So there were no guidelines at all to be ignored, which is why we've asked for these documents today. We want to know if the department said: 'Guys, you really should have some guidelines. This is public money. These are not your personal funds to dispense in marginal seats to shore up your own power.' Naturally, they don't want to give us those documents. I fully expect that the Public Service would have done their job and advised that there should have been guidelines to disburse public money. We'll wait until Monday the 24th to be told that we can't have those documents.

This was invite only. The government said, 'We'd like you to apply for this money and then we'll announce that you're getting it if we're re-elected.' The other part of this OPD is how they decided who they hand-picked to apply for this money that they were unilaterally dishing out, without any guidelines and without an independent or fair process. I reckon there is another colour coded spreadsheet floating around. That's why we've asked for this production of documents. Did they do exactly the same thing? Maybe they recycled the same spreadsheet. They're not known for their support for recycling, but I reckon in this case they might have just re-used the same spreadsheet to work out who to invite to apply for this public money, to shore up their own flailing political stock. But, again, Minister Colbeck can't provide the documents to us because the dog ate his homework and he needs more time.

We saw yesterday a massive confrontation in the Senate, where the Senate insisted on documents being provided, and the government refused to do so. We lost the vote by the very narrowest margin, of course, because One Nation changed their minds, having presumably come to some kind of arrangement with the government that was no doubt mutually beneficial. Will we see that happen again next Monday? We'll all wait and see.

I want to come to the details of sports rorts 2. The money was meant to be for 'female facilities and water safety'. We saw the Prime Minister crow a lot about women having change rooms when playing sport. Fantastic—no-one disagrees that that's needed. But barely any of the money went to women's change rooms. In fact, 14 per cent of the money went on female changing facilities—14 per cent. Most of it went to swimming pools. And where were most of those swimming pools? What do you know, 60 per cent were in coalition marginal seats. Goodness me! You couldn't make this stuff up. So 60 per cent was going to buy election outcomes. They weren't going to female change rooms; they were going to pools, predominantly in coalition seats.

The largest single grant was $25 million for a pool in Attorney-General Christian Porter's marginal seat. He got another pool; that was another $5 million worth. So he's had 30 million bucks for swimming pools in his marginal seat. He remains the Attorney-General. In fact, as Attorney-General he should be working on developing a federal corruption watchdog. But clearly there has been some benefit to him and to his government from the absence of a federal corruption watchdog, because we have seen sports rorts 1 and sports rorts 2 roll out. He's still in his seat. He's presumably got two swimming pools underway. I don't know whether he's got any female change room facilities. Perhaps his seat got some of the 14 per cent of the funding that actually went to women's change rooms. Corangamite was the other electorate, which the government actually ended up losing, with a sort of cruel irony. It was $30 million for two pools in Corangamite, another marginal seat.

In two particular instances of swimming pool funding, the local council didn't want those facilities. I'm sure those councils had very meritorious and legitimate requests for other forms of support, but they didn't want swimming pools; they were forced upon them. So not only were there no guidelines, not only did the coalition handpick the seats where these facilities would be announced and the applicants to which this money would be provided but they didn't even get the consent of the handful of councils who were saying, 'We don't want a swimming pool; our footpaths are cracked,' or 'we need some help with public transport,' 'we need some help with waste facilities', whatever it might be. No, it's a pool or nothing. So, with Coranga pool, the council found out days before the election. They hadn't applied for the funding, and the pool has since closed because it leaks. Torquay pool—

Senator Farrell: So does this government!
Senator WATERS: that's right; so does this government—received $20 million, but the council don't want a pool to go ahead because they're going to have to co-contribute and they haven't budgeted for it, and they're still undertaking a feasibility study to see if it's even a good investment.

So sports rorts 2 is even worse than sports rorts 1. They didn't even develop any guidelines about how public money would be allocated. They made massive promises for unwanted swimming pool infrastructure in marginal seats prior to the election. They talked it up as funding for female change rooms and then barely coughed up any dough for women and women's sport. We know the Prime Minister likes to occasionally remember that women exist, but he's never going to do anything to actually fix their predicament, as this morning's speech at the International Women's Day Breakfast proved.

I also saw this morning that former Liberal leader John Hewson has come out begging for a six-point plan to address transparency and accountability in government. In fact, all of those six points are Greens policies. I hope that this current government listens to its former leader. Chief amongst his asks was the need for a federal corruption watchdog. Sports rorts 1, sports rorts 2, all of the other rorts that we've seen, all of the other fingers in the pies, the vested interests and personal interests being prioritised ahead of the public interest—the list just keeps going on, and public trust in our democracy just keeps going down.

This government have been promising a federal corruption watchdog for 16 months. We've seen absolutely no evidence that there's been any progress, beyond a few weak principles that have been criticised for effectively facilitating ongoing corruption and for allowing cover-ups of ministerial misconduct. The Greens' bill—a bill for a strong corruption watchdog that could do the job, that could actually apply to members of parliament and clean up this corruption that's seemingly so typified by this government—passed the Senate, but the House wouldn't even let that come on for a vote. They are so afraid to have independent scrutiny because, frankly, I reckon they know there are more skeletons in the closet.

This is why the Senate has been insisting on the production of documents. The public deserve to know what's really going on here. Minister Colbeck says, 'We need a bit more time, sorry,' but we all know that we're not going to get those documents because whoever is leading the government in the chamber will say, 'That's public interest immunity,' or 'That's cabinet in confidence.' This government is the most secretive that Australia has ever had, and it's about time that they started realising that that is not only bad for them but bad for the country. We need some integrity in politics. We need a federal corruption watchdog.

Senator RICE (Victoria—Deputy Australian Greens Whip) (09:52): We heard Senator Colbeck turn up this morning and say that they haven't had enough time to get the documents together. It's an interesting contrast between them saying, 'Not enough time, sorry—we've got to go back and scabber away for another fortnight,' and the speed that at which they actually distributed these grants before the election. This so-called Female Facilities and Water Safety Stream program had a budget line, which, amazingly enough, was all allocated before the election and, amazingly enough, the vast proportion of it was allocated in marginal seats. Yet, when they're just being asked to put the documentation on the table as to how these decisions were made and why the money ended up being spent where it was, they say, 'Sorry, we haven't got enough time to get that to you today.' As my colleague Senator Waters has just said, we're not holding our breath. Come 24 February, I am not expecting that we're going to get all that information that we have asked for in this very reasonable order for the production of documents.

This is a problem, because transparency matters. The community and this Senate having that information matters. Transparency matters for accountability. Transparency matters for democracy. In 1883, there was a journalist who wrote:

… there is only one way to get a democracy on its feet … and that is by keeping the public informed about what is going on. There is not a crime … there is not a vice which does not live by secrecy. Get these things out in the open, describe them, attack them, ridicule them in the press, and sooner or later public opinion will sweep them away.

This coalition's political corruption is living on because of the secrecy. We've had sports rorts 1, which they are going out of their way to cover up. We've got sports rorts 2, which we are discussing this morning and which they are going out of their way to cover up. But it's only a small fraction of information that this coalition government wants to keep hidden from the public. The information that we've been asking for, as well as all of the communication that we've asked for in these OPDs this morning, we've been discussing all week. The Gaetjens report, funnily enough, contradicts the very thorough report done by the Auditor-General. The Gaetjens report is what they used to make Minister McKenzie take a fall for a problem that is actually spread across this whole government.

I'm looking forward to having the Senate inquiry—the beginning of our sports rorts inquiry—this afternoon to be able to discuss it with the ANAO and perhaps ask them whether they've got any idea as to why their very
thorough report has apparently been completely disregarded by Phil Gaetjens, who just happens to have been the Prime Minister's chief of staff before his current role. We will get the Gaetjens report eventually and it will show, I'm pretty sure, that the ANAO investigation was much more thorough and much more probing and much more accurate in its assessment of the rampant corruption in the awarding of those grants.

Other information that has not yet come to light, which will be able to be described and attacked and ridiculed in the press, is the legal advice they might have received as to whether the minister actually had the legal authority to allocate those grants at all. Then, of course, we want to see the full list of the grants that were rorted by the minister so that we can see who missed out so the coalition government could use the government's money as its own personal electoral slush fund. That goes across both of these sports rorts schemes. In the first one, they actually had guidelines which they decided they weren't going to follow—guidelines and criteria and a list of recommended projects from Sport Australia that they thought didn't suit their purposes. 'We're going to have a completely separate list to shore up our chances at the election.' In sports rorts 2, there weren't even any guidelines. It was even more blatant. There were no guidelines; it was just: 'Where do we want to spend money in order to try and get the community on side?'

We cannot let this stand. It's the duty of the Senate to hold this government accountable. Odgers sets it out well when it talks about the functions of the Senate. One of the Senate's roles is:

To probe and check the administration of the laws, to keep itself and the public informed, and to insist on ministerial accountability for the government's administration.

So, in refusing to provide this information, in insisting on a cover-up, the coalition is actually undermining democracy a second time. Of course, what we've heard the government say in numerous responses to this is that every party does it. They'll talk about the 1993-94 sports rorts scandal with Ros Kelly. That one featured a whiteboard; this one features the colour-coded spreadsheet. The truth is that the coalition was outraged by that scandal when it occurred. This is how John Howard, at the time the Manager of Opposition Business, described it. He said it was:

... the most appalling political corruption—I repeat, the most appalling political corruption—that I've seen in this parliament over the last 20 years. There has been nothing more pathetically blatant than the behaviour of this minister in handing around taxpayers' money without any trace of responsibility and without any guideline other than the maximum and at all times the total political convenience of the Australian Labor Party.

It sounds a bit familiar, doesn't it? Just swap parties. That was appalling political corruption then and this is appalling political corruption now. It's not good enough to just say, 'Oh, they do it too.' It's not good enough to just talk about another scandal that happened 20 years ago.

Under the female facilities and water safety stream of the program, the largest single grant was $25 million for the Attorney-General's marginal seat. Again, I remind you: this was a program that wasn't even open for applications. We have to reform the system. We have to end the use of grants as slush funds by the major parties to try and boost their election chances. I mean, it isn't just sports rorts or the newly reported sports rorts 2. In fact, under the current lack of rules, under the current corruption that is basically insidious across both major parties, we can look forward to sports rorts 3, sports rorts 4, sports rorts 5—going on indefinitely. It's not just sports, of course. The Regional Jobs and Investment Packages were also investigated by the ANAO, who found the ministerial panel approved only 28 per cent of the applications that had been recommended but approved 17 per cent of the applications that had not been recommended.

We need to reform this system. We need to have an independent anticorruption commission. We need to make sure that we really have the ability to investigate the corruption that is going on. It needs to be an anticorruption commission that's really got teeth, such as the one that the Greens have put forward, such as the one that was in the Greens bill that was passed by this Senate, which we tried to bring on for debate today. We know that different parties have got different priorities and we know that political parties should declare their priorities, and we support that. In fact, if the coalition had specifically announced a program targeting marginal electorates in the lead-up to the election, and that was what they said they were going to the election to do, they would have been within their rights to do that. It would have been upfront and honest: 'Look, we've got a sports program now that's going to specifically target marginal electorates.' But they didn't do that, because there would have been an outcry if they had done that.

Instead, they lied to the Australian people and they told them that there was a level playing field for these grants programs. They lied to volunteers around the country—people who were spending their weekends, their evenings, writing grants; they lied to them. They lied because they said, 'If you spend all this time writing your grant applications, you will get funded.' They have lied to community sporting organisations around the country to make them believe that they've got the equal ability to get a grant when it's just not the case. The coalition government has made sure that there wasn't a level playing field. The coalition government was not engaging in
sporting behaviour of fairness and the ability for different clubs, different teams, to access grants on a level playing field. We have to have the truth about this program and we must hold the government accountable for the lies that they have told the Australian public.

Debate adjourned.

**Order for the Production of Documents**

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (10:02): I table a response in relation to Senate order for production of documents No. 431, moved by Senator Waters and Senator Rice, agreed by the Senate on 11 February 2020. As the Minister representing the Minister for Infrastructure, Transport and Regional Development, I am advised that the government requires more time to prepare a response to this order for production and intends to table its response to the Senate by no later than 3 pm on Monday 24 February 2020.

Senator FARRELL (South Australia) (10:03): I rise to take note of the response—or lack of response, I should say—of Senator Cash in respect of the applications to release these documents. I guess it's pretty interesting to note that months and months and months ago, when the Auditor-General started his investigation into sports rorts 1—I know we're talking here about sports rorts 2—he had no difficulty getting access to all of the documents which the government now seeks to delay tabling before this Senate.

Madam Acting Deputy President Kitching, I think you might have been sitting in the Senate chamber earlier when I was referring to the press release that went out in respect of sports rorts 2. I indicated that, as part of the government's cover-up mentality, spin mentality, lack of transparency, lack of accountability, the press release that had been on the government's website spruiking what we now know to be a fraudulent exercise of rorting and pork-barrelling had disappeared. The government was so proud of this announcement at the time, but, when we went to look it up today, it had disappeared. Well, I can report this to you, Madam Deputy President: somebody in the Prime Minister's office is watching the Senate—it comes as a bit of a surprise that they take any notice of us at all—and guess what? It's back up. It's back on the government's website.

When I spoke on this earlier this morning, about 45 minutes ago, the government, as part of their cover-up, their lack of transparency, their lack of accountability, had taken it off the website, so none of these sports clubs anywhere in the country could look it up and see just how badly they were rorted by this government. But somebody in the Prime Minister's office must have thought: 'Hm, maybe this is not such a good idea. Maybe this looks like a cover-up.' You know what they say about these things: it's not the original act that gets you into trouble; it's the cover-up. Why do we know that? Watergate. Former President Nixon got into trouble for the cover-up, not the original act. Somebody in the Prime Minister's office has been watching and obviously has a little bit of common sense, and they've put that press release back up. The government might say: 'It was there all the time. Senator Farrell was wrong.' But we did take a precaution and we snapped it when it wasn't there. So we can produce some physical evidence, if need be, of the fact that the government had taken it down.

But what this whole exercise, even this morning, shows is that this government doesn't really care for sporting clubs and sporting men and women in this country. In particular, it doesn't care for women's sport, because, if it did, it wouldn't be treating Australians as mugs and wouldn't be treating Australian sports men and women this way. It would be showing them some respect. Everything that the government has done in this whole tawdry saga has exposed the lack of respect it has for sports men and women in this country.

Later on this afternoon—you'll like this one, Madam Acting Deputy President—the new minister is introducing a bill to change the way in which clubs are expected to respond to cheating in sport. They call it the Sport Integrity bill. This bill is intended to say to sports men and women in this country: 'We demand that you improve your integrity. We demand that you apply additional conditions to the way in which you perform your sporting activities because we want integrity in sport.'

**Senator Ciccone:** What a joke!

**Senator FARRELL:** You're dead right—I'll take that interjection. What a joke! This government is not serious about improving integrity in sports for sports men and women, because if it were, it would show some integrity itself and we would have heard from Senator Cash this morning, producing all the documents which the Senate has requested her to do and we would have got the information that the Australian people are demanding.

We will get this information whether the government likes it or not. This afternoon, we start a Senate inquiry into what we'll call sports rorts 1. We'll start that inquiry and—whether they like it or not—the government, ultimately, will be required by the Senate to produce all of this information that they're currently hiding from us, and, more importantly, hiding from the Australian people. We will get to see the list of 400 clubs whose proposals Sport Australia declared were the best in the country. We'll get to see that. We'll get to see the list of the more than 2,000 clubs whose volunteers spent hours preparing and weeks working on these grant applications—we'll get to
see that list of the more than 2,000 clubs who were done in the eye by this government who cheated them. This afternoon, the government are saying to sportspeople: 'We expect you to lift your game. We demand integrity from you.' But the government themselves show no integrity. There is nothing that relates to integrity about this government.

As I say, bit by bit, drip by drip, we will get this information, and the Australian people will see just how dishonest this government have been in the awarding of these grants. People will see just how dishonestly the government have treated all of these clubs right around the country in relation to their applications and all the hard work that people have done. They'll ultimately see that the government are not interested in sportsmen and sportswomen, not interested in the clubs that so many people work for and volunteer for, and not interested in improving sporting arrangements in this country. The government are only interested in one thing and one thing alone: getting themselves re-elected. This whole system was biased against the sporting clubs, who thought they were on a level playing field, that this was honest and that, if they did the right thing and their applications were the best, they would be rewarded with better sporting facilities. That simply did not happen on this occasion.

The government simply said: 'Okay, where do we need to win a seat? Here's $500,000'. And, if you had a terrific proposal in a safe Labor seat or, for that matter, a safe Liberal seat, you never had a chance. I've heard what the Prime Minister has said, and one of his other defences is: 'We actually increased the number of grants that went to Labor seats'. Well, that may or may not be true; I'm not sure whether it is. But we do know that, where the government did put money into a Labor seat, it was on the border of one of the marginal seats that they were trying to win—so at least 50 per cent of the sporting participants in that particular club would have lived in the marginal seat that the government was trying to win. So even there they can't be honest with the Australian people. Even there they can't say to the Australian people: 'Yes, we rorted that as well'.

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (10:13): I move:

That the Senate take note of the explanation.

The explanation has been given, this time, by Minister Cash representing then Minister McCormack, who was the responsible minister at the time of these pre-election sports rorts 2 grants. And what do you know? The dog ate Minister McCormack's homework as well as Minister Colbeck's homework! It seems they've got quite a bevy of canines eating all of these very revealing documents that they are desperate for nobody to see. Once again, they've asked for more time, and, once again, we're expecting that when that time comes, we will be told that: 'Actually no; sorry, you can't have those documents because they are deeply embarrassing to our government.' This is what we saw happen yesterday with the Senate's request for the Gaetjens report, the report which somehow magically found that there was nothing to see, and that there had been no sports rorts—even though the independent Auditor-General said clearly this was a massive rort. Those are my words, not his, but they were the implications of the findings of that report.

So here we are again. The Senate is begging the government to show some transparency, to show some guts and to have some decency, but the government actually doesn't have the standards, the moral compass, to say, 'We're going to put these documents in the public domain.' The Senate is forcing the government to reveal these documents and the government's not even coming at that request. So here we are again, a government in complete disarray, rort after rort piling up, and they're desperately trying to pull up the shutters and hope that somehow they can protect themselves from actual scrutiny, but it's not working.

As I said before, we asked for these documents because we actually want to get to the bottom of sports rorts number 2. We already know that in sports rorts number 1 guidelines were ignored, money was dished out and there was a colour coded spreadsheet for which marginal seat would get which grant to shore up this government's flailing political stocks. With sports rorts 2, there weren't even any guidelines at all; the government just hand-picked where that money was going to go, sometimes against the wishes of the local councils in those areas. We have sought documents to examine: did anybody advise the government? Did our frank and fearless public service do their job and say, 'You really should have some guidelines?' We are confident that the department would have issued such advice, and the public deserve to see whether this government simply, once again, ignored that frank and fearless advice. But we'll have to wait and see whether we get that material. Don't hold your breath, folks.

We also wanted to know what the communications were between outgoing Minister McCormack, who was responsible for this program at the time, pre-election, and incoming Minister Colbeck, who is now responsible for the administration of this program. We want to know what they said to each other about how on earth they were going to explain this second instalment of sports rorts. How can they possibly explain the dishing out of public money in marginal seats, right before an election, with no guidelines, with no application process and with a purported focus on female sports change room facilities that actually just ended up being swimming pools in coalition seats? That correspondence would be very interesting indeed, and no doubt that's why the government
has asked for more time. It's also, no doubt, why they will eventually say, 'Oh, that's cabinet in confidence,' or, 'That public interest immunity,' as we saw happen earlier in the week.

The other thing that we asked was: was there any correspondence about deciding who would be asked to apply for this unsought public largess for swimming pools in marginal seats? We want to know: is there another colour coded spreadsheet that dictates where this public money is going to go for political purposes? In sports rorts 1, it was leaked to the media that the Prime Minister's office played an integral role in directing where that money would go, despite the fact that then Minister McKenzie took the fall for that decision. We've asked this time around: what role did the Prime Minister or his office have in this sports rorts 2 saga? We know he was there, grinning like he does, announcing this money. Did he, in fact, hand-pick where this money was going to go? We know a fish rots from the top. We saw that the Prime Minister was implicated in sports rorts 1. We want to know if he's behind sports rorts 2 as well. That's another reason why we are not expecting to see those documents provided by this government, which does not know how to govern in a transparent or accountable way.

Here we are again. The Senate is doing the government's job for it—trying to insist on some standards of transparency and accountability and the disclosure of important documents, and the government is once again trying to say: 'That's the Canberra bubble. There's nothing to see. This was all about women having somewhere to get changed to play sport.' I wish it had been, but we know 13 per cent of that money ended up actually going to women's change rooms and 60 per cent of it went to swimming pools in coalition seats.

It's not just the Greens and the opposition crossbench and the Australian public that are outraged by this. In fact, former Liberal leader John Hewson has also had a lot to say about sports rorts 1 and 2. In the papers this morning he says:

Voters, certainly, are sick to death of it. The National Party carries on, seeing such programs as slush funds for the Nationals' interest, not the national interest, blithely disregarding the erosion of their standing in regional Australia.

He finishes by saying:

Being elected to politics is not a ticket to put your snout in the funding trough.

Never has a truer word been spoken, but I wonder if the current Liberal leadership team will actually listen to the wise words of their former party leader on the need for integrity. Again, don't hold your breath, folks.

But we have seen very interesting political intervention by the new Nationals deputy leader. David Littleproud has conceded that the partisan allocation of projects by party representation in marginal seats is 'not the best way to do it,' despite the fact that the Prime Minister has repeatedly defended the program. It's all very politically interesting—the dynamics between the coalition. And we're all watching with horror at the way the parties are eating themselves up, because this parliament should be dealing with real issues that affect and assist every day Australians. But these guys are too busy fighting amongst themselves to get anything done. They didn't have a policy platform before the election; they just dished out public funds for swimming pools, desperate to buy some credibility and buy some support, and now they're eating themselves up.

A former Sports Commission employee and sports policy historian, Mr Greg Blood, has said

My concern is that election-funding announcements are bypassing the need for evidence-based decision-making in regards to community sport facilities. … Funding facilities without an assessment of need is unlikely to provide optimal outcomes.

That's a very measured way of describing the fact that this money was not sought, that there was no application process, that there were no guidelines. It was just a $150 million slush fund for this government to buy their way back into government. They tried to say that it was for women. What a surprise that women didn't end up getting almost any of the money! Fourteen per cent is all they got. And the whole sorry saga just continues to roll on.

Here we have the Senate, once again, trying to insist on some very basic standards of accountable government and, once again, this government's refusing to oblige. I think it thinks it's getting away with it, but the sentiment out there in the community is that they are fed up with this government being so self-invested. They are fed up with vested interests running this government. They're fed up with the government caring more about themselves and who's running their bunch of people than actually dealing with the issues that ordinary Australians are struggling with. The community wants better funding for schools and hospitals. They want clean energy. They want an increase in Newstart. The Prime Minister can find $150 million for swimming pools but he can't find any money to actually help people—to reduce out-of-pocket school fees for people at public schools, to increase Newstart. The priorities of this government are just hideous and they continue to be exposed on rort after rort. Well, the public have absolutely had it with this government, and we here at the Greens cannot wait for the next election. This kind of conduct deserves to be roundly meted out with condemnation to the opposition benches for hopefully a very, very long time.

Senator RICE (Victoria—Deputy Australian Greens Whip) (10:23): We've heard Senator Cash again denying the Senate the information that we need to see, denying the Australian public the information that we need to see,
which would shine a spotlight on what's been going on in the corrupt practices of this government. We need to see this information so the Australian public can see the extent of the rorting, the corruption, the attempt to buy seats at the last election that really occurred. Similarly, we've been told that the government just need more time to get their information together. I'm not holding my breath that we'll actually see the information. Maybe we'll be surprised, in which case that would be great, but I do not expect that we're going to see the detail of that information come in a fortnight's time.

This is important. When people look at governments around the world they are rightly critical of governments and of parties and of underperforming democracies or other underperforming political systems where they see elections being bought, where they see corruption going on. The Australian public don't like to believe that that's the case here. The Australian public actually want to believe that our democracy is pretty fair—that decisions do get made on an accountable, transparent, fair basis and that elections aren't bought. Yet the evidence that we are waiting on today and the stink of what is going on today show that we are just as susceptible here in Australia as those under some of the other governments around the world which are clearly corrupt. That's not how it should be. It's not what the Australian public have signed up for. They want to see elections being carried out on a completely level playing field. They don't want to see votes being bought, whether it's by these sporting programs or whether it's by massive donations such as those made by Clive Palmer to try to buy the election for this government.

This is of critical importance. It's why we need to have an anticorruption watchdog: to actually be able to uncover these sorts of nefarious activities. As to this $150 million female facilities and water safety program that we are not, as yet, getting information about: what we know about it is that it was announced in the 2019 budget. There was the expectation—from sports people and from local governments and other organisations that run sporting facilities around the country—that there was going to be a grant application process. You'd think that would've been a sensible way of going, in order to be able to assess one application against another, to see what would be the best use of scarce taxpayers' funds, scarce government funds. So it is announced in the 2019 budget, and then we find that, suddenly, two months before the election, there is this flurry of grants being announced—just so that those voters, particularly in those marginal seats, could ostensibly be impressed and say, 'Oh look—the government's delivering me a pool, so I've got to vote for them!'

The analysis of where this money was spent is really telling. There was 58.5 per cent that was spent in marginal seats, and, when you add in other seats that the government was trying to hang on to—in particular, Kooyong and Farrer—that rises to 73 per cent. This, I repeat, was without any application process; it was just largesse that was put into those seats. In total, $111 million out of $150 million was spent in marginal seats.

We have talked about what the facilities were that went to the beneficiaries of this money, but I just want to lay them out, because it really tells the story. We've got the biggest grant, $25 million, being spent on the Ellenbrook pool in the marginal seat of Pearce. Then we have the marginal seat of Corangamite, which, in the end, was lost by Sarah Henderson, but the government was going all out to try and maintain that seat for the government: $20 million was spent on a pool in Torquay; $10 million was spent on the Bellarine aquatic centre. It wasn't because the community was actually saying: 'These are the projects that we must have.' No. It was because of the sense that these would be big, splashy projects that they could announce, to get in the headlines and encourage people to vote for the Liberal Party. We had $20 million spent on the South Perth aquatic centre. Another half a million dollars was spent at the Broulee surf club in the seat of Gilmore, which Warren Mundine was trying to win. Then of course we had the situation of the tidal pool at Port Macquarie where the local council didn't even know about the application. It wasn't a priority of the council. It was actually a small group of residents who thought this was a good idea. And that small group of residents, when they heard they'd got the funding, didn't even know about it. I mean, this isn't good, accountable, transparent decision-making. This is just throwing money randomly, wildly, at marginal seats to try and win votes.

What I want to focus on now is this. The people and the communities that got this money and these facilities are not going to complain about it, because no-one actually complains about that; they say: 'All right. We've got $20 million for a pool. Well, that's nice. Why not. Let's have a new pool.' What I want to talk about is the communities that missed out. Sadly, they are the communities that have often been missing out for years—for decades. They are often also the communities where you have people that could really benefit from investment in community infrastructure.

I grew up in the western suburbs of Melbourne. They are safe Labor seats. For my whole life they've been safe Labor seats. I was a councillor in the City of Maribyrnong. It was in the electorate of Gellibrand, which is one of the safest Labor seats in the country. When I talk to my neighbours and my community, they are resigned to the fact that they know that this is what's going on. They know that as people who live in safe Labor seats—it's the same, in fact, if you live in a safe National Party seat—they are never going to be the focus of suddenly having
$20 million thrown at them for a pool. They know that and are resigned to that fact: ‘Oh well, we live in a safe Labor seat. We're going to get nothing.’ This isn't how it should be. It is corrupt. It is really corrupt decision-making, but that is the case.

Before I was on Maribyrnong council I was one of the key organisers of the campaign to save the Footscray pool. Footscray has been a wonderful diverse community for all of its life. It's got a huge socioeconomic mix, with a lot of people who are really struggling. The Footscray pool was a really important community facility, but could we get any money from the state or federal governments to try to upgrade this pool? We got a pitance from the state government and absolutely nothing from the federal government of the time. Sadly, the Footscray pool ended up closing and the land being sold off. The only way that council could see its way to maintaining an aquatic facility in Maribyrnong was to do a dodgy deal with the private sector to sell off a bit of public land to get some money from Sussan Corporation, who ran Highpoint Shopping Centre, and build the pool next to Highpoint. It was seen as being a win-win, because Sussan got this new attractor of lots of people right next to Highpoint Shopping Centre, but it was not the right option, and it was an option that the council was forced into only because there was no money available from the state and federal governments to invest in an aquatic centre in a region that desperately needed it.

It's the same in the case of the outer western suburbs and the outer south-eastern suburbs—suburbs like Dandenong and Springvale—which just don't have $20 million thrown at them. It's not right. It's not the way that we should be allocating precious government money.

I am hoping that at the end of this process, this saga of uncovering all the corruption that's going on under sports rorts 1 and 2, there will be a realisation that this is got to end. Not only do we need an anticorruption watchdog with teeth, but we need to completely reform and reconsider how these grants projects work. We've actually got an example of a grant allocation funding mechanism that works really well. It's the Australia Council, which gives out money to arts projects. The problem with the Australia Council is that it doesn't have enough money to give out, but, basically, the arts organisations know that it has a fair and objective funding process and that if you put your applications in and they meet the criteria they'll get funded. That's the sort of process that we need so that we can have objective decision-making, with projects being assessed against criteria to get rid of this rorting, to get rid of this buying of votes, to get rid of this corruption in the system. I call upon both the Labor and Liberal parties to join the Greens in actually working for the community in this way rather than working for their own perverse electoral interests.

Question agreed to.

MINISTERIAL STATEMENTS
Closing the Gap

Consideration resumed of the motion:
That the Senate take note of the document.

Senator LINES (Western Australia—Deputy President and Chair of Committees) (10:34): I rise today to make a contribution on the Closing the Gap report. Today I am speaking with my granddaughter Charlee in mind. Charlee is 15 years old, with plenty of expectation about her future. She wants to do environmental science at university; sometimes she wants to study at ANU, here in Canberra. Her friend Mona wants her to travel to Germany and study there with her. And sometimes Charlee dreams about buying a van and travelling around Australia.

Charlee is Gija from Warmun in the Kimberley and comes from a family torn apart by the harsh policies of the past, a past where children were stolen from their families and placed in institutions. Her maternal grandmother grew up on the fringes of Geraldton in substandard housing—a very small house with dirt floors—on what was then called the 'native reserve'. Charlee carries the intergenerational trauma experienced by the stolen generations, and perpetuated in policies and government decisions which disproportionately disadvantage First Nations people. Charlee's first experience of racism was in a supermarket queue, where her grandmother's bag was searched. They were the only First Nations people in the queue, and no-one else had their bags searched. Charlee remembers this, and she remembers it as racism. Charlee was about eight years old.

Despite all of this, like all children and young adults, Charlee has expectations about her success and her future, so I was appalled to hear our Prime Minister say that Charlee, as an Indigenous child, should have the same expectations as non-Aboriginal children. Believe me, Charlee does. It's not about Charlee's expectations; it's about our attitudes and policy decisions, the decisions that we take, that continue to disadvantage First Nations people. As Senator Wong said in her contribution yesterday, non-First Nations people have a gap to close as well.
I'm reminded of an opinion piece written by Linda Burney, the member for Barton, about Australia Day. She said:

... 26 January is a reminder, not only of the dispossession and injustice, but also our strength and survival as a people and as a culture.

Linda went on to say:

Surely it is possible for us to learn, not only about the view from the boats that arrived, but the view from those on shore whose way of life changed forever.

So it is time for us to put ourselves into the shoes of First Nations people and look at that view. That's the view we should be looking at.

It is about listening and acting on the solutions First Nations people put forward. It's not about doing it our way, it not about doing it in the way we've done it in the past; it is about doing it in the way that First Nations people ask for and about doing it differently with proper, long-term funding commitments.

In WA over the past two years I have been listening to First Nations women. So far we've held two forums: one in Perth and one more recently in Roebourne. We've had about 300 women come to those forums. They've never been asked for their opinions. They've never sat in a room with politicians who can be decision-makers, who've said to them, 'I'm here to listen to you.' I'm really honoured that both Senator Malalndirri McCarthy and Ms Linda Burney came to those forums as ambassadors, and you could see the pride in the eyes of the women to know that they have two Labor women politicians representing them in Canberra.

I looked at some of the targets that hadn't been met and I looked at what the First Nations women were telling us in Perth and in Roebourne. They had very different views. In relation to the gap in mortality rates, women said healthcare professionals need to undergo training to ensure they're using suitable language and have the cultural knowledge to treat Aboriginal patients. They talked about a health literacy program that is culturally appropriate, locally set up and delivered to ensure Aboriginal people of all ages understand healthy living. They talked about ngangkaris and, sadly, they also talked about the absolute racism they experience when they go to a hospital or go to a doctor. They described to me the framework. They say they're seen as: 'Oh, here comes an Aboriginal person who must be drunk.' We saw the shameful contribution of a senator in this place yesterday who simply took a blanket approach. So that's what they experience from doctors and health professionals when they go to hospitals. Is it any wonder then that they don't go to hospitals, that they don't visit doctors? They're saying: this is the change we need in our healthcare system.

On closing the gap in Indigenous literacy, the women said, 'We want to see a curriculum that's comprehensive, that has appropriate cultural learning programs.' That use of appropriate cultural learning, cultural ways and cultural practices came up over and over again throughout the day. We want to see it led by people from their own communities, and they believe this would break the stigma and bring forward a better cultural understanding. They want to see schools adopt a process of two-way learning—learning that teaches Aboriginal kids how to operate in a Western society, while still maintaining a strong sense of pride in their heritage.

Over and again First Nations women told us they want to see their languages taught in school, and they're frustrated and simply do not understand why in a remote community their children are presented with the option of learning Indonesian but not their own language. I've got to say, when you hear First Nations women say that, you just shake your head because it doesn't make any sense. Yes, offer Indonesian, of course, but offer the local language as well.

On school attendance rates, there were very strong opinions around how we could change this. They want to see community members working as Aboriginal liaison officers to check the attendance of students and communicate with families. They also want to see these liaison officers help carers navigate the system, navigate the enrolment forms, which are always in English—which is often a second language—and make the process of enrolment easier, to find birth certificates and get immunisation records to make sure that kids are in school.

They also want to see flexible uniform arrangements to stop their kids being kicked out of class over and over again. It is quite unacceptable in the public school system that kids are refused excursions and other activities because they don't have a uniform. So they want to be able to negotiate that at the local school level. These are not radical changes; these are simple changes that have been put forward by women over and over again at these forums. These are the sorts of changes we need to make.

On attendance at early childhood centres, the women said that they want their elders and local community leaders in the room because they believe they're best equipped to teach their language and they should be allowed to lead lessons. Of course they're often barred, because of their own lack of English literacy—their own lack of ability to read and write in English. The women were very clear that they should not be disadvantaged and kept out of the classroom because they don't meet a standard that really doesn't apply to them.
I do worry when I hear the government say it wants partnerships and for First Nations people to lead. We saw in the last government Minister Scullion say that in future Aboriginal organisations would lead the failed community development program—so no ability to make change, no ability to stop people being breached and being without money; just clad the program with an Aboriginal organisation so you can tick that box or say, 'That's being Aboriginal-run,' but no ability to change the program. That program continues today, and we know the disadvantage that it has brought particularly to First Nations people across this country.

The cashless debit card: no-one except the government—there's not an academic in this country who believes the cashless debit card is a good way to go. The government now wants to roll it out across Cape York and the Northern Territory. It is racist, it disadvantages people and it doesn't work. If we are about Aboriginal people leading, we would not have those two programs.

One of the other aspects the Prime Minister talked about yesterday was domestic violence. What did we see last year? We saw the National Family Violence Prevention Legal Service Forum, a forum for First Nations women, lose its funding. I despair. I see the Morrison government talking the talk but certainly not walking the walk. The solutions are out there. I've given just a glimpse of some of the solutions that have been given to me, Senator McCarthy and Ms Linda Burney. What I saw yesterday in the delivery of the Closing the Gap speech by our Prime Minister was no action. This is not a government that truly wants to close the gap. All Australians demand and deserve better.

Senator McDonald (Queensland) (10:46): Yesterday the Prime Minister made a statement on closing the gap for Aboriginal Australia. As I listen to senators speak, it is difficult to reconcile the words of Labor and Greens senators with the views of the thousands of Australians I speak to and hear from—Australians who are frustrated at the ongoing disadvantage and poverty, the appalling conditions and the lack of safety in the most remote Indigenous communities. The riots in Doomadgee, where hundreds of people were forced to flee into the bush, have already slipped from national attention. Australians do care that billions of dollars of taxpayers' money are spent each year, yet progress on improving the lives of these individuals remains elusive.

These senators have spoken as if there is some magic and silver bullet that is being willingly withheld by government, as if Australians are unmoved and somehow complicit in this terrible conspiracy. This is just not true. There can be no doubt that there remains much to be done in regional and remote Queensland for poor communities. The idea of providing greater determination in decision-making and outcomes accountability to local Indigenous people is a great initiative of this government. What is true is that the politicising, the personal attacks, the vitriol of Twitter and the nasty words of senators opposite trying to undermine Minister Ken Wyatt will not help one Aboriginal kid's or family's future.

I speak to Queensland service providers on the ground in Cairns, like Anglicare, where CEO Ian Roberts talks about kids trying to study but having to care for siblings and about overcrowded houses, where adults are not ensuring that these kids are in a safe environment, much less one that is supportive for studying; in Townsville, like the Yumba Meta Housing Association, who are teaching kids to get up to go to school and to first jobs; and in Brisbane, like Deadly Choices, who have terrific ambassadors like Steve Renouf and are providing really positive changes through health education and making great gains in their community. Not one of these groups has said to me, 'We could help another child, another family, if we had more politicians in Canberra or more money.' It is, as the Prime Minister talked about, having greater involvement of people in the communities, making decisions. The work of Minister Ken Wyatt—who has enormous respect and support for the work he does in this parliament—Senator Pat Dodson, Senator Malanirdri McCarthy and members in the other place is providing more diverse solutions to the opportunities and problems we have in Australia, not least Aboriginal community health and wellbeing.

I recall the Press Club address given by Noel Pearson in 2008, in Brisbane, where he spoke about the challenges for Indigenous communities being made of poverty, not of race. I listened carefully when in 2013 Warren Mundine, as a member of the Uranium Implementation Committee, talked of the development of microbusinesses in Indigenous communities to provide genuine opportunity. There is the desperate desire of the Greens to turn Australia into a coffee shop to the world. A nation of baristas on casual wages with no secure financial future should alarm every Australian, because it is only with real opportunity for work, for purpose and for self-worth that any Australian can thrive. In Queensland those opportunities are being denied by the Queensland state Labor government in their policies right now with their determination not to allow genuine opportunity in the Channel Country and the Cape through pristine rivers legislation, and the lack of attention to great projects like the Kowanyama irrigation project, Collinsville coal-fired power station and the powerful Indigenous Bidura residential project—all projects run and operated by Indigenous Australians.

Today I want to highlight two outstanding people that provide inspiration and hope to me. One is a young man I met recently by the name of Injarra Harbour, from the western Queensland town of Winton. The other is Keelen
Mailman from Augathella, again in Queensland. Injarra is the first Indigenous school captain of Nudgee College in Brisbane. Like many regional bush kids, me included, Injarra had to leave his community to attend boarding school to further his education and development, and to say he has flourished in that environment is an understatement. He attends Nudgee thanks to a scholarship provided by the Australian Indigenous Education Foundation, which awarded 450 similar packages to other kids last year alone.

The Australian Indigenous Education Foundation was established in 2008 to help Indigenous students complete year 12 or tertiary studies and to provide employment support after they graduate. At a time when 66 per cent of young Indigenous adults have attained year 12 certificates or better, recipients of AIEF scholarships have a year 12 completion rate of 92 per cent. From Borroloula to Warmambool, this program is genuinely closing the gap for regional kids and changing lives thanks to support from the federal government as well as some of the country's largest corporations. Seeing Injarra develop into a confident young leader is proof of this commitment to closing the gap for many who contribute to this program and that opportunity is possible no matter where you live. I want to give a shout-out to the community of young men at Nudgee who voted Injarra in as school captain; what a terrific group they are.

We all know that a good education and, importantly, support at home for a good education are key to success later in life. Indeed, one of the criteria for winning an AIEF scholarship is that a student's parents or guardians must demonstrate support for it. This means closing education gaps for Indigenous kids requires buy-in from Indigenous families themselves, and this has been acknowledged by Aboriginal advocates as the most effective way forward.

I would also like to speak about Keelen Mailman, a Bidjara woman from Mount Tabor station at Augathella, which is 650 kilometres north-west of Brisbane. Keelen is a foster mum, a cattle station manager and author and this year received an Australia Day award for significant service to the Indigenous community of Queensland. This is on top of being named Barnados Mother of the Year 2016 and being a finalist for Queensland Australian of the Year in 2007.

Keelen is working hard on a terrific project to take first-time offenders on country rather than them entering the juvenile detention system. Her idea for a healing centre for Indigenous kids was awarded a $500,000 grant from the Queensland state government. However, that money has disappeared, and once again a genuine and positive opportunity for a terrific Indigenous project is stalled. I should clarify: when I say disappeared, I mean the Queensland state government. However, that money has disappeared, and once again a genuine and positive opportunity for a terrific Indigenous project is stalled. I should clarify: when I say disappeared, I mean the Queensland state government has now removed it from the budget, and the project cannot go ahead.

At a time when we're closing the gap and it is in such stark relief, it would be remiss of the Queensland government to ignore this initiative, especially when it is proposed by somebody who has a proven record of effective and sincere care for Australian young people. The 2020 progress report on Closing the Gap shows that, while there's been progress against almost every measure, it has not been enough. Some positives, though, are that Indigenous mothers are attending antenatal care earlier and more frequently, and fewer are smoking during pregnancy. From 2006 to 2018, Indigenous age-standardised mortality rates improved by almost 10 per cent, and since 2016 the number of Indigenous four-year-olds enrolled in early childhood has increased by almost 10 percentage points. Literacy and numeracy outcomes for Aboriginal and Torres Strait Islander students have improved, more Aboriginal and Torres Strait Islander children are staying in school for longer and more Aboriginal and Torres Strait Islander people have year 12 or equivalent qualifications. Through the $200 million Indigenous youth education package, more Indigenous students are getting the support and mentoring they need through their secondary studies. In 2020, over 20,000 students will be supported by the package.

There is still more work to do, but we don't have to look far to see cause for hope in the inspirational achievements of people like Injarra Harbour and Keelen Mailman. I congratulate them on their successes and wish them well for the future. As for us, I wish us a greater sense of collegiality. I wish for us a greater sense of purpose and a shared commitment to genuinely improving the lives of individuals who right now are missing out on opportunities that should be available to every Australian.

But to hear the words from Labor, from the Greens and, in some cases, One Nation are not helpful. They provide for a greater divide, a less unified purpose, on what is a seriously important issue, particularly for those of us who live in regional and remote Australia.

**Senator PRATT (Western Australia) (10:56):** I begin this speech on the 12th anniversary of the first tabling of the *Closing the gap report* by acknowledging that today we have this debate on the land of the Ngunawal and Ngambri peoples and that it was, is and always will be Indigenous land. It has been a great delight, and important, that in the 12 years since the *Closing the gap report* was first tabled, that in this place we do an Indigenous acknowledgement of country each morning.
I also want to acknowledge the important influence and leadership of my First Nations colleagues and fellow parliamentarians Linda Burney MP, Ken Wyatt MP and my good friend Senator Malanndirirri McCarthy, Senator Patrick Dodson and Senator Jacqui Lambie. I want to highlight what a radical difference it makes to have colleagues who bring their own experiences into these debates. It means that the nature of our debates suddenly becomes a lot more legitimate in the way we engage with them.

I want to give a shout-out to my very good friend Josie Farrer MLA, who is the member for the Kimberley region in the parliament of Western Australia. I think it can at times be really difficult not just for First Nations MPs but also for other MPs who have large populations of First Nations people to bring their voice into parliament. It can be such a disparate experience from other Australians that they have to work twice as hard sometimes to have people really understand the needs of First Nations communities. So I really want to commend the work that my colleagues do in this regard. And I personally undertake to do all I can. I take inspiration from, for example, what Senator Sue Lines has done in the forums she has held with First Nations women.

The Closing the gap report was tabled to hold the government to account in achieving equality for Aboriginal and Torres Strait Islander people in health and life expectancy within a generation. It is unfortunate to see that the report outcomes demonstrate that our policies have again fallen short. We're not on track for five of the seven targets and, in fact, the time when we said we would achieve those targets has long since past, let alone falling behind being on track. Unfortunately, child mortality rates have fallen further behind their non-Indigenous counterparts, highlighting that the gap has actually widened since 2008. While school attendance rates have improved they've also stagnated for the past five years, and there has been no progress at all in life expectancy in the last 12 years. The two targets that were reached—the four-year-olds enrolled in preschool and the number of year 12s graduating—are, unfortunately, also the same as last year.

We've been hearing that these are lofty targets, but I have to say that they're not and that they shouldn't be. They're not too ambitious. I think the problem isn't really to do with the aspiration but with the execution. As Senator McCarthy put it yesterday, we can't step past punitive, top-down policies such as the cashless debit card and the CDP, which actually undermine directly our attempts to better outcomes in the other target areas. Low incomes and punitive policies like these, where government exercises such extreme control over people's lives when they're already living in poverty, mean that these outcomes are simply not surprising.

I would really like to call on the government and say that it shouldn't be refreshing an approach which is clearly failing. We shouldn't be here lamenting bitterly our shortcomings while every year sticking to the same broken system. I join with Anthony Albanese in his call for urgency in addressing these issues. First Nations Australians should have the power to direct their own futures. There needs to be a referendum, and First Nations people need to be recognised in our Constitution—and have a clear voice here in our parliament.

I've been reflecting on this in recent days as part of this debate, and it's very clear to me that a voice in this parliament is not a difficult thing to achieve. We have many external agencies and institutions that have formal engagement with this parliament in appearing before committees. There are oversight committees and there are committees that have particular relationships with different agencies to make sure there is good to and fro between the parliament and the issues before those agencies. It shouldn't be that difficult to take, for example, a body that Minister Wyatt is working on at the moment which has a voice to government, but also to make sure that that voice is reflected in our parliament so that we can actually hold the government to account for their response to First Nations voices and advocacy.

We really have to move past hurtful policies, such as the cashless debit card and CDP, which have entrenched First Nations people in poverty in many regions. I'm sure that a future First Nations voice will be very firm in its advocacy in this regard. But I acknowledge also that a First Nations voice is very much about listening to the diversity of First Nations voices and communities around our nation. Given the results that were revealed in the Closing the gap report 2019, government really needs to say: 'We don't know better than First Nations communities. We never knew better.'

First Nations people are the oldest continuing culture in the world; we need to stop these paternalistic policies. In my experience, First Nations culture is something to be cherished and learnt from. I'm really privileged, I think, to be an Australian. That means I have access to Indigenous culture and that I'm invited to share in many cultural traditions. It is at the heart of our culture, as a nation.

I would like to place on record the need for us to get behind and commit ourselves as a parliament to bring agency to the Uluru statement. It's really not a great thing for the government to have mandated a process to bring people together through the Uluru Statement of the Heart, to build that hope and then to turn away from the very things that they asked for—for makarrata, for truth-telling, for a voice and for recognition in our Constitution. It's time to stop telling ourselves these comforting fictions about our history and to embrace what we see in our nation
as the rich and, yes, at times, the uncomfortable past that we have. There are a multitude of issues which are not addressed in the Closing the gap report 2019, like the fact that Indigenous children are over 10 times more likely to live in out-of-home care than non-Indigenous children, that 25 per cent of Indigenous people experience homelessness and that 25 per cent of those people are children.

When we reflect on these issues—and I've listened to the debate over the last couple of days—I'm concerned about the way some members of this place create stigma and reflect on poor parenting without actually reflecting on the intergenerational trauma and the kinds of experiences that families can have which make both parents and children vulnerable. I call on members of this place to really think about how they present those issues. Of course our children can and must be prioritised, but it won't actually get us anywhere if we continue this kind of blame game within First Nations cultures. We need to learn that the way forward is to listen to the voice of our First Nations Australians.

The success that we have seen in improving outcomes has been led by First Nations organisations and cultural leadership. This success is not in prescriptive and constraining policies, but in Aboriginal controlled community health, housing, child support, legal and family violence prevention services across the nation. It's been a great privilege for me to work with many of those—to listen to them and then to work to support them in their goals and aspirations. They are the ones who should be defining targets and the mode in which we achieve them.

If we don't change and update the way we approach these issues we're not going to see the outcomes that we want to see in health, education, housing and life expectancy. We won't reinvent Australia as the reconciled nation that we truly want to be and which has the true joy and appreciation for our First Nations culture that lies at our very heart.

Question agreed to.

BILLS

Treasury Laws Amendment (Recovering Unpaid Superannuation) Bill 2019

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator CHANDLER (Tasmania) (11:09): I'm very pleased today to speak in support of yet another piece of legislation, the Treasury Laws Amendment (Recovering Unpaid Superannuation) Bill 2019, that the Morrison government has brought forward to ensure that the superannuation contributions that Australian workers earn are working in their interests and growing their retirement incomes. Over the past year, the Morrison coalition government has taken strong action to protect Australians' compulsory superannuation and ensure they're paid the superannuation they're due. We know that putting a portion of your income from your pay packet away every fortnight is an important sacrifice, and we have a duty to ensure that when we're locking away a portion of people's income as we are that that superannuation is well looked after by funds. Indeed, late last year the parliament passed the Treasury Laws Amendment (Putting Members' Interests First) Bill, an important piece of reform which prevents young superannuation scheme members and those with low balances from having those balances eroded by fees for insurance products that they may not necessarily require.

As a younger person myself, I have relatively recent experience of setting up superannuation accounts and trying to keep track of where my super is, of having a number of different accounts with different funds, of having fees taken out at a rapid pace each year and of finding myself with not much in those multiple superannuation accounts at the end of the day. It can be confusing and time consuming to understand what is happening with superannuation balances that younger people such as myself may have from various casual or part-time jobs they might have had while studying or starting out in the workforce for the first time. So I think it is really important that we as a government are taking action on things like this, to ensure that superannuation is a transparent investment, that it is an accountable investment and that the hard-earned wages of workers are well looked after by funds. The putting the interests of members first bill I referred to earlier was, I think, aptly named, because we really are putting the interests of superannuation fund members—workers—first. I will get to that a little later, reflecting on some of Labor's contributions to the debate on this bill.

With over 15.6 million Australians with a superannuation account and around $2.9 trillion worth of superannuation savings, making our superannuation system work for members is part of the government's plan for a stronger economy and, quite frankly, is just a good idea. So I'm very pleased legislation that passed the parliament last year will prevent younger people, in particular, from being taken for a ride by super funds locking them into insurance products that they don't need. And further to that, the last parliament passed a package of
government legislation to ensure employers can no longer hide from their obligations to pay employees their full superannuation entitlements, which brings us to the bill that is in front of us today.

The ATO has previously found that around five per cent of compulsory superannuation obligations go unpaid. In financial year 2015-16 that amounted to around $2.8 billion of workers' money which should have been paid into their superannuation accounts and, hopefully, grow over time but didn't. The laws that passed the parliament early last year gave the ATO the tools it needs to detect future noncompliance and punish employers appropriately, including, where necessary, criminal sanctions for the worst cases of offending in this area.

On some occasions, superannuation guarantee underpayment is deliberate. That's why the government have taken strong action, not only to detect this occurring but to put in place very serious sanctions for employers engaging in that behaviour. That is why it is quite disappointing to hear from the Labor Party that they don't think we are necessarily being as tough as we could be in this arena. On the contrary, the legislation that we have put in place will ensure that Australian workers are paid their correct dues in superannuation.

But we also recognise that there may also be inadvertent mistakes made when paying superannuation as the result of, say, poor payment systems or in a stressed business situation. There are some instances where underpayment is accidental. Regardless of the motivation, in all cases it's the employees who will miss out if their employer hasn't been paying all of their super. Because of the recent actions taken by the government, new visibility into payment of superannuation guarantees, combined with serious financial and legal consequences for noncompliance, will all but eliminate future nonpayment, and this is a fantastic thing for Australians.

The bill that we're debating today will provide a pathway to recover previous nonpayment and incentivise employers who have underpaid in the past to come forward and make good what they owe to their employees. It's not about giving anyone a free pass; what this bill will do is ensure that employees who might have been underpaid in terms of superannuation by their employers in the past can be reunited with their superannuation guarantee.

There have been some, quite frankly, puzzling contributions from Labor on this bill—the party previously known as the party of workers. I'd just like to reflect on some of the things that they've said this week: 'Safe and secure superannuation is important to the wellbeing of all Australians,' one senator contributed. Well, if this is the case, then why don't Labor support the thousands and thousands of workers not getting paid the super they are owed? Why don't they support the measures that we are discussing here today which will ensure that these workers are reunited with their superannuation? More importantly, why is the party that purports to be the party of workers and have underpaid in the past to come forward and make good what they owe to their employees. It's known as the party of workers. I'd just l

I don't want to get too off topic here, but there was another contribution that I heard late on Tuesday afternoon from a senator who said: 'This government needs to be the tough cop on the beat with regard to this legislation.' The opposition senator thought that, in providing this amnesty—the amnesty that is the subject of the legislation that we're debating here today—we're being soft. I find it intriguing that the opposition want us to be tough when it comes to this legislation—their own definition of tough albeit. They want us to be the tough cop on the beat when it comes to superannuation, but have a completely different opinion when it comes to ensuring the integrity of unions: indeed, the opposition voted against legislation to ensure that registered organisations merely obey the law. So, there's an interesting hypocrisy there.

Labor have made reference to circulating an amendment to this legislation and, regarding that amendment, I will just point out: this legislation's already gone through two committees, neither of which recommended this amendment. It's had ample time to be dissected and analysed and, as a relatively new senator to this place, I can't help but reflect that this chamber is meant to be a chamber of scrutiny. That's what the Senate, as the state's house, was designed to do. But, having a bill that has gone through the committee process and not had amendments suggested, and for us to then show up here to debate this legislation this week and have this amendment on our desks, quite frankly, is not really consistent with my definition of scrutiny.

The amnesty legislation that we are discussing here today is designed to encourage employers who were not compliant in the past to come forward to ensure employees receive the superannuation they're entitled to. I reference the developments that have been made in this area to ensure that employees are appropriately paid their superannuation—technology has come a long way in this regard and it is quite exciting. With the advent of Single Touch Payroll and real-time reporting to the ATO by super funds, unscrupulous or sloppy employers will be caught. As I said, that is great for detecting underpayment in the future, but these measures are forward-looking; they don't address historical underpayment.
Reuniting as many workers as possible with the superannuation that is rightly theirs is the priority, so this amnesty is a once-off opportunity for businesses to come forward, do the right thing and wipe the slate clean. To be clear: the amnesty only provides a one-off waiver of charges which would otherwise be paid. It does not reduce employees' entitlements by a single cent; everything that an employer owes an employee must be paid. Don't listen to what those on the other side will tell you. What we don't want is for employees who have been underpaid in the past to miss out on what they're owed just because their employer is taking their chances on getting away with historical underpayment. As I have said, we want to reunite people with the money they are owed as soon as possible.

Legislation to implement the amnesty when it was first announced lapsed in the previous parliament. From 24 May 2018 to six months after this bill receives royal assent employers are able to come forward, disclose nonpayment or underpayment of the superannuation guarantee, pay their workers what they are owed—with significant interest—and avoid the usual penalties and fees that would apply. They are also entitled to claim a tax deduction for the amounts they pay during the amnesty period. Importantly, employers will not be able to use the amnesty if they come forward only after the ATO begins investigating them—they're not getting away with it. This bill ensures those employers who came forward in good faith when the amnesty was first announced are covered by the amnesty. So it really must be legislated as a matter of urgency. Since the introduction of the amnesty over 7,000 employers have come forward. These employers cannot receive the full concessional treatment under the amnesty until it's legislated, and the payments of previous superannuation guarantee shortfall are not tax deductible until legislation—the legislation in front of us today—passes. That's why it is, quite frankly, urgent legislation that this chamber should be addressing.

Treasury estimates that a further 7,000 employers will come forward once the tax deductibility of the amnesty is legislated. It doesn't let employers off the hook and it doesn't leave employees worse off. The amnesty is exclusively designed to benefit employees. Anyone on the other side who tells you otherwise is, quite frankly, fooling themselves. Employers will get the benefit of the amnesty only if they pay their employees' superannuation guarantee entitlements in full. It simply provides an opportunity for employers to review their compliance history, come forward in good faith and pay anything they owe before the ATO begins using its new enforcement tools. Employers with historical superannuation guarantee underpayments who fail to voluntarily disclose the underpayments during the amnesty period and are subsequently found to be noncompliant by the ATO after the amnesty period will be subject to a minimum penalty equal to 100 per cent of the superannuation guarantee charge. This penalty and the underpayments are not tax deductible.

Of course, nobody wants to be in a situation where an amnesty is required to get people to follow the law. But this is a strategy which is used successfully on occasion by various regulators and authorities—even police forces, when we look at amnesties for illegal firearms, whereby dangerous weapons can be taken out of the community, rather than having people hide them around the house or in the back of the shed. The important thing with this amnesty is that we've already legislated and put into place new measures which will prevent future noncompliance. It's not an opportunity for rogue employers just to avoid a penalty and then continue their previous malpractice. If they do, they will get caught.

The government's action to crack down on superannuation guarantee noncompliance complements reforms to protect inactive low-balance superannuation accounts from undue erosion and to put members' interests first, as I said in my opening remarks. As a result of these actions, the superannuation of Australians is better protected from excessive fees, unnecessary insurance premiums and inefficiencies from multiple accounts. And, for the first time, the ATO now has the ability to proactively reunite Australians with their inactive low-balance accounts. I congratulate Senator Hume and Minister Sukkar for the important work that they are doing in this area to ensure that superannuation as a concept is a good value-for-money proposition to the Australian people. I commend this bill to the Senate.

**Senator VAN (Victoria) (11:24):** I rise to speak on the Treasury Laws Amendment (Recovering Unpaid Superannuation) Bill 2019. The coalition government have a strong record on supporting the small businesses that employ Australians. It is in our blood. As you may recall from my maiden speech, I ran my own small business firm for 15 years prior to coming to this place. I understand the challenges that small businesses face and I've always worked hard to give them a fairer go.

Small businesses are prevalent in all sectors of the economy and in all of Australia's regions. Small businesses comprise nine out of 10 Australian businesses. A healthy small business sector is a prerequisite for a growing economy with high employment opportunities. In fact small and medium businesses are a major employer in the construction industry, agricultural sector, rental, hiring, real estate services, the retail industry, accommodation, hospitality and food services. From the local cafe down the road from my home through to the pharmacy owned by the husband and wife team, there is no doubt that small businesses are the backbone of our country.
An honourable senator interjecting—

Senator VAN: I'll ignore the interjections from my friend on the right. In a very real sense, small business counts. The coalition government are backing small businesses to help them get ahead and create jobs. There are fundamentally two ways the coalition government support small business—firstly, indirectly, by creating a business framework or environment they can work and thrive in by having policy settings that reduce red tape and lower taxes, and workplace laws and supports for fairer competition; and, secondly, directly through government grants for start-up businesses and export grants, just to name two. The legislation before us today fits this by providing small business employers the opportunity to make good on their obligations to their employees, without beating them over the head with a stick and surrounding them in bureaucratic paperwork.

The Treasury Laws Amendment (Recovering Unpaid Superannuation) Bill 2019 is a superannuation guarantee amnesty which was first announced by the government in May 2018. The amnesty is designed to encourage employers who were not compliant in the past to come forward to ensure employees receive the superannuation they are entitled to. The reality is we rely on businesses to report their earnings, payroll and superannuation liabilities. With the introduction of Single Touch Payroll and real-time reporting, businesses now have more accurate information. Long gone are the days of abacuses and manual ledgers. This policy is forward-looking. We understand that this new system does not address historical underpayment of super. Reuniting as many workers as possible with that superannuation that is rightly theirs is therefore our priority. This is a once-off opportunity for businesses to come forward, do the right thing and wipe the slate clean.

This amnesty must be legislated as a matter of urgency. Since the introduction of the amnesty, over 7,000 employers have come forward. This means that the employees of these 7,000 employers will now receive what is rightfully theirs. Treasury estimates that a further 7,000 employers will come forward once the amnesty is legislated.

As those opposite might have you believe, this amnesty does not let employers off the hook and does not leave employees worse off. The amnesty is designed exclusively to benefit employees, a fact that I do not understand why those opposite will not accept. I repeat: the amnesty is exclusively designed to benefit employees. Employers will only get the benefit of the amnesty if they pay their employees superannuation entitlements in full with significant interest. This simply provides an opportunity for employers to review their compliance history, to come forward in good faith and to pay anything that is owed before the ATO begins using its new enforcement tools. Employers with historical superannuation underpayments who fail to voluntarily disclose those underpayments during the amnesty period and are found to be non-compliant by the ATO will be subjected to a minimum penalty equal to 100 per cent of the superannuation guarantee charge. This penalty and the underpayments are not tax deductible. Therefore, they are not getting away with anything. Furthermore, the ATO’s cracking down harder on the underpayment of super. It has updated its practice guidance in relation to the remission of the additional super guarantee charge imposed under part 7 of the Superannuation Guarantee (Administration) Act 1992. Previously, the ATO chose a remission level at intervals that are much lower than the maximum penalty.

When the bill was first introduced, it was the community who called for a bigger stick for employers who did the wrong thing. This iteration of the amnesty achieves the correct balance of carrot and stick, the carrot being the amnesty and the stick being the higher minimum penalty and the higher default penalty. This bill complements the Superannuation Guarantee Integrity Package legislated last year. It provides employers with a chance to come clean and to pay their historical superannuation debts before new enforcement arrangements come into effect. Our reforms also improve the integrity of the superannuation guarantee system. We can now better detect and deter noncompliance by employers. This was the right thing to do.

This included the expansion of the Single Touch Payroll regime to all employers from July 2019, bringing payroll reporting into the 21st century. It has made it easier for employers to align payroll with their regular reporting of tax and super obligations and to minimise honest mistakes made by business owners. Single Touch Payroll works by sending tax and super information from the payroll or accounting software to the ATO as the payroll is run. It has streamlined the way we pay employees and also ensures that, when salary bands increase due to Fair Work Commission decisions, it is automatically reflected. If anyone has ever used an online payment system like Xero or MYOB, they will know how easy it is to click a button to generate the BAS. It is a game changer for small businesses.

The Morrison government has also taken strong action to protect Australians’ compulsory superannuation, to ensure they are paid the superannuation they are due. These reforms not only benefit employers but, importantly, benefit and protect employees and, of course, their superannuation entitlements. More frequent reporting of employer superannuation guarantee obligations is being complemented by near-real-time reporting from
superannuation funds on the contributions they actually receive. This enables the ATO to identify mistakes or noncompliance early and to take action to help small business rectify the situation as quickly as possible.

Unfortunately, there is no doubt that there can be those employers who seek to take shortcuts or short-change their staff. Therefore, the government has also introduced serious consequences for employers who do short-change their employees, by strengthening the ATO's collection and enforcement capabilities. The ATO has new enforcement and collection powers, including strengthened arrangements for director penalty notices and security deposits for superannuation and other tax related liabilities. In cases where employers defy a direction to pay their superannuation liabilities, the ATO can now apply for court ordered penalties, including up to 12 months imprisonment. The ATO also has the power now to require employers to undertake training on their obligations.

Recognising that at times employees are unaware that they have not been paid super, the ATO can now inform all potentially affected employees of any ongoing investigation into their employers' superannuation compliance. This will ensure employees remain updated as the investigation progresses. Previously, the ATO could only communicate with employees who had made a complaint to the ATO regarding their unpaid superannuation, leaving affected employees in the dark.

To ensure the ATO has the resources it needs to make sure employers are paying their fair share of tax and superannuation, the government provided the ATO with an additional $133.7 million in the 2018-19 budget. In financial year 2018-19, the ATO contacted more than 22,000 employers as a result of reviews or audits and recovered over $805 million in unpaid superannuation for employees.

The government's action to crack down on superannuation noncompliance complements reforms to protect low-balance and inactive superannuation accounts from undue erosion and puts members' interests first. The Protecting Your Superannuation legislation commenced on 1 July 2019. It protects the hard-earned superannuation savings of Australians from excessive fees, unnecessary insurance premiums and inefficiencies from holding multiple accounts. The reforms also, for the first time, provide the ATO with the ability to proactively reunite Australians with their low-balance and inactive accounts. Under the reforms, trustees are required to provide insurance only on an opt-in basis to members with inactive accounts unless the member has directed otherwise. This prevents the inappropriate erosion of retirement savings for cover that members do not know they have and which goes beyond what they need or which they cannot claim on.

The government has also introduced the Putting Members' Interests First bill, which is currently before the parliament. This legislation amends the Superannuation Industry (Supervision) Act 1993 as well as the Superannuation (Unclaimed Money and Lost Members) Act 1999. It ensures that members who are under 25 or who have balances under $6,000 are asked whether they wish to have insurance before premiums are automatically deducted from their accounts. As my colleague Senator the Honourable Jane Hume has said, if you are selling insurance that people don't need, don't want or don't understand, we will investigate; and, if we find evidence, we are likely to bring proceedings against you. And, as my colleague the Honourable Michael Sukkar MP said in the other place, given the significance of superannuation to Australians' retirement, government wants to ensure that people's hard-earned savings are not necessarily eroded by inappropriate insurance arrangements.

Superannuation is now the second-largest savings vehicle for Australian households and it accounts for 17 per cent of household assets. This particular reform will result in millions of Australians saving billions of dollars in fees and charges and insurance payments, and will reduce unnecessary duplicate accounts. Importantly, members will still be able to obtain or maintain insurance cover within their superannuation if they choose to do so. When the tax office data showed that 96 per cent of young people under 25 don't have dependents, it did make us wonder why they are automatically billed for death and disability insurance when they are signed up to super. Secondly, it seemed odd that, when a young worker joins their employer's super fund, they are likely to be automatically enrolled for insurance for death and disability, and possibly also income protection, without being asking for their permission. Thirdly, one in four people simply did not know that they were even covered in the first place. The fine print on insurance arrangements are complex.

We are serious about backing small business but not at the expense of everyday Australians' retirement savings. This bill provides the opportunity for small business to rectify honest mistakes and poor compliance for the benefit of their employees. As they are the employers of many everyday Australians, by supporting small business we are supporting workers. I commend the bill to the Senate.

Senator DEAN SMITH (Western Australia—Government Whip in the Senate) (11:39): Compulsory superannuation is an essential pillar of Australia's retirement income system. This was highlighted very, very succinctly by the then Treasurer Dawkins, a Labor Treasurer, when he said superannuation was 'an important mechanism for increasing national savings and improving the flexibility of future government budgets in the face of an ageing population'. He made that comment to demonstrate how important it was for Australia to think...
carefully about the construction and maintenance of its compulsory superannuation arrangements. The 2015 intergenerational report clearly demonstrates that Australians are living longer. In 1974-75, the number of Australians over 85 was around 80,000 people, or less than one per cent of the population. By 2054-55, it is projected that this will grow to around 4.9 per cent of the population, which will equate to nearly two million Australians aged 85 and over. In this context, the Intergenerational report stated:

An ageing population also underlines the importance of considering the overall adequacy of our retirement incomes system — which combines compulsory and voluntary superannuation, and the Age Pension as a safety net.

Indeed, the Intergenerational report found:

In 2013-14, about 70 per cent of people of Age Pension age were receiving the Age Pension. Of these pension recipients, around 60 per cent receive a full rate pension.

Should this proportion continue, it will place on the Australian Commonwealth budget a very substantial burden for future governments to manage, which is why there is strong and important bipartisan support for increasing the retirement savings of Australians through our compulsory superannuation system. I’d suggest that where the government and the opposition vary on this issue is that the coalition government recognise the importance of boosting retirement savings within the context of the current economic environment. There’s no point boosting savings for those in a job if it means that significantly fewer people are in work and therefore they do not have the opportunity to save for retirement.

The Morrison government has already taken strong action to protect Australians’ compulsory superannuation and to crack down on late payments. In March last year, the coalition government legislated a suite of reforms to improve the compulsory superannuation system to improve detection and increase deterrence of the underpayment or failure to pay compulsory superannuation. This includes the expansion of Single Touch Payroll to all employers from July 2019. Single Touch Payroll revolutionises the ATO’s ability to track underpayment of superannuation as well as PAYG liabilities in real time. This is a game changer and aims to reduce regulatory burden by an efficient, technology based solution while simultaneously increasing compliance. I acknowledge, like others do, that the implementation of Single Touch Payroll has been burdensome for a number of businesses. Nonetheless, these are two significant measures to boost the savings of Australians. However, I am confident that, over time, business will see the benefits of this system.

As well as tackling the issue of on-time payment, last year the parliament passed the Treasury Laws Amendment (Putting Members' Interests First) Bill 2019, which tackled default insurance undermining the super balance of young Australians and those with balances under $6,000. I also add that I note that the merit of this is still contested in some parts of the community and it is a matter I will pay or continue to pay very close attention to. Nonetheless, these are two significant measures to boost the savings of Australians.

The bill we are discussing today seeks to legislate the government’s announcement of 24 May 2018 to provide an amnesty to businesses who self-report errors in historical superannuation payments. So you might ask why this amnesty is important. From my perspective, there are two issues worthy of note. The first is that the ATO does not have the resources to audit every business’s superannuation contributions. Just as the ATO does not have the resources to audit every individual taxpayer every year, it is unrealistic and would be incredibly inefficient if superannuation liabilities were checked by the ATO each and every year.

I note, of course, that, going forward, Single Touch Payroll does mean that the ATO will have significantly more real-time data to identify and address superannuation guarantee anomalies. It makes sense to provide an incentive for individual businesses to self-audit and fix issues before they face the significant penalties that now apply for failure to pay the superannuation guarantee. Since the introduction of the amnesty, 7,000 businesses have already come forward, and the Australian Taxation Office expects an additional 7,000 businesses to do so following the passage of this legislation. That’s 14,000 Australian businesses admitting liability without a resource-intensive audit by the Australian tax office, and 14,000 businesses coming forward means there will be thousands and thousands more that have undertaken a self-audit without finding previous errors in payments.

The second issue which is fundamental to the operation of this government is that this is an important measure to enable small, medium and family businesses, in particular, to address genuine issues of the past without potentially business-destroying penalties. The chief executive of—

The PRESIDENT: Order, Senator Smith. It being 11:45 debate is interrupted and you will be in continuation when it resumes.

NOTICES
Withdrawal

Senator FIERRAVANTI-WELLS (New South Wales) (11:45): Pursuant to notice given yesterday, on behalf of the Standing Committee for the Scrutiny of Delegated Legislation, I withdraw:
• Business of the Senate notice of motion number 1 standing in my name for today, proposing the disallowance of the Helicopter Aerial Application Endorsements Exemption 2019 [F2019L01132]; and
• Business of the Senate notice of motion number 2 standing in my name for eight sitting days after today, proposing the disallowance of the Broadcasting Services (Transmitter Access) Regulations 2019

Presentation

Senator Ruston to move on the next day of sitting:

That consideration of the business before the Senate on Wednesday, 26 February 2020, be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator McLachlan to make his first speech without any question before the chair.

Senator Griff to move on the next day of sitting:

That the Senate:

(a) notes that:

(i) an estimated 2 million Australians forego necessary dental treatment each year because of the high cost, leaving many with ongoing pain, periodontal disease, decay or missing teeth,
(ii) poor oral health can cause cardiovascular disease, diabetes and stroke,
(iii) oral health care is regarded as an ancillary health service and is not covered by Medicare, which often makes it unaffordable to lower-income Australians and those without health insurance, and
(iv) according to the Australian Institute of Health and Welfare, there were more than 70,000 hospitalisations in 2016-17 due to preventable dental conditions;

(b) recognises that:

(i) public dental care is available to people with a Health Care or Pensioner Concession card but services are so stretched and focused on emergency cases that, according to the 2018 Productivity Commission report on Reforms to Human Services, most patients placed on waiting lists wait for a year or more to access treatment, and
(ii) the Child Dental Benefits Schedule (CDBS) allows families to access basic services provided in private clinics to a value of $1000 over two years, usually bulk-billed, for a child's dental treatment; and
(c) calls on the Federal Government to:

(i) commit to a long-term preventative approach to dental care, and work with the states and territories to reduce public dental service waiting lists, and
(ii) introduce a low-income dental benefits scheme, similar to the CDBS, to provide low-income workers and recipients of the Health Care card and Pensioner Concession card with the ability to access timely dental care.

Senator Whish-Wilson to move on the next day of sitting:

That the Senate:

(a) notes with deep concern that:

(i) Mr Julian Assange, Australian citizen, and founder and publisher of Wikileaks, is currently detained in Belmarsh high security prison in the United Kingdom (UK),
(ii) Mr Assange faces extradition to the United States (US) under the Espionage Act and 175 years in prison for his part in the publication of evidence of war crimes, and
(iii) Mr Assange's physical and mental health in prison is significantly deteriorating;

(b) calls on the Australian Government to publicly make it clear to the US and UK Governments that it opposes Mr Assange's extradition; and

sends this resolution to the House of Representatives for concurrence.

Senator O'Neill to move on the next day of sitting:

That the Senate:

(a) recognises that:

(i) the impending privatisation of buses in Sydney will be a disaster for commuters and transit staff,
(ii) the Rail Tram and Bus Union of New South Wales (NSW) which represents the staff of the bus networks is adamantly opposed to the privatisation plans,
(iii) the recent bus privatisations in the Inner West and Newcastle have resulted in reduced on-time running, cut routes, closing stops and poorer working conditions, and
(iv) tens of thousands of Sydney residents have already signed petitions and rallied against privatisation;

(b) calls on the NSW Government to:

(i) protect the jobs and working conditions of the around 35,000 workers who are due to have only three years of job security under this reckless scheme,
(ii) scrap this reckless privatisation scheme, and
(iii) invest in better publicly run and publicly funded transport services; and
(c) supports the work of the Rail Tram and Bus Union NSW Branch and Unions NSW in the fight for better public transport services and better working conditions for its members.

Senator Faruqi to move on the next day of sitting:
That the Senate:
(a) notes that:
   (i) Beyond Business as Usual – A 21st Century culture of Manufacturing in Australia is a new research report by Western Sydney University and the University of Newcastle identifying the need for a just and sustainable culture of manufacturing in Australia, and
   (ii) this research:
       (A) confirms that manufacturing is making a vital contribution to the Australian economy, and that just and environmentally sustainable manufacturing has a successful future in Australia, providing decent jobs that value workers in an inclusive society, and
       (B) identifies the importance of manufacturing in addressing climate change and environmental degradation which is evident in the growth of renewable energy technologies and the application of manufacturing techniques to improve energy productivity and sustainability; and
    (b) congratulates the authors of this report which explores the reinvention of manufacturing in Australia.

Senator Roberts to move on the next day of sitting:
That the Senate:
(a) notes that:
   (i) on 1 June 2017 during Senate Estimates hearings, Australia's Chief Scientist, Dr Finkel, was asked by former Senator Ian Macdonald if the world was to reduce its carbon emissions by 1.3%, which is approximately Australia's rate of emissions, what impact would that make on the changing climate of the world, and
   (ii) Dr Finkel's response was that "the impact would be virtually nothing"; and
   (b) further notes that:
      (i) reducing all or part of Australia's emissions will have virtually no effect on the global temperature; and
      (ii) all Australian climate policies designed to reduce our carbon dioxide output, whether past, present or future, will have no measurable benefit to humanity or the environment.

Senator Waters to move on the next day of sitting:
That the Senate:
(a) notes that:
   (i) former Liberal Opposition Leader, Dr John Hewson, in an article published in the Sydney Morning Herald on 13 February 2020, called on all political parties to fix weaknesses in the parliamentary system, rather than seeking to exploit them, and
   (ii) Dr Hewson identified a 6 point plan to clean up politics:
       (A) public funding for election campaigns and limits on campaign spending,
       (B) transparency around lobbying, including real-time disclosure of all ministerial meetings,
       (C) truth in advertising legislation,
       (D) introduce penalties for false, deceptive, and misleading conduct by parliamentarians,
       (E) independent standards for candidates, and
       (F) a fully funded Independent Commission Against Corruption to oversee all activities of our politicians, bureaucrats and federal government, with the capacity to receive anonymous references; and
   (b) calls on the Federal Government to listen to their former leader and take action to implement Dr Hewson's plan.

Senators Pratt and Watt to move on the next day of sitting:
(1) That the Senate notes that:
   (a) the report of the Senate Education and Employment References Committee into The role of Commonwealth, state and territory Governments in addressing the high rates of mental health conditions experienced by first responders, emergency service workers and volunteers, was tabled on 14 February 2019;
   (b) in a resolution of 14 March 1973, the Senate declared its opinion that the Government should provide a response to committee reports within three months of tabling; and
   (c) a government response to the report has not yet been tabled.
There be laid on the table by the Minister representing the Attorney-General and Minister for Industrial Relations, by no later than midday on 25 February 2020, the government response to the report of the Senate Education and Employment References Committee into The role of Commonwealth, state and territory Governments in addressing the high rates of mental health conditions experienced by first responders, emergency service workers and volunteers.

Senator Siewert to move on the next day of sitting:
That the Senate:
(a) notes that:
(i) according to the latest figures from the Department of Social Services, there are more than 330,000 people aged between 45 and 65 on Newstart,
(ii) age discrimination in the workplace is happening to people as young as 45,
(iii) the Centre of Excellence in Population Ageing Research found that 18% of workers aged between 55 and 64 believe their organisation discriminates on the basis of age in recruitment and selection, and
(iv) older people, especially women, are increasingly retiring in poverty;
(b) acknowledges that ageism limits choice, drives poorer outcomes and undermines rights for older people in crucial areas affecting wellbeing including employment and healthcare; and
(c) calls on the Federal Government to:
(i) immediately raise the rate of Newstart and related payments by a significant amount to ensure people aren’t ageing into poverty; and
(ii) address the underlying issue of ageism that contributes to the discrimination, abuse and neglect of older Australians.

Senator Hanson-Young to move on the next day of sitting:
That the Senate:
(a) notes that:
(i) the New South Wales (NSW) Government has lifted its moratorium on floodplain harvesting and water pumping,
(ii) water from recent rains has not yet made it down the river and there are still towns without drinking water, dry catchments and storages and fish species facing collapse,
(iii) the Murray-Darling Basin Authority says it is too early to say whether all storages will receive water, or if flows will be enough to connect the rivers,
(iv) the Queensland Government has also allowed floodplain harvesting which was criticised by the NSW Government,
(v) upstream Basin states making decisions that only benefit them puts the entire river system in jeopardy, and
(vi) the Murray-Darling Basin is on the verge of collapse, and family farms, river communities and the environment need national leadership; and
(b) calls on the NSW Government to reinstate the moratorium on floodplain harvesting and water pumping.

COMMITTEES
Selection of Bills Committee
Report
Senator DEAN SMITH (Western Australia—Government Whip in the Senate) (11:45): I present the second report of 2020 of the Selection of Bills Committee. I seek leave to have the report incorporated in Hansard.
Leave granted.

The report read as follows—
Selection of Bills Committee
Report No. 2 of 2020
1. The committee met in private session on Wednesday, 12 February 2020 at 7.10 pm.
2. The committee recommends that the following bill not be referred to committees:
• Treasury Laws Amendment (Reuniting More Superannuation) Bill 2020.
3. The committee deferred consideration of the following bills to its next meeting:
• Aged Care Legislation Amendment (Improved Home Care Payment Administration No. 1 Bill 2020
• Air Services Amendment 2018
• Australian Education Legislation Amendment (Prohibiting the Indoctrination of Children) Bill 2020
• Commonwealth Electoral Amendment (Donation Reform and Other Measures) Bill 2020
• Constitution Alteration (Freedom of Expression and Freedom of the Press) 2019
• Customs Amendment (Safer Cladding) Bill 2019

CHAMBER
Defence Legislation Amendment (Miscellaneous Measures) Bill 2020
Discrimination Free Schools Bill 2018
Environment Protection and Biodiversity Conservation Amendment (Climate Trigger) Bill 2020
Farm Household Support Amendment (Relief Measures) Bill (No. 1) 2020
Governor-General Amendment (Cessation of Allowances in the Public Interest) Bill 2019
Great Australian Bight Environment Protection Bill 2019
National Radioactive Waste Management (Site Specification, Community Fund and Other Measures) Bill 2020
National Vocation Education and Training Regulator Amendment (Governance and Other Matters) Bill 2020
Regional Forest Agreements Legislation (Repeal) Bill 2017
Social Services Legislation Amendment (Better Targeting Student Payments) Bill 2019
Social Services Legislation Amendment (Ending the Poverty Trap) Bill 2018
Social Services Legislation Amendment (Payment Integrity) Bill 2019
Statute Update (Regulations References) Bill 2020
Superannuation Amendment (PSSAP Membership) Bill 2020

Senator DEAN SMITH:
I move:
That the report be adopted.
Question agreed to.

BUSINESS
Rearrangement

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (11:45): I move:
That general business notice of motion no.457 be considered during general business today.
Question agreed to.

Leave of Absence

Senator DEAN SMITH (Western Australia—Government Whip in the Senate) (11:46): by leave—At the request of Senator Birmingham and Senator Reynolds, I move:
That leave of absence be granted to the following senators for today: Senator Birmingham, on account of ministerial business; and Senator Reynolds on account of ministerial business.
Question agreed to.

COMMITTEES
Community Affairs References Committee
Reporting Date

The Clerk: A committee has lodged extension notifications as shown at item 10 of today's order of business:
Community Affairs References Committee—Current barriers to patient access to medicinal cannabis in Australia—from 26 February 2020 to 26 March 2020.

The PRESIDENT (11:46): I remind senators that the question may be put on any of those proposals at the request of any senator. There being none, we will move on.

COMMITTEES
Allocation of Departments and Agencies

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (11:47): I move:
That departments and agencies be allocated to legislative and general purpose standing committees as follows:
Community Affairs

The PRESIDENT: Leave is granted for one minute.

Senator GALLAGHER: We note the motion moved by the government and the machinery-of-government changes which have occurred and have required these changes to committees. We would like to put on the record, as there is some disjoint amongst departments, that we don't want to see the changes to allocations to the committees as a reason for not answering or not providing information because certain departments aren't there or have moved to a different time. We still expect the same level of transparency and accountability, but we will support the motion.

Question agreed to.

BILLS

Environment Protection and Biodiversity Conservation Amendment (Climate Trigger) Bill 2020

First Reading

Senator HANSON-YOUNG (South Australia) (11:48): I move:


Question agreed to.

Senator HANSON-YOUNG: I present the bill and move:

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

Question agreed to.

Bill read a first time.
Second Reading

Senator HANSON-YOUNG (South Australia) (11:48): I move:

That this bill be now read a second time.

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

Leave granted.

Senator HANSON-YOUNG: I table the explanatory memorandum and seek leave to have the second reading speech incorporated into Hansard.

Leave granted.

The speech read as follows—

I rise today in favour of the Environment Protection and Biodiversity Conservation Amendment (Climate Trigger) Bill 2020, the Australian Greens' Bill that looks to introduce a climate trigger impact assessment into the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The time to act is now. We have just seen the most horrific summer of fires across the nation — fires which have ravaged our once-breathtaking landscape, from the coastal shores of New South Wales to the World Heritage-listed Blue Mountains, to East Gippsland where I grew up, and where my family lost their property just a month ago, and to Kangaroo Island in my home state of South Australia, where 48 per cent of all land mass was affected.

Make no mistake: these are fires fuelled by climate change and carbon pollution. These are climate fires. What we've seen, and what we've heard from fire chiefs, scientists, ecologists, wildlife carers and locals alike is they have never experienced anything like this before. And while the fire season continues, what we know is these fires are not normal. Australia has always experienced bushfires, but these fires have been worsened by climate change. The reality is these climate fires have been exacerbated by extended droughts, extremely dry soil and record breaking heat — all trends that had been forewarned by climate scientists for decades.

In fact, the Garnaut Climate Change review, published over a decade ago in 2008, warned of exactly this: "...projects of fire weather suggest that fire seasons will start earlier, end slightly later, and generally be more intense. This effect increases over time, but should be directly observable by 2020."

Predicted over a decade ago and frighteningly true today, a mere two months into the new year. But this isn't the stuff of prophecy. This is the strength of science. Indisputable science that shows that the use of fossil fuels is driving up global temperatures, leading to hotter, drier and longer fire seasons.

Research from the Climate Council shows this. Since the mid-1990s, southeast Australia has experienced a 15 per cent decline in late autumn and early winter rainfall, and a 25 per cent decline in average rainfall in April and May. Rainfall for January to August 2019 was the lowest on record in the Southern Downs in Queensland and the Northern Tablelands of New South Wales. In just 90 days, over 206 temperature records were broken, including the record-highest summer temperature in 87 locations.

And the link is clear. One of the most visible consequences of climate change is an increase in the intensity and frequency of extreme weather events. We've seen it in Australia, and we also see it globally — where, for example, just last week, Antarctica recorded its highest temperature on record at 18.2 degrees Celsius. This is not normal.

We have already reached over 1 degree of warming in Australia. The science tells us that we need to cap the global temperature increase to 1.5 degrees Celsius to avoid the impacts of climate change escalating, which we are already seeing. Current government policy has us on track for a rise in temperatures of 4 to 6 degrees Celsius.

Yet successive governments have not paid attention to the warnings, heeded the science or listened to the experts.

We have a government that is beholden to the coal industry and the fossil fuel lobby. We have an opposition that has been paralysed by inaction. And we are desperately running out of time. If we don't act now, scientists warn that we could experience double the number of fire danger days rated at 'very high' and above. Remember: this is not prophecy. It is science.

We must stop taking one step forward, two steps back by stopping new polluting projects, while enabling a just transition to a clean economy. We must stop making it harder to clean up carbon emissions by ensuring that projects that are emissions-intensive receive the thorough climate impact assessment that is needed to fully assess its environmental impact, not just through an existing, outdated framework. We must bring in policy that is fit for the climate crisis we're in. A climate trigger would ensure exactly this: that projects and developments will be fully assessed for its impact on the climate before approval was given.

We know that a lot needs to be done to reduce pollution and put Australia and the globe on a transition from fossil fuels to clean, renewable energy. While we work to reduce carbon emissions, we must stop making pollution worse.

If we don't act now, we risk a crumbling social fabric. The impacts of climate change often amplifies other stressors. We have already seen this. If we don't act, we'll continue to see extreme pressure on natural ecosystems including urban encroachment, fragmentation, deforestation, invasive species, introduced pathogens and increasing pressure on scarce water resources. As the Australian Academy of Science warns, multiple stressors do not simply add to each other in complex systems like the one we live in; instead, they collide together in a multiplicity of unexpected ways.

We are already in an extinction crisis.
Right now, we have 517 animals, 87 distinct ecological communities and over 1,370 unique plant species that are listed as nationally threatened. And these numbers are trending in the wrong direction. Globally, the UN tells us there are a million species under threat of extinction. Add to this the pressure of the scale and impact of the fires on already-vulnerable species — the extent of which we do not yet fully know.

Yet our environmental laws have not kept up with environmental reality.

The EPBC Act is the Commonwealth's key environmental legislation in relation to the protection of threatened species of flora and fauna, as well as ecological communities and heritage sites. As the key instrument within the Government's power to assess actions that are likely to have significant environmental impact, the EPBC Act is empowered to list and manage threatened species and protected areas under nine matters of national environmental significance. These range from world and national heritage places, to wetlands, threatened and migratory species and marine areas, yet glaringly, climate and emissions impact is not considered a matter of national environmental significance.

This is a disgrace.

For all the talk about meeting Australia's emissions "in a canter", this Government is burying its head in the sand by ignoring the clear link between burning fossil fuel, carbon emissions, and worsening climate change. Climate change is at the heart of the threats we are facing today. These are twin crises and this is why I am introducing this Bill.

Make no mistake. What we experienced this summer is climate change. And we are the last generation of lawmakers and decision-makers who can do something about it. We will not stand helplessly by as the Government and what little semblance of an Opposition squabble over petty politics and factional lines.

This Bill, today, makes a clear and unequivocal statement: that climate change is here, it is real, it must be stopped and most importantly — it must be reversed. Just as we must act now to halt the extinction crisis, this Bill introduces the crucial ability for the EPBC Act to assess major developments and scrutinise the emissions and climate change impact of industrial activity.

We must stem the tide of extinction. We must take decisive action on climate change now. I urge you to support this Bill for all our futures — human, animal, plants and for all ecosystems great and small.

Senator HANSON-YOUNG: I seek leave to continue my remarks.

Leave granted; debate adjourned.

MOTIONS

National Apology to the Stolen Generations

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (11:49): At the request of Senators McCarthy and Dodson, I move:

That the Senate—

(a) notes that:

(i) 12 years ago, on 13 February 2008, former Prime Minister Kevin Rudd, delivered the National Apology to the Stolen Generations in the Australian Parliament,

(ii) the National Apology to the Stolen Generations came about as a recommendation from The National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, entitled Bringing Them Home, tabled on 26 May 1997,

(iii) the inquiry highlighted the suffering of Indigenous families under the Commonwealth, State and Territory Aboriginal protection and welfare laws and policies, and

(iv) there is still significant work that needs to be done to address the impacts of dispossession, discrimination and trauma;

(b) acknowledges that an important step in healing our nation is the acknowledgement of truth; and

(c) as part of this healing calls on the Federal Government to commit to a process of truth telling about Australia's history. 

Question agreed to.

National Diabetes Services Scheme

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (11:50): At the request of Senators Polley, Marielle Smith, Ciccone, O'Neill and Farrell, I move:

That the Senate—

(a) notes that:

(i) some Australians with type 1 diabetes will benefit from the addition of flash glucose monitoring which has finally been added to the National Diabetes Services Scheme (NDSS),

(ii) the addition of the scheme occurs only after a massive year-long community campaign by Australians with type 1 diabetes and the Opposition, including the tabling of a petition of 214,000 signatures to Parliament,
(iii) instead of claiming credit for a diabetes subsidy that comes a year late, and will cover fewer people than promised, the Minister for Health, Mr Greg Hunt, should apologise to Australians with type 1 diabetes for the delay,

(iv) Minister Hunt compounded his insult to Australians with type 1 diabetes by when he would allow its addition; he claimed to have never made the promise, but people with diabetes know his promise was clear,

(v) thousands of Australians have been forced to continue a painful regimen of finger-prick testing for 12 months because of the Minister's broken promise,

(vi) the recent announcement also falls short of expectations that all Australians with type 1 diabetes would be eligible for this NDSS subsidy, and

(vii) while very welcome for these groups, thousands of Australians will still miss out on affordable access to the flash monitor;

(b) calls on Minister Hunt to apologise for the delay; and

(c) thanks all those who worked so hard for this outcome, including the petition organiser Mr Chris Slingsby-Smith.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (11:50): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The motion is wilfully and demonstrably false. From 1 March 2020 the government will streamline the eligibility criteria to significantly increase the number of Australians with type 1 diabetes who can access fully subsidised glucose monitoring devices through the CGM scheme—from 37,000 to 58,000. Total investment in this scheme is now over $300 million. From 1 March this year the FreeStyle Libre glucose monitoring device will be listed as an alternative device to the seven devices currently listed on the scheme. This followed a thorough medical assessment, with addition to the scheme only possible after the supplier agreed to the strict listing requirements recommended by medical experts.

The PRESIDENT: The question is that motion No. 448 be agreed to.

The Senate divided. [11:55]

(The President—Senator Ryan)

Ayes ......................30
Noes ......................33
Majority ...............3

AYES

Ayres, T
Carr, KJ
Ciccone, R
Dodson, P
Faruqi, M
Green, N
Keneally, KK
McAllister, J
McKim, NJ
Polley, H
Rice, J
Siewert, R
Steele-John, J
Urquhart, AE (teller)
Waters, LJ

Brown, CL
Chisholm, A
Di Natale, R
Farrell, D
Gallagher, KR
Hanson-Young, SC
Kitching, K
McCarthy, M
O'Neil, D
Pratt, LC
Sheldon, A
Smith, M
Sterle, G
Walsh, J
Whish-Wilson, PS

NOES

Abetz, E
Askew, W
Brockman, S
Colbeck, R
Duniam, J
Fierravanti-Wells, C
Henderson, SM
Hume, J
McGrath, J
McLachlan, A
Molan, AJ
Paterson, J
Rennick, G

Antic, A
Bragg, AJ
Chandler, C
Davey, P
Fawcett, DJ
Hanson, P
Hughes, H
McDonald, S
McKenzie, B
McMahon, S
O'Sullivan, MA
Payne, MA
Roberts, M

CHAMBER
Senator RENNICK (Queensland) (11:57): I move:
That the Senate—
(a) notes that:
(i) on 5 November 2019, Sunsuper confirmed it was in merger talks with QSuper – Queensland’s largest superannuation fund, which would create the nation’s largest superannuation fund,
(ii) the Chairman of the Sunsuper Board is the Honourable Andrew Fraser, former Queensland Treasurer and State Labor Member for Mount Coot-tha,
(iii) Ms Anne Fuchs, Sunsuper Head of Advice and Retirement, is the Treasurer of the Queensland Labor Party and a Director of Labor Holdings Pty Ltd – the Queensland Labor Party’s investment arm;
(b) expresses its concern at the $11,000 political donation made by Sunsuper to the Queensland Labor Party on 5 September 2019;
(c) calls on Sunsuper to ensure that the interests of its hardworking members are the primary consideration in all business decisions; and
(d) calls on the Queensland Government to ensure that due process is followed in all decisions regarding the proposed Sunsuper and QSuper merger and reflect on whether it is appropriate for its party organisation to accept an $11,000 political donation from Sunsuper.

Senator HANSON (Queensland) (11:58): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator HANSON: One Nation will be supporting this motion. I’d like to put on the record that I contribute superannuation to the Sunsuper, and I am appalled to think that Sunsuper has given a political donation to the Queensland Labor Party. It’s absolutely disgraceful.

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (11:58): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator WATERS: Senator Rennick’s motion objects to favours for mates, conflicts of interest, the revolving door between government and industry, and donations influencing decisions. We agree, but it’s a bit rich for a member of the Liberal Party to be crying foul about donations to the Labor Party. They didn’t think it was a problem when the Liberal donor Canstruct International was awarded the lucrative Nauru detention centre contract. They didn’t think it was a problem when the big four donated to the Liberal Party and secured consultancy contracts. They didn’t think it was a problem when Adani donated to the Liberal Party and, days later, secured the approval it needed for its mine. But the Australian people and the Greens think it’s a problem no matter who does it. We need to stop the revolving door, end the influence of big money and set up an independent federal corruption watchdog to clean up politics once and for all.

Question agreed to.

BUSINESS

Consideration of Legislation

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (11:59): I move:
(1) That so much of the standing orders be suspended as would prevent this resolution having effect.
(2) That the Galilee Basin (Coal Prohibition) Bill 2018 be restored to the Notice Paper and consideration of the bill resume at the stage reached in the 45th Parliament.

Question agreed to.

MOTIONS

Economy

Senator WHISH-WILSON (Tasmania) (12:00): I move:

That the Senate:
(a) notes that:
   (i) the Governor of the Reserve Bank of Australia (RBA), Mr Philip Lowe, has consistently urged government to use the cheapest money in history to invest in productivity – enhancing infrastructure, new data technologies, human capital, clean energy production and distribution, and measures to protect Australia from climate change, and
   (ii) the Government's neglect of fiscal policy and its over-reliance on monetary policy is encouraging the inflation of asset prices and is helping push home ownership further beyond the reach of young Australians; and
(b) urges the Government to adopt the advice of the RBA and drive a government-led plan of investment to create new jobs and new industries in order to create a more sustainable economy and a more equitable future for Australians.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:00): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM:

The 2019-20 MYEFO confirms that, since the budget, the government has made policy decisions to provide an additional $8.3 billion over the forward estimates, including $2.4 billion in 2019-20. This includes $4.2 billion in accelerated infrastructure projects over the forward estimates, which is part of our $100 billion 10-year infrastructure pipeline.

Question agreed to.

New South Wales: Storms

Senator O'NEILL (New South Wales) (12:01): I move:

That the Senate:
(a) recognises that:
   (i) the recent storms in NSW have capped off a brutal summer of natural disasters for Australia,
   (ii) tens of thousands of people have been left without electricity, and residents have been forced to evacuate in areas across Sydney and the Central Coast,
   (iii) hardworking members of the United Services Union and Electrical Trades Union (ETU) are out across the State of NSW in risky conditions working hard to restore power and clean up following this catastrophic weather event, and
   (iv) residents in Mooney Mooney and Cheero Point of NSW have been without power for over 120 hours in the last 5 months, and recognises the hard work done by the members of the Mooney Cheero Progress Association;
(b) calls on the NSW Government to:
   (i) explicitly recognise the significant role that union members make in clean-up efforts,
   (ii) ensure that recovery efforts in future years are not hampered by shortages of workers,
   (iii) acknowledge that privatisation of electricity infrastructure has failed to deliver better, cheaper and more reliable services for Australians,
   (iv) invest in better publicly run and publicly funded services as promised by the NSW Government, and
(c) condemns the cuts to 5000 jobs since 2015 at electrical distribution businesses in NSW; and
(d) calls on the Federal Government to:
   (i) acknowledge that privatisation of electricity infrastructure has failed to deliver better, cheaper and more reliable services for Australians as promised by the Federal Liberal Government,
   (ii) urgently undertake the necessary reforms at the National Energy Market level to address the deficiencies in the regulatory framework which compromises adequate resourcing and staffing by distribution companies to reliably deliver power to residents and recover from the damage caused by storms of increasing severity on the electricity network, and
   (iii) invite the ETU to the upcoming COAG Energy Council to brief the Council on the lack of capacity of electricity network and distribution businesses to adequately address and recover from events like the recent NSW storms.

Question agreed to.
Small Business

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (12:01): I wish to inform the chamber that Senator O'Neill will also sponsor the motion. At the request of Senators Farrell and O'Neill, I move:

That the Senate:

(a) notes that:
   (i) extended payment times are an ongoing issue for small businesses around Australia,
   (ii) small businesses require prompt payments to help manage cash flow and to grow, particularly when access to finance is tight,
   (iii) almost a year and a half ago, the Prime Minister promised to create a register of the payment times of Australia’s 3,000 largest companies,
   (iv) big businesses are frequently extending payment terms to small and medium sized suppliers,
   (v) big businesses are increasingly extending payment terms while also offering third party ‘reverse factoring’ financing arrangements to small and medium suppliers,
   (vi) small and medium businesses are forced to accept fees in such arrangements in order to be paid in reasonable timeframes,
   (vii) the Australian Competition and Consumer Commission is reviewing ‘reverse factoring’ arrangements for potential breaches of Australian Consumer Law,
   (viii) the Australian Small Business and Family Enterprise Ombudsman, Ms Kate Carnell, said in the Review of payment terms, times and practices report, dated March 2019, that such arrangements “must not replace reasonable payment terms being offered, 30 days or less from invoice, and paying to those terms. It is not acceptable for large business to use small suppliers to optimise their cash flow”, and
   (ix) following pressure from Labor, members of the crossbench, the Ombudsman, and the media, Rio Tinto and Telstra, have committed to 20-day payment terms; and

(b) calls on the Federal Government to:
   (i) release details on its register of the payment times of Australia’s 3,000 largest companies,
   (ii) make a commitment that big businesses that extend payment times beyond 30 days and offer ‘reverse factoring’ arrangements cannot use such arrangements to hide their true payment times on the register, and
   (iii) clampdown on conditions that allow big businesses to treat small businesses like piggy banks.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:02): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The Morrison government is committed to helping small businesses get paid on time. The government has already introduced a number of measures to encourage faster payment times for small businesses, and we’ve also actively pressured the big-business community to follow suit, with a large number of big businesses already reducing payment times to 30 days or less. The government will shortly introduce the payment times reporting framework legislation into parliament, and we welcome the support from the Labor Party for this important legislation.

Question agreed to.

Migration

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (12:02): At the request of Senator Keneally, I move:

That the Senate:

(a) notes that the Migration Amendment (New Skilled Regional Visas) Regulations 2019 created new skilled regional provisional visas that began accepting applicants in November 2019;

(b) recognises that the Government has:
   (i) appointed Regional Certifying Bodies (RCB) in each state and territory to provide advice and information to the Department of Home Affairs about local labour market conditions and other relevant regional matters,
   (ii) nominated local Chambers of Commerce and Industry across Queensland to act as RCB,
   (iii) failed to explain how actual or perceived conflicts of interest can be resolved when Queensland Chambers of Commerce and Industry are assessing and certifying applications for new regional provisional visas from their own members, and
   (iv) failed to allow consideration of the New Skilled Regional Visas (Consequential Amendments) Bill 2019, despite it being on the Notice Paper since October 2019; and
(c) condemns the Federal Government for its failure to consult with unions and other employee groups prior to the appointment of RCB in Queensland.

The PRESIDENT: The question is motion No. 454 be agreed to.

The Senate divided. [12:07]

(The President—Senator Ryan)

Ayes .................35
Noes ..................31
Majority ..............4

AYES
Ayres, T
Carr, KJ
Ciccone, R
Dodson, P
Faruqi, M
Green, N
Hanson, P
Keneally, KK
Lambie, J
McKim, NJ
Patrick, RL
Rice, J
Sheldon, A
Smith, M
Sterle, G
Walsh, J
Watt, M
Wong, P

Bilyk, CL
Chisholm, A
Di Natale, R
Farrell, D
Gallagher, KR
Griff, S
Hanson-Young, SC
Kitching, K
McAllister, J
O'Neill, D
Pratt, LC
Roberts, M
Siewert, R
Steele-John, J
Urquhart, AE (teller)
Waters, LJ
Whish-Wilson, PS

NOES
Abetz, E
Askew, W
Brockman, S
Colbeck, R
Duniam, J
Fierravanti-Wells, C
Hughes, H
McDonald, S
McKenzie, B
McMahon, S
O'Sullivan, MA
Payne, MA
Ruston, A
Scarr, P
Smith, DA (teller)
Van, D

Antic, A
Bragg, A J
Chandler, C
Davey, P
Fawcett, DJ
Henderson, SM
Hume, J
Gracht, J
McLachlan, A
Molan, AJ
Paterson, J
Rennick, G
Ryan, SM
Seselja, Z
Stoker, AJ

PAIRS
Brown, CL
Gallacher, AM
Lines, S
McCarthy, M
Polley, H

Canavan, MJ
Reynolds, L
Birmingham, SJ
Cash, MC
Cormann, M

Question agreed to.

Coal Seam Gas Mining

Senator FARUQI (New South Wales) (12:09): I move:

That the Senate—

(a) notes that:

(i) Prime Minister Scott Morrison has signed off on a $2 billion deal with the New South Wales Government that would fast track the Narrabri Gas Project (NGP), which will extract gas from coal seams lying deep beneath the mighty Pilliga Forest,
(ii) the NGP is fiercely opposed by local communities, farmers, and ecologists because it threatens the Pilliga Forest, the Great Artesian Basin, farmers’ livelihoods, and food and water security, and

(iii) the NGP will further delay the shift to renewables and exacerbate the climate crisis; and

(b) calls on the Federal Government to protect the Pilliga Forest and the Great Artesian Basin from any new fossil fuel projects including the NGP.

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

The Senate divided. [12:11]

(The President—Senator Ryan)

Ayes ...................... 11
Noes ...................... 49
Majority ............... 38

AYES

Di Natale, R
Griff, S
McKim, NJ
Rice, J
Steele-John, J
Whish-Wilson, PS

NOES

Abetz, E
Antic, A
Askew, W
Ayres, T
Bilyk, CL
Bragg, AJ
Brockman, S
Carr, KJ
Chandler, C
Ciccone, R
Colbeck, R
Davey, P
Dodson, P
Duniam, J
Fawcett, DJ
Ferravanti-Wells, C
Gallagher, KR
Green, N
Henderson, SM
Hughes, H
Hume, J
Keneally, KK
Kitching, K
Lambie, J
McAllister, J
McDonald, S
McGrath, J
McKenzie, B
McLachlan, A
McMahon, S
Molan, AJ
O’Neill, D
O’Sullivan, MA
Payne, MA
Paterson, J
Remick, G
Pratt, LC
Ryan, SM
Ruston, A
Seselja, Z
Scarr, P
Smith, DA
Sheldon, A
Smith, M
Stoker, AJ
Urquhart, AE (teller)
Van, D
Walsh, J
Watt, M

Question negatived.

Agriculture Industry

Senator RICE (Victoria—Deputy Australian Greens Whip) (12:14): I move:

That the Senate—

(a) notes:

(i) the growth in farmer-led action across Australia to adopt regenerative agricultural practices which are increasing soil health and carbon, and improving biodiversity and water systems,

(ii) that regenerative agriculture practices have the potential to address drought, flood and desertification issues currently faced by Australian farmers and land managers, and which are exacerbated by global heating and the climate crisis, and

(iii) that the second annual National Regenerative Agriculture Day is being held in Australia on 14 February 2020, sharing practices and information amongst primary producers nationally; and

(b) calls on the Federal Government to support agricultural practices that contribute to improving soil carbon, water systems and biodiversity, and which increase the resilience and health of our food and fibre production in Australia.
**Senator DUNIAM** (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:14): I seek leave to make a short statement.

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

**Senator DUNIAM**: Our farmers understand more than anyone else that the health of the environment and their land is intrinsically tied to their profit and loss. The government has a range of programs designed to support sustainable farming practices that deliver increased productivity and improve biodiversity outcomes. This includes around $1 billion in Landcare, the Agriculture Stewardship Package announced last year and the $5 billion Future Drought Fund. These programs also support achieving the $100 billion ag sector 2030 target.

Question agreed to.

**Higher Education**

**Senator FARUQI** (New South Wales) (12:15): I move:

That the Senate—

(a) notes that:

(i) everyone has a right to education, whether you are leaving school, changing careers, retraining later in life or looking to gain new skills and knowledge,

(ii) more than a million students will commence at, or return to, public universities and TAFEs around Australia this month,

(iii) access to a world-class education shouldn't require going into large debts, but the average graduate today is saddled with more than $22,000 in study debt, and

(iv) a student graduating in 2020 will take a decade on average to repay their study loans just as they are starting out in life; and

(b) calls on the Federal Government to make TAFE and university free.

The **PRESIDENT**: The question is that motion No. 458, moved by Senator Faruqi, be agreed to.

The Senate divided. [12:17]

(The President—Senator Ryan)

| Ayes | ................. 11 |
| Noes | ................. 50 |
| Majority | ................. 39 |

**AYES**

Di Natale, R
Griff, S
McKim, NJ
Rice, J
Steele-John, J
Whish-Wilson, PS

**NOES**

Abetz, E
Askew, W
Bilyk, CL
Brockman, S
Chandler, C
Colbeck, R
Dodson, P
Fawcett, DJ
Gallagher, KR
Hanson, P
Hughes, H
Keneally, KK
McAllister, J
McGrath, J
McLachlan, A
Molan, AJ
O’Sullivan, MA
Payne, MA
Remnick, G
Ruston, A
Scarr, P

Faruqi, M
Hanson-Young, SC
Patrick, RL
Siewert, R (teller)
Waters, LJ

Antic, A
Ayres, T
Bragg, A J
Carr, KJ
Ciccone, R
Davey, P
Duniam, J
Fierravanti-Wells, C
Green, N
Henderson, SM
Hume, J
Kitching, K
McDonald, S
McKenzie, B
McMahon, S
O’Neill, D
Paterson, J
Pratt, LC
Roberts, M
Ryan, SM
Seselja, Z
Senator DI NATALE (Victoria) (12:20): I ask that General Business Notice of Motion No. 459 standing in my name and the name of Senator Faruqi for today, relating to Indian citizenship, be taken as a formal motion.

The PRESIDENT: Is there any objection to this motion being taken as formal?

A government senator: Yes.

The PRESIDENT: There is an objection.

Senator DI NATALE: I seek leave to make a one-minute statement in lieu of moving a suspension.

The PRESIDENT: Leave is granted for one minute.

Senator DI NATALE: Again, it is very disappointing that the government's refused to consider what is an important issue occurring with an important partner of ours. The Greens have been very disturbed by the passing of the Citizenship (Amendment) Act in India in December. For those people who aren't aware, it's a bill that legalised the granting of Indian citizenship based on religion but specifically excluded the Muslim community. This is a hugely concerning development, not only because it's created the legal grounds to strip millions of Muslims of the fundamental right to equal citizenship but because, together with India's National Register of Citizens, it might render many Indian Muslims stateless. Not only that, but the Indian government's also suppressed legitimate protest about these new laws. This is a very concerning development and one that the Australian government should make its voice very clear on. We should speak up so that the world's largest democracy might reverse this discriminatory decision.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:21): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: In line with longstanding practice, motions that cannot be debated or amended should not deal with complex foreign policy matters. The creation and implementation of domestic laws is an internal matter for sovereign countries. The Australian government values a diverse and inclusive India while acknowledging that it is for individual countries to decide whom they recognise as citizens. We affirm our support for the democratic right to peaceful protest. The Citizenship (Amendment) Act is the subject of vigorous debate in India in which politicians, the media and the public are taking part.

Climate Change

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (12:22): At the request of Senator McAllister, I move:

That the Senate—

(a) acknowledges Prime Minister Scott Morrison's extraordinary rebuke of New South Wales Minister for Energy and Environment and fellow Liberal, Mr Matt Kean MP, for suggesting federal Liberals are pushing the Morrison Government to increase its ambition on emissions reduction;

(b) notes that Prime Minister Morrison told ABC's AM program in response to Minister Kean's comments: "Matt Kean doesn't know what he's talking about, he doesn't know what's going on in the federal cabinet [and] most of the federal cabinet wouldn't even know who Matt Kean was";

(c) acknowledges the support of federal Liberals, including North Sydney MP Mr Trent Zimmerman, for increased emissions reduction;

(d) further notes:

(i) Mr Zimmerman's quote in the Fairfax-Nine newspapers that: "Australians want us to get on with the job of meeting our Paris emissions but looking at what more we can do to reduce our emissions further",

(ii) that despite Prime Minister Morrison repeatedly declaring Australia will "meet and beat" its international emission reductions obligations that:

(A) the Government's own emissions data confirms Australia will not meet our Kyoto commitment to cut emissions by 5% next year on 2000 levels by 2020,
(B) the Government’s own data suggests our emissions will come down by less than 5% over the next 10 years, and
(C) at the Government’s current rate of emissions reduction it will take Australia 230 years to reach net zero emissions, rather than the 30 years scientists tell us is necessary; and
(e) calls on the Prime Minister to stop fudging the numbers and show some leadership, control the civil war within the Coalition over climate action, and finally put in place a policy that will reduce Australia’s emissions.

Question agreed to.

Closing the Gap

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:23): I move:

That the Senate—

(a) notes that the Closing the Gap Report 2020 shows that we are on track to meet just 2 of the 7 targets to reduce the disparity in health, education and employment outcomes between First Nations peoples and non-Indigenous peoples;

(b) acknowledges:

(i) the important work being done between the Council of Australian Governments and the Coalition of Peaks to develop a new National Agreement on Closing the Gap, and

(ii) that punitive measures like compulsory income management, the Cashless Debit Card, the Northern Territory Intervention, and the Community Development Program are inconsistent with this new approach;

(c) further notes the failure to implement recommendations from significant reports, such as:

(i) The Royal Commission into Aboriginal Deaths in Custody,

(ii) Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families; and

(iii) Royal Commission into the Detention and Protection of Children in the Northern Territory; and

(d) calls on the Federal Government to abandon punitive measures and to commit to a genuine process of self-determination to close the gap.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:23): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The Morrison government, through the leadership of the Prime Minister, is bringing together COAG and the Coalition of Peaks to deliver the new partnership agreement. Our Closing the Gap refresh will deliver shared responsibility and accountability. We are taking the time to ensure Indigenous Australians are empowered and in a genuine position to make informed decisions. We must be careful not to adopt a deficit mindset, because on almost every measure we have made progress.

The PRESIDENT: The question is that motion No. 461 be agreed to.

The Senate divided. [12:25]

(The President—Senator Ryan)
NOES
Abetz, E
Bragg, A J
Chandler, C
Davey, P
Fawcett, DJ
Hanson, P
Hughes, H
McDonald, S
McKenzie, B
McMahon, S
McDonald, MA
Payne, MA
Roberts, M
Ryan, SM
Seselja, Z
Stoker, AJ
Askew, W
Brockman, S
Chandler, C
Colbeck, R
Duniam, J
Fierravanti-Wells, C
Henderson, SM
Hume, J
McGrath, J
McLachlan, A
Molan, AJ
Paterson, J
Rennick, G
Ruston, A
Scarr, P
Smith, DA (teller)
Van, D

PAIRS
Brown, CL
Canavan, MJ
Gallacher, AM
Reynolds, L
Lines, S
Birmingham, SJ
McCarthy, M
Cash, MC
Polley, H
Antic, A
Wong, P
Cormann, M

Question negatived.

Superannuation

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (12:27): At the request of Senator McAllister, I move:

That the Senate—

(a) notes that:

(i) the Government legislated in 2014 to increase the superannuation guarantee to 12% by 2025, and

(ii) the Minister for Finance, Senator Cormann, said in the Senate that the increase to the superannuation guarantee would be "specified and locked into the legislation"; and

(b) reaffirms its commitment to the legislated superannuation guarantee rise to 12% by 2025.

Question agreed to.

COMMITTEES

Administration of Sports Grants: Select Committee

Meeting

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (12:28): by leave—At the request of the Chair of the Select Committee on Administration of Sports Grants, Senator Chisholm, I move:

That the Select Committee on Administration of Sports Grants be authorised to hold a private briefing followed by a public meeting during the sitting of the Senate today, from 3.45 pm.

Question agreed to.

BUSINESS

Consideration of Legislation

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:28): I move:

That the following general business orders of the day be considered at the time for private senators' bills on Monday, 24 February 2020:

(a) Environment Protection and Biodiversity Conservation Amendment (Climate Trigger) Bill 2020; and
(b) Galilee Basin (Coal Prohibition Bill) 2018.

Question agreed to.
COMMITTEES
Legal and Constitutional Affairs Legislation Committee

Membership

The PRESIDENT (12:28): I have received a letter requesting changes in the membership of a committee.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:28): by leave—I move:

That Senator Carr replace Senator Chisholm on the Legal and Constitutional Affairs Legislation Committee for the committee's inquiry into the Native Title Legislation Amendment Bill 2019.

Question agreed to.

BILLS

Export Control Bill 2019
Export Control (Consequential Amendments and Transitional Provisions) Bill 2019
Export Charges (Imposition—Customs) Amendment Bill 2019
Export Charges (Imposition—Excise) Amendment Bill 2019
Export Charges (Imposition—General) Amendment Bill 2019

First Reading

Bills received from the House of Representatives.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:29): 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 DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:29): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Export Charges (Imposition - General) Amendment Bill 2019 is the first of three Bills which will amend the current charging legislation relating to export.


The Export Charges (Imposition-General) Amendment Bill 2019 will amend the Export Charges (Imposition-General) Act 2015, which deals with charges that are not a duty of customs or excise within the meaning of section 55 of the Constitution.

This will allow the Commonwealth to continue to impose charges that appropriately reflect the cost of administering the export control system, both now and into the future.

The Bill does not set the amount of the charges and does not apply any financial impacts on business. This is because the specific charges will be set out in regulations, as they are now,

The Bill continues to provide that, before making these regulations, the Minister for Agriculture must be satisfied that the amount charged will not be more than the likely costs in connection with the export of goods.

This will provide business with confidence that the government will not charge more than is necessary to recover the costs of its export services.

Together, the three charging Bills will ensure that charges for export activities continue to be supported by legislation and that these charges reflect the Commonwealth's likely costs relating to the administration of Australia's export control system.

Debate adjourned.
Migration Amendment (Regulation of Migration Agents) Bill 2019

Second Reading

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:31): I move:

That these bills be now read a second time.

Leave granted.

The speeches read as follows—

Migration Agents Registration Application Charge Amendment (Rates of Charge) Bill 2019
Second Reading Speech

The purpose of this bill is to amend the Migration Agents Registration Application Charge Act 1997 (the Charge Act).

The bill will ensure that a migration agent who originally applied for and had their registration as a non-commercial agent approved, but who at any point through that registration period gives immigration assistance otherwise than on a non-commercial basis, becomes liable to pay a pro-rata adjusted charge.

This will complement changes under the Migration Amendment (Regulation of Migration Agents) Bill 2019 that are aimed at ensuring that the non-commercial application charge can only be accessed by those applicants who will genuinely be offering immigration assistance services solely on a non-profit basis and in association with a charitable organisation or for the benefit of the Australian community.

The adjusted charge payable is to be worked out in accordance with the formula within the legislation.

These amendments will complement those I have just discussed in relation to an agent's notification requirements should they give immigration assistance otherwise than on a non-commercial basis at any point during their registration period.

In conclusion, this bill makes an important amendment in ensuring that only those agents who are providing genuinely non-commercial immigration assistance to the most vulnerable members of our community can access the non-commercial application charge.

I commend the bill to the Chamber.

Migration Amendment (Regulation of Migration Agents) Bill 2019
Second Reading Speech

I move that this bill be now read a second time.

The Migration Amendment (Regulation of Migration Agents) Bill 2019 is an omnibus package of amendments to the Migration Act 1958, targeted at deregulating the migration advice industry.

The bill contains six measures, which I will discuss in greater detail.

Schedule 1: Australian legal practitioners providing immigration assistance (OMARA Review Recommendation 1)

Schedule 1 to the bill will partially give effect to Recommendation 1 of the 2014 Independent Review of the Office of the Migration Agents Registration Authority (the OMARA Review).

This recommendation has long been supported by the Government and reaffirms our commitment to deregulation and to removing unnecessary red tape across industry sectors.

The amendments made by schedule 1 to the bill will see lawyers who hold unrestricted practising certificates removed from regulation by the Migration Agents Registration Authority (the MARA), so that they are regulated entirely by their relevant state or territory legal professional body.

Lawyers who hold a restricted practising certificate will have a two-year eligible period in which they may be both registered migration agents and restricted legal practitioners.

During this two-year period, affected restricted legal practitioners may take necessary steps to organise and adapt their business affairs or obtain an unrestricted legal practising certificate. This would allow them to continue as an independent legal practitioner who gives immigration assistance in connection with legal practice after the eligible period ends.
This eligible period may be extended once, on application to the MARA, with reasonable cause, and for no longer than a further two years. In summary, the eligible period is up to four years, with no further extensions allowed.

Once this eligible period has ended, or the person becomes an unrestricted legal practitioner, these lawyers will also be removed from regulation by the MARA, so that they are regulated entirely by their relevant state or territory legal professional body.

The government recognises that the dual regulation of lawyers with practising certificates can pose an unnecessary administrative burden on such lawyer agents, who are already subject to a strict professional regulatory regime.

The government further recognises that deregulation of the migration advice industry should not be prioritised over the maintenance of important consumer protections. Mechanisms will be put in place to ensure that vulnerable consumers will continue to be protected from receiving incompetent migration advice, particularly from unscrupulous individuals holding themselves out to be experts.

Lawyers with practising certificates intending to practice in the migration advice field will be able to access educational offerings to increase their knowledge, as they already do with other complex aspects of the legal profession.

The relevant state and territory legal professional bodies and statutory schemes underpinning them have a broader range of powers to resolve consumer-related issues than the scheme governing migration agents. This includes penalties outside of the MARA’s jurisdiction, including financial penalties for improper conduct, and recommending compensation for affected clients.

Schedule 2: Registration periods (OMARA Review Recommendation 12)

The legislative changes put forward by schedule 2 will ensure that the period that an individual has to apply for repeat registration as a migration agent, following their completion of the required qualifications, is set out in delegated legislation rather than on the face of the Act.

These changes complement the introduction of a Graduate Diploma in Migration Law and Practice in 2018. Once an individual possesses this qualification, it will never lapse, as is the case with most other tertiary qualifications. A Capstone Assessment was also introduced in 2018 which an individual must sit and pass within a certain period, in order to be accepted into the profession.

This group of changes significantly enhanced the educational requirements and improved the level of professionalism within the industry.

Schedule 3: Redundant provisions

The third schedule to the bill is aimed at amending or repealing various redundant provisions of the Migration Act. This will reflect the consolidation of the MARA into the Department of Home Affairs, and that the MARA’s powers can only be exercised by the minister or a delegate. To this effect, this schedule will repeal:

• powers of the minister to refer agents to the MARA for disciplinary action
• powers authorising the sharing of personal information between the department and the MARA
• the requirement for the MARA to produce an annual report independent to the department.

Schedule 3 of the bill also removes redundant references to the Migration Institute of Australia, which is no longer appointed as the MARA and will not be appointed in the future.

Schedule 4: Requirement for applicants to provide further information

Schedule 4 seeks to close an existing loophole that prevents the MARA from refusing an application for registration as a migration agent, where the applicant does not respond to requests for further information. Presently, this means such incomplete applications remain unfinalised for an indefinite period.

Schedule 5: Fees and charges

Schedule 5 to the bill will amend the Migration Act to require a migration agent, who has been registered on a non-commercial basis, to notify the MARA if there is a change in circumstances that has led to their providing immigration assistance otherwise than on a non-commercial basis. This complements amendments made by the Migration Agents Registration Application Charge Amendment (Rates of Charge) Bill 2019. Those amendments require a migration agent to pay an adjusted charge if they paid the non-commercial application charge in relation to their current period of registration, but then give immigration assistance otherwise than on a non-commercial basis.

Schedule 6: Other amendments

Schedule 6 to the bill amends the definitions of ‘immigration assistance’ and ‘makes immigration representations’ so that they include assisting a person to make a representation to the Minister in relation to the revocation of a visa refusal or cancellation decision on character grounds. This reflects the intention that a person must be a registered migration agent, or be exempt for the requirements under the law to be a registered migration agent, in order to give such assistance.

Conclusion

In conclusion, this bill makes a number of important amendments that will streamline the operation of the migration advice industry.
I commend the bill to the chamber.

Debate adjourned.

Commonwealth Registers Bill 2019
Treasury Laws Amendment (Registries Modernisation and Other Measures) Bill 2019
Business Names Registration (Fees) Amendment (Registries Modernisation) Bill 2019
Corporations (Fees) Amendment (Registries Modernisation) Bill 2019
National Consumer Credit Protection (Fees) Amendment (Registries Modernisation) Bill 2019

First Reading

Bills received from the House of Representatives.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:31): 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 DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (12:32): 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—

Commonwealth Registers Bill 2019

The core provisions have been mirrored in almost their entirety in the Treasury Laws Amendment (Registries Modernisation and Other Measures) Bill 2019.

Full details of the measure are contained in the Explanatory Memorandum.

Treasury Laws Amendment (Registries Modernisation and Other Measures) Bill 2019
This bill will amend the Treasury Laws Amendment (Registries Modernisation and Other Measures) Bill 2019 to introduce a single business register that will fundamentally improve and streamline how businesses engage with government.

The government announced the Modernising Business Registers (MBR) program in the 2018-19 Budget, which includes the introduction of a director identification number or DIN.

This flexible legislative framework will modernise the Australian Securities and Investments Commission (ASIC) business registers and the Australian Business Register (ABR) and will integrate the 32 existing business registers onto one platform to be administered by the Australian Business Registrar.

To facilitate the implementation of a modernised registry system, new legislation has been drafted that is technology neutral and governance neutral.

The legislation allows for the minister of the day to appoint a Commonwealth body to be registrar. Rather than having administrative requirements prescribed in primary legislation, the ‘registrar’ is able to create data standards and disclosure frameworks via legislative instruments to assist them in carrying out their registry functions and powers.

The data standards will allow the registrar to determine what and how information is collected and the manner in which it is maintained. The disclosure frameworks will be used to determine under what circumstances information is disclosed.

This bill also provides a legal framework for the introduction of DINs.

The DIN is a unique identifier that a director will keep forever meaning it will provide traceability of a director's profile and relationships across companies and over time. This will provide greater insights to regulators, businesses and individuals on the identity and affiliations of directors and prevent the use of fictitious identities.

DINs are being appropriately progressed as part of the MBR program to ensure that they are integrated with other important registry information. This enables critical data to be linked on the platform, which is key to the success of the DIN.

Full details of the measure are contained in the explanatory memorandum.
This bill supports the Treasury Laws Amendment (Registries Modernisation and Other Measures) Bill 2019 by allowing the registrar to collect fees for registry services.

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

Business Names Registration (Fees) Amendment (Registries Modernisation) Bill 2109

This bill supports the Treasury Laws Amendment (Registries Modernisation and Other Measures) Bill 2019 by allowing the Registrar to collect fees for registry services.

Full details of the measure are contained in the Explanatory Memorandum.

Corporations (Fees) Amendment (Registries Modernisation) Bill 2019

This bill supports the Treasury Laws Amendment (Registries Modernisation and Other Measures) Bill 2019 by allowing the registrar to collect fees for registry services.

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

Debate adjourned.

National Vocational Education and Training Regulator Amendment Bill 2019

Returned from the House of Representatives

Message received from the House of Representatives returning the bill without amendment.

Treasury Laws Amendment ( Recovering Unpaid Superannuation) Bill 2019

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator DEAN SMITH (Western Australia—Government Whip in the Senate) (12:33): As I was saying, the Chief Executive of the Institute of Public Accountants, Andrew Conway, made his position and the position of his association very clear. He said:

The IPA supports this initiative as it incentivises employers to come forward and do the right thing by their employees by paying any unpaid superannuation in full.

He goes on to say:

It should be noted that employers will not be entirely off the hook – to use the amnesty they must pay all that is owing to their employees, including the high rate of nominal interest. However, the amnesty will make it easier to secure outstanding employee entitlements, by setting aside the penalties for late payment.

Employers that do not take advantage of the one-off amnesty will face significantly higher penalties if they are subsequently caught (a minimum 50 per cent on top of the SG Charge they owe). In addition, throughout the amnesty period the ATO will still continue its usual enforcement activity against employers.

This one-off amnesty should be supported to allow employers to wipe the slate clean and pay their workers what they're owed, as all Australians workers should be paid their entitlements in full.

The Government is further strengthening the ATO tools available in future to enforce compliance so the timing of this amnesty is appropriate.

That is a very powerful endorsement from the Institute of Public Accountants, Mr Andrew Conway, in regards to the initiative we are debating here this afternoon.

Let's be clear: 14,000 businesses coming forward with historical errors is a good thing for employees. That is thousands and thousands of superannuation accounts that will be topped up, not just with the original amount owed but also a generous interest component that exceeds the average superannuation earnings.

I'd like to briefly discuss the language that those on the other side and in the union movement are now using in this particular public policy area. The terms 'wage theft' and 'super theft' are highly emotive. They get good headlines, they build outrage but they don't reflect the reality of the experiences of employers across Australia. The reality is that in the vast majority of cases genuine mistakes happen—often due to misinterpretation of rules by employees themselves, not just errors by employers.

In other cases, as the CEO of the Institute of Public Accountants, Mr Andrew Conway, pointed out:

We acknowledge that small businesses can sometimes experience cash flow issues, making them vulnerable when it comes to meeting their SG obligations by the required due date.

Just as not everyone in the union movement is there to steal union funds to spend on themselves, most employers are in business to create jobs and improve the lives of their employees as well as their own. The vast majority are genuine, hardworking people and they often have a vested interest—not only a moral vested interest and not only an ethical and cultural vested interest but a financial vested interest—in making sure their business and the business that employs their employees is as profitable and as successful as it can be. That's why so many small-
and family-business owners across the country have invested their own homes, their own assets, in the success of their own businesses.

When business is tough, small-business owners often go without wages and spend sleepless nights worrying about how they will make payroll and keep their doors open. While managing their cash flow using their superannuation guarantee isn't right and will be almost impossible with Single Touch Payroll, small and family businesses aren't doing it to pocket the money themselves; they are just trying to stay afloat. Calling these hardworking job-creating Australians wage thieves is unfair and fails to recognise their sacrifices to support job creation and to grow our Australian economy. The self-righteousness of those on the other side of this Senate chamber and on the other side of the House of Representatives chamber, who wish to close the door on small businesses for honest mistakes, is astounding. It is job destroying.

I'd encourage those who do not support the amnesty to speak with the employees of businesses that have made genuine mistakes and ask them these simple questions: do you want your employer to be shut down for making a mistake? Would you prefer your employer to pay what they owe with interest but without penalty, or would you prefer your employer to be hit with larger penalties that will risk the ongoing viability of their business, and therefore your job, and destroy the ability of their business to grow and prosper? I'm sure the answer from most reasonable quiet Australians will be that they want businesses to flourish and provide job opportunities, and that an initiative like this should be supported. I commend the bill to the Senate.

Senator SCARR (Queensland) (12:38): It is a delight to follow my good friend Senator Smith, who perfectly encapsulated many of my thoughts on this issue without having the benefit of reading my speech beforehand. I must say, Senator Smith, you're an easy act to follow. Having covered the ground so extensively, it's going to be hard for me to leave out any relevant points.

Firstly, I want to provide some overall context to this legislation, the Treasury Laws Amendment (Recovering Unpaid Superannuation) Bill 2019, because I think it's important that we see it in the context of a whole range of superannuation reforms which are being undertaken by the current government. Those include reforms which deal with compliance through the Single Touch Payroll system and through real-time reporting of deposits made to superannuation funds, and with the enforcement aspect, including an increase in penalties against those employers who do the wrong thing—not inadvertently but deliberately. Another reform is resourcing. Just on that point: an extra $133.7 million was given to the ATO between 2018 and 2019. That resulted in $805 million of unpaid super being delivered to its rightful owners. From my perspective, that ratio of six to one in terms of enforcement dollars being spent against the actual outcome is a positive outcome and a good efficient expenditure of government resources.

Lastly, the last limb deals with efficiency. That means dealing with excessive fees in superannuation funds, dealing with the phenomenon of unnecessary insurance being provided through superannuation funds, through the levying of duties and also reuniting people with the lost super. There are a number of reforms taking place, and this is one of them.

I'd like at the outset to deal with the philosophy of an amnesty. We live in a society which has the rule of law, so it's a good question to ask: in what circumstances is it appropriate that an amnesty should be granted to those who are doing the wrong thing? On reflecting on this, in the context of this legislation from my perspective, I think there are three guiding principles. Firstly, any amnesty should be rare and the explanatory statement for this legislation makes it quite clear that this is a one-off amnesty; and, secondly, it only covers a limited period of time. There's only a limited amnesty period in which employers who have not deducted superannuation, paid superannuation, for their employees to make payments—that is, from 24 May 2018 to six months after royal assent is given to this legislation. So, tick: this amnesty meets that requirement in terms of it being rare.

The second element I believe should apply to all amnesties when they come for consideration before the Senate is whether or not the amnesty will assist the victim or hurt the victim. In this case, the evidence is clear that 7,000 employers thus far have taken advantage of the amnesty to pay unpaid superannuation into the accounts of their employees. So, in that respect, this amnesty is actually assisting the people who are the victims—the employees who did not receive their superannuation payments. Treasury estimates are to the effect that an additional 7,000 employers are likely to come forward and make payments, correct those errors—and, in many cases, as Senator Smith said, they're inadvertent errors. So this amnesty will assist those who have suffered a detriment through the superannuation not being paid.

Lastly, the third principle, I think, which has to apply and which I believe this bill meets is that the amnesty should be reasonable and it should be proportionate. If you look at the whole of the bill, that requirement is met and it's met in a number of ways. Firstly, it only applies to employers trying to do the right thing. They have to self-report; it's self-disclosure. Once the ATO starts investigating an employer, it's too late for the employer to...
come forward. Secondly, it acts to keep the employee whole, and Senator Smith referred to the interest rate that applies to the contribution of superannuation if there's late payment. So it keeps the employee whole, and I think that's important. Thirdly, the payment must be made by the relevant time. It is one thing to self-disclose, self-report, but it's another thing to actually meet your commitment and make the payment on time. If you don't make the payment on time then the amnesty won't apply.

The fourth observation is: as an employer who has not paid your superannuation contributions, does not take advantage of the amnesty period and does not make the payment, you do not comply. If the ATO then identifies you as someone who's in breach, the ability of the ATO to remit the penalties which apply to you is circumscribed. At the very least, except in extraordinary circumstances, if an employer has not complied, not taken advantage of the amnesty period, not met obligations when given this rare opportunity to do so and been found to have done the wrong thing, the ability of the ATO to remit the penalties is circumscribed. And the penalties will constitute at least 100 per cent of the unpaid amount plus general interest, plus there's no tax deductibility for those payments.

From my perspective, we have a situation here where, firstly, you have an amnesty being applied in rare circumstances—it's a one-off—and it only applies to a limited amnesty period. Secondly, the amnesty will actually assist the victims—that is, the beneficiaries of the superannuation funds. Because we've had 7,000 employers take advantage of the amnesty, and another 7,000 employers are estimated to be willing to take advantage of the amnesty, we're assisting the beneficiaries of those funds to get their superannuation amounts. And, thirdly, when you consider the bill as a whole it's reasonable and it's proportionate. On that basis, I'm very happy to support this legislation.

Senator PATRICK (South Australia) (12:45): I rise to speak on the Treasury Laws Amendment (Recovering Unpaid Superannuation) Bill 2019. Centre Alliance supports this bill. Underpayment or nonpayment of superannuation is an enormous issue that is often realised far too late to be remedied. According to Industry Super Australia, nearly three million Australians suffered from superannuation nonpayment or underpayment in 2015-16, totalling an incredible $5.9 billion in unpaid super. The bill balances the interests of employers and employees through a carrot and stick approach. For those employers who may be delinquent in their payment of employee superannuation entitlements, they are offered an amnesty. Once the amnesty is over the penalties are doubled.

This bill creates a practical inducement for employers to comply with their legal obligations. It's important, because the effect of unpaid super is far-reaching. The impact on the broader Australian community is there when a person's financial future is seriously compromised and they have to rely on social security in their retirement. It also allows unscrupulous businesses to use unpaid super payments to finance their operations with employee entitlements; they're basically using it to gain a competitive advantage over other businesses that are actually doing the right thing.

Superannuation is a legal right and it is unfair and un-Australian that employees are too often denied their super payments by their employers. This is why Centre Alliance has been engaging with both sides of the chamber in relation to the potential to include the payment of superannuation within the National Employment Standards. Currently, the situation is only the ATO can pursue nonpayments of super. Labor has moved an amendment that will empower individuals to pursue the nonpayment of their super through the courts or the Fair Work Commission where the ATO fails to do so. Now, that's an important issue. It establishes fairness and should lessen any opportunity for employers to become delinquent in the payment of an employee's superannuation entitlement.

Now, while we've been talking to Labor about this—and Centre Alliance agree with this principle—we've also been talking to the government, who have some concerns about the implementation details of that. In the best goodwill of the Senate, the government has now agreed, and has given an undertaking to Centre Alliance, that it will examine, in good faith, whether to incorporate the payment of superannuation contributions into the National Employment Standards and to arrive at any proposed policy changes within six months. That's an undertaking that Centre Alliance has decided to accept. It allows us to work towards getting this issue resolved in a manner that will involve, no doubt, consultation and careful thought. We expect the government will honour that undertaking. There will be other super bills, and I can assure Labor that if we don't get to that point then at the next super bill, or the next bill where it's relevant, Centre Alliance will support it again. I have advised Labor of this—once again, just to be open—and they understand we won't be supporting their amendment on the basis of the undertaking provided by the government. With that I'll leave it there and commend the bill to the house.

Senator BROCKMAN (Western Australia—Deputy Government Whip in the Senate) (12:49): I rise to make a very brief contribution on the Treasury Laws Amendment (Recovering Unpaid Superannuation) Bill 2019 and to acknowledge the contributions of those that came before me. The point I want to quickly make, following on the point made by my colleague Senator Dean Smith, is that this is about recognising the fact that money earned by employees is their money. Whether it's wages or super, it is their money. Reuniting them with that money in
circumstances where businesses have not complied with the law is an important step forward. The government has been working on this over a period of time. With the advent of the Single Touch Payroll and real-time reporting to the ATO by super funds, there is nowhere to hide for employers who don't do the right thing by their employees. It is the employee's money. However, those measures are forward looking and they don't address historical issues. So this bill is a one-off opportunity for businesses to come forward, do the right thing, wipe the slate clean, get the money and reunite it with the people who earned it.

But, as Senator Smith pointed out, when those opposite talk about wage theft and super theft, they have a tendency to—I cite the example of Senator Sheldon's contribution. He listed a long list of companies who have been found to have underpaid workers in their wages. That is absolutely true, and those companies need to do the right thing. But who is always left off that list when those opposite read out the list of businesses? Who's always left off? Do they ever raise the fact that the Labor aligned law firm Maurice Blackburn short-changed over 400 staff by $1 million? They always leave that one out. Do they recognise the fact that the ABC admitted that it underpaid 2½ thousand staff $22 million over six years? That's a larger amount than many of the businesses that are read out by those opposite. Maybe this should tell us that we have a systemic problem here. This is not wage theft; this is businesses operating in a significantly complex environment where they are trying to do the right thing and, because of the complexity of the systems involved, they sometimes fail.

As Senator Smith pointed out—and this is a really key issue—often the businesses, the companies and the entities we talk about in this place are the larger ones, like the ABC, Maurice Blackburn, Woolworths. What about the small businesses, who employ the majority of people in this country and who have to operate under the same rules—and so they should—and who have to operate in the same legal environment with the same legal obligations towards their staff but with also that same level of complexity? This is an excellent bill, and I commend it to the house.

**Senator McCarthy** (Northern Territory—Deputy Opposition Whip in the Senate) (12:53): Labor certainly has some issues with the Treasury Laws Amendment (Recovering Unpaid Superannuation) Bill 2019. Noncompliance with the superannuation guarantee is a form of wage theft. When an employer forgoes paying superannuation to their employee, they are taking what was legally owed to the employee. This legislation implements an amnesty for employers who voluntarily disclose they are not compliant with superannuation guarantee requirements—in other words, the employers have not met their legal requirements to pay their workers what they are owed. It's not that workers haven't received a bonus or a windfall; it's their legally owed entitlement. Workers who have superannuation entitlements stolen by their employers are left facing an insecure retirement without their superannuation payments. In the 26 years the amnesty covers, many workers have retired or are nearing retirement with a superannuation balance that leaves them struggling on the meagre age pension.

These workers should have been able to draw upon their superannuation as they entered retirement, with the ability to improve their standard of living relative to relying solely on the age pension. Fifteen million Australians hold superannuation accounts. Most of these funds are performing pretty well, with 16 per cent per annum average return over the last 10 years. There are around $2.8 trillion in assets, and that's more than 140 per cent of gross domestic product. Under the current settings, that will grow to $9.5 trillion by 2035, expanding the pool of funds available for investment in local infrastructure and providing a stream of earnings from foreign investments.

The success and popularity of super don't mean the system doesn't have issues that need to be dealt with. Unpaid superannuation totalling almost $6 billion per annum is one of those issues. It is a massive problem. Industry Superannuation Australia estimates that 2.4 million workers are losing in the vicinity of $5.6 billion in payments each year. The Australian tax office takes a slightly different view. It says the amount is roughly half that. Whichever view of this you take, what is certain is that somewhere between $3 billion a year and $5.6 billion a year owed to workers' superannuation accounts is being lost. That's equal to those workers losing $2,000 per year which should be going into retirement savings. Superannuation is part of a worker's pay and conditions. Every worker deserves and is entitled to receive their superannuation as a matter of law.

I'd like to touch on the particular issue of superannuation in relation to First Nations people. While the Australian superannuation system was designed with the intention of benefiting all Australians, the unique needs of First Nations people are often overlooked by superannuation policymakers and the industry. Last week, First Nations advocate and academic Terry Mason wrote a thought-provoking piece, on the IndigenousX platform, regarding many of the issues around our superannuation system. It's timely during this week when we are focusing on closing the gap. Mr Mason said:

… the continuing failure of the Close the Gap initiative has brought into closer focus the inequity in a fixed statutory age for retirement and access to superannuation for First Nations Peoples.
In other words, should First Nations peoples 'be able to gain voluntary early access to retirement, pension and superannuation' as our shorter life expectancies mean we have less opportunity to enjoy superannuation after retirement? He added:

Most of us will be lucky to live long enough to reach retirement age. Particularly so with the government's move to raise the age of retirement in the future.

First Nations people, on average, are employed in lower-earning-capacity positions, and this work is often casual or part time. The average retirement income is 27 per cent less than that of non-Indigenous Australians, and First Nations women face even worse superannuation outcomes. Discriminatory policies, such as CDP, add to this disparity in retirement incomes. CDP participants are not covered by the Fair Work Act, they don't have federal OHS protections or workers compensation, and they can't take annual leave, sick leave or carers leave. This also means that they may work for a for-profit business but not receive superannuation.

The Australian Council of Trade Unions has five priorities in the *Our voice, our future* report concerning First Nations peoples. One of them deals with retirement savings. It calls, amongst other things, for 'a reduction in the statutory retirement age and superannuation access age for Aboriginal and Torres Strait Islander workers which reflects the life expectancy gap' and 'a review of the tax-free threshold status in conjunction with a reduction in the statutory age for accessing superannuation'. Government needs to remove the impediments to voluntary early access to superannuation funds. First Nations people deserve to be able to enjoy quality time in their elder years in a financially stable position, and these elder years may be younger than for the rest of the population due to no fault of theirs.

I'd also like to touch on some strong work and advocacy being done by the First Nations Foundation with respect to superannuation issues. The foundation is committed to increasing financial literacy and skills in First Nations communities, and this includes supporting people to take control of and understand their super. They work across four key areas, which they define as: find it, grow it, protect it and plan it. When it comes to 'find it', they're certainly achieving some pretty amazing results. The First Nations Foundation, which is basically a tiny charity, has so far managed to find $24 million in Indigenous superannuation in 21 Indigenous communities across six states. That's $24 million of Indigenous superannuation that they've found. That's money that was previously sitting with the ATO. Combining with a specialist team of people from the then Department of Human Services, the Australian Taxation Office and 14 superannuation fund volunteers, the First Nations Foundation led 45 people to seven communities last year. They visited Darwin, Kununurra, Broome, Gapuwiyak in north-east Arnhem Land, Galiwin'ku, Milingimbi and Ramingining. They brought in financial counsellors and engaged with community members at events they call the Big Super Day Out. It's well worth getting across that one, Minister.

To give you an idea of the work that happens at these events, they saw one man with no ID who learned he had money in four different superannuation accounts worth $17,000. As he was over the preservation age, he was able to walk out the door knowing that money would be in his bank account the very next day. Then there was the man whose permanent injury meant he could no longer work. A search for his superannuation revealed he'd had insurance linked to it and was possibly entitled to a claim of about $600,000, which would cover the modifications his home needed and his ongoing expenses. Extrapolate that to the wider First Nations workforce and you could see $1 billion brought back to the homes of First Nations people.

There is an enormous amount of work to do in the areas of financial literacy management and policy in terms of First Nations peoples. Developing a fairer superannuation system, with the flexibility to respond to the needs of particular sectors while ensuring everyone receives what they're entitled to, is something we should be turning our attention to.

**Senator BILYK** (Tasmania) (13:03): Labor created the superannuation scheme. We've worked since 1992 not only to defend the system but to build on it. It's been a core conviction of Labor over that time that our system of retirement savings needs to provide comfort for as many retirees as possible, while also being financially sustainable. Our superannuation system has been an extraordinary success in so many ways. It has funded a comfortable retirement for millions of Australians. It has reduced the burden on Australian taxpayers of funding retirement incomes through the age pension system. It has created a pool of assets, around $2.8 trillion now, that has provided a massive boost to business and infrastructure investment. By 2035, this investment is expected to grow to $9.5 trillion—that's trillion with a 't'.

Despite the success and the popularity of Australia's superannuation system, those opposite have never really supported it. They opposed it when it was introduced, they've opposed every measure to strengthen the system and they've tried to chip away at it at every opportunity. A case in point was their delay to the increase of the super guarantee. When Paul Keating introduced compulsory superannuation, the ultimate target for the super guarantee was 15 per cent. This is what experts agree is needed to fund the retirement needs of an ageing population. Labor legislated a timetable of increases until the guarantee reached 12 per cent in 2021. While the Liberals went to the
2013 election promising to delay the timetable by two years, they instead froze the guarantee at 9.5 per cent until 2021.

One of the latest moves in the Liberals' war on super was their legislation to limit union representation on industry superannuation fund boards—that was purely an ideological move. There was absolutely no evidence that it was needed, especially when industry superannuation funds have been consistently outperforming private funds. If the government are serious about protecting fund holders then perhaps they will do something about fee gouging as this is one of the major issues affecting superannuation balances. The bill we're now debating does not provide an effective or evidence based way to protect fund members. In fact, from the evidence received to two Senate inquiries, the inquiry into this bill and the inquiry into the Treasury Laws Amendment (2018 Superannuation Measures No.1) Bill 2018, we know that the government's proposed amnesty does not have widespread support from stakeholders and could actually be counterproductive.

While we have strong reservations about the government's proposed amnesty, we have no argument with the government that unpaid super is an issue that needs addressing. It's a problem that costs fund members almost $6 billion a year. While the term unpaid super makes this offence sound quite benign, we're essentially talking about theft. It's no less serious than wage theft. The basic difference is that it's the theft of deferred earnings rather than current earnings. In fact, it could be argued that the offence is even more serious because superannuation accumulates and, as such, has greater value when it's paid out.

The interesting thing about this amnesty is: it's not for one year or the last one or two years; it's for 26 years. It's interesting to note that the first bill in which the amnesty was proposed was expected to recover around $230 million in superannuation. That's a one-off recovery of about four per cent of only one year's stolen superannuation. It's a very small amount in the overall scheme of things. While those opposite might say, 'Well, at least it's another $230 million those workers wouldn't have had,' we need to ask ourselves the question: at what cost?

Recent research by the International Monetary Fund found that amnesties can be counterproductive for future compliance. The reason for this outlined in research cited by the Australian Institute of Superannuation Trustees in their submission to this bill is that future amnesties get anticipated and honest taxpayers end up resenting the special treatment given to those who break the law. This is why we need to approach the idea of an amnesty with great caution to be sure that any short-term gains aren't offset by negative future consequences.

Not only is the amnesty potentially counterproductive; it is also unfair—it's unfair to those employers who do the right thing and meet their superannuation guarantee obligations on time. The whole purpose of the penalties and interest charges levied on overdue superannuation guarantee payments is to ensure that there is a strong business incentive to pay on time and to send a strong message that failure to pay on time is taken seriously. If an employee steals from their employer, it's theft. It's the same for employers where they steal from their employees: it's theft, pure and simple. I've heard the arguments that it's complicated and it's hard to do, but I've never yet heard of a senior manager or CEO not having their superannuation paid. Let's think about that: it happens to the workers; it doesn't happen to those at the top.

An amnesty undermines the message that paying on time is important. The proposed amnesty would waive both the administration component of the superannuation guarantee charge and the penalties, which could be up to 200 per cent of the superannuation guarantee charge. On top of this, the superannuation guarantee charge in contributions offset against the superannuation guarantee charge will become tax deductible for employers. So not only do the offenders get some charges and penalties waived for doing the wrong thing but they also get a tax break. Really? By waiving the penalties and charges, the businesses that take advantage of the amnesty after failing to pay on time are getting an unfair competitive advantage over the businesses that do the right thing in the first place. As the Australian Institute of Superannuation Trustees said in their submission to the Senate inquiry on this bill:

... an amnesty sends a message to employers breaking the law that they will be protected from the consequences of the law ... The issue is that it says to good employers, 'There's no reward for you doing the right thing.' In fact, by allowing this amnesty to occur, poor employers who have held the cash back and used it for other purposes are being rewarded. It creates a situation where you are rewarding bad employers and punishing good ones.

The proposed amnesty has been put forward as a measure that could bring forward employers who have made an error. But, as United Voice pointed out in their submission to the inquiry, genuine errors are not the major problem when it comes to noncompliance with superannuation guarantee obligations. As UV's national secretary, Jo-Anne Schofield, told the inquiry:

... it's our experience that, where there is an error due to misclassification or oversight, it is quickly rectified, with cooperation from the union. But, in our experience, superannuation theft is deliberate and it is systemic in some sectors.
Everything that is wrong with the proposed amnesty was actually summed up succinctly by the ACTU, which told the inquiry:

... it introduces a double standard on workers and their entitlements. Fundamentally, if workers were to steal from their employers, they’d face jail, lose their jobs and face significant penalties to their livelihoods. Workers face fines and penalties for exercising the right to strike under our systems. But, under this proposal, employers who refuse to comply with the law get a free kick from their legal compliance and their obligations, and they get a tax deduction to boot.

I would like to know where this amnesty idea was initiated. It has not been recommended by any parliamentary or government report, and it is not supported by employee representatives or the superannuation industry. It was not even recommended by the government's own Superannuation Guarantee Cross-Agency Working Group. In fact, the only stakeholders that seem to support it are employer representatives—in particular, the Australian Chamber of Commerce and Industry and the Council of Small Business of Australia. In evidence to the inquiry on the first amnesty bill, COSBOA said they had very brief conversations with a couple of ministers at the time but had not raised the issue publicly, although, 'There may have been a tweet or something.' While both ACCI and COSBOA justified the amnesty by saying superannuation guarantee payments could be missed for reasons such as health issues or national disasters, these were not accepted by the Treasury as valid excuses. Treasury officials told the inquiry that Single Touch Payroll, and technology more generally, had made it much easier for employers to comply with their obligations.

The way this proposal has come about reveals a very worrying approach to policy development by this government. It appears that a policy initiative gets thrown up based on a couple of brief conversations with employer groups, is not recommended by any report or inquiry, and is put forward without any consultation with other stakeholders, such as employee groups or the superannuation industry. As I've said before, Mr Morrison likes to talk a lot about the Canberra bubble, but he leads a government which governs by thought bubble. What we get as a result is ill-conceived, ill-thought-through bubble policy. There are far more effective ways to improve superannuation guarantee compliance than this proposed amnesty. Single Touch Payroll is certainly going to play a big role in the near future. Other suggestions have been put to the inquiry, such as strategic audits by the ATO and allowing individuals and unions to inspect wage and superannuation records.

When it comes to noncompliance with superannuation guarantee obligations, or any other form of wage theft, one of the best things the government could do to combat the problem is to stop their war on workers. Legislative proposals, such as the government's so-called 'ensuring integrity' bill are nothing but an assault on unions, the organisations at the front line of fighting wage theft. Those opposite would be amazed how much progress they could make on wage theft, at no extra cost to the taxpayers, if they simply stopped their ideological attacks on unions and let them get on with their jobs.

The truth is this government is not the slightest bit interested and it's not the slightest bit serious about standing up for workers, cracking down on wage theft or defending the superannuation system. They never even really supported it in the first place. We on this side believe there's a better way to recover unpaid superannuation guarantee obligations, which is why Labor have moved an amendment to this bill. The amendment is fairly straightforward. It inserts the right to superannuation into the National Employment Standards. This will give employees the power to pursue unpaid superannuation because, currently, unpaid superannuation is a debt to the tax office, which means workers cannot pursue these debts unless there's a clause in their award or their agreement that empowers them to do so. The government really should support our amendment. It's the only way they can have a bill before this place that will facilitate real, effective action to recover unpaid super. And if common sense is to prevail, then I look forward to receiving the government's support for our amendment.

Senator CICCONE (Victoria—Deputy Opposition Whip in the Senate) (13:15): For too long, and as a number of my colleagues on this side of the chamber have articulated, the coalition has had a very long history of walking away from working Australians. The bill that's before the Senate, the Treasury Laws Amendment (Recovering Unpaid Superannuation) Bill 2019, is little more than their most recent step on that walk. This bill should be amended or it should be opposed. This bill, as it stands in its current form, is a terrible joke waiting to be played out on unsuspecting workers, who are relying on us to ensure that employers can't continue to steal their wages and their superannuation.

The recovering unpaid superannuation bill will offer employers a 12-month amnesty in which to come forward and own up to theft of super from their own workers. Put another way, this bill will give the bosses an opportunity to get away with breaking the law and facing absolutely no consequences. This is an offence against the very foundations of our society. If you break the law, you should face the consequences. We don't offer amnesties to workers, we don't offer them to any other Australians, but somehow it's okay if you are an employer. Our community functions because we have confidence in the rule of law, and yet here we have an extraordinary piece of legislation that will allow a certain section of our community to break the law, to steal superannuation and to
get off scot-free. Not that I can say that I'm surprised. Every step of the way, the coalition has opposed, in principle if not in practice, the reforms that have delivered Australians a superannuation system that is the envy of the world, but here we are.

Super theft is an enormous problem. It's as heinous an offence as wage theft and directly impacts the savings of millions of Australians right across our nation. Unfortunately, for those nearly three million Australians whose super is stolen annually, unpaid super is a double whammy. Not only is it direct theft from a worker's pay packet, it also denies workers the compounding interest opportunity that they would have received if the super had been paid into their account and not stolen from them.

When you add this into other contexts—wage stagnation, cuts to penalty rates, voluntary savings and home ownership—you start to paint a picture for a number of workers, including those that I formerly represented at the SDA and in the retail sector. It's a picture that looks quite grim for many people, and we maybe start to understand why our economy isn't growing nearly as fast or as high as we would like. Time and time again, the coalition are hell-bent on ensuring that those who aren't earning a lot of money—in fact, most people in our nation—don't have the dignity of receiving what is legally their own entitlement. But, instead of penalising employers who break the law, this bill would mean that employers will not face penalties for super theft if they pay it back during the amnesty. And, as my colleague Senator Bilyk mentioned earlier, they would also receive tax deductibility. When employees steal from a business, they face the full force of the law. So why do employers who steal from their employees get special breaks from this government?

This proposed amnesty may not even work. During the inquiry into the bill during the last parliament, Industry Super Australia estimated that the annual superannuation guarantee gap is around $5.9 billion. The Australian Taxation Office estimates an annual gap of around $2.8 billion. Treasury confirmed that they expected $230 million to come to light during this amnesty; when one compares this figure to the annual estimated amounts of stolen superannuation, one has to wonder why. And what happens after the 12-month amnesty? What reforms are this government offering to finally end the scourge of wage theft and superannuation theft? There is no reform in this bill. Are we going to come back here in 12 months time with another amnesty, another band aid? This is third-term government with no agenda. But there is no plan to tackle wage theft. There is no plan to stop employers from underpaying superannuation.

Those of us in this place are fortunate enough to get our super paid every time we get our pay packet. But millions of Australians out in the real world have to wait every quarter—and they then have to hope that their employer has done the right thing in passing on their superannuation and that they don't have to chase up the ATO. If this government were serious about ending wage and super theft, they would offer a suite of reforms that would deter employers from stealing workers entitlements. They would not allow them to get away with breaking the law.

In my first speech in this place, I called for increased penalties for wage theft and measures to make it easier where employers do not pay superannuation or where super has been underpaid. Labor's amendments to this bill create a pathway that will make it easier for workers to pursue employers for unpaid and underpaid superannuation. Currently, unpaid superannuation is a debt to the ATO, not to the worker whose super has been stolen. This means workers have to wait for the ATO to pursue the stolen funds. And there have been countless examples in Senate inquiries where we know it can take months to recoup stolen or underpaid superannuation. In 2017, there was a Senate inquiry that looked at the non-payment of super. In particular, the National Foundation for Australian Women noted that women are over-represented among lower-paid, part-time and casual employees and they were the group most impacted when it came to the underpayment and nonpayment of superannuation.

Labor's amendment, as has been flagged, would add another schedule to this bill. It would amend the Fair Work Act. It would enshrine the superannuation guarantee levy in the National Employment Standards. This would make superannuation a right for each and every worker. It would better allow workers to pursue underpaid super, providing them with the opportunity to pursue employers for super theft through the Fair Work Commission or the Federal Court, an opportunity that is currently denied to them.

If there is a choice between supporting Australian workers or kicking a worker, sadly, you can always expect those opposite to kick them. But, unlike this seven-year Liberal-National government, the Labor Party will not walk away from the rights of workers to be paid a fair day's wage for a fair day's work. The Labor Party is committed to ensuring that Australians who spend their lives working hard can enjoy a comfortable and fulfilling retirement. We are committed to tackling wage theft and superannuation theft head on. We've done that over many, many years. Labor always has been and always will be committed to ensuring that workers get what they rightly and lawfully are entitled to.
Senator PRATT (Western Australia) (13:26): This afternoon, as we debate the Treasury Laws Amendment (Recovering Unpaid Superannuation) Bill 2019, I am reminded of a great many interactions with constituents, with friends and with people in the community, all of whom have been affected by this terrible issue. It not only leaves them financially worse off but leaves them with a very bitter taste in their mouth in terms of their relationship with their employers and can be extremely personally distressing.

I was talking to a friend of mine just last week who rang me to say that she'd been working as a personal trainer and her boss had told her that she was a contractor. Now, we know in these laws that contracting may or may not put you in the category of needing to have your superannuation paid. It was very clear that she was deemed an employee for the purposes of superannuation and, despite numerous attempts to have her superannuation paid, it had not, to date, been paid.

I find this bill quite concerning in terms of whether it's really going to be effective for the people that I know that have been impacted by this issue. We know it sets out to give businesses that are unlawfully underpaying their employees' superannuation a free pass through its 12-month superannuation guarantee amnesty. But it does not provide the ability to recover the lost superannuation that has been stolen from one in three Australians. It could, indeed, exacerbate some of the kinds of problems that we've seen in the existing system—and the problems are rife. Just this morning I met with the superannuation peak body. They were telling me about how the ATO has been historically underfunded in terms of gathering up and being responsible for lost superannuation.

The thing about the government's motivation here is it makes the ATO responsible for pursuing unpaid superannuation at the same time as it is pursuing people with tax debts. There's a big difference between bringing in money that suits the government's bottom line and recovering tax debts, and the ATO has been pretty motivated by governments to do that over time. But, if you look at the record of unpaid superannuation and the resources the government has given to it historically, it in no way matches the effort that's gone into catching tax dodgers.

Treasury estimated the amnesty period would result in $230 million worth of superannuation paid back to employees, as opposed to the $5.6 billion of super the ATO estimates that 2.4 million workers are losing every year. That's $2,000 every year that should be going towards their retirement savings. The predicted amount does not even come close to making up for the superannuation lost within the last year alone. How can it be expected that this pittance would make up for the last 25 years that the government wants this amnesty to cover? It's patently ridiculous that that is the case.

Frankly, superannuation theft is just as bad as wage theft. The dodgy examples of it that I have seen are extraordinary, right down to people essentially given false payslips—payslips that show superannuation has been paid into their superannuation account when a business hasn't even lodged the paperwork or gone into the portals of superannuation companies when an employee has provided them that information. It's not that they are making the most of the three- or four-month period they've got to pay that; it's frankly that they have been out and out lying to their employees in some cases about whether that entitlement was paid at all.

I'd like to encourage individual people, when you start work, to download the apps that go with your superannuation account and make sure your superannuation is going into your account. And if your employer is not paying it straight away, find out what's going on. As a peak body representative for super told me this morning, hopefully these problems will get better with a one-touch payroll system. But it also means that these shouldn't be complicated things to resolve, and businesses that aren't doing it are, frankly, ripping off their employees.

We don't want to see bosses get away with stealing superannuation entitlements from their employees; but, frankly, that is what the government is proposing. Normally when an employer does not meet their superannuation guarantee entitlements they are liable for penalties and charges. Some of these penalties are up to 200 per cent of the amount owed but, under the amnesty proposal, this will not be enacted. So what we need, frankly, are stronger measures and a firmer hand if we want to protect Australians' livelihoods in their retirement. I find it somewhat ironic that this bill is called 'recovering unpaid superannuation' when what it will leave is a legacy of unpaid superannuation over more than two decades. We need to ensure a right to superannuation within the national employment standards. It's terrific to see amendments on the table in relation to that.

Employees should have the right to seek out and recoup their unpaid super. We don't want to waste time on what is largely an ineffective amnesty, an amnesty for companies that, frankly, have done the wrong thing. The government has put itself in quite a bind—advertising an amnesty, collecting information from businesses and promising them that amnesty. The businesses that have put their hands up to be a part of that amnesty should be paying the superannuation that is owed to their employees, but that's not what the government has promised them.

I know that workers across the country whose employer has either underpaid their superannuation or not paid it at all won't be calling for this government to let their employer off the hook. When you talk to people about their
experiences with unpaid superannuation, it's really distressing. The government is papering over terrible workplace relations practices and papering over wage theft by legitimising employers' nonpayment of superannuation through this amnesty. Workers at the Commonwealth Bank, Bunnings or any of George Calombaris's restaurants are not asking for amnesty. They're asking for their super. We don't want to send to dodgy employers—most businesses, absolutely, do the right thing; they have wonderful, loyal employees and they treat their employees properly in terms of paying their superannuation in a timely way. Statistically, the number of people who are being paid their superannuation payroll to payroll is increasing. That's because it is much easier, technically, to do now. That means that the excuses for people not paying superannuation become dodgier and dodgier.

What we have here is a government that has fundamentally failed to address the issue of rampant unpaid and underpaid superannuation in our nation. Instead, we've seen government senators in this place so ideologically opposed to the very notion of superannuation and to ensuring hardworking Australians live with dignity in their retirement. Those senators have got just the bill they were after here. It is a bill that give the bosses a free ride—a free pass—and does nothing for employees who are still owed their superannuation. This is happening at a time when our country is in the grip of flat wages growth and we continue to have rampant underpayment of wages and superannuation.

Instead of having an amnesty, why not put some thought into a strategy to tackle this issue? The government has really put the cart before the horse with this bill. There is a wage and superannuation theft inquiry going on in this parliament now, so it seems ridiculous to me that it would do something that panders to employers in relation to this issue. Should this bill go through in its current form, we will be giving businesses who have committed super theft for the past 25 years an out, with absolutely no consequences bar paying employees the money they have rightfully earned. This inspires not a culture of honesty but, instead, a system of comfort—comfort in the knowledge that, no matter how poorly a business decides to treat its workers, it has in government a party that is able to turn around and absolve them of any meaningful consequences from these actions. Why would they not think that, given that, not only will these employers face a fraction of the final debt they owe, there isn't even a plan to increase penalties for those that commit superannuation theft? Why would you let them of the hook in this regard?

How about businesses out there that have been operating with openness and honesty—businesses that have abided by Australian law and paid the required amount of super to their employees, doing the right thing while competing with other businesses not doing the right thing? You know, it's practices like this that undermine local manufacturing and people who want to offer quality goods and services that are Australian made or Australian produced, because they're undercut by businesses that are unlawfully cutting their costs. How is it fair that, while they've had to compete with an unfair disadvantage, the businesses ripping off workers will be rewarded and, frankly, coddled for these actions. We have a government that has decided that it will give shonky operators and bosses a free ride—employers that have demonstrated a lack of integrity when it comes to paying their workers what they are owed.

Importantly, in our nation it is unions that go in to bat for workers so very often, fighting tooth and nail just to recover the superannuation that their members are entitled to. But what we see here is that, instead of going after employers, this government's gone after unions with its Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill. It's double standards and an absolute ideological obsession on their part. We've got dodgy companies not facing the consequences for their actions, but the negligible charge that they have been asked to pay will become tax deductible for the employers. How is that fair? (Time expired)

**Senator AYRES** (New South Wales) (13:42): No matter what moderate, reasonable language this is couched in, no matter how it's dressed up, an amnesty for superannuation theft is a terrible idea. It will reward bad employer behaviour. It will disincentivise employers who've got good governance and a good compliance record, and in fact put many of them at a competitive disadvantage. It will cover barely a fraction of the superannuation stolen and will, I believe, send a very clear message to employers and to workers about whose side the coalition government is really on. The coalition government aren't on the side of ordinary working Australians. They're not on the side of businesses—small, medium and large—who do the right thing, who work with their employees and with unions and demonstrate good compliance and good governance structures. This is a government that is on the side of the charlatans and the shonks: the criminals in the construction industry and the people who find noncompliance and underpayment is their business model. Their friends in the press are out there defending people who steal money from ordinary working people who are in a vulnerable position. Those are the characters who that side of politics back up every single time when it counts. It's always couched in the minister's reasonable language and moderate propositions, but that's because it's an act of deception, trying to encourage ordinary Australians to think that these people are on their side when in fact what they are really about is enabling
corporate crime, enabling underpayments and encouraging bad employer behaviour. Their ultimate objective is to wreck the superannuation system itself. The Liberals have never understood superannuation.

Senator Hume: I worked in it.

Senator AYRES: I'll take the interjection. For a person who's worked in the sector, you've never understood the value of the superannuation system. No matter how much the minister protests, the government's core objective is undermining universality, undermining the scale of the system and wrecking the value that it's created for ordinary workers and their families and the Australian economy.

Senator Hume interjecting—

Senator AYRES: You can shake your head, but you are a chief enabler of wrecking one of the great achievements in the Australian economy. It's a Labor achievement. I know you lot hate it. I know you lot hate the ordinary, decent trade union officials and members who established the system. It is a Labor achievement. It is a union achievement. It's an achievement that's been delivered in cooperation and great partnership with a generation of employers and employer representatives. It's delivered good things for the Australian economy and ordinary working people. At every little step of the way, at every opportunity to undermine it and to pander to some of the most extremist elements that have attached themselves to your once-great political party, you've done anything to wreck the system. What we actually need is a fair dinkum commitment to superannuation, a fair dinkum commitment to dealing with the inequities that present themselves, and we need a government that's actually on the side of decent Australians—that's actually on the side of good employers, not on the side of ratbags and crooks and shonks.

Industry Super Australia estimates that $5.9 billion worth of superannuation is stolen every year. The tax office estimates about half that: $2.8 billion of superannuation is stolen every year. This amnesty, which goes back an extraordinary 26 years, will only recover, the estimates say, $230 million.

Senator Hume: That's an awful lot for workers.

Senator AYRES: Well, it's actually not very much over 26 years. It's a very poor return for what's going to send a very clear message supporting noncompliance, supporting crook behaviour, undermining decent superannuation funds and undermining compliance right across Australia's industry. I can't imagine a situation where anybody would think that if, as an ordinary Australian, they didn't pay their tax, if they didn't pay the debts that were due, this government would run out with a 26-year amnesty. It's an extraordinary immoral and improper proposition perpetrated by a government that doesn't know what it's doing, that's lost its purpose, that doesn't have a plan for the economy and that couldn't fight its way out of a wet paper bag.

The system of universal superannuation is regarded as one of the most successful schemes in the modern world. It's a great social democratic achievement. The Laurie Carmichaels, the Bill Kelty, the Tom McDonalds and, dare I say it, the Doug Camerons delivered industry superannuation for ordinary Australians. After more than 25 years, we're seeing the transformative effect it's having not just on the lives of working Australians but on the broader national economy. We now have an entire generation that stands to retire with the benefit of decades of compulsory superannuation, delivering dignity that was unimaginable to their parents, helping to ease the burden on the age pension and mitigating, to some extent, the great inequalities that exist in our society in terms of people's wealth. The idea that average workers might be able to retire with a few hundred thousand dollars in their superannuation account, I know, causes great offense to members opposite, but it's a profound achievement, and we should be celebrating it.

Thirty years ago, millions of Australians were retiring with little or no savings, no super and only the age pension to support them. Rewind 30 years and Australia didn't have its own source of domestic capital. As a result of our superannuation system, we no longer have the begging bowl out for foreign capital, captive to foreign bondholders, with a huge current account deficit, which is exactly where the coalition would have had us if they'd their say all the way along. Those characters opposite opposed superannuation every step of the way. Now that the system is in place, they seek to undermine it. There wasn't a moment during the 1980s when the once great political party that these characters hang around with ever supported progress in the superannuation system or ever stood up for ordinary Australian workers. They were always on the side of poorer outcomes, they were always opposed to universal superannuation and they never once struck a blow for ordinary working people. With a pool of savings that now is expected to reach around $6 trillion by 2030, our superannuation system is a key driver of growth—to the extent that's possible in the economy that the senators and the government opposite have delivered us—it's got enormous potential in terms of jobs and productivity and is increasingly improving Australia's current account by investing overseas and repatriating dividends and capital gains.

It was Labor that built the system. We just can't forget that the system was built by, and for, working people in cooperation with business and with business organisations in a way that would do the country a great amount of
credit if we could return to that level of cooperation and that level of common purpose. It was unions, not the coalition, that insisted that superannuation must be portable and must be accumulating. It was union members who demanded access to the system that was previously the preserve of a privileged few, and they often went on strike to do so—sometimes at a national and an industry level in concert, in cooperation, in a way that the characters opposite have tried to stop Australian workers doing every single time. It was Australian workers and the ACTU and the great trade unions of the time who agreed to forgo productivity based wage increases to achieve the system.

The creation of industry super funds was a true innovation. They are the envy of modern governments all over the world. Their return to members has been remarkable—at least by the industry funds—and their influence has made them a critical part of the Australian economy. They continue to have lower fees and better returns than their retail counterparts.

Universal superannuation shows us what happens when Australians cooperate and develop cooperative models based on consensus, rather than ratbag ideological division. That's why the show opposite don't understand the system. That's why they are so opposed to the system. Some of them even harbour doubts about the future existence of the universal system at all. Poor old Senator Bragg's first speech to the parliament included this package of wisdom:

Compulsory superannuation is almost 30 years old. Super is now almost twice the size of the economy and the capitalisation of the securities exchange. We have the fourth-largest private pension pool in the world with only 25 million people.

Imagine that. He then goes on to say:

It remains a strange but huge experiment.

That's an odd thing to say. He went on to say:

I do not believe this system is working for Australians. Certainly the case has not been made for ever bigger super. I would change direction. Super should be made voluntary for Australians earning under $50,000 a year. Taxpayers could simply tick a box to get a refund when filing an annual tax return. I commissioned modelling from Rice Warner actuaries, which estimates a saving to government of $1.8 billion in the first year alone.

What an extraordinary proposition! This is the crank ideology that is driving some of the big thinkers in the Liberal Party today about the future of a system that is universal, that has enormous capacity for social and economic justice for ordinary Australian people and is also of enormous benefit to the Australian economy.

Senator Bragg's proposal would rob 13 million Australians of a decent retirement, and it's attracting some support. He's not the only person on the other side who harbours unusual doubts about the remarkable success of our superannuation system. There is a growing rump of backbenchers who are spreading disunity on the critical increase to our superannuation system—the legislated increase to 12 per cent. We know where that leads. The Leader of the Government in the Senate has often been at the centre of little rumps in the backbench, and we know where that leads in terms of coalition policymaking. The member for Goldstein, the hapless Mr Wilson, told Sky News that there are 'legitimate questions about whether we should continue to increase the superannuation guarantee verses the alternative of giving people the choice to opt for wage increases so they can do things like pay down debt today'. The hypocrisy and the arrogance of a bloke who will never have to struggle for his own retirement! He will never have to make the choices that ordinary Australians find themselves having to make. Getting onto the side of businesses who don't comply and getting onto the side of cutting costs and the low-wage, low-skill option—that's where he is. The truth is many of these characters have adopted the lazy assumptions, the ordinary thinking and the shallow approach to politics—what's in the interest of the Liberal Party and businesses that don't comply with the law. That's where the backbench—the morbid, moribund, moronic backbench—of the modern Liberal Party are heading on this issue. It's an embarrassment. It's an embarrassment that the once great political party that used to stand up for decent businesses is now hanging out with people who don't comply and who have hopeless governance standards. This bill sends a message to the crooks and shonks in the construction industry, who are your friends—(Time expired)

Senator GREEN (Queensland) (13:57): Why would this government introduce a bill that gives dodgy employers who may have stolen super for the last 26 years an amnesty? Maybe it's because members of this government don't support superannuation at all. We know that during his first speech Senator Bragg said super should be voluntary. He was a little gun-shy the other night in his speech on the second reading, but that is what he said in his first speech. Someone who wasn't as gun-shy was Senator Rennick, the LNP senator from my home state of Queensland. In his second reading debate speech he said:

Of all the rorts that exist in this country, nothing compares to superannuation … At the end of the day, super isn't working … At the very least, superannuation should be voluntary, not compulsory. This is a view that I'll be putting to my colleagues …
He concluded that he had conducted internal polling showing there was support for his push among coalition senators and MPs. The move threatens to open up another front of backbench discontent, with a handful of Senator Rennick's colleagues supporting abandoning legislation on the increase of compulsory superannuation from 9.5 to 12 per cent.

'At the end of the day, super isn't working.' That's what Senator Rennick said. They don't support superannuation. That's why they're bringing in a bill to give people who've underpaid super a 26-year amnesty. Right now we know that nearly one in three Australians are missing out on the superannuation they—

Government senators interjecting—

Senator GREEN: You know, just because you keep saying the word 'worker' over and over again, it doesn't mean you actually support them. You can get out there and you can put your shiny new high-vis on, but I can tell you that doesn't mean anything. Right now nearly one in three Australians are missing out on the superannuation that they are entitled to. Superannuation is part of every Australian worker's pay and conditions, and every worker deserves to receive the superannuation that they are entitled to at the time that they are entitled to receive it, not 26 years later.

Unpaid superannuation is a massive problem in this country. Industry Super Australia has previously estimated that 2.4 million workers are losing $5.6 billion each year. A report by Industry Super Australia reveals the people most likely to have their super stolen are under 35, work in blue-collar jobs and earning less than $30,000 per year. You know what that sounds like to me? A worker. These are the people that you are not supporting through this legislation. These workers are—

The PRESIDENT: Order, Senator Green! You will be in continuation when debate resumes.

MINISTERIAL ARRANGEMENTS

Senator CORMANN (Western Australia—Minister for Finance and Vice-President of the Executive Council) (14:00): by leave—I advise the Senate that Senator Birmingham will be absent from question time today, Thursday 13 February 2020, due to ministerial business overseas. In Senator Birmingham's absence I will represent the Minister for the Environment and the Minister for Energy and Emissions Reduction; Senator Payne will represent the Minister for Trade, Tourism and Investment and the Minister Assisting the Minister for Trade and Investment; Senator Ruston will represent the Minister for Resources, Water and Northern Australia; and Senator Cash will represent the Minister for Education and the Minister for Decentralisation and Regional Education.

I further advise the Senate that Senator Reynolds will be absent from question time today due to ministerial business overseas. In Senator Reynolds's absence I will represent the Minister for Defence, the Minister for Veterans' Affairs and the Minister for Defence Personnel, the Assistant Minister for Defence and the Minister for Defence Industry; and Senator Ruston will represent the Minister for Communications, Cyber Safety and the Arts.

QUESTIONS WITHOUT NOTICE

Aged Care

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (14:01): My question is to the Minister for Aged Care and Senior Australians, Senator Colbeck. Can the minister confirm that over the past two years almost 30,000 Australians died while waiting for their approved home-care package? How is this acceptable?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:01): We have canvassed this issue a number of times in the chamber before. No-one in government or opposition, I'm sure, wants to see people passing away while they're waiting for a home-care package. That is why we've invested so heavily in home-care packages since coming to government.

Senator Keneally: But you haven't!

Senator COLBECK: Senator Keneally clearly wasn't listening when we provided this information in the chamber before. When we came to government there were 60,000 home-care packages in the market. As of today there are 146,000-plus home-care packages in the market, and that will be 150,000 home-care packages by the end of this financial year. That is a significant increase—in fact, an investment of over $2.7 billion since the budget before last. We have made a significant investment.

We put 10,000 additional places into the market on the back of the interim report of the royal commission; the royal commission drew our attention to that issue. We want to see the waiting time for Australians waiting for home-care packages reduced. That's why we've continued to invest in new home-care packages and in the aged-care sector. We will continue to do that.
There are a couple of numbers Senator Keneally should remember: $387 billion and zero—$387 billion of taxes that the Labor Party promised at the last election and zero home-care packages.

**The PRESIDENT:** Order! Senator Colbeck, please resume your seat. Senator Keneally, on a point of order?

**Senator Keneally:** It is on direct relevance. The question was fairly narrowly construed and made no mention of tax policy, neither the government's nor that of the Labor opposition. It was specifically about whether or not it is acceptable that 30,000 people have died waiting for a home-care package on their watch.

**The PRESIDENT:** Until straying in the last few seconds, I considered the minister directly relevant. His attention has been drawn to the question. He has three seconds remaining.

**Senator COLBECK:** $387 billion of taxes and zero home-care packages!

**Senator Wong:** Mr President—

**The PRESIDENT:** Senator Colbeck! I'm happy to address this. I'm going to ask ministers, if I say they are not being directly relevant, to not get up and say the same thing again. That material was not directly relevant, and I actually said so. In the other place the Speaker unilaterally sits down ministers. I have not taken that option, but, if that happens, I will. Senator Keneally, a supplementary question.

**Senator Keneally:** I am willing to accord the minister three extra seconds if he would like to correct—

**The PRESIDENT:** Time has expired, so I will set the clock again so you can commence your supplementary question.

**Senator KENEALLY** (New South Wales—Deputy Leader of the Opposition in the Senate) (14:04): Thank you, Mr President. Why are up to half of all older Australians in residential aged care malnourished?

**Senator COLBECK** (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:04): I haven't had that particular statistic put forward to me specifically. I don't believe that's the case. If that's the case, I don't believe it's acceptable. That would not be acceptable to government and, quite frankly, that would mean that 50 per cent of the aged-care providers in this country were not meeting the standards that are established under the quality and safety commission. That would mean that the providers providing that care would be in breach of the quality and safety commission's quality standards obligations, because providing high-quality care and food is clearly— *(Time expired)*

**The PRESIDENT:** Senator Keneally, a final supplementary question.

**Senator KENEALLY** (New South Wales—Deputy Leader of the Opposition in the Senate) (14:06): Why is the Morrison government's priority to privatise aged-care assessment services, a demonstrably successful service that older Australians and their families rely upon and trust, instead of ensuring that older Australians are receiving the quality aged-care services they deserve now?

**Senator COLBECK** (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:06): The government has never said that it was going to privatise aged-care assessment services. It has never said that. It has been stated by others in the media that that's what was going to happen, but the government has never stated that. In fact, on a number of occasions, I have refuted that. The Tune review—if Senator Keneally bothered to do some research into the history of this sector—recommended—

**Senator Polley:** Why haven't you adopted the recommendations? You've had long enough.

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

**Senator COLBECK:** I will take your interjection, Senator Polley. The Tune review recommended combining ACAT and RAS in its 2017 report. The Tune review recommended that we do that. The royal commission, in its interim report, said it was an urgent reform. That is why we are continuing with that reform, because the Tune review recommended it in 2017, and the aged care royal commission said it was urgent. *(Time expired)*

**Economy**

**Senator HENDERSON** (Victoria) (14:07): My question is to the Minister representing the Prime Minister, Senator Cormann. Can the Minister representing the Prime Minister inform the Senate how the Morrison government is building a stronger economy which rewards hardworking Australians?

**Senator CORMANN** (Western Australia—Minister for Finance and Vice-President of the Executive Council) (14:07): I thank Senator Henderson for that question. Let me say up-front: it's really good to be here. It's really good to be here to explain to the Senate what the Morrison government is doing to build a stronger economy, creating better opportunities for the Australian people to get ahead. Because when we came into government we inherited from the Labor Party a weakening economy, rising unemployment, a rapidly deteriorating budget position. We worked hard to turn that around.
Last financial year the budget returned to balance; this year we are on track to return the budget to surplus and we have the first current account surplus in 40 years. We have the lowest welfare dependency in more than 30 years. We have been able to give the biggest tax cuts in more than 20 years, leaving more money in peoples' pockets, and there have been more than 1.5 million new jobs created under our period in government. In fact, in December our employment rate fell to 5.1 per cent. When Labor lost government it was on the way past six per cent. Indeed, retail trade volumes in the December quarter grew at 0.5 per cent, the strongest increase in a year and a half. Household disposable income in the December quarter had its biggest rise in a decade under our government. Building approvals are up by almost three per cent, year on year.

This week the Westpac-Melbourne Institute survey said consumer sentiment was up by 2.3 per cent. We are delivering for the Australian people. While the Labor Party treats this institution with disrespect, we continue to do the job for the Australian people of building a stronger economy, creating more jobs, creating more opportunities for Australians to get ahead. That is why the Australian people re-elected us at the last election. That is why they voted against your socialist agenda, which they knew would leave every Australian worse off.

The PRESIDENT: Senator Henderson, a supplementary question?

Senator HENDERSON (Victoria) (14:09): Can the Minister representing the Prime Minister outline how the Morrison government's energy policies are supporting a strong economy?

Senator CORMANN (Western Australia—Minister for Finance and Vice-President of the Executive Council) (14:10): Our policies are all about delivering more affordable, more reliable energy supplies in a way that helps us meet our emissions reduction targets. We on this side of the chamber understand that it's very important to have a responsible and environmentally sustainable energy mix, including of course a very strong commitment to renewables. We are leading the world when it comes to the investment in renewables. But we also understand the need to ensure that we have got affordable and reliable supplies based on coal and gas. Coal is and remains important to our energy security and our energy affordability. Not only does it provide cheap power; it also provides tens of thousands of jobs across regional communities. And, of course, exporting Australian coal helps us to reduce global greenhouse gas emissions, which is why Labor should be supporting it.

The PRESIDENT: Senator Henderson, a final supplementary question?

Senator HENDERSON (Victoria) (14:11): Is the Minister representing the Prime Minister aware of any similar energy policies?

Senator CORMANN (Western Australia—Minister for Finance and Vice-President of the Executive Council) (14:11): Yes, I am: Senator Farrell and the Otis group—

Government senators interjecting—

The PRESIDENT: Order! I have Senator Wong—

Honourable senators interjecting—

The PRESIDENT: Order! Senator Wong on a point of order.

Senator Wong: That was a very big wind-up, but actually yesterday I probably should have taken a point of order on a similar question from, I think, Senator Rennick. It is: there must be some reference to government policies. That wording was slightly better than yesterday's, but I would ask you—

Senator CORMANN: They're similar policies to the government's.

The PRESIDENT: Let me hear the point of order and I'll—

Senator Wong: You are very excited today, aren't you, Senator Cormann. Very excited!

Honourable senators interjecting—

The PRESIDENT: Order! I'm hearing from Senator Wong.

Senator Wong: Mr President, there is a lot of precedent associated with these types of questions; there generally is a form of wording which the government is not complying with. I ask you to consider that.

The PRESIDENT: Senator Canavan, on the point of order?

Senator Canavan: On the point of order: the reference here in this question, the relevance of the Otis group, is about government policy, because it's a group of Labor ministers who want to adopt the government policy on coal.

The PRESIDENT: Order, Senator Canavan. After yesterday, I did consult the Clerk on this matter, with my ability to potentially foresee a question. The previous ruling, which has been applied by numerous Presidents—Sibraa, Reid and Calvert—is that a question which invites a minister to comment on the policies or actions of non-government parties is out of order unless the question seeks an expression of the government's intentions in some
matter of ministerial responsibility. In my view, yesterday's question probably crossed that line. I will let the minister continue this but I will review the Hansard on the basis that this question, which I don't have detailed notes of, asked for the minister's awareness. So I will not rule it out of order at this point but I will review the Hansard, and can I urge my colleagues who ask questions to keep those standing orders in mind.

Senator CORMANN: Thank you, Mr President. I am optimistic about our future, because we now know that Senator Farrell is leading the next generation of Labor leaders into supporting more responsible economic policies, and that is a great thing. Courtesy of Channel 10, we now know who the members of this coal-industry- and coal-worker-supporting Otis group are. Senator Sterle is on there twice, and—

The PRESIDENT: Order, Senator Cormann! Senator Wong, were you raising a point of order? I was consulting the Clerk.

Senator Wong: He's going to hold up a prop.

The PRESIDENT: Props are not appropriate. My apologies; I was consulting the Clerk. I call Senator Cormann to continue.

Senator CORMANN: There are quite a few Labor senators on there. Senator Sterle appears there twice. Is he particularly committed or is he covering for somebody else? Maybe he's covering for Senator Sheldon, because he wrote a big job application for the Otis group nine years ago. In fact, it was written up by one Matthew Franklin. You might know who that is. I think he might work in Mr Albanese's office. Senator Sheldon appeared in front of my inquiry when he described Labor-Green carbon taxes as death taxes. I table— (Time expired)

Defence Equipment

Senator MARIELLE SMITH (South Australia) (14:14): My question is to the Minister representing the Minister for Defence Industry, Senator Cormann. The former Minister for Defence confirmed that 90 per cent of the work on the submarine project will be Australian. Today The Australian reports:

… local firms may not get half of the value of the subs’ contracts.

Can the minister confirm what the actual level of Australian content will be?

Senator CORMANN (Western Australia—Minister for Finance and Vice-President of the Executive Council) (14:15): What I can assure Senator Smith about is that the Australian industry content building the next generation of submarines is going to be massively higher than it would have been under Labor.

The PRESIDENT: Order. Senator Wong on a point of order.

Senator Wong: I know he's very excited, Mr President, but direct relevance. This is a serious question about the largest procurement in the nation's history. It is asking this minister representing the defence minister what the actual level of Australian content will be. I know he's very excited and wants to play politics but if he could answer the question about people's jobs, I'm sure South Australians and Western Australians would appreciate it.

The PRESIDENT: Order! Senator Wong, you have raised your point of order. The minister was halfway through a sentence. I'm not going to rule halfway through his first sentence on direct relevance. You've reminded the minister of the question; I'll call him to continue.

Senator CORMANN: It is our government that has committed to build the next generation of submarines. It is our government that has made the necessary decisions and put on the table the necessary investment. And it is our government that is absolutely committed to maximising Australian industry involvement.

Let me tell you the reason why my opening remarks were entirely relevant, directly relevant, to the question. What we are looking at now, in the level of Australian industry content on the back of our decisions to build 12 new submarines for Australia, is—

Senator Kim Carr: Pyne promised 90 per cent. What happened to the 90 per cent?

Senator CORMANN: What was there in the six years under Labor? Nothing. Did they decide to build a single submarine, even half a submarine? No. Nothing. Zero. Like Otis. This is what we get from the Labor Party.

The people in South Australia and the people in Australia generally know that this is a government that is committed to not only ensuring that our defence forces have got the capability they need but that our—

The PRESIDENT: Order. Senator Wong on a point of order.

Senator Wong: The point of order is on direct relevance. I think the Australian people do want to know what the level of Australian content is. This has been asked by Senator Patrick and Senator Griff; today it's being asked by the Labor Party. We would ask the minister to respond to the question.
The President: On the point of order, you've restated the question, Senator Wong. When the minister was talking about Australian content and the building of the project, I do consider that to be directly relevant. I cannot instruct him how to answer a question. Senator Cormann.

Senator Cormann: Under our government, we have committed to building 12 new submarines and we are committed to maximising Australian industry content. The Australian people know that under Labor not a single cent was invested in our future submarine capability.

The President: Senator Smith, a supplementary question.

Senator Marielle Smith (South Australia) (14:17): When did the minister become aware that less than 50 per cent of the work for the future submarines would be done in Australia?

Senator Cormann (Western Australia—Minister for Finance and Vice-President of the Executive Council) (14:18): I don't accept the premise of the question and I refer Senator Smith to my previous answer.

The President: Senator Smith, a final supplementary question.

Senator Marielle Smith (South Australia) (14:18): When did the Morrison government advise the South Australian Liberal government that the level of local content would be less than 50 per cent of the value of the contracts?

Senator Payne interjecting—

Senator Cormann (Western Australia—Minister for Finance and Vice-President of the Executive Council) (14:18): As Senator Payne rightly just observed, just because you keep repeating the same false assertion, it doesn't make it come true. I reject the premise of the question. As I said in my primary answer, we are absolutely committed to maximising Australian industry content.

Climate Change

Senator Faruqi (New South Wales) (14:18): My question is to the Minister representing the Prime Minister, Senator Cormann. Your government has relentlessly attacked students striking for climate action. The Prime Minister said kids should go to school. The Deputy Prime Minister denounced anything that would disrupt schools. Even you, Minister Cormann, said that during school time kids should be in school. But because your government's inaction on the climate crisis has made natural disasters more frequent and intense, the bushfires disrupted the education of tens of thousands of students this summer. On just one day in November, my home state of New South Wales saw more than 600 schools shut down. Will you acknowledge that your criminal inaction on climate emergency is the real disruption to students?

Senator Cormann (Western Australia—Minister for Finance and Vice-President of the Executive Council) (14:19): I thank Senator Faruqi for that question. Let me confirm for Senator Faruqi that the government, and every single Liberal and National senator, are firmly of the view that children should attend school during school time—firmly of that view. That has been our view, it remains our view and it will be our view in the future. Let me also say that our government is absolutely committed to effective action on climate change. What we are not proposing to do is to harm Australian families, to harm young people in Australia and their future prospects, by forcing them to accept sacrifices which will make the global environment worse off. Shifting their jobs and economic activity from Australia to other parts of the world by imposing burdens that will actually lead to higher pollution levels in other parts of the world is not in the best interests of the Australian people and it's not in the best interests of schoolchildren around Australia, who rely on us to have opportunities in the future. So we will continue to do the right thing by pursuing a policy agenda that is environmentally effective and economically responsible.

We know that that is not your view. We know that you have a more extreme view and that you are quite happy to harm the future opportunities of Australian families in order to make yourself feel better domestically, even though emissions globally would be higher as a result of your actions. That is not something that we will ever do.

The President: Senator Faruqi, a supplementary question.

Senator Faruqi (New South Wales) (14:21): When the Prime Minister said that the worst thing he could impose on any child was needless anxiety, he ignored students' fears about their future under a climate-denying government. Their fears were realised as the fires forced students from their classrooms and their homes. Will you now admit that students' climate anxiety is real, and won't go away until there is strong action on the climate emergency?

Senator Cormann (Western Australia—Minister for Finance and Vice-President of the Executive Council) (14:21): Let me just say that I think the Australian Greens have a lot to answer for when it comes to unnecessary anxieties among young people. What we are committed to do is to do the right thing by the environment in a way
that is economically responsible and in a way that is responsible in consideration of the future opportunities that young people across Australia are going to rely on.

We will continue to take effective action on climate change. Our emissions reduction target, on a per capita basis, is amongst the highest in the world. We are proposing to reduce emissions by 50 per cent on a per capita basis. And by two-thirds we are proposing to reduce emissions on an emissions intensity unit per GDP basis. It is one of the most ambitious targets all around the world. But of course, the Greens are sitting there shaking their heads. We'll just have to agree to disagree. We will continue to go to the Australian people and say: 'We are committed to effective action on climate change. We are committed to an environmental policy agenda that is environmentally effective but economically responsible.' You want to do it the other way—

(Time expired)

The PRESIDENT: Senator Faruqi, a final supplementary question.

Senator FARUQI (New South Wales) (14:22): The Liberals and Nationals have spent more time criticising brave children working for a better future than they have fixing their disastrous pro-coal climate policies that have us hurtling towards three degrees of warming. Will you now apologise to the climate strike students, who are doing more than your government to fight the climate crisis?

Senator CORMANN (Western Australia—Minister for Finance and Vice-President of the Executive Council) (14:23): I don't quite know how not attending school helps to reduce emissions, I've got to tell you! Let me also tell you something else: like Senator Sheldon, I was very much of the view that the Labor-Green carbon tax was actually making things worse and was not something that should be supported. Now, of course, we know that there is an opportunity for a bipartisan energy policy and a bipartisan climate policy in the future, because we are looking forward to working with the Otis Group in the Labor Party to ensure that there is a sensible economic policy for Australia where we have environmentally effective and economically responsible policies moving forward. It is great to see that those people in the Labor Party who wanted to harm Australian families through the Labor-Greens carbon tax are losing influence, and that Senator Farrell is taking charge.

Aged Care

Senator GRIFF (South Australia) (14:23): My question is to the Minister for Aged Care and Senior Australians, Minister Colbeck. This week the ABC Investigations Unit highlighted the fact that aged-care facilities can employ as few staff as they like and that a study of 800 nursing homes showed the average food spend for residents was a paltry $6 a day. The ABC story also referenced an amendment I put forward in the royal commission process. I'm certain that Centre Alliance and Tasmanians were best considered in the context of the royal commission, rather than through an amendment to the royal commission noted:

(Time expired)

The PRESIDENT: Order, Senator Colbeck, the time for the answer has expired. Senator Griff, a supplementary question.

Senator GRIFF (South Australia) (14:26): Minister, in its interim report the royal commission noted:
There is no public information on the way providers use taxpayers' funds and individuals' contributions to deliver aged care services.

The government hasn't waited for the final royal commission report before considering privatising ACAT and the Regional Assessment Service. What's the difference here, Minister?

**Senator COLBECK** (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:27): A significant difference. It's not completely true that there are no financial records available for the expenditure in aged-care facilities because the publicly listed companies' records are reported publicly. So if you're interested in some of that detail, go and have a look there. It's true for many that it's not. That may very well form part of the recommendations of the royal commission, which will be brought down on 9 November this year.

The difference in what you're talking about and the reforms we're undertaking goes to the answer that I gave Senator Keneally earlier, and that is that the combination of ACAT—I refute the terminology being utilised by those on the other side with respect to privatisation, because I don't believe that that's the case. That is not what we've said publicly; it's what the media have said and what others have said. This follows on recommendations of the Carnell-Paterson review and, in fact, the royal commission.

The PRESIDENT: Senator Griff, a final supplementary question.

**Senator GRIFF** (South Australia) (14:28): A few days ago, responding to my motion calling on the government to legislate for financial transparency, Senator Duniam stated, and in fact you virtually repeated it there:

We recognise the need for robust financial transparency and access of senior Australians and their families to information to help them make informed choices and we have included some measures in this regard.

What measures in this regard were Senator Duniam and yourself referring to?

**Senator COLBECK** (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:28): Some of the transparency measures that we've already put in place are particularly in respect of clinical care, and there are three clinical care indicators that were required to be reported by the sector, starting from 1 July last year. There are two more that are being considered now. We will continue consulting with the sector. In fact, I wrote to the advisory committee of the Aged Care Quality and Safety Commission late last year, asking them to report back to me about what other regulatory tools the quality and safety commission might need. I've received that report and I've referred that report to the royal commission so that they can quite properly consider those things in the context of their report that will come back this year.

**Mining Industry**

**Senator McDONALD** (Queensland) (14:29): My question is to Minister representing the Minister for Resources, Water and Northern Australia, Senator Ruston. Can the minister inform the Senate as to why it is important to maintain a consistent policy approach to the Australian resources sector?

**Senator RUSTON** (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:29): I thank Senator McDonald for her question. Like me, she understands the huge importance of the resources sector to her home state of Queensland as well as my home state of South Australia.

We on this side of the chamber are absolutely committed to the stable management of the resources sector, which is booming. It is generating record profits, record exports and record royalties and it is paying record taxes. Most importantly it is generating jobs in rural and regional Australia. The resources sector accounts for about eight per cent of Australia's GDP and 59 per cent of our export earnings—$279 billion in 2018-19, $77 billion in iron ore and $50 billion in LNG exports.

But guess what. There are 245,000 Australians employed in the resources sector. That's two per cent of our workforce—absolutely extraordinary. It's one of the fastest-growing employers in Australia. There are 94,000 more people working in the mining and resources sector today than in 2005. Many of these jobs are highly skilled. They are highly-skilled jobs and they are in rural and regional Australia. It is our resources sector that enables us to sustain this level of workforce outside of our capital cities.

To ensure this is continued, to maintain our resources sector and to maintain something that is the backbone of our regional communities, the Australian government is absolutely committed to further investment in ensuring that our resources sector continues to go from strength to strength. Whether it be removing red tape or supporting our workforce, we are behind our resources sector.

The PRESIDENT: Senator McDonald, a supplementary question?

**Senator McDONALD** (Queensland) (14:31): Can the minister advise as to the importance of the coalmining sector, in particular, to the Australian economy?
Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:32): A very important part of our resources sector is our coalmining sector. Australia is the largest exporter of metallurgical coal and the second-largest exporter of thermal coal. It brings $70 billion to the Australian economy and $6 billion in royalties. That $6 billion pays for schools, hospitals and roads.

I'd like to take the opportunity to fact check the Greens today. This morning the ABC confirmed that there are in fact more people working in the coal industry than as baristas. The fact is that there are 16,700 full-time baristas in Australia whereas the coal industry employs in excess of 50,000 people. Those 50,000 people happen to be in the home state not only of Senator McDonald, who asked the question, but also of Senator Waters, who is also a Queensland senator. Let's not forget that $2 billion— (Time expired)

The PRESIDENT: Senator McDonald, a final supplementary question?

Senator McDonald (Queensland) (14:33): Is the minister aware of any similar policy approaches to maintaining a strong coalmining sector supporting a stronger economy?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:33): I'm not quite sure. However, one thing that I can be sure of is that I am confused about what the policy of the other side is in relation to jobs in the mining sector. It is probably quite unusual for Senator Farrell and I to be on a unity ticket when it comes to rural and regional jobs, but we certainly have been on a unity ticket when it comes to the wine industry, and, once again, we are on a unity ticket when it comes to supporting rural and regional jobs in our resources sector.

Opposition senators interjecting—

Senator RUSTON: Perhaps those opposite, who are having a fun time interjecting, might take into consideration the impact of the Carmichael coalmine—$2 billion. And guess how many jobs have already been created at the Carmichael coalmine—over 800 in Queensland. Senator Farrell is supporting rural and regional jobs. Perhaps you should too.

Aged Care

Senator O'NEILL (New South Wales) (14:34): My question is to the Minister for Aged Care and Senior Australians, Senator Colbeck. In response to the Morrison government's plans to put aged-care assessment services out to tender, New South Wales health minister Brad Hazzard has revealed that 'New South Wales has major concerns' and that 'the plan lacks logic'. Is Mr Hazzard correct?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:35): I disagree with Mr Hazzard, quite clearly. I disagree with Mr Hazzard because I'm actually implementing a recommendation from the Tune review. I'm actually doing what the royal commission said in its interim report last year, which was that this reform is urgent. I understand that Mr Hazzard has a perspective on this. I have spoken to Mr Hazzard with respect to these reforms—we had a conversation earlier in the year—and we have a different point of view. Mr Hazzard believes that the New South Wales government should do all aged-care assessments. I don't agree with him. The Tune review doesn't agree with him. And the royal commission says, 'Get on with it; the reform recommended in the Tune review is urgent.' So I do have a difference of opinion with Mr Hazzard, the New South Wales minister.

We will continue our dialogue with New South Wales. Mr Hazzard has been very, very open with me. He has sent me a number of documents that have given me the opportunity to work through the New South Wales perspective. We will continue to have that dialogue because the one thing I am really determined to see—and that is that Mr Hazzard is also determined to see—is that people get an assessment process that is appropriate, that provides appropriately for their needs and that refers them to the services that are appropriate for their needs, and they then get access to those services. In the context of our core desires, Mr Hazzard and I are on exactly the same plane. We have a different perspective on how that might be achieved.

The PRESIDENT: Senator O'Neill, a supplementary question?

Senator O'NEILL (New South Wales) (14:37): In response to his Liberal colleagues' criticism, Minister Colbeck claimed that the government's plan to put aged-care assessment services out to tender was supported by the Royal Commission into Aged Care Quality and Safety. Does the minister stand by this claim?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:37): I've just, in my previous answer, indicated a couple of things with respect to the process that we are currently going through. Firstly—

The PRESIDENT: Senator O'Neill, on a point of order?
Senator O'Neill: I'm listening very carefully. The minister just wound up to indicate he's going to talk about a process. I've got no process question embedded in what I asked. It was simply: does the minister stand by his claim with regard to a statement of the royal commissioner?

The PRESIDENT: The minister was clearly preparing to answer. We cannot take points of order on what a minister may be saying; I have to listen carefully to what he is saying. I will listen carefully. With respect, he had been speaking for about 14 seconds. Senator Colbeck.

Senator COLBECK: This is an important reform that was recommended by the Tune review. The royal commission said—

The PRESIDENT: Senator O'Neill, on a point of order?

Senator O'Neill: My question goes nowhere near the Tune review. My question goes to the minister's claim that the government's plan to put aged-care services out to tender was supported by the Royal Commission into Aged Care Quality and Safety. That is it. That is all there is. There is nothing else to work with, Senator Colbeck.

The PRESIDENT: You have reminded the minister of the question. I heard him talking about the government's plans. I can't instruct him how to answer a question. I've given you the opportunity to remind him of it again. I will listen carefully to his remaining 28 seconds. Senator Colbeck.

Senator COLBECK: In context and in time line, this reform was recommended by Tune in 2017; and the royal commission, in its report last year, said the reform was urgent. And yes, I do believe that supports my view that this reform should go ahead.

The PRESIDENT: Senator O'Neill, a final supplementary question.

Senator O'Neill (New South Wales) (14:39): It should have been a point of order on that nonanswer, but anyway. The chair of the Royal Commission into Aged Care, Quality and Safety, Commissioner Pagone, has had to publicly refute the minister's claim, stating that the commission's interim report—and this is what he said—'did not endorse the government's stated position'. Will the minister correct the record? Has the minister apologised to the commission for falsely stating its position?

Senator COLBECK (Tasmania—Minister for Aged Care and Senior Australians and Minister for Youth and Sport) (14:40): My statements always have been in the context of the Tune review recommendations and the fact that the royal commission said that this was an urgent reform. I can very much understand the royal commission's statement, given the reporting of my comments versus what I actually said, that I was intending to privatise ACAT services. I have never ever said that. So I can actually understand the royal commission responding to a reporting of my comments that wasn't correct. I issued a statement immediately I saw the comments of the royal commission, acknowledging the primacy of the royal commission. I acknowledged the royal commission, the work that it was doing and the government's willingness to engage closely with the royal commission on these reforms.

Employment

Senator MOLAN (New South Wales) (14:41): My question is to the Minister for Employment, Skills, Small and Family Business, Senator Cash. Can the minister inform the Senate how the Morrison government's consistent policies are delivering more Australian jobs and getting more Australians off welfare and into work?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:41): I thank Senator Molan for the question because, since we were elected to government, this side of politics has ensured that the economy has created in excess now of 1.5 million jobs. As of December 2019, we now have a record number of Australians in employment: almost 13 million Australians are in employment because the Morrison government, the coalition government, has put in place the policies that are ensuring that employers out there are able to prosper, grow and create more jobs for Australians.

Additionally, we now have record high male employment in Australia: 6,814,300 men. We have record high female employment, and I acknowledge the Minister for Women and the great work that she is doing to increase women's workforce participation—in particular, in light of International Women's Day coming up. We also have record high youth employment in Australia: almost two million young people in Australia are in employment because of the policies that this side of politics, the Liberal-National side of politics, have put in place.

Over the calendar year to December 2019, employment increased by over 260,000 jobs. That is above the decade average growth but also, in terms of those jobs, almost 60 per cent of them were full-time jobs. That's right: the policies that we're putting in place on the Liberal-National side of the government are able to ensure that all types of jobs are created but, in particular, full-time jobs growth is high under this government.

The PRESIDENT: Senator Molan, a supplementary question.
Senator MOLAN (New South Wales) (14:43): Can the minister inform the Senate how the Morrison government is supporting Australians who work in the resources sector?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:43): As a senator for Western Australia and also the senators for Queensland in particular, we understand the benefits of the resources sector to Australians and rural and regional Australia. At the last election—in fact you just have to look at the result in the state of Queensland—what did Queenslanders do? They emphatically endorsed the Morrison government's commitment to mining.

Senator Cormann: Seventy-seven per cent of the seats.

Senator CASH: What was that, Senator Cormann? How many? Seventy-seven per cent of the seats. What did they also do in Queensland? They rejected the Labor opposition's pandering to inner-city elites and the Australian Greens. Why did they do that? Because they understand that the resources sector in Australia creates jobs for Australians. We, the coalition government, the Morrison government, support mining because the resources sector accounts not just for employment but so much when it comes to the contribution to our GDP.

The PRESIDENT: Senator Molan, a final supplementary question.

Senator MOLAN (New South Wales) (14:44): My final supplementary question is: are there others who support the government's policies supporting the workers in the resources sector?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:45): There are! It will be a little surprise to the Senate today that they are ably led by 'the Godfather' himself! That's one of the wines, I understand, Senator Farrell, on the wine list—a cabernet. It's $110 a bottle, colleagues, but we don't hold that against you, Senator Farrell!

Can I just say, though, colleagues, what former Senator Doug Cameron, who cannot get over the fact that he was unceremoniously retired from this place, said. Senator Farrell, you have even gone up more in my esteem, as have the other members in the Senate of the Otis group, because this is what your good friend—I would say that, but he's clearly not—and former colleague has said about you: 'Given the names associated with this group, I'm not surprised. Not the sharpest tools in the shed.' That was said by former senator Doug Cameron. He cannot help himself!

Senator Farrell, what we say to you and what we say to Senator Sterle, Senator Kitching, Senator Chisholm, Senator Polley and Senator Ciccone is: welcome to the world of jobs!

**Small Business**

Senator WATT (Queensland) (14:46): My question is to the Minister for Employment, Skills, Small and Family Business, Senator Cash. Can the minister confirmed that, despite Australia experiencing the most devastating bushfires in living memory, the Morrison government has approved only one concessional loan for small businesses in bushfire affected areas across the entire country?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:46): As Senator Watt would know, the coalition government has announced a comprehensive package—in particular in relation to small businesses.

What I can confirm for the Senate is the following. As you would be aware, Mr President, the states—the state Labor governments in Queensland and Victoria, and the coalition governments in New South Wales and South Australia—are actually responsible for the administration of both the grants and the loans. In relation to New South Wales, I am advised that in relation to the small-business grants of up to $50,000 for businesses that are directly affected by the fires there have been 252—

The PRESIDENT: Order! Senator Watt on a point of order.

Senator Watt: A point of order on relevance. The minister is quoting figures about grants. My question was about loans. In fact, I have only asked something that the Prime Minister confirmed yesterday. She should be on top of this.

The PRESIDENT: I was listening carefully to the minister—

Honourable senators interjecting—

The PRESIDENT: Order! I will rule on the point of order when there is silence! I was listening very carefully to the minister. I didn't catch the reference you referred to. Immediately prior to that, the minister was talking about the grants program and its administration, which I do consider to be directly relevant. I am listening carefully, because it was a specific question. Senator Cash.

Senator CASH: In relation to the grants, 252 applications have been received and 46 grants paid out, worth over $690,000. And the average grant requested is just under $30,000.
The PRESIDENT: Senator Wong on a point of order.

Senator Wong: Yes, on direct relevance. We only asked about the confirmation of one concessional loan across the country for small business. We asked the minister to confirm and, as Senator Watt, I think courteously, indicated, it is the figure the Prime Minister confirmed yesterday.

The PRESIDENT: On the point of direct relevance: the minister can be directly relevant to the question by talking about the concessional loans scheme and its administration, as she was earlier. But I do take the point that the grant scheme was not in the question. I remind senators that I cannot instruct a minister how to answer the question. Senator Cash.

Senator CASH: Thank you, Mr President. In relation to the loans, senators will be aware that what the government has done is to allow access to loans of up to half a million dollars. They are being administered through the states. I can advise that in relation to New South Wales the loans scheme opened on 3 February 2020. Forty-two applications have been received and are currently under review, and the value of loans requested is around $3,300,000. In relation to Queensland, the concessional loans opened on 3 February 2020—

The PRESIDENT: Senator Watt, on direct relevance.

Senator Watt: On direct relevance: the question is about the approval of loans, not applications received, not where they're at—approval of loans.

The PRESIDENT: I grant some latitude to people restating the question. My previous ruling was that the minister can be directly relevant by talking about the specific scheme that you referenced. You are seeking to order me how to direct a minister to answer a question, which is not appropriate for me to do. There is an opportunity after question time to debate the merits of answers. Senator Cash.

Senator CASH: In relation to Queensland, concessional loans opened on 3 February 2020. Two applications have been received and one has been approved. The South Australian government have activated the scheme. They have currently got 60 expressions of interest. And guidelines are currently being considered by Victoria and the ACT. Perhaps you could speak to those Labor governments, Senator Watt, and advise them that, yes, they can work with the Commonwealth government because they are the ones that need to activate the scheme. (Time expired)

The PRESIDENT: Senator Watt, a supplementary question?

Senator Watt (Queensland) (14:50): I refer to the Prime Minister's media release of 20 January that assured struggling small businesses in bushfire affected regions that government support would be 'immediate'. Does the minister seriously suggest that only one bushfire affected small business was in immediate need of assistance?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:51): Only those on the opposite side of the chamber, the Labor Party, would want to play politics with what is occurring in relation to the bushfires.

The bushfires that we have seen over the summer have been absolutely devastating, in particular for those who have been directly impacted by the fires and for those who have also been indirectly impacted by the fires. The government has announced a comprehensive package, a $2 billion response package, to assist those in need as a result of the devastation of the bushfires.

You see, those on the other side don't seem to understand this: the only reason that this government has been able to respond so quickly with so many different measures, and to the extent that it has been able to, $2 billion, is because it manages a strong economy.

The PRESIDENT: Senator Watt, a final supplementary question?

Senator Watt (Queensland) (14:52): I note the minister's comments that Labor is playing politics. I also note that this week New South Wales Liberal minister Andrew Constance said that he wants to see better support for small business affected by bushfires. He also said:

We cannot afford another disaster on a disaster. Our fragile economy is already on its knees.

Does the government believe one small-business concessional loan is sufficient support?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:52): I completely reject the premise of your question. Again, only someone like Senator Watt, who conveniently visited seats in Queensland that we picked up, would be able to play politics with what's going on with the bushfires. I have personally spoken to Andrew Constance. Can I assure you he is fully aware of the support that both the state government and the federal government are providing.

In relation to New South Wales, at least the New South Wales government have activated their scheme and are currently considering expressions of interest. Senator Watt, perhaps you would like to speak to the Labor state
government of Victoria and the Labor state government of the ACT and advise them as well that they are actually the ones responsible for activating the loans under the scheme.

We have provided a comprehensive response—$2 billion—and this is only made possible because of— (Time expired)

The PRESIDENT: Senator Wong?

Senator Wong: I seek leave to table yesterday's Hansard of the Prime Minister confirming in the House only one concessional loan has been approved across the country.

The PRESIDENT: Is leave granted?

Senator Cormann: There are usual courtesies that apply to tabling documents, and I think Senator Wong knows those courtesies.

Leave not granted.

Gender Equality

Senator ASKEW (Tasmania) (14:54): My question is to the Minister for Women, Senator Payne. Can the minister update the Senate on what progress has been made in improving gender balance on Australian government boards?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:54): Thank you very much to Senator Askew for that question. She is a fine female senator from Tasmania.

I also want to thank my ministerial colleagues here and in the other place for their commitment to gender diversity when making Australian government board appointments. As of 30 June last year—and the figures have just been released—Australian women held 47.9 per cent of Australian government board positions, which is an all-time high. This is the highest percentage of women on government boards since public reporting began more than a decade ago, and I think it's an achievement that we can all welcome. It represents a 7.4-percentage-point increase since the gender diversity target of 50 per cent was set in 2016. Positively, again, women accounted for 54 per cent of new appointments to government boards, which is an increase of 4.7 percentage points in the six months to 30 June 2019.

We know that gender diversity on boards and in other leadership positions contributes to more effective and innovative decision-making and outcomes. The government is strongly committed, and I am personally committed, to increasing gender diversity on Australian government boards and to reaching our 50 per cent target. Boards should reflect the full diversity of Australia, and we should use the rich resource of the talent of Australia's Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women, LGBTI women and women with disability—women living all over the country.

Our progress towards gender balance on government boards is improving leadership choices for Australian women every day. As a government, we're committed to targeting key areas that promote greater choice for women, as we demonstrated in our Women's Economic Security Statement last year, including by increasing women's workforce participation, supporting economic independence and improving earning potential.

The PRESIDENT: Senator Askew, a supplementary question?

Senator ASKEW (Tasmania) (14:56): Can the minister advise what strategies the government has developed for reaching the 50 per cent target for women on boards?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:56): Again I thank Senator Askew for her question, because it is important that there are a range of strategies, and the government has a number to reach that 50 per cent target. It includes the fact that portfolio ministers are specifically asked to do a number of things: to identify female candidates, to encourage external bodies that propose nominations to consider gender diversity in that process, and to develop specific strategies with their departments and agencies.

Our annual public reporting of gender balance on Australian government boards also plays a really important role in our tracking of progress against our target and in driving change. We maintain the BoardLinks database to assist portfolios to identify suitably qualified, board-ready female candidates. A number of our departments and agencies have adopted strategies tailored to their portfolios. Certainly my own has, and I know that the Department of Defence, for example, offers training to diversify its board membership to support the pipeline of board-ready women. These are all positive initiatives and strategies.

The PRESIDENT: Senator Askew, a final supplementary question?

Senator ASKEW (Tasmania) (14:57): What other progress has the government made to improve gender balance in public roles, and how does this compare to other approaches that the minister is aware of?
Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:58): The government is investing in a range of projects that foster women's leadership. They include Sport Australia's Women Leaders in Sport program and the Council of Small Business Organisations of Australia's Academy for Enterprising Girls, which I had the opportunity to meet last year. They're an absolutely fabulous group, and that's encouraging the next generation of women leaders in STEM and in business.

I also want to acknowledge the work of organisations such as the Australian Institute of Company Directors and the Commonwealth Bank, for example, who together are using the Board Level podcast to promote advice from Australia's leading female directors. Thanks also to groups like the Male Champions of Change for their leadership, with 62.4 per cent of members improving gender balance in management positions in their organisations. I want to applaud the efforts of so many Australian organisations that are improving gender balance in public roles and actively encourage those who still have more to do to take up the opportunity, to take up the challenge and to deliver.

Pensions and Benefits

Senator CAROL BROWN (Tasmania) (14:59): My question is to the Minister representing the Minister for Government Services, Senator Ruston. How many Australians were pursued under the government's illegal robodebt scheme?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (14:59): I thank Senator Brown for her question. The senator may be aware that on 19 November the Minister for Government Services, the Hon. Stuart Robert, made an announcement in relation to the government's illegal robodebt scheme, which is currently underway and forms part of the process that is currently before the courts. I am not in a position to pre-empt the outcome of the court's deliberations.

The PRESIDENT: Senator Brown, a supplementary question?

Senator CAROL BROWN (Tasmania) (15:01): Thank you, Mr President. How much money are those illegally pursued owed?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:01): I would refer the senator to my answer to the previous question, and that is that the review is afoot, and when I am in a position to come back to this chamber with more information, I will do so.

The PRESIDENT: Senator Brown, a final supplementary question?

Senator CAROL BROWN (Tasmania) (15:02): Thank you, Mr President. When will those illegally pursued be paid back?

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:02): I would once again refer the senator to my previous answer, when I advised her that there is a review underway in relation to the matters she has raised. Once that review is completed, she will be able to get the answer to her question.

Senator Cormann: I ask that further questions be placed on the Notice Paper.
STATEMENT BY THE PRESIDENT

Department of Parliamentary Services

The PRESIDENT (15:02): As I have flagged to leaders, I wish to make a brief statement now and the Speaker will be making a similar statement in the House of Representatives. I wish to address an article published by an ABC journalist based on a confidential working draft of an internal review conducted by KPMG into the Protective Security Policy Framework alignment on behalf of the Department of Parliamentary Services. I wish to assure senators that this article does not reflect the true state of the department's protective security maturity. The department continues to work closely with the Australian Signals Directorate in managing Australia's cyber-resilience. As senators have previously been advised, DPS worked in partnership with the Australian Cyber Security Centre and ASD in dealing with a cybersecurity incident in January 2019. I note that the ASD commented in its 2018-9 annual report:

The Department of Parliamentary Services had implemented security practices that helped to identify and restrict the extent of the compromise, minimising the potential impact.

In October 2018, the Attorney-General's Department launched PSPF reforms aimed at improving clarity, reducing unnecessary red tape and fostering a strengthened security culture across government agencies. DPS then commenced a program to demonstrate acceptable maturity against the new criteria, including the engagement of KPMG to provide advice to assist DPS to further mature its protective security practices. The department has in fact achieved a maturity rating of 'managing' against 85 of the 88 relevant PSPF criteria and against a further three criteria was rated as 'developing'. The department did not rate 'ad hoc' against any of the 88 criteria.

Without commenting directly on this confidential draft document, it reflects early fieldwork by KPMG and was not scrutinised or verified by the department and does not incorporate a body of work undertaken to demonstrate the department's PSPF maturity rating of 'managing' for the relevant criteria. Comments in the article that methods to prevent cyber-intrusions are at a low level of maturity are incorrect. The final report of the alignment review in July 2019 did not make adverse findings in relation to the department achieving an acceptable maturity rating. These matters and related ones will be dealt with through the relevant Senate committee as appropriate. I thank senators.

STATEMENTS

Pensions and Benefits

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (13:05): Last year I gave a commitment to the Senate to provide further advice in relation to the debt pause in Far North Queensland. Following the Far North Queensland floods in February 2019, Services Australia temporarily paused operational compliance and social welfare debt activity in relevant local government areas, including Townsville. It's routine practice for Services Australia to temporarily pause operational compliance and social welfare debt activities in regional areas affected by natural disasters, as is the case currently with the bushfire affected areas in the southern states and the recent floods. This ensures that, during what can be a very difficult time for customers, particularly when they're displaced or experiencing hardship, they can focus on the immediate recovery from disaster.

Last year I said to the Senate I would provide an update when the pause in relation to Townsville and the area was to be lifted. Today I am advising the Senate that, in the coming week, operational compliance and social welfare debt activity raising recovery and compensation will recommence for the LGAs that were affected by the February 2019 Far North Queensland flood. To be clear, this does not apply to cases where income averaging has been used as the sole basis for debt raising. As the government announced in November, where Services Australia calculated debt solely through the income averaging method, the debt recovery process is still frozen.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Aged Care

Senator POLLEY (Tasmania) (15:06): I move:

That the Senate take note of the answers given by the Minister for Aged Care and Senior Australians (Senator Colbeck) to questions without notice asked by Senators Keneally and O'Neill today relating to home care packages.

We know that whenever the Liberals are in government their track record of looking after older Australians and those most vulnerable is terrible. What we've had since 2013 are four failed aged-care ministers. That's the record we have. Today, the question was asked of the minister: can the minister confirm that over the past two years almost 30,000 Australians have died while waiting for their approved home-care package? That's a serious question, and all we hear from the minister are excuses about the royal commission and, 'We called the royal commission.' Well, the reason they had to call a royal commission was their own failings. They have been in

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government now for seven years and what have they done consecutively? The Prime Minister himself, when he was Treasurer, cut $1.2 billion out of aged care. These are the real facts. And they wonder why we have over 100,000 older Australians who have been assessed still needing home-care packages from level 1 through to the highest levels.

What we have seen is a government that has put everything on hold because it's called a royal commission into its own failings. What the minister won't come into the chamber and tell us is why there are 16 reports still sitting on his desk that have been handed over from one failed minister to another. The minister tried to bring the Tune report into his answer as some sort of: 'Oh, here we are. We're doing something.' Well, there were 38 recommendations in the Tune report and how many recommendations have been implemented? He can't tell us. Very few. Have all those recommendations of the Carnell-Paterson report the minister referred to been implemented? No, they have not.

Older Australians have been assessed as needing home-care packages to enable them to stay at home, because after all that's what older Australians want to do. That's what I would want to do. The government has failed, and then the minister says, 'We've invested in 10,000 more packages.' That was because the figure was well in excess of 110,000, so they had to. That was when the interim report from the royal commission was brought down, and they thought, 'Oh, we'd better do something.' The reality is that this Prime Minister promised that he would do more for older Australians and he has absolutely failed.

As I said, they have used the aged-care sector over the last six or seven years as an ATM: 'We'll just take that money out of there. We'll just take the money out of aged care.' Then they called a royal commission into their own failings. There is no excuse for stalling on making real reforms into this sector and investing, because there's been report after report after report. I've sat on numerous inquiries. We already know. If you actually have any compassion, any understanding of what's happening out in the community in aged care and to older Australians, you would be able to write the royal commission's findings. It's not going to be a surprise, because you've been told; the sector's been telling you.

One of the most serious reflections that has come about because of the government's failings involves aged-care workers. There are some fantastic workers in the aged-care sector—some dedicated workers. The majority of them are. So it's a poor reflection when they get abused in the street because they happen to go into a supermarket with their aged-care uniform on. They're all being painted with the same brush when we hear report after report about older Australians in residential homes who aren't being properly nourished. That reflects on those workers, and they don't deserve that. They do not deserve that. We will stand up for those workers and we will continue to hold this failing, shonky government to account, because older Australians deserve so much better than this. And there are no more excuses. Time is up. We need action and we need it now. *(Time expired)*

**Senator RENNICK** (Queensland) *(15:11):* Improving aged care for all senior Australians continues to be one of the government's key priorities. That's why one of the first acts of Scott Morrison as Prime Minister was to call the Royal Commission into Aged Care Quality and Safety. That's why the government is delivering record investment across the aged-care system: $13.3 billion in 2013 growing to $21.4 billion in 2019 and then to an estimated $25.4 billion in 2023. That's an increase of over $5 billion of extra support for older Australians over the upcoming forward estimates.

The government is also committed to giving senior Australians support to live in their own homes for longer. Since the 2018-19 budget, the government has invested in providing 44,000 new home-care packages at a cost of $2.7 billion. Home-care packages have increased from 60,000 under Labor in 2013 to almost 160,000—

**Senator Polley interjecting—**

**Senator RENNICK:** Well, that's an increase of 150 per cent, Senator Polley. And over the same period there was a total increase in funding of 250 per cent due to growth in high-level packages.

**Opposition senators interjecting—**

**Senator RENNICK:** That's not as a result of this government. To make that accusation is totally out of order. Can I say, unlike the Labor opposition, who are only interested in raising super to 12.5 per cent so their mates in the industry fund can collect more fees, we're committed to looking after all Australians, not just working Australians, but those Australians who stay at home and are retirees. For Labor to sit here and lecture us, after they were going to rip off retirees at the last election—they've got a hide! They have a hide!

Can I say, if you want to talk about how Labor will look after health, you've got to go no further than the Queensland state Labor government. What have we got there? Public health waiting lists blowing out by 57,000 people. Ambulance ramping at South-East Queensland hospitals is worsening, maternity ward closures are putting bush babies at risk, there are long waits for cataract, hip and knee operations—it goes on and on and on. Labor has no leg to stand on when it comes to aged care and health. Their record at the state government level is shocking.
Their record of looking after retirees is shocking. Despite Labor's plans for an extra $387 billion in new taxes at the last election, there is no additional funding in costings for home-care places or any additional funding for aged-care quality, workforce or residential aged care. With Senator O'Neill it's a bit of a case of the pot calling the kettle black, I think.

In response to the royal commission's call for urgent action in October 2019, the government announced a funding package of $537 million. Of this package, $496 million is for an additional 10,000 home care packages for those with the highest needs, to reduce wait times and to connect people to care sooner. And that's one of the reasons—I touched on this the other night—why it's very important to encourage a parent to stay at home. Not only do they look after the children; they can also help to look after their parents, which will give the parents greater confidence in staying at home rather than having to move into an aged-care facility. The government should work with families to make that happen.

**Senator O'Neill:** Where's the money?

**Senator RENNICK:** I just mentioned the money. It's an extra $496 million for an additional 10,000 home care packages and also another $25½ million to improve medication management, noting that this may also assist with reducing the use of chemical and physical restraints. There is another $10 million to increase support for dementia behaviour, management through advisory services and training for care workers. It goes on. Finally, the government is investing in another $4.7 million to help younger people to move from residential aged care to more-age-appropriate support. We've also set ambitious targets to stop, by the end of 2022, new younger people entering aged care.

Another plan by the government is to inject almost $50 million to assist residential aged-care providers in financial difficulty, especially those in regional, rural and remote areas and those affected by the bushfires. Grants from this new business improvement fund will be available to homes to help them become more financially viable, particularly through improvements to their business operations, by the end of February 2020. *(Time expired)*

**Senator O'NEILL** (New South Wales) *(15:14)*: In the context of this discussion, if there are any aged-care workers or people who are looking after people who are elderly, I just want to say Labor understands the pain that you are suffering at the hands of this federal government that has walked away from this sector and abrogated its responsibility. You can tell that from what we just heard from Senator Rennick and from the minister's answers today, which again are pitiful.

I wholeheartedly endorse the work of our aged-care workers. I wholeheartedly endorse the HSU, the union that supports them and looks after them in the work that they're endeavouring to do in a sector that is completely and totally underfunded by this government. Senator Polley put on the record the shameful failure of this government to respond to reports, and today we saw from the minister a disgraceful failure to acknowledge his own lies about what's been going on in this sector.

New South Wales has a Liberal government that includes Mr Hazzard, and there's plenty of stuff he says that I don't agree with, but he actually called this government and said that he has major concerns about the privatisation of the ACAT assessments that are vital to getting elderly people the help that they need in Australia. These are great Australians who have worked all their lives, who have paid their taxes, who have brought up their kids and who when they need a bit of help need an assessment. What does this government want to do? It wants to privatise who can go out and do these assessments. And they continue to deny it. I see Senator Rennick over there, shaking his head and saying, 'No, that's not the case,' but this is the document that says who will deliver this assessment service. I'm reading from the government's own website:

The new workforce will comprise a network of assessment organisations. These organisations will be selected through a national tender process.

Anyone who knows what a tender process is knows anybody can come and bid for the work. That includes what they've euphemistically called 'other interested stakeholders'.

One of the major concerns that's been raised by people who work in the sector is the problem with privatisation. Apart from the fact people just want to make money at the expense of the vulnerable, it introduces the possibility of serious conflicts of interest for healthcare companies who want to conduct these assessments as well as run the nursing homes that we're hearing aren't even providing decent food to elderly Australians. Such a disaster is going on in the aged-care sector after three terms of a Liberal-National Party government. Mr Hazzard knows what's going on and he knows he needs to call out Senator Colbeck. Senator Colbeck struggled when I asked him to tell the truth about what he reportedly said about the royal commission into aged-care quality. He was so wrong in what he said that he had to be corrected by the Hon. Gaetano Pagone QC, who is leading the royal commission into aged care. He said:
Public concern has been expressed about statements made by the Minister for Aged Care and Senior Australians, that we had decided to support privatisation of the aged care assessment teams in our interim report.

This is what he said:

I take this opportunity to make clear that the interim report did not endorse the government's stated position but noted that we would monitor with interest the implementation which the government had announced.'

Instead of taking the opportunity here in the Parliament of Australia to tell the truth, the minister fumbled through his notes, looking for anything he could talk about, trying to tune in to the Tune report. He's tuned out from reality. That guy's got no idea about what's going on. The reality is he could not find the tab that said 'tell the truth'. He was looking for any bit of information other than telling the truth—that he has misrepresented the royal commissioner into aged-care quality. He is at odds with his colleagues in other states, who know that privatisation will not deliver good value for Australians and deliver ethical access to services for aged people. And given the opportunity in my third question for the minister to correct the record, he failed to do that, continuing to falsely accuse the aged-care commission of supporting the government's position to privatise. The government want to privatise. They are planning to rip off Australians even more than they are already doing. People in aged care who are vulnerable deserve so much better than this government. Do not give them the opportunity to govern again. This is a disgrace.

**Senator SCARR** (Queensland) (15:21): At the outset, could I just say I think the Minister for Aged Care and Senior Australians was absolutely crystal clear in his answers today and he was absolutely consistent with the media release which he put out on 14 January 2020, which was published on 15 January 2020, and is still on his website. You can read it. This is what he says:

I acknowledge today’s statement from the Chair of the Royal Commission into Aged Care Quality and Safety, the Honourable Gaetano Pagone QC.

The Government has consistently refuted claims that our intention is to privatise the assessment process for aged care. That assertion is incorrect.

And, as the minister clearly stated again today, consistent with the media release which he put out on 15 January, there is a discrepancy between the minister's stated position and how it has been reported in some circles. The minister was crystal clear in his response to that issue.

I'd like to take note of the comments made by Senator Polley, which were simply incorrect to say the government has cut funding to the aged-care sector. The fact is the amount of funding across the aged care system 2012 to 2013 was $13.3 billion. That has now grown. It hasn't been cut; it has actually grown to $21.4 billion in the 2019-20 budget year, up to an estimated $25.4 billion in 2022 to 2023. So the amount of funding for aged care has been increasing, not decreasing; not cuts, but increases. And, since the 2018-19 budget, the government has invested in providing 44,000 new home-care packages at a cost of $2.7 billion. When you drill down into the numbers, you actually see the reality. You see the truth of the situation, and it doesn't reflect well on those opposite, either with respect to their time in government or how they're misrepresenting the facts.

The fact is: under Labor in 2012 to 2013 there were 60,308 home-care packages, just over 60,000; under the coalition government in 2022 to 2023 that will increase to 158,000 places, a substantial increase. When you drill down even further into the figures, this is what you see: in 2012-13 the actual home care funding under Labor was $1.157 billion; in 2018-19, under the coalition government, it had increased, not decreased, to $2.469 billion, a substantial increase.

Why? Because, under the Leader of the Government in the Senate and under our Treasurer, we are managing fiscal policy in a prudent fashion. That enables us to provide for the most vulnerable in our society, and we can continue to provide for them. The 2019-20 home care funding estimate was $3.43 billion. There was an increase from $2.469 billion in 2018-19 to $3.43 billion in 2019-20. Then it is increasing again in 2020-21, up to $3.833 billion. More funds are being spent. More places are being provided.

Finally, I would like to address what I consider to be the tawdry assertion, which I don't think reflects well on those opposite, trying to connect fatality rates of those on waiting lists with those waiting lists, as if the fact they're on the waiting list is actually causing the fatality. That's the premise. That's the insinuation, and it's a grubby insinuation coming from those opposite. It doesn't reflect well on them, for two reasons. First, they well know—or they should know better than I do as a relatively new senator in this place—that there are mechanisms for those people who are in danger and have urgent need to be escalated up the waiting list. I personally advocated for people in that situation to ensure they can get assistance sooner. Second, the data indicates that the rate of older people passing away is similar for people on the waiting list for a home care package to what it is for the general population in Australia. That's what the evidence suggests. That's the evidence. *(Time expired)*
Senator URQUHART (Tasmania—Opposition Whip in the Senate) (15:27): This is a minister who appears to be genuinely befuddled when it comes to articulating his own party's policies. In fact, from what we've been listening to on this matter today, I wonder if he's making any decisions at all regarding caring for ageing Australians or whether his portfolio is actually managed by a group of rapidly privatising ideologues who simply push him out there to parp on while they run his portfolio and privatise everything in sight.

Just for the record in this chamber, let's note the following points. The aged-care minister has never been in the Liberals' cabinet. We've had four aged-care ministers since 2013. There's been a $1.5 billion cut to the aged-care workforce compact and supplement, a $110 million cut from the dementia supplement in residential aged care, a $500 million cut from the 2015 MYEFO, a $1.2 billion cut from the 2016 aged-care budget, funding cuts to the community visitors scheme, and seven years of inaction, cuts, chaos and crisis. In fact, the Abbott-Turnbull-Morrison governments have done such an appalling job of driving aged-care reform and have been so rubbish at it that they basically had to call a royal commission into it themselves.

Now they have a plan to privatise the ACAT assessment services. That is not supported by the aged-care sector, Liberal state governments or the royal commissioners. In fact, Minister Hazzard in New South Wales said the plan 'lacks logic'. One of their own says it lacks logic. Just two days prior to Christmas last year, the Morrison government put this up on its website:

New aged care assessment arrangements will provide streamlined consumer assessment for access to aged care services from April 2021.

... ... ...

The new workforce will comprise a network of assessment organisations. These organisations will be selected through a national tender process. The tender process will happen in 2020.

On 30 December, this aged-care minister claimed that the royal commission supported the privatisation of aged-care assessment services. It did not, and it's so perturbed by the outrageous statement that on 14 January 2020 the chair of the royal commission issued a statement in response to the minister's comments. Commissioner Pagone QC stated:

Public concern has been expressed about statements made by the Minister for Aged Care and Senior Australians that we had decided to support the privatisation of the Aged Care Assessment Teams in our Interim Report. I take this opportunity to make clear that the Interim Report did not endorse the Government's stated position …

Commissioner Pagone also stated:

Our tasks as Commissioners are detailed in the terms of reference and we have not yet made recommendations about which sector or mechanism will best achieve an integration of Regional Assessment Services and the Aged Care Assessment Teams.

You might think that at this stage the minister would offer an apology to the royal commission or retract his false statement, but he didn't. You might think he'd go back and read the recommendations of the commissioner's interim report and think: 'Whoops! I'd better fix that.' But that would require him to have a view of his own on that—a mind of his own, a sense of the policy direction that he, as a minister of the Commonwealth, would like for aged care in our country and the ability to clearly articulate that vision. But no. So the ideologists push their obliging frontman out there again and mumble something evasive and unconvincing yet again. And that's what we witnessed once more today. It is very clear that the Morrison government is loose with the truth and does not want to tell the truth.

Labor have voiced our concerns over the Liberal government's plan. We've been very clear that we support the joining up of assessments—clearly, done by ACATs and regional assessment services—but we do not support the privatisation of the current ACATs around the country. Despite question after question, we are still being kept in the dark, as are all the Australians out there. We still don't know why, when the Morrison government knows there is so much wrong with the aged-care system, it is intent on progressing its only idea, which is to privatise aged-care assessment services. We will continue to hold this government to account for its mismanagement of aged-care services in Australia.

Question agreed to.

Climate Change

Senator FARUQI (New South Wales) (15:32): I move:

That the Senate take note of the answer given by the Minister for Finance (Senator Cormann) to a question without notice asked by Senator Faruqi today relating to impact of the climate crisis on students.

I rise to take note of the government's pathetic response to my questions about the impact of the climate crisis on students. The government has relentlessly attacked brave students striking for climate action. In the last two years we've heard the Prime Minister say, 'Kids should go to school,' the Deputy Prime Minister denounce anything that
would disrupt schools, and the Leader of the Government in the Senate, Minister Cormann, say, 'During the school time kids should be in school.' They say all this, pretending that what they care about is keeping kids inside the classroom, but today they refused to acknowledge that it is their woeful inaction on the climate emergency that has actually disrupted the lives and studies of Australian children this summer.

The bunch of climate criminals in government have helped make natural disasters more frequent and more intense with their total lack of action on the climate crisis. As a result, we've seen bushfires disrupt the education of tens of thousands of students around the country this summer. On just one day in November my home state of New South Wales saw more than 600 schools shut down and nine schools urgently evacuated. How dare the government demand that students concerned for their future stay in school, when their policies are keeping them out of the classroom in the first place!

It gets worse. As well as telling students to shut up, they tried to tell them that the climate crisis is nothing to worry about. Craig Kelly told the thousands of students planning on going to the climate strike: 'Everything you are told is a lie.' He claimed: 'The facts are, there is no link between climate change and drought.' According to him, despite all the experts and evidence, 'Today's generation is safer from extreme weather than any time in history.'

And his is not a fringe view. When the Prime Minister said the worst thing he could impose on any child is needless anxiety, he flagrantly ignored striking students' legitimate worries about life under his climate-denying government. We know that the WHO regards climate change a greatest threat to global health in the 21st century, and that includes mental health. Constant predictions of doom and gloom, of course, can be terrifying. They may create eco-fatigue, climate anxiety and a desire to tune it all out as much as spur us into action. But the PM's response either gives you false hope by denying the problem is real, as if there is some validity in the view that climate change is not a thing; or it is dismissive of those people and communities who are feeling anxious about the future.

Of course we know students' worries were realised in the most tragic way as the fires forced students from their classrooms and homes. Many were students who only months earlier had been on climate strike. Some lost everything, but still the government refused to admit that students' climate anxiety is real and won't go away without strong action on the climate emergency. In fact, when you cast your eyes across the last few years, it's clear that the Liberals and Nationals have spent much more time criticising brave children working for a better future than they have addressing their disastrous pro-coal climate policies that have us hurtling towards three degrees of warming. It's time that they swallowed their pride; apologised to the climate strike students, who are doing more than them to fight the climate crisis; and got on board with tackling the climate emergency.

The Greens are proud to stand with the students who courageously walked out of schools and demanded action on climate change. We are with you in the streets and we are with you in this parliament. Together we will win real action on climate change.

Question agreed to.

**BUDGET**

**Portfolio Additional Estimates Statements**

**Senator RUSTON** (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:37): I table portfolio additional estimates statements for 2019-20 for portfolios in executive departments as listed on the Dynamic Red. Copies are available from the table office.

**Proposed Expenditure**

**Senator RUSTON** (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:37): I table particulars of proposed additional expenditure for 2019-20, and seek leave to move a motion to refer the documents to legislation committees.

Leave granted.

**Senator RUSTON:** I move:

That—

(a) the documents, together with the final budget outcome 2018-19 and the advances under the annual Appropriation Acts for 2018-19, be referred to committees for examination and report; and

(b) consideration of the advances provided under the annual Appropriation Acts be made an order of the day for the day on which committees report on their examination of the additional estimates.

Question agreed to.
Thursday, 13 February 2020

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BILLS

Telecommunications Legislation Amendment (Competition and Consumer) Bill 2019

Telecommunications (Regional Broadband Scheme) Charge Bill 2019

First Reading

Bills received from the House of Representatives.

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:38): I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:39): 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—

Telecommunications Legislation Amendment (Competition and Consumer) Bill 2019

Second Reading Speech

The Telecommunications Legislation Amendment (Competition and Consumer) Bill 2019, which I am introducing today, will, together with the Telecommunications (Regional Broadband Scheme) Charge Bill 2019, improve the provision of superfast broadband in Australia.

The bills were previously passed by the House of Representatives in 2018, but had not been passed by the Senate before the 2019 election. The government is bringing them back largely as previously introduced. There are some amendments that are operational improvements. There are also some amendments to the Regional Broadband Scheme to adopt amendments moved by the opposition when the bills were previously before the parliament.

The competition and consumer bill contains three key measures.

Firstly, the bill will make carrier separation rules for superfast residential networks more effective and more flexible, giving carriers greater scope to invest in superfast networks and compete.

The changes to carrier separation rules will allow carriers, other than NBN Co, to operate fixed-line superfast networks with both wholesale and retail businesses (rather than to be wholesale only as is currently required).

Secondly, new statutory infrastructure provider (or SIP) obligations on NBN Co (and other carriers playing a comparable role) will support the ongoing delivery of superfast broadband services.

The SIP obligations will place an explicit statutory requirement on NBN Co (or other carriers playing a comparable role) to connect premises and supply wholesale superfast broadband services on reasonable request from a retail provider. The baseline speed to be supplied is 25 megabits per second download and five megabits per second upload.

NBN Co will need to take all reasonable steps to ensure that 90 per cent of premises connected to its fixed-line networks can receive broadband speeds of 50 megabits per second download and 10 Megabits per second upload. NBN Co's fixed-line networks should be able to connect at least 92 per cent of premises across Australia.

Thirdly, the Regional Broadband Scheme will establish a transparent and equitable funding mechanism to make sure NBN Co's satellite and fixed wireless services can continue to provide superfast broadband to regional Australia.

All carriers would contribute $7.10 per month per premises where a broadband service is provided over their high-speed fixed-line networks. It is intended that the charge would apply to all premises serviced by fibre to the premises, fibre to the node, fibre to the basement, fibre to the curb and hybrid fibre-coaxial networks.

The Regional Broadband Scheme charge has been designed to accommodate complex service types. For example, 'local access line' in the legislation includes customer cabling in multi-dwelling units, like apartment blocks. This ensures that a premises in apartment blocks will be covered by the charge where a cable line is also used to supply carriage services to the unit.

The deeming provision under proposed subsection 76A(4) interacts with proposed section 94, which relates to ownership of 'local access lines'. To minimise avoidance of the charge, subsection 76A(4) makes clear that customer cabling to a premises inside a multi-unit building can be considered local access lines that are part of the local access network of a carrier, even if that carrier has no legal ownership of those cables.

Once established, the Regional Broadband Scheme will provide certainty for regional Australians that their essential broadband services will be maintained and available into the future.
The government recognises that broadband technology is constantly evolving and new technologies may emerge at any time. The government is committed to reviewing the Regional Broadband Scheme on a regular basis to make sure that the finding base remains appropriate. The bill includes a requirement to conduct a review within four years of the scheme commencing.

**Conclusion**

The bill makes important changes to the regulatory framework to strengthen the provision of superfast broadband infrastructure across Australia. The changes put the customer experience front and centre by ensuring consumers can benefit from greater wholesale and retail competition, access superfast broadband under the statutory infrastructure provider obligation and are supported by sustainable funding arrangements for essential broadband services in regional, rural and remote Australia.

I commend the bill.

**Telecommunications (Regional Broadband Scheme) Charge Bill 2019**

**Second Reading Speech**

The Telecommunications (Regional Broadband Scheme) Charge Bill 2019, which I am introducing today, will, together with schedule 4 of the Telecommunications Legislation Amendment (Competition and Consumer) Bill 2019, establish the Regional Broadband Scheme to provide a transparent and fair funding mechanism that supports the long-term operation of NBN Co's loss-making fixed wireless and satellite networks into the future.

The two bills establish arrangements to underpin the ongoing availability of essential broadband services to all areas of Australia, particularly, rural and regional Australia. Minor changes have been made to the operation of the Regional Broadband Scheme in line with proposals tabled in the Senate by the opposition that the government announced it would support in the budget last April. These changes provide greater certainty to telecommunications carriers and further ease the burden of transition to the scheme for smaller carriers.

The Telecommunications (Regional Broadband Scheme) Charge Bill 2019 would impose, from the first July after passage, a monthly charge on carriers in relation to each premises connected to their network that has an active fixed-line superfast broadband service during the month. If the bill is passed during the 2019-20 financial year, the proposed charge, which is a tax for constitutional purposes, would commence from 1 July 2020. The charge would have two components: a base component and an administrative cost component. The bill would set the initial base component amount at $7.09, which is then subject to indexation. The bill also sets the administrative cost component for the first five years. The combined component cap, comprising the base component and administrative cost component, is set at $7.10 which is also subject to indexation.

The money collected from the base component of the charge would be used to fund the losses NBN Co incurs in constructing and operating its fixed wireless and satellite networks, replacing the company's opaque internal cross subsidy from its fixed-line networks. These networks provide access to essential high speed broadband services to up to one million premises, mostly in regional and remote areas. The money collected from the administrative cost component would fund the enforcement and administration costs of the Australian Communications and Media Authority (ACMA) and the Australian Competition and Consumer Commission (ACCC) associated with the Scheme.

The bill would require the ACCC to give advice to the minister in relation to the base and administrative cost components at least once every five years following a costing assessment—which includes industry consultation—being undertaken by the ACCC.

The administrative arrangements for the Regional Broadband Scheme, including arrangements for the annual (in arrears) assessment and collection of the charge, and associated reporting arrangements, are set out in schedule 4 to the Telecommunications Legislation Amendment (Competition and Consumer) Bill 2019. The ACMA is the administrator of the Regional Broadband Scheme; the government expects that ACMA will engage with the telecommunications industry in applying the new regulatory framework.

The ACCC advises on the setting of charges; the government expects the ACCC will also engage with industry. This engagement should aim to reduce the regulatory burden in implementing the Regional Broadband Scheme (and the one-off reporting arrangement), including by publishing interpretative guidance to industry.

Once the NBN rollout is complete, NBN Co is likely to have around 95 per cent of the fixed-line broadband market, which means it will continue funding the bulk of the net costs for providing broadband services to regional Australia.

Customers on NBN Co's network will not experience price rises as the charge is already embedded in NBN Co's pricing. For the remaining five per cent, many of these networks service medium and large businesses, which will for the first time contribute to funding regional broadband. It will be up to those networks to decide whether some or all of the charge is passed on to their customers.

Once established, the effect of the Regional Broadband Scheme will be that all NBN-comparable fixed-line networks contribute to transparent funding for regional broadband. In turn, regional Australians can have confidence that their essential broadband services will be available into the future.

I commend the bill.

**The ACTING DEPUTY PRESIDENT (Senator Fierravanti-Wells):** In accordance with standing order 115(3), further consideration of these bills is now adjourned to 21 February 2020.
BUDGET
Consideration by Estimates Committees

Senator DAVEY (New South Wales—Nationals Whip in the Senate) (15:39): On behalf of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee, I present additional information received by the committee relating to the following estimates:

Budget estimates 2019-20 (Supplementary)—Foreign Affairs, Defence and Trade Legislation Committee—Additional information received between 4 December 2019 and 11 February 2020—Defence portfolio.

Foreign Affairs and Trade portfolio.

COMMITTEES

Legal and Constitutional Affairs Legislation Committee

Government Response to Report

Senator RUSTON (South Australia—Minister for Families and Social Services and Manager of Government Business in the Senate) (15:39): I present the government’s response to the report of the Legal and Constitutional Affairs Legislation Committee on its inquiry into the provisions of the Migration Amendment (Strengthening the Character Test) Bill 2019. I seek leave to incorporate the document in Hansard.

Leave granted.

The document was not available at the time of publishing—

Scrutiny of Delegated Legislation Committee

Delegated Legislation Monitor


Leave granted.

The statement read as follows—

As Chair of the Standing Committee for the Scrutiny of Delegated Legislation I rise to speak to the tabling of the committee's Delegated Legislation Monitor 2 of 2020.

This Monitor contains the first instruments scrutinised by the committee in accordance with the scrutiny principles set out in the recently amended standing order 23. I would like to take this opportunity to highlight some of the key changes which the committee has made to its reporting practices, pursuant to the amendments to standing order 23.

In addition to Chapter 1 of the Monitor, which continues to highlight the committee's most significant and unresolved scrutiny concerns, the Monitor now contains a second and third chapter.

Chapter 2 of the Monitor identifies instruments which the committee has resolved to draw to the attention of the Senate and relevant legislation committees under standing order 23(4), because they raise significant matters or matters otherwise of interest to the Senate. In practice, these may include instruments which contain significant policy matters or significant elements of a regulatory scheme, instruments which amend primary legislation, and instruments which have a significant impact on personal rights and liberties.

As a technical scrutiny committee, the committee does not express a view as to the policy merits or otherwise of these instruments. However, it has resolved to draw these instruments to the attention of the Senate in an attempt to promote greater scrutiny of the increasingly significant and complex matters contained in delegated legislation. It will, of course, remain a question for the Senate and the relevant legislation committees as to whether they decide to further examine the instruments raised by this committee under standing order 23(4).

The committee has identified one such instrument in Chapter 2 of Delegated Legislation Monitor 2 of 2020. The Competition and Consumer (Industry Codes-Dairy) Regulations 2019 establish a mandatory Dairy Code of Conduct that sets out a regulatory scheme for enforceable minimum standards of conduct for business practices between dairy farmers and processors of milk. In doing so, the instrument appears to implement significant elements of a regulatory scheme, and addresses matters which have been subject to a number of significant external reviews. Accordingly, the committee has resolved to draw this instrument to the attention of the Senate and the Rural and Regional Affairs and Transport Legislation Committee under standing order 23(4).

The committee has also resolved to add a third chapter to the Monitor, to identify all legislative instruments which, in combination with their enabling Acts, authorise the Commonwealth to spend public money. Chapter 3 of Delegated Legislation Monitor 2 of 2020 contains 10 such instruments, which together specify expenditure in excess of $300 million. In the committee's view, the scrutiny of these instruments is an essential aspect of parliamentary scrutiny and control of Commonwealth expenditure.
The committee trusts that these additions to the Monitor, combined with the recent amendments to the committee's standing orders, will further promote parliamentary scrutiny of delegated legislation, in accordance with the findings and recommendations of the committee's 2019 inquiry.

With these comments, I commend the committee's Delegated Legislation Monitor 2 of 2020 to the Senate.

DOCS

Australian Building and Construction Commission

Consideration

Consideration resumed of the motion:

That the Senate take note of the document.

Senator SHELDON (New South Wales) (15:41): After reading the report of the ABCC you see the truth at the heart of this organisation. It's an organisation designed to attack working people and unions, their representatives. It is an organisation designed to hamper the ability of working people to fight for safety in their industry or to chase down stolen wages or superannuation. How do we know this? Because even though the ABCC have the power to chase employers they are loath to do so. Instead, they spend a disproportionate amount of taxpayers' money on attacking and prosecuting unions rather than pursuing crooks running construction sites. They allow shonky employers off the hook on wages, entitlements, safety and standards—law-breakers who unfairly compete with those employers who fairly pay their workers and abide by the law. Despite being required by legislation to act as an independent regulator of both unions and employers in construction, the ABCC practises one standard for unions and a different standard for employers.

In answer to questions I put at estimates last year, it was revealed that the ABCC spent $3.2 million of taxpayers' money on activities prosecuting unions, union officials and workers; yet, since being reinstated in 2016, the ABCC has recovered only $1 million in unpaid wages. They've spent three times more on chasing unions than the amount they've managed to recover for workers in an industry which is highly exploitative.

In the same answers to questions, the ABCC admitted that since December 2016 they had made no referrals of sham contracting to the Fair Work Ombudsman. They also revealed that the ABCC had never investigated what role employer associations play in instances of wage and superannuation theft. What was clear was that the ABCC has one agenda: attack unions in the construction industry. In their reports for the previous financial year it was revealed that less than 15 per cent of their internal legal costs was spent on investigating or prosecuting theft of wages and entitlements or instances of sham contracting. Since 2016 they have launched six times more prosecutions against the CFMMEU than they have against employers.

If the ABCC aren't pursuing companies, what are they up to? They're of course on the ongoing legal case between Lendlease and the ABCC over the flying of the Eureka flag at worksites. That's where they're spending the money—on a case about flags! Of course, how much they've spent is not mentioned in their quarterly report. The ABCC's directive is that construction companies could be banned from federal contracts if workers on worksites fly the Eureka flag or have union stickers on hard hats. That the ABCC is more concerned with stickers and flags than it is with wage theft, which has become rife, is a joke within that industry.

This very report shows that, from 1 July to 30 December, the ABCC spent more than four times as much time investigating issues of industrial action or right of entry than it spent on wages and entitlements. As Dave Noonan, National Secretary of the CFMMEU, eloquently put it:

This agency acts like the Stasi when it comes to unions and workers and like Mr Whippy when it comes to employers. All of this is in an industry that is plagued by continuous safety issues, often leading to work deaths and fatalities. Here in Canberra, in January, a 47-year-old construction worker at a residential building site died while unloading material from a truck. The resulting safety blitz found some 70 breaches across 28 sites, of which 19 sites had prohibition notices imposed until the breaches were rectified. Another death occurred only 200 metres from the site.

The ACT Work Safety Commissioner said:

To say I'm disappointed in the lack of a safety culture in the ACT residential building sector is a gross understatement. Perhaps the ABCC should focus on the continuing issues of safety and wage theft plaguing the industry rather than on flags and stickers.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.
Consideration resumed of the motion:
That the Senate take note of the document.

**Senator McCarthy** (Northern Territory—Deputy Opposition Whip in the Senate) (15:46): I rise to speak on the Outback Stores Annual report 2018-19. Just for the benefit of senators: given that this week we have been discussing closing the gap, I thought it was important to put on the parliamentary record some of the good things that Outback Stores and similar organisations who are looking after food and the sale of food are doing in regional and remote Australia.

Outback Stores, for those of you who are unaware, run around 39 stores across the Northern Territory, South Australia and Western Australia. In the Northern Territory we have over 20 stores, largely in the Top End of the Northern Territory; we do have one in Papunya. One of the things I was impressed with in looking at their annual report was their focus on closing the gap in life expectancy within a generation. Outback Stores is committed to providing access to good, quality food at an affordable price, and it does lead to better health outcomes for current and future generations.

I think it is important for the Senate to be aware that organisations like Outback Stores focus on trying to reach the targets that have been set in improving the lives of First Nations peoples. One of those is to try to halve the gap in mortality rates for Indigenous children under five within a decade. They work with a number of the stores, communities, schools, healthcare providers and non-government organisations to promote healthy food and drink choices at a really young age. That is quite critical, especially for babies and toddlers growing up in communities where it isn't easy to get access to good foods and to food at a reasonable price. That is quite important in terms of families being able to have healthy foods.

The annual report goes on to say that stores have a healthy-food policy in place, with goals of reducing the sales of sugary drinks, increasing the sales of fruit and vegies and increasing healthy takeaway options. They invest in activities that support community members to make good, informed decisions for their families. They also look at another target along with halving the gap in mortality rates: they look at halving the gap between Indigenous and non-Indigenous Australians in employment outcomes. Since 2006, on reading their reports, Outback Stores have really focused on having many of their staff Indigenous, with an Indigenous employment rate of around 80 per cent. Their strongest sale results were in 2018-19. If we look at their annual report, we see a couple of Indigenous employees from Beswick—sorry, from Barunga. Beswick is down the road from Barunga. You've got Barunga, Milikapiti and Maningrida whose stories are in this annual report. I encourage senators to have a look at it.

In Papunya the community store director has enlisted the help of remote retail specialists such as Outback Stores. For those of you who don't know where Papunya is, it is about a 2 1/2 or three-hour drive north-west of Alice Springs. It is quite a remote community. That store now receives a weekly delivery, ensuring that it has great quality fresh fruit and vegies, as well as meat and dairy, readily available at good prices. Before Outback Stores took over in that area the store was only serviced every second week. Have a think about that in terms of the quality of food and its availability, and being able to buy it at a reasonable price. Small shops in the bush don't have the buying power of the larger supermarkets in towns like Alice Springs, Katherine and even Tennant Creek. They have much higher transport costs and it takes a lot longer to get the stock into stores. I urge senators to have a look at it.

The other organisation I'd like to speak about on the record next time is the Arnhem Land Progress Association, which operates eight stores in Far North Queensland and 12 other community stores in the Northern Territory on behalf of Indigenous corporations and regional councils. I will gladly share the story of ALPA at my next opportunity. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**COMMITTEES**

**Education and Employment References Committee**

**Government Response to Report**

Consideration resumed of the motion:
That the Senate take note of the document.

**Senator Urquhart** (Tasmania—Opposition Whip in the Senate) (15:52): I rise to take note of document No. 5 on page 15 of today's Notice Paper, which is a letter from the Minister for Employment, Skills, Small and...
Family Business, Senator Cash, to the President of the Senate in response to an order of 4 December 2019 in relation to the Education and Employment References Committee report entitled *The people behind 000: mental health of our first responders*. I will give a bit of context to this inquiry.

In December 2017 an intensive care paramedic came to my office and talked to me about the rate of suicides, amongst paramedics particularly, that she had become aware of. In fact, a close friend of hers had committed suicide. He was a paramedic in Hobart. She was very concerned about the impact of the role that paramedics undertake and the intense pressure they were under and that the incidence of mental health problems was growing. She wondered how we could get a Senate inquiry going. We did that and, I'm glad to say, all the benches around the Senate supported the motion to get that inquiry underway.

The inquiry travelled around every state in the country. We heard some pretty gruelling evidence from paramedics, firefighters and police—as it was about first responders, we limited the inquiry to those three professions. It was harrowing listening to the experiences and stories of people who were doing their difficult job every day. The report was tabled in February 2019—just 12 months ago. The report contained 14 recommendations, a number of which talked about the federal government working with state and territory governments to collectively put together responses around those recommendations.

We had not received anything from the government response to the report, so on the last day of sitting last year an order for the production of documents was passed to provide a response or an explanation as to why we had not received a response to the committee's report from the government. We did that so we could at least try and work out what the government supported and what it did not. I must say that the committee report was supported by the government. There were some additional comments from the government senators on the committee, but the report had consensus agreement.

That motion was successful in the Senate on 4 December. I have just received a letter from the minister, the Hon. Christian Porter. That's been passed to me through the President, and it is what's here today. It says:

The government is still considering and consulting with stakeholders on the report's recommendations. Therefore, the government is not in a position to table a response to this report at this time.

That letter gives me no comfort in any shape or form. It doesn't give a time line about when the government might consider a response to the report. It says nothing. It just says, 'We're talking to stakeholders.'

I'm really concerned about that because, given the events over the summer with the recent fires and the floods that are now happening, we rely on our emergency services—our firefighters, our SES, our ambulances and our police—who are out there at the front of these natural disasters and other things that are occurring around this country. I fear that we will be facing a lot more mental health problems in 000 responders not only because of the nature of their work but also because of the cumulative nature of the problems that they are seeing out there every day when trying to assist people. They're in the middle of this. They're at the forefront of fighting the fires. They're in the middle of the disasters, and they're trying to deal with that. In some instances, they are dealing with that and worrying about their families that are in the middle of this as well. I don't think it's too much to ask that this government take this report seriously, try and save some lives, at least give them some support and put forward a response so that we can actually start to do some work coming out of this inquiry. The last thing I want to see is this report sitting on a shelf catching dust, as many of them do, when we've got people's lives at stake—the people we call on when we're most in need and most vulnerable. We should be providing them with the support that they need, and I call on the government to provide that response as a matter of urgency. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**DOCUMENTS**

**Consideration**

The following documents were considered:


* Schedule of multilateral treaties under negotiation, consideration or review by the Australian Government as at August 2019. Motion of Senator Urquhart to take note of document called on. Debate adjourned till Thursday at general business.

* City of Sydney—Annual report—Order of 3 December 2019—Letter to the President of the Senate from the Minister for Trade, Tourism and Investment (Senator Birmingham) responding to the order and raising a public interest immunity claim. 2020 Motion of Senator Watt to take note of document called on. Debate adjourned till Thursday at general business.
Education and Employment References Committee—Report—The people behind 000: mental health of our first responders—Order of 4 December 2019—Letter to the President of the Senate from the Minister for Employment, Skills, Small and Family Business (Senator Cash) responding to the order, and attachment. Motion of Senator McCarthy to take note of document debated. Debate adjourned till Thursday at general business.

President's report to the Senate on the status of government responses to parliamentary committee reports as at 31 December 2019. Motion of Senator Urquhart to take note of document called on. Debate adjourned till Thursday at general business.


Estimates hearings—Unanswered questions on notice—Statements pursuant to the order of the Senate of 25 June 2014—Budget estimates 2019-20 (Supplementary)—Department of Veterans' Affairs; Home Affairs portfolio; Industry, Science and Technology portfolio; Industry, Science and Technology portfolio (Resources and Northern Australia). Motion of Senator Urquhart to take note of documents agreed to.


COMMITTEES

Joint Standing Committee on Foreign Affairs, Defence and Trade

Report

Consideration resumed of the motion:

That the Senate take note of the report.

Senator McCARTHY (Northern Territory—Deputy Opposition Whip in the Senate) (15:57): I rise to speak on the first report of the Joint Standing Committee on Foreign Affairs, Defence and Trade inquiry into PFAS contamination in and around Defence bases. I will just put on the parliamentary record how frustrating it is, really, to once again be standing to speak on an issue that clearly eludes this government, which is not dealing with it in an urgent manner for all those families around Australia who definitely want direction and certainty about what this government is doing in relation to PFAS and the concerns families have. We've had numerous reports here in the parliament in relation to those concerns, and they've been articulated graphically and at length by families and organisations who have held major concerns in the Katherine region and certainly down in New South Wales, including in the Newcastle region, and over in WA.

I know that the report that I'm referring to now is the third of its kind. This inquiry is the third inquiry into PFAS contamination, yet the government still has yet to respond to the previous one. That's where the frustration is. The frustration is that we've spent so much time on this issue, and clearly it's round and round we go. If I feel frustrated, as a senator involved in this inquiry and trying to push this as best I can, imagine how those families who've given evidence on numerous occasions are feeling. They've pretty much given up on us, and that's why we see class actions taking place across the country in relation to those concerns about PFAS. People have had a gutful. They need action; they're not satisfied. Whatever we do in here and whatever we say is not going to bring home confidence to those families, unfortunately.

If I reflect on the report that I worked on as deputy chair, it contains significant recommendations. We wanted to give the government opportunities to respond in ways that were reasonable and very practical—particularly in relation to the concerns of those affected communities that I've mentioned. The committee recommended that a coordinator-general be appointed, with the authority and resources necessary to coordinate more effectively the whole-of-Commonwealth-government effort in respect of PFAS contamination, and also to ensure a clear and consistent approach to community consultations and cooperation with state, territory and local governments.

And it is critical. I recall the conversations that we had about the coordinator-general, that being able to bring together all these Commonwealth agencies and the state and territory jurisdictions in a very effective manner was not a hard thing to do. I cannot for the life of me understand why that recommendation has not even been responded to.

The committee also made recommendations to improve the voluntary blood-testing program as a source of longitudinal information on the long-term health effects of PFAS exposure and the effectiveness of measures to break PFAS exposure pathways. In many instances, property owners in the PFAS contaminated areas—we know
where they are across this country; I've certainly mentioned it so many times, and I'm very concerned about the Katherine region in the Northern Territory—have suffered demonstrable and quantifiable financial losses. Our committee recommended compensation. That was done with the chair of that committee, Andrew Laming MP, and still there is silence from this government. It's not good enough, two years from when we began that subcommittee and the PFAS inquiry into these concerns across the country, that the government has not responded.

So there we have it. If trust has been lost with the previous inquiry then the questions around this third inquiry will really be about, 'Why waste our time?' Maybe that's what the government wants people to do—families to do—not to give their time. It was actually in December 2017 when we all stood in this chamber, agreeing to a subcommittee. We came up to December 2019, and there was still no report. Now we're in February 2020 and there is still no response. I seek leave to continue my remarks.

Leave granted.

AUDITOR-GENERAL'S REPORTS
Report No. 23 of 2019-20
Consideration

Consideration resumed of the motion:
That the Senate take note of the document.

Senator FARRELL (South Australia) (16:03): I seek to take note of Auditor-General—Audit report no. 23 of 2019-20—Performance audit—Award of funding under the Community Sport Infrastructure Program—Australian Sports Commission.

I refer to this, what I consider to be an excellent report. I will start at the outset by congratulating the Auditor-General, Mr Hehir, on what was an extremely thorough examination of what we now know to be called sports rorts 1. Madam Acting Deputy President Askew, I'm sure you're aware that there are two sports rorts here: there is sports rorts 1 and sports rorts 2. This Auditor-General's report is into what we know as sports rorts 1. As I said, it's an extremely thorough examination of what went on in the awarding of these grants.

I'm sure you're familiar with this, Acting Deputy President Askew, because you've followed closely what's gone on here. Former Minister McKenzie had a pot of $100 million to hand out to sporting clubs around the country. She decided to have a set of guidelines. Those guidelines were published, and thousands of hardworking clubs, committed clubs, around the country put in applications. Volunteers spent their nights, their weekends—because most of them are volunteers at these sporting clubs—preparing an application for this grant. They thought the procedure was going to be above board and that when the government issued guidelines they would be assessed against those guidelines and on their merit.

We know that that process did start. We know that Sport Australia started the process of assessing these 2,000 applications. We know, from leaked documents in the hands of Andrew Probyn from the ABC, that clubs were rated from a high of 98, down to a low of 4. If you got a score of 74 or above that gave you the amount of money that equated to $100 million. Sport Australia did the right thing: they did what they thought the government wanted them to do, complied with the guidelines and produced a list of clubs that were entitled to this $100 million.

What we now know, is that the minister had a separate list—which has been described as the colour coded list—where she looked at these 2,000 applications and said, 'Oh, I'm going to find grants that have been applied for in Liberal marginal seats, National Party marginal seats and the seats which the government are seeking to win back from the range of Independents in the lower house.' Of course, that's where she targeted this $100 million. That's why, I think, it's considered by the community at large—certainly by the Labor Party and certainly by the crossbench—that this was industrial-scale pork-barrelling.

That's a simple way of describing what was a very thorough report by the Auditor-General. They spent months, forensically going through the rorts that were committed by the government in respect of this grant application. This afternoon, I think it's worth reporting, the Senate committee that was set up to look at this corrupt process is going to start its proceedings. I understand that in a few minutes the Auditor-General will start giving his evidence about this issue. Of course we're very much looking forward to asking him sensible questions so that we can flesh out what is an extremely good— (Time expired)

DOCUMENTS
Consideration

The following documents were considered:
Auditor-General—Audit report no. 20 of 2019-20—Financial statements audit—Audits of the financial statements of Australian Government entities for the period ended 30 June 2019. Motion of Senator Urquhart to take note of document called on. Debate adjourned till the next day of sitting.

Auditor-General—Audit report no. 22 of 2019-20—Performance audit—Future Submarine Program – Transition to design: Department of Defence. Motion of Senator Urquhart to take note of document called on. Debate adjourned till the next day of sitting.

Auditor-General—Audit report no. 23 of 2019-20—Performance audit—Award of funding under the Community Sport Infrastructure Program—Australian Sports Commission. Motion of Senator Urquhart to take note of document debated. Debate adjourned till the next day of sitting.

DOCUMENTS

Community Sport Infrastructure Program

Order for the Production of Documents

Senator SESELJA (Australian Capital Territory—Assistant Minister for Finance, Charities and Electoral Matters) (16:09): I table documents 378 and 389 relating to an order for the production of documents concerning the Community Sport Infrastructure Program.

Special Purpose Flights

Order for the Production of Documents

Senator SESELJA (Australian Capital Territory—Assistant Minister for Finance, Charities and Electoral Matters) (16:09): I table a document relating to an order for the production of documents concerning the schedule of special purpose flights.

Community Sport Infrastructure Program

Order for the Production of Documents

Senator SESELJA (Australian Capital Territory—Assistant Minister for Finance, Charities and Electoral Matters) (16:09): I table a document relating to an order for the production of documents concerning the Community Sport Infrastructure Program.

MOTIONS

Pensions and Benefits

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:10): I move:

That the Senate—

(a) notes that the low rate of Newstart and the insufficient rate of disaster payments do not adequately meet people’s needs and can exacerbate the difficult circumstances people are experiencing in the face of bushfires and drought; and

(b) calls on the Federal Government to immediately raise the rate of Newstart by at least $95 a week and raise the Australian Government Disaster Recovery Payment to $3000 per adult and $1000 per child.

This is a particularly important issue. This summer's bushfire crisis has put the spotlight directly on our social security system. This disaster highlights just how important our social security system is. It is a safety net that Australians know they can rely on to help them through their times of difficulty and crisis. When they lose their employment or when they are sick, they can access our social safety net. In a time of crisis, such as the bushfires that we have faced in this nation since September, people know, or believe, that the social safety net is there to help them. It's in these times that people need a really strong social security system so that they can fall back on that for support.

The disaster recovery payment is a one-off, non-means-tested payment—currently set at $1,000 for adults and $400 for children—for people who have been adversely affected by a major disaster. This payment has not increased since it was introduced in 2006. Given the devastation and ongoing threat of extreme climate-driven natural disasters, it's essential that the government plays its role in supporting people. We've received feedback from the community that the disaster recovery payment isn't enough. Areas have been declared under the process so that people can access these payments, so we're not saying that the social safety net hasn't been put in place or the necessary actions taken to enable people to recover—although I'll come back to a few problems that have
occurred specifically for some people. By and large, that process has been established. The fact is we are starting to get feedback from people that what is available isn't sufficient to help them through the current crises that this nation has been facing.

We strongly support the Australian Council of Social Service's call to increase the disaster recovery payment to $3,000 for adults and to $1,000 for children. We share ACOSS's concerns that the current payments are seriously inadequate, especially for people on lower incomes and with fewer assets, family members and friends to secure alternative housing options. Many people have lost everything and urgently need adequate financial support. Increasing the disaster recovery payment to $3,000 for adults would be a small way to help people who are in crisis. We know they need more support, but at least this would boost what is currently available.

Let's be clear: $1,000 doesn't meet people's needs and doesn't go far enough when it comes to helping people recover from, in this instance, these horrific bushfires. It's exacerbating the difficult circumstances people are experiencing in the face of bushfires and floods; and, as I was referring to earlier, it's not necessarily getting to those who need it—because of some administrative issues, we think. People have been told, for example, that their area hasn't been declared a disaster area. The report from Mungo residents is that they were denied the recovery payment because Centrelink claimed they were outside the fire zone, despite losing their homes.

I'm sure these issues are more about administration, and I acknowledge also that these things happen. They shouldn't happen, but, if they do, they need to be rectified directly, and it's unfortunate that people have to go to the media or their local members or local senators to get some action, particularly when communications in these areas are poor because of the loss of those services due to the fires.

The Prime Minister clearly acknowledged that the disaster recovery payment was inadequate, when he announced in January that families in bushfire affected areas who had already claimed the payment would be eligible for an additional $400 for children—an understanding that more money was required. However, I am concerned that this is a one-off deal and it will not be provided for other disasters going forward. The government should be acknowledging that the disaster recovery payment is seriously inadequate, especially for people on lower incomes and with fewer assets.

I now come to the disaster recovery allowance—that was about the payments. The disaster recovery allowance, which is the other part of the disaster support that is available in Australia, is paid for a maximum of 13 weeks if a declared disaster directly affects your income. The catch is that it is paid at the rate of Newstart or youth allowance, and that's, of course, the really, really clear problem. When Newstart already traps people in poverty, how does the government expect it can truly support someone who has lost their income, their job, and perhaps their home following the bushfires? In January, Robert Provenza was forced out of his home and his job in Batemans Bay following the bushfires. When talking about the disaster recovery allowance, he said:

'It's, to be honest, stuff all.
'I'll barely pay my bills, it'll barely pay anything.'

I must say that his comments there reflect those in the large number of emails I have received about the adequacy of the payment. And I'm sure other members of this place have received similar emails, because people are deeply concerned that they're not going to be able to survive on those low levels of payment.

The bushfire crisis will have long-lasting impacts on people's safety, health and wellbeing. We believe the government must act now to increase this payment so that people have adequate support to get back on their feet in the wake of these disasters. It is essential that we have a responsive and fair system to help people recover as quickly as possible.

I want to touch very briefly on the cashless debit card because I've also had a lot of feedback about the use of cashless debit cards in disaster affected areas. It's not only the low rate of the disaster payments that affects people; it's also the government's punitive measures, like the cashless debit card. People on the card who face power outages are, effectively, left stranded without any access to money. On New Year's Eve, bushfires caused around 25,000 homes and businesses in and around Ceduna, for example, to lose power. The same situation happened in Central Australia, where extended blackouts meant food relief organisations had to step in to feed people. How can someone on the card eat, feed their family and buy other essentials when the power is down? They can't call the cashless debit card hotline for help when the power is out. This is absurd, and it is another example of the dangerous consequences of compulsory income management and restricting access to cash.

Let me come to the general issue of Newstart, which, as I said, is the base rate for the disaster recovery allowance. This is a vitally important issue. ACOSS, the Australian Council of Social Services, is now calling—it happened just towards the end of January—for a $95 increase to Newstart and youth allowance at the very minimum. Most people in this place—I'd say all people in this place—have heard me talk about this all the time. Acting Deputy President Askew is nodding her head. This is an issue that many, many people are passionate
about. But the fact is that the gap—the inadequacy of Newstart—is absolutely critical to those who are living in poverty, because we know that people living on Newstart are living in poverty. The gap is growing so quickly between the cost of living and income support payments that ACOSS has needed to update this figure from $75 a week to $95 a week. I remember when it was $50 a week. We were campaigning on that. It's taken so long—and in fact the government still hasn't recognised that Newstart is too low—that the figure is now $45 higher than when we originally started this campaign—$45. And $95, I would argue, would be barely enough. We support this increase, but stress that it's just a starting point.

In fact, we need to go further than $95 a week if we are to seriously close the gap for those who live in poverty. If we are going to address poverty in this country, we have to increase Newstart. Newstart has been at the same level for 25 years. We have now witnessed such a long period of inaction from the federal government on Newstart that people have descended further and further into poverty. The government's continued failure to act means that people trying to survive on Newstart are falling further and further behind. People in the community are denied dignity when they are forced to live on $40 a day for extended periods of time. It affects their job prospects, their mental health and their children's health.

As we get ready for the start of the university year, students receiving youth allowance will be attempting to survive on just $33 a day, an income that is even less than Newstart. ACOSS found that nine in 10 young people on allowances skip at least one meal a week, and six in 10 have less than $14 a day after paying their rent. In 2019, the average Newstart recipient claimed their payment for more than three years, which is up from two years and two months in 2014.

Just recently, the figures were published on the number of older people on Newstart. For the purposes of employment, because of ageism 45 is now the mark for when people are being discriminated against in the work place when they're trying to find work. Over 50 per cent of people now on Newstart are aged over 45. They're ageing in poverty into the pension—50 per cent of people on Newstart. They're finding it increasingly difficult to find work because of ageism. If you stick around, you'll hear me talk about that in the adjournment tonight: the impact of ageism. The truth is people are trapped on Newstart and it is so woefully low that it takes away from their ability to find work and it has ongoing consequences.

The low rate of Newstart will also be profoundly felt by people facing difficult circumstances, including the loss of income and employment in the wake of the bushfires and floods. It will definitely make it harder for people to get back on their feet, and I've had correspondence from people saying exactly that. Increasing Newstart is in fact a smart thing to do. It's not just compassionate; it's also really smart. It would provide significant economic stimulus and the creation of thousands of new jobs that would assist in the recovery of bushfire, drought and flood affected regions. The only thing standing in the way now of an increase in Newstart is the unwillingness of government to recognise that they have a responsibility to support those who are doing it tough in our country—those who have lost their job in a variety of ways, through no fault of their own, be it through the loss of businesses because of bushfires and floods or be it through their job no longer existing or being laid off. The fact is that there are a lot of Australians who are doing it tough living on Newstart and youth allowance. It needs to be increased.

Similarly, the disaster recovery payments also need to be increased for Australians affected by bushfires and other disasters—in this instance, bushfires and floods—to make sure that they have enough to get by and to get back on their feet. Every Australian, I'm convinced, wants to see the people affected by these disasters being able to get back on their feet and they want to see the government helping them. I urge you to support these calls to increase Newstart and these payments.

**Senator HENDERSON** (Victoria) (16:25): I'm very pleased to rise and speak on this motion, which comes at a time when so many Australians are in shock following the devastating black summer bushfires. As we know, 33 people tragically died, including a number of firefighters; 2,900 homes have been lost; an estimated one billion animals have died, which is overwhelming in its scale; and an estimated 10.4 million hectares have been lost. I want to thank Senator Siewert for bringing this motion to the parliament, because I know it comes from a good place in Senator Siewert's heart. I hope that what Australians have been able to see in the Morrison government's response is that we too have made our decisions, in the way we've responded, with our hearts. We know how devastating these bushfires have been for so many families.

The Morrison Liberal government has been focused on the immediate relief we need to get to the people on the ground. We've also been holding a number of roundtables with each key sector to ensure that we're planning for the recovery effort in the weeks, the months and the years ahead. As the Prime Minister has highlighted, our actions are part of our initial support, but he has said this, and I want to stress this to the Senate: we will do whatever it takes to support the communities and businesses hit by the fires, and if we need to do more we will. This is not set and forget.
On some of the individual cases which Senator Siewert and other senators have raised in this place, or members
have raised in the other place, can I please ask those senators and members to bring the cases to the government
because, if people are falling through the cracks because of particular individual circumstances, we need to know
about it so we can consider particular circumstances and respond appropriately.

In respect of this motion, I'm a bit disappointed that the Greens have put up this motion without acknowledging
the very broad range of support, investment and work that we are doing. I will make reference to that in a minute.
I first of all want to go through the payments and how they work, because it is quite complex and, of course, there
are some differences, depending on which state people are in. Under the Disaster Recovery Funding
Arrangements, there's what's called a category A payment. That covers the personal hardship allowance. This
differs, as I mentioned, in different states. The Commonwealth and the states actually share the cost of this
payment. The states determine when this is activated. This has already been activated in various locations in
Victoria, New South Wales, Queensland and South Australia. In Victoria, for instance, it's $540 for an adult and
$270 for a child to a maximum of $1,890.

Then there's another payment: the Australian government disaster recovery payment. That's the one referred to
in the motion. That's $1,000 per eligible adult and $400 per eligible child. We've just doubled that payment for
children to $800. I know Senator Siewert proposed $1,000, so we're quite close in terms of the payment to
children. This is a one-off, non-means-tested payment when the disaster on individuals and families requires an
additional response. It's completely paid for by the Commonwealth and, to date, a very large amount of money has
been paid—91,000 claims have been processed since 16 September and there has been $107 million paid. Then
there's another payment, the Australian government disaster recovery allowance. It provides up to 13 weeks of
income support to subsidise lost income. We're also going about simplifying the application process.

So, while we can't be definitive, because there are different payments under category A in different states, in
very rough terms—and I'm looking particularly at the Victorian rates—a family of five, made up of two adults
and three children, can receive up to $1,890 under category A, $4,400 under the disaster recovery payment and 13
weeks of income under the disaster recovery allowance for each working adult where they lost income. That's
$1,000 a fortnight for a couple and $7,000 in total. So the total support is $13,300, which, of course, is substantial
and is a lot more than is referred to in the motion that Senator Siewert has brought to the Senate today.

The range of support that the government is providing is unprecedented, and I say that because I have lived and
breathed working with my community in the wake of the Wye River and Separation Creek bushfires, where 116
homes were lost. Thank God no lives were lost, but it was a very long journey, a very long road. I worked with
many families, including to hold one insurance company in particular—AAMI, which is owned by Suncorp—to
account. That particular case ended up in the royal commission because of the horrendous manner in which that
insurance company treated a number of families. They were proposing to essentially rip off families. We took that
to the minister and the parliament and, through a lot of advocacy and support from the relevant minister, we were
able to rectify that terrible injustice. So I have lived and breathed this myself. I know how challenging this is. As
we all know, this is going to be a very long road.

The Australian Defence Force have been assisting since the start of the season in September. There has been
the compulsory call-out of reservists. More than 6,500 personnel have been deployed, and that has been very
substantial in terms of support on the ground. The government is now paying volunteer firefighters up to $300 per
day for lost income, with a total amount of $6,000 available. There are recovery grants of up to $75,000 to
primary producers and farmers, and the initial estimate in terms of what the government will spend is $100
million. So it is very substantial additional support for our wonderful farmers and primary producers. We know
how much they have suffered in these fires.

There are also $50,000 grants to affected businesses, loans of up to $500,000 with deferred repayments and
concessional rates, and some support provided with a single point of contact in a new hotline and 10 new financial
counsellors. We've also made the decision to delay tax filing requirements.

A very substantial announcement by our government is the $2 billion national bushfire recovery fund. We
made a number of announcements under that fund. Two billion dollars is an incredible amount of money. The
National Bushfire Recovery Agency has been established, led by former AFP commissioner Andrew Colvin.
There's $60 million to support severely impacted local councils, $76 million for mental health and $30 million—a
down payment, with more to come—to protect our wildlife, which we know has been devastated. There is $40
million being paid to charities to enable them to provide direct assistance on the ground by way of food, fuel and
cash; $10 million for expanded financial counselling; $15 million for rural financial counsellors; and $8 million
for mental health support to fund an extra 25 Beyond Blue liaison officers and clinicians to support local schools
and early childhood services.
Thursday, 13 February 2020

There's increased resources for the National Aerial Firefighting Centre and water-bombing aircraft—$20 million on top of the $11 million announced in December—and of course our annual budgeted amount of $14.9 million. There is also an additional commitment of $100 million to help the states clean up bushfire damaged buildings—that's a huge cost in terms of the clean-up—and an additional $76 million to rebuild the tourism industry. We have announced some grants. Businesses are able to apply for grants. We know that, not just in bushfire affected areas but more broadly, this has hit tourism orientated businesses very, very hard.

And then there's a range of other support—our mobile service teams and our dedicated National Disability Insurance Agency resources in impacted areas. There is investment in emergency communications and wi-fi. There is a deferral of tax liability for individuals and businesses. There is free passport replacement. As I mentioned earlier, we're running a number of round tables to ensure that in every sector, in every part of the economy and in every community, we are doing everything possible. We can't do this on our own. We have to do it with all of the relevant agencies, communities and stakeholders. We remain open and alive to the fact that more help may be required. I say to Senator Siewert and other senators that, if anyone is falling through the gaps, we will take this very seriously and consider people's individual circumstances. We've also made a very substantial investment in the P2 face masks—to the states and territories. There is a supply of 3.5 million masks. We know the damage bushfire smoke can do and the health risks of that.

I hope what I have presented today is an overview of what can be seen as incredibly comprehensive support to individuals, to businesses, to communities, to our firefighters and to our charities. And an enormous amount of additional money has been addressed. So many kind-hearted Australians and people from around the world have opened their wallets and their hearts and raised millions upon millions of dollars. One of the great concerns of a number of people, including some who have contacted my office, is to make sure that the money that has been raised is being spent in these communities. The Red Cross initially announced that it was going to hold back some of those moneys for other future disasters. I think that went down very badly. That has now been remedied. We don't want to see that money going to administration costs. We want to see that money very quickly getting out to where it is needed.

I also want to reference the other part of Senator Siewert's motion in relation to Newstart. I appreciate that she is very closely concerned about the rate of Newstart. We are in absolute agreement; no-one is saying it is easy to live without a job. Newstart is not a wage replacement; it comes nowhere near equating to a proper salary. It is, and was always meant to be, a safety net for people while they are looking for work. Everyone who receives Newstart is eligible for some form of additional assistance from the welfare system. A very high proportion of Newstart allowance recipients also receive other payments—whether it is family assistance payments or rent allowance. The Commonwealth spends more than $4 billion on rental assistance. For low-income people it is bloody tough—absolutely, horrendously tough. But many families who are struggling are receiving a number of support streams from the government, which does make things a bit easier.

We're working incredibly hard to grow jobs and employment opportunities right across the economy. We're providing a range of programs to encourage people into work—like our Try, Test and Learn program and individual placement support. We're now seeing the dividends of the government's hard work: 1. 5 million more jobs have been created since we were elected and our unemployment rate is 5.1 per cent. In the Geelong region, which I proudly represent as a regional senator in Victoria, we have seen the unemployment rate drop to some very substantial lows, and that is resonating very positively across the community.

The social security system, which is complemented by a range of employment services and programs, is designed to support people of working age by creating pathways to employment and giving people the incentive to go out and look for work. We will continue to look at different, innovative ways in which we can support people in finding work and get those pathways to make it as easy as possible. I want to thank Senator Siewert for bringing this motion to the parliament today. It's certainly been a great opportunity to explain in detail the support that our government is providing to bushfire affected communities in this very challenging time.

Senator McCarthy (Northern Territory—Deputy Opposition Whip in the Senate) (16:40): Labor is proud of the fact that we as a nation have a social safety net designed with the purpose of providing assistance to those going through rough patches in life. The reality is the loss of a job or finding oneself out of work happens regularly, and difficult times can certainly happen to any one of us. It's also clear to everyone but the government that the rate of Newstart is way too low. Of course, that also goes for the disaster recovery allowance, which is set at the rate of Newstart.

People who have suffered through some of the toughest times of their lives deserve and need adequate support to get through those immediate days and weeks, yet the disaster recovery payment has not been increased since 2006. For 14 years it has remained set at $1,000. The expenses that people face when they've suffered loss or damage in a fire or other disaster such as a cyclone are significant. No amount of money can take away that pain
and the disruption and the loss. But it is important that people have enough assistance to meet their basic needs in the immediate term. That is why the disaster recovery payment is so important. Many groups that have been working on the frontline with people after these bushfires have made it clear that the current rate of the payment is not stretching far enough for many people. I know that the government may not want to hear this, but this is what is coming through, and I think it is important that the Senate acknowledges these concerns.

The stories from bushfire affected communities show there is still much to be done to heal and recover from the devastation. We've heard stories of people who have lost their home waiting for a month for the disaster recovery payment. We've seen that, we've heard that. Families have been left in dire straits waiting for funds to come through as they pay for alternative accommodation and try to replace everyday necessities. People have been in desperate straits. Displaced families are living in tents or couch-surfing, and farmers can't get stock feed. Over 3,000 homes have been confirmed lost across Australia since the bushfire season began, and that number is sure to rise as damage assessments continue. There are also significant impacts to livestock and farming infrastructure. Twelve million hectares have been burnt in the devastating bushfires across Australia's south, east and west, and up to one billion native animals have perished.

Labor flagged the threat of the looming unprecedented fire season back in November. The Labor leader wrote to the Prime Minister, urging him to call an urgent COAG meeting to coordinate a bushfire response plan for the country. Throughout the crisis, Labor put forward constructive solutions, including measures that could assist with the recovery efforts.

I might digress a little bit and point out the importance of the knowledge of First Nations people around the bushfires in northern Australia, and how we as a country need to take more time to focus on the knowledge of our First Nations people and particularly our rangers. I have stood here and spoken about the important programs and the burning off of country, which is done in a way that prepares the country for new growth. Those skills have been learnt by non-Indigenous Australians and our fireys up in the north, in terms of being mindful of the bushfire season and also the general knowledge.

I've shared here on a number of occasions in relation to my family in the Gulf Country—the Yanyuwa and Garrwa people—looking after country by burning off in the dry season, which is winter down here. Our dry season is from April through to October. In early April and May, after the wet, we start to burn off country, to protect it and also for growth coming forward. It's also good for the animals to know that they have new regrowth after the early burn offs by the jungkayi, which is what we say in my language. In Yanyuwa 'jungkayi' means the protectors of country. The English word would probably be 'policing' the country. So we always have jungkayi and the ngimirringki, which means 'traditional owners, working together as to when and where to burn off and, obviously, alerting people in those areas where they're burning off the country.

When we look at what's been happening here, it's not just about the level of the disaster recovery payment but there is the red tape and bureaucracy involved, and the hoops to be jumped through, which have certainly added to the distress and extra pressures for people who are already living right on the edge. We've heard stories like Rae Harvey's at Bateman's Bay, and how she lost her home in the bushfires and has been living on her property with no running water, electricity or wi-fi.

Then we've heard about all the animals; we all have, and I heard Senator Henderson make reference to that. It's just unbelievable when we think of the enormous numbers of our animals that have been either killed or maimed across these areas. There are some we may have lost forever, and I think that's a really sad point. I know there is great sadness among the language groups in those areas. Of the more than 100 marsupials that Ms Harvey used to look after, only 22 were left and most were suffering from dehydration and burns. She was certainly frustrated and exhausted by the bureaucratic demands in proving who she was and where she lived.

We've also heard the story of the mayor of Bega, Kristy McBain, who raised concerns that it was just difficult for bushfire victims to get help. I know that many of the frontline workers have been doing their level best to assist people affected by the disasters. For example, Services Australia employees reduced a 17-page disaster recovery payment form to five pages, which helped reduce the paperwork for the victims. I know it doesn't sound like much, but if you think about all the applications and work that you have to go through just to get the relief then that component is enormously frustrating. So to have that reduced and streamlined in a way that gives assistance earlier to people was certainly a great assistance. I'm told that the agency continues to field over 120,000 calls from Australians experiencing devastation—120,000 calls! It's not the fault of the people on the front line that they're dealing with policies that seem not to aid in getting support as soon as they can.

As I said at the outset, Labor is proud that we have a system designed to provide assistance to those going through rough patches in life. But of course, like everything, it has to be adequate. And so I'll talk about Newstart, and the reality of Newstart is that it is not adequate. Who does this affect? Over the past six years, the number of
Australians aged 45 and over who rely on Newstart has surged by 60,000. Those over 45 represent half of all Newstart recipients, and those over 55 represent a quarter. And that's the future: this is how we care for people moving on in their middle years and those who are closer to retirement.

The reality is Australians aged 45 and older find the most difficulty re-entering the job market due to structural barriers and age discrimination. It is out there, and I am sure many people can tell stories about it. There are three Newstart recipients for every job vacancy. Some two million Australians are either looking for work or looking for more work, 1.1 million are underemployed and 130,000 Newstart recipients actually have a job but don't earn enough wages or receive enough hours to get off the payment.

Soon this government is going to enforce compulsory income support—the cashless debit card—on Newstart recipients and others receiving support payments across the country, and that will make it immensely tougher for people already on a very tight income. It is going to limit the amount of cash that can be accessed. Purchasing second-hand items like school uniforms and kids toys will be made a lot harder, if not impossible, for many families. Those in the CDC trial sites report that accessing cheaper goods through online retailers is causing serious problems for them. Some of the reports given as evidence to the Senate Standing Committees on Community Affairs inquiry into the cashless debit card can only be described as bizarre. For example, a mum trying to buy a child's book through an online bookstore had her CDC card refused and was told that she might be trying to buy a book on distilling alcohol, and that is just one story.

These are the facts of poverty and deprivation in Australia: three million or 13.2 per cent of Australians live below the poverty line when defined as 50 per cent of median income; 739,000 children or more than one in six Australian children live below the poverty line; and Anglicare says that there are 19 job applicants for every one job vacancy. I recall some of the evidence received by the inquiry—all public, all on the record—by Newstart recipients telling of the humiliation they feel having to jump through these hoops to be able to access their money every week. We had professors, journalists, people with all sorts of degrees come before the committee who were on Newstart and who were absolutely devastated that they cannot seem to move out of the cycle of being on Newstart. So I think that figure from Anglicare of there being 19 applications for every one job vacancy really is a crucial point among these facts I am sharing with the Senate.

Over 1.1 million Australians are underemployed, and poverty threatens the Australian way of life. Poverty directly affects over one in 10 Australians, but it indirectly affects each and every one of us. When a child goes hungry or without a roof over their head, they cannot do their homework, complete their education or reach their potential. When a person has to live on the amount of money that Newstart provides and cannot afford clothes to attend a job interview or transport costs to get there—I know that might sound like a crazy thing; why can't people have clothes or transport to get somewhere?—there is no way they can prepare and then feel confident in themselves to be able to go out there and get those jobs. They cannot re-enter the workforce and contribute to the economy: it is a fact.

When a person must skip meals or medication, they cannot participate economically or socially in our society. When they cannot afford the basics or essentials, our local businesses have less to spend on wages or jobs. All Australians, whether they live above or below the poverty line, will in some form or another feel the struggle of the reality of that poverty. They feel it in their stagnant wages and they feel it in their lack of job security. This vicious cycle will continue until we as a country choose to do something about it.

Senator WATERS (Queensland—Leader of the Australian Greens in the Senate) (16:54): I rise to speak on the motion of my outstanding colleague, Senator Siewert, who's been campaigning on issues of raising Newstart and looking after ordinary Australians for as long as she's been drawing breath—certainly as long as she's been in this place. Today we've asked the parliament to spend time debating the low rate of Newstart and the insufficient rate of disaster payments, which don't meet people's needs and can exacerbate the difficult circumstances that people are experiencing in the face of bushfires and the drought. We're calling on the federal government to immediately raise the rate of Newstart by at least $95 a week and to raise the disaster recovery payment to $3,000 per adult and $1,000 per child.

The context for us continuing to bring these issues forward is what we've just seen wreaked upon our nation over the summer and what many parts of the east coast are still experiencing now that the fires have turned into floods. I'm getting constant weather updates for rivers near my house as well, so this is real for each and every one of us in this chamber, just as it is real for the people out there. The context here is that people who have just lost their homes—we know 3,000 people and counting have now lost their homes in these devastating fires—have reached out to their government for support, and in many cases they're still waiting. The delays in accessing the disaster recovery support and the inadequacy of that payment when it does eventually come through are just adding insult to injury.
It brings to mind the Prime Minister's visit to a number of bushfire ravaged communities. Cobargo is, of course, the most well-known example. The Prime Minister didn't bring any supplies to that community. He rocked up and tried to force people to shake his hand. He wasn't offering any kind of solution to the climate crisis that's driving these natural disaster events, which we're seeing getting worse and more frequent. He wasn't offering any solution to help prevent the problem, and he wasn't offering any more funding to help people recover. This meagre payment, which hasn't had a rise since 2006, is too small, and it's taking forever to actually reach the people that need it.

We know that was the situation all summer, and this is exactly why we've been supporting the calls to increase that disaster recovery payment. At the moment it's a one-off payment. It's $1,000 for adults and $400 for children who've been adversely affected by a major disaster. It's been at that level since 2006, and that is not enough money. If you've just lost your home, you're having to pay to rent somewhere else to stay if you don't have friends that you can couch-surf with. You're having to pay all of the ordinary daily expenses, such as sending your kids to school, putting food on the table and getting around the place. You have this additional accommodation expense and, moreover, you've just lost all your belongings and the very roof over your head. A thousand bucks is not enough. We strongly support the call to increase that payment to $3,000 for adults and to $1,000 for children.

I note that the Prime Minister kind of implicitly acknowledged that the amounts were too small, because he did in fact say that the payment for kids would go up by $400. So that's a welcome acknowledgement, but it's still not enough, and he really needs to listen to those communities when he visits them and hear the desperate need and then use his power, as the Prime Minister, to do something about it and to provide the help and support that those communities and those people desperately need in the wake of these disasters—and take climate action while he's at it.

It didn't escape anybody's notice that there was a wonderful coming together of the Australian spirit and that people were getting behind fundraising efforts. In particular, one of my favourite comedians, Celeste Barber, has raised more money for bushfire victims than this government. That is an embarrassment. Good on her—she's fabulous and she's done wonderful work and she's now helping people—but this government is letting people down.

Senator McGrath: That is not true. Liar, liar, pants on fire.

Senator Ruston: You can't just come in here and lie.

Senator Waters: I'm happy to check the figures.

The ACTING DEPUTY PRESIDENT (Senator Polley): Order!

Senator Ruston: Fifty million dollars—are you serious?

The ACTING DEPUTY PRESIDENT: Excuse me. I'm calling you to order. The senator has the call. She has the right to be heard in silence.

Senator Waters: I'm happy to go back and check those figures. Certainly, everyone was very impressed at the contribution that she was able to marshal from the community. It put into stark relief the fairly pitiful contribution that this government has made.

We've called for that disaster recovery payment to be increased, but I want to bring to mind the fact that it is taking far too long to get it out the door. We've heard reports that people have been waiting for up to a month. They're going into more and more debt as that time elapses. This is making the situation worse at a time when people are looking to their government to actually help them. Once again, they're realising that this government doesn't work for them; it works for its own corporate donors and vested interests, and for the lobbyists and industries that government members want to go and work for once they leave parliament.

The other facet I want to raise this evening is the disaster recovery allowance. It is a complementary disaster recovery approach in that, rather than being a one-off payment, it's a payment for a maximum of 13 weeks if the disaster that's been declared has directly affected your income. That sounds good, but the fine print is it gets paid at the rate of Newstart. This is why Senator Siewert has brought this issue to the attention of the parliament yet again. Even some members of the coalition—they're now backbenchers, but they used to be frontbenchers—are admitting that Newstart is too low. Newstart is too low anyway, but Newstart is particularly too low when you've just been affected by a climate-driven natural disaster that has seen your home either fried or washed away, your government is taking weeks upon weeks to send you a recovery supplement and you're condemned to 13 weeks, tops, of living on Newstart in those kinds of circumstances. We strongly support the calls by ACOSS to increase Newstart. It's been, what, 25 to 25½ years since Newstart was increased.

Senator Ruston: That's not true!

Senator Waters: It is—1994. Minister, check your facts before you allege that my facts are not correct.
Senator Ruston interjecting—

Senator WATERS: CPI does not count as a material increase—please! Nobody buys that.

The ACTING DEPUTY PRESIDENT: Order, Senator Waters! I remind senators that Senator Waters has the call and deserves to be heard in silence, and that interjections are disorderly.

Senator WATERS: As I was saying, the rate of Newstart is pitifully low. When you work it out, it's $40 a day. We here at this level of government have been talking about this for many years. In fact, oft times government ministers are asked if they could live on $40 a day. Many of their responses have been very unedifying and, frankly, very telling of the fact that they've clearly never had to live on $40 a day. They've somehow maintained they could probably do it. Nobody can survive on $40 a day. On the stories that we have heard throughout this whole campaign, that we hear from real people and that Senator McCarthy gave voice to: people are choosing between buying textbooks for their kids and eating dinner. Nobody should have to make that choice.

Here is a government that just dished out $158 billion in tax cuts to the very wealthy and to big business, and they don't even have the decency to raise Newstart by $95 for the three million Australians who are forced to live on it. They claim it's a transitional payment. Wouldn't it be lovely if it was, although it would still be too low. But it's not a transitional payment, because the average time that people languish on Newstart is three years—three years of living on $40 a day. This government is condemning three million Australians to continue to live in poverty while it dishes out massive tax cuts to the very wealthy and to big corporates. Is it any wonder that trust in government is bottoming out. It's democracy for sale, and people, once again, are at the bottom of the list.

We're backing the call to increase Newstart. What's really clear is that it continues to fall on deaf ears. We just heard government senators make a contribution to this debate. They trotted out that often-used refrain: 'It's not just Newstart. People get other payments as well.' My colleague Senator Siewert reminded me that the most common payment that accompanies Newstart is the energy supplement, and do you know how much that supplements? Four bucks a week. And this government is trying to say that somehow that's enough, that that means we don't need to increase Newstart. Please! The entitlement of this government is almost too much to be believed.

We've got a flailing economy. If you want stimulus, stop looking at the RBA to do the heavy lifting for you and increase Newstart. People who are living below the poverty line—the three million Australians who are languishing on Newstart for an average of three years—will spend that increase because they cannot afford to meet the basics of life as it is. If you want stimulus and you want stimulus that actually helps people, there is no better way than increasing Newstart. ACOSS is saying so, the business community is saying so, and some of your own backbenchers are saying so. It's kind of ironic because normally you'd take your orders from big business but you're ignoring them on this call. What a shame. We'd actually like you to listen to them on this front.

The other refrain that we often hear from government is that you've got to have a go to get a go and that somehow it's the fault of people on Newstart that they can't find a job. Maybe they don't want a job or they're too lazy. There are more people seeking work than there are jobs available in the job market at the minute under this government's watch. This is a situation of the government's making that they continue to not fix. The Anglicare figure that's often cited is that there are 19 people going for any one job. Many people on Newstart want to work; they're desperate to work. They can't afford the money for the outfit to go to the job interview or the train fare or the petrol to get to the interview. If they can somehow manage to scrimp and save to pull that together, they're then up against 18 other people for that job. And this government continues to blame people who are on Newstart as if it's somehow those people's fault. It is not. This is a systemic failure that is being perpetrated and perpetuated by this government. Everybody can see that. I hope the government knows that everybody can see that.

We have the solution: stop telling people to have a go to get a go and just lift Newstart and create jobs. Invest in infrastructure like schools and hospitals and clean energy that can make peoples' lives easier and create employment. And address the climate crisis. It's not rocket science, folks. It's not all going out to lunch with lobbyists and then handing out big business tax cuts. You're actually meant to be here to improve peoples' lives, and there are some fairly simple ways of doing that. You have many experts and advocates making these suggestions to you on a regular basis, but you can't see the evidence—or the climate science for that matter—because the money from the vested interests is clouding your judgement. It's completely embarrassing.

This is why we here at the Greens are strongly backing ACOSS's continued campaign for increasing Newstart by at least $95 a week. People should not have to choose between textbooks for their children and putting food on the table when this government instead dishes out massive big business tax cuts and tax cuts to the very wealthy and a quarter of a million dollars for sporting clubs that councils don't want. The priorities of this government are so clear. People have had enough, and they actually deserve a democracy that works for them. They deserve decisions that can improve their lives, help restore trust and confidence in our institution of government. Just
actually do the job that you were elected to do: represent people, help improve their lives, help protect the planet, act on the climate science, invest in schools and hospitals and clean energy and stop worrying about the job that you're going to go for once you leave parliament.

Senator HUGHES (New South Wales) (17:09): It is time to shatter the mythology peddled by those sitting at the end of the chamber and opposite and shine a very bright light on the compassionate assistance the Morrison government is actually providing to Australians in hardship. One by one the myths have to be smashed. There's no more compelling example of this than the government's care, than the disaster recovery funding arrangements after a heartbreaking summer of devastating bushfires. These arrangements are facilitating the early provision of disaster assistance; alleviating the significant financial burden of the states; providing relief from personal hardship and distress; restoring essential public assets such as roads, bridges, stormwater infrastructure, public hospitals, schools and public housing; and funding small businesses, primary producers and non-profit organisations in their efforts to recover from the horrendous impacts of the Christmas and New Year infernos.

The funding is also devoted to futureproofing communities from further disasters. It allows a state or local government to use other funding to enhance assets above their predisaster standard by improving their durability and strength and relocating them if necessary. Under the disaster recovery funding arrangements, the Morrison government may contribute up to 75 per cent of the costs under the program. That includes additional assistance in the form of Australian disaster recovery payments. This is a one off, non-means-tested payment of $1,000 for eligible adults and $400 for eligible children, including an additional $400 for those children returning to school who have been adversely affected by a major disaster either in Australia or overseas. Then there is the disaster recovery allowance, a short-term income-support payment to help those with income that's been affected by disaster. There's support for employees, small-business persons and farmers suffering a loss of income.

So any suggestion that the Morrison government is anything other than extremely sensitive to the pressing needs of Australians doing it tough is pure mischief, if not scandalous. You can call it white noise. The US President might call it something of a darker colour, but you can be sure it has the same smell. You can be sure it's time to expose these falsehoods for the nonsense that they are.

Correcting the public record of commitments includes removing the rubbish that's passed off as debate around Newstart. Instead let's focus on the facts: the reality of how this allowance works. The Prime Minister has quite rightly pointed out to those demanding Newstart increases that the rate does increase every six months. Newstart is boosted in accordance with the CPI, and 99 per cent of recipients receive additional payments. Newstart will always be increased by indexation, and that's not going to change.

It must be remembered that recipients are not just receiving Newstart. Rental assistance and other measures are also supporting people in challenging circumstances as they seek employment. For example, Newstart and youth allowance are often supplemented by fortnightly energy payments and rent assistance payment. Nineteen per cent of unemployed people receive family payments. Rent assistance is up to $183.12 a fortnight for families with three or more children. FTB part A is up to $242.20 a fortnight for children aged 13 to 19 years. FTB part B is up to $158.34 a fortnight for families with children under five years. Pharmaceutical allowance is up to $6.20 a fortnight. Telephone allowance has risen to $178.40 a year.

While the amount of Newstart benefits is always increasing with the CPI, the core of its meaning will never change. The Morrison government remains committed to focusing on the key issue of securing employment. We only have to look at the falling unemployment rate to know Newstart is working in achieving its ultimate objective.

At the end of 2019, Australia's unemployment rate fell for the second consecutive month, to 5.1 per cent. That's the lowest level since March last year. It's a heartening indication of solid jobs growth in part-time work, with the ranks of the unemployed falling by 13,000 to just below 700,000. In December alone we celebrated the creation of 29,000 jobs. The government will continue to support the economy by providing tax relief to millions of Australians and adjusting the deeming rate for pensioners and other welfare recipients with shares and savings.

The Morrison government recognises the skills, insight and on-the-job experience of mature-age Australians. They have a valuable contribution to make to the workplace, and we're committed to ensuring that older jobseekers are able to modernise their existing skill set to re-enter the work force. No-one has ever pretended it's easy to live without a job. But the fact is Newstart was never meant to be a salary or a wage replacement. It's a safety net for people while they're looking for work. We owe to the taxpayers who fund it to make Newstart targeted, and recipients need to know it's sustainable—and it is.

Once again, the facts make for much easier reading than the fiction. The fact is the government is delivering the job opportunities. The fact is the government is providing pathways and breaking down barriers for people on
welfare. The fact is we also provide a range of programs to encourage people into work, like try, test and learn and individual placement support.

The fact is Newstart allowance is the main income support payment for working-age unemployed people as they seek employment. It's a safety net payment, not a wage replacement. The fact is Newstart is not the only payment or support that jobseekers receive; it is part of a broader welfare system comprising payments, services, concessions, child care, housing and employment services and associated programs. That's why the Morrison government is so strongly focused on delivering job opportunities, providing pathways and breaking down barriers for people on welfare.

We recognise there are times when people need a safety net to help them when they're down and hard of luck. We'll never waver from the belief expressed by the Prime Minister time and time again that the best form of welfare is a job. The Morrison government is delivering job opportunities in abundance, creating more than 1.5 million jobs since we were elected. Thanks to our vision for a robust and expanding workforce and stronger labour market conditions, the participation rate is at 66 per cent, compared to a 10-year average of 65.2.

The fact is our 5.1 per cent unemployment rate is below the 10-year average of 5.5 per cent. As at June 2019, the proportion of Australians receiving working-age income supports had fallen to its lowest level in 30 years at 13.5 per cent, and the investment will continue in jobactive and Disability Employment Services to help people secure and keep a job.

About one-third of the Commonwealth's budget is spent on welfare. Social Services touch almost all Australians at some stage in their lives. The safety net provided for the most vulnerable is critical, and that's why the sustainability of the system is paramount. We promise all Australians that, if they have particular needs and meet the relevant residency income and asset tests, they will be supported with a particular benefit, be it the aged pension for those at that age, Newstart for those of working age who are unemployed or the disability support pension for those with a permanent disability that stops them from working. If we make that promise, it is crucial that we keep it. We never want to run the risk of not having the money to pay the benefit we have vowed to deliver.

Senator WATT (Queensland) (17:18): The debate we're having today does raise a couple of very important issues that I know many people in the community are concerned about. They are the general level of support being provided by the government in the wake of the recent bushfires and also specifically issues around the rate of Newstart that is currently being paid to unemployed people around Australia.

I'll say at the outset that Labor believes that in both cases the government needs to do more. In relation to victims of the bushfires, we do think that the government needs to do more and increase the financial support that it is providing to the thousands of bushfire victims that we see around the country. But, more broadly, we have said for some time now that we do believe that the rate of Newstart being paid to unemployed people in Australia is too low and does need to increase. I'll have more to say about the Newstart issues a little bit later in my contribution but I do want to begin with the bushfires.

Obviously, I've had quite a lot of involvement through my shadow portfolio with the victims of the bushfires and I spent a lot of time visiting bushfire affected regions before and after Christmas, in particular with the Labor members for the seats of Macquarie, Eden-Monaro and Gilmore: Susan Templeman, Mike Kelly and Fiona Phillips. I want to pay tribute to the effort they have put in, working nonstop, seven days a week, in each of these bushfire affected areas for a number of years. I acknowledge that obviously there have been a number of government senators, ministers and members of parliament who have also worked very hard over summer to assist their constituents.

In the condolence motions particularly, we've reflected on the significant damage that was caused to human life, property and the environment. People don't need me to go over those statistics again, but I think it is worth reflecting on the people who are suffering incredible financial losses that they will go through for a long period of time, even if they haven't suffered the loss of a home being burned down or some other loss of property of that nature.

I've said before that it has been unfortunate that any objective observer would say that the government grossly stuffed up its preparation and planning for the bushfires that we went through. I've gone through that in some detail previously. Warnings were repeatedly provided to the government, whether that be by ex-fire chiefs or their own agencies. The Department of Home Affairs, for instance, provided advice to government in its incoming government briefs about the level of risk that was faced from bushfires this year and was ignored by the government. We saw the government comprehensively fail to prepare and plan for the bushfires that we saw hit this year. Then when we actually got to the bushfires, again, we saw gross failures on the part of the government to properly respond to what was happening on the ground and confusion about the different levels of government.
levels of responsibility and who was doing what. Meantime, Australians were faced with highly dangerous conditions.

Now that much of the country is in recovery mode, my great fear is that we are going to see the government stuff this up and fail Australians in the same way that they failed Australians in the preparation and planning for the bushfires and in the immediate response. We have been saying for some time that there are major gaps in the recovery effort of this government. We've asked questions about it in question time this week. We've raised issues with the National Bushfire Recovery Agency in the private briefings that we received this week—and I should thank the head of the agency, former Commissioner Colvin, and his team, for providing us with that briefing this week. We raised concerns there, as we have done in this chamber, about the slowness of payments and the bureaucracy that people are having to fight through in order to receive the payments that the government has said it is making available. My great concern is that—just as we have seen in other policy areas under this government, and I'm particularly thinking of drought relief—we are again going to see the government's marketing effort not being matched by what it actually delivers to people on the ground.

No-one disputes this Prime Minister's ability when it comes to marketing, when it comes to ads and spin. But there are very real questions about this Prime Minister and this government's ability to actually meet the claims that they make and follow through on their promises. At the last estimates period, we were able to establish that for all the claims this government made that it has a $7 billion drought package—which I think Australians thought was a good thing—that when you actually dig into it, it's only worth, in total, a couple of billion, and most of that hasn't actually been released yet. We've had many instances where the government was making announcements that it would provide loans to drought-affected farmers and grants and all sorts of things, but when you start asking a few questions, actually very little has been paid out.

We're already starting to see signs that the same thing is happening with the recovery effort from the bushfires. If you've been listening to any ministers in this chamber over the last fortnight—I'm sure it has been the same in the House of Representatives—you'll know they would have you believe the government is doing a magnificent job of providing recovery payments and all sorts of other support to Australians who've gone through the bushfires. If you've seen any of the Prime Minister's press conferences, you'll have seen he's really raised expectations about what the government is going to provide to people. But the minute you start asking a few questions about that you're accused, first of all, of politicising the issue, when you're just trying to hold the government to account for the statements that it makes. Then, once you get through that, you actually find out that what the government is delivering to people falls well short of what it says it is doing.

Over the last couple of weeks we've been able to put to the government real-life examples of people who have suffered through the bushfires and are not getting the support that the government claims to be making available. I'll refresh the Senate on a couple of the examples that we raised in question time this week. Mr Joe Borgia lives in Wyatilba in New South Wales. A month after losing his home in the bushfires, Mr Borgia, who is an RFS firefighter, had only received the disaster recovery payment. He was still waiting for other funding approvals and was forced to accept donations from neighbours in order to keep going. That's not what the government is talking about. The government would have you believe that Mr Borgia and other people who have gone through these bushfires are getting incredible support from the government, that they are getting everything they could possibly need. I'm sorry, but that's not the fact. People like Mr Borgia are having to rely on donations from their neighbours in order to stay afloat. Ms Rae Harvey, in Runnyford, lost her home in the bushfires. She's been living on her property with no running water, electricity or wi-fi. She has twice applied for a disaster relief payment and has been rejected twice because she couldn't provide bank account details for a government payment that she received 20 years ago. What sort of bureaucracy is this government imposing on people that they have to find and show bank account details for government payments they received 20 years ago in order to qualify for the payments that the government is out there marketing right now?

There are many examples right now of small businesses who are not receiving the support that the government claims to be providing. Even in question time today, I asked Senator Cash, the Minister for Employment, Skills, Small and Family Business, about how many loans had actually been provided to small businesses who have suffered losses through these bushfires. We had the extraordinary situation where the minister for small business, who the day before had been telling us what a great job the government was doing for small businesses that have gone through the bushfires, was completely unable to even tell us how many loans had been approved for small businesses. Fortunately for Senator Cash, the Prime Minister answered this question in the House of Representatives yesterday and confirmed that, for all the government's talk about making immediate support available to small businesses, they have actually only provided one loan anywhere in Australia to a small business that has suffered losses. So in all sorts of ways, whether we're talking about individuals or small businesses and other forms of support, the marketing effort that this government is putting in is not being matched by the reality.
I acknowledge that it's relatively early days in terms of the recovery effort. Maybe the government will get it together. I really hope that they do, because I don't want to have to come back into parliament in a couple of weeks time and provide further examples of people who are not getting the support that the government says it is providing.

Specifically in terms of the disaster recovery payments that have been asked for, Labor has already been on the record as saying that they are too low. Coincidentally, I noticed that the Prime Minister announced an increase to the disaster recovery payments for children within a matter of hours of Labor's calling for it. It is a shame that it took Labor's calling for an increase to disaster recovery payments for the government to respond. It has only done so, for the moment, in relation to children rather than to adults. There is no doubt that the disaster recovery payments the government is currently providing are too low. We have Australians who are absolutely desperate for support at the moment. They can't pay their bills. They've got all sorts of bills that they're now going to have to pay in order to rebuild their properties and get themselves back on their feet. The least that they should be able to expect of their government is a degree of support to help them get back on their feet, and that the government might actually deliver the things that it is out there advertising that it is doing.

People are sick of this government's level of dishonesty. They're seeing it in the sports rorts, they're seeing it in all sorts of policy areas and now they're seeing it in terms of bushfire support, where you have the Prime Minister out there crowing about the immediate support that his government is making available, but a quick look at what's actually happening on the ground shows that the reality is that that is not the case. People are not getting from this government the support they're looking for. It's got to get this fixed.

Debate interrupted.

ADJOURNMENT

The DEPUTY PRESIDENT (17:30): I propose the question:
That the Senate do now adjourn.

Workplace Relations

Senator SHELDON (New South Wales) (17:30): I rise to lend my arm to a group of workers in Queensland who are doing it tough. These are the workers of Greyhound Resources across a number of mines owned by BMC, BMA and the BHP Group, who have for the past two weeks been locked out of their workplace by their employer. These workers provide a vital service of transporting workers in the mining industry to and from some of the most remote locations in Australia. They provide a service to a sector that contributes billions of dollars to our economy—a sector that in many respects pays well. However, sadly, these drivers are some of the lowest paid across the mining supply chain. They are out of pocket thousands of dollars a year in travel costs, not met by their employer and not tax deductible. They must grin and bear these costs, and they are paid half as much as the miners they transport every day.

So what do the drivers do? They organise together as mates, the Australian way. You get together and you stand with each other. Supported by the Queensland branch of the Transport Workers Union, they began negotiating a new enterprise agreement that would see them receive a $4-an-hour pay increase, more say in their rostering and greater job security. They, in good faith, put their claims to their employer. When the employer refused to budge an inch, they exercised their democratic right and took part in an industrial action ballot, hoping that the employer would understand that they were determined to have a fair outcome. The overwhelming majority of these workers had never taken industrial action in their lives—certainly not whilst working for Greyhound Resources. They returned an overwhelming 94 per cent approval for a 45-minute work stoppage.

How did the company respond? They stood over those hardworking Australians and threatened to lock them out if anyone took part in legally protected industrial action, and they made good on that threat when six brave Australians stood up on behalf of their mates, their families and themselves to demand fair negotiations, fair payment and fair conditions. Arriving from work, these workers had their accommodation cancelled and were told to immediately pack their belongings. Those who normally flew in and flew out were dumped at Mackay Airport and told to find their own way home. They had no choice but to pool their money, hire a car and drive 10 hours back to Brisbane. This company should be ashamed of itself, because it knew full well what it was doing and why it was doing it: to stand over the workers.

The lockout has now been going for two weeks, in which Greyhound Resources is applying maximum pressure on these men, many of whom are in their 60s, and on their families and their communities. This is because this company, like many in the transport sector, is in a bitter race to the bottom on wages and conditions—a race to the bottom that sees the mining subsidiaries of BHP, BMA and BMC dictate low rates of pay through the tenders and
contracts they offer to companies like Greyhound Resources. By the way, Senators, you may remember that BHP settled a $1 billion tax liability with the Australian Taxation Office only a few years ago.

This story is a clear example of why we have a wages crisis in this country, a crisis that hamstrings our economic growth. The RBA knows it. The unions know it. Certainly our communities know it. But too many in corporate Australia are deaf to the reality. This crisis of wages isn't because workers aren't working hard enough or aren't productive enough; it's because employers are refusing to pass profits on to workers in need of a pay rise. Because this government continually attempts to pass laws that attack the ability of working people to organise, these workers, now without pay for two weeks, are being supported by their friends and families and their union. There is a GoFundMe account set up to provide financial assistance to these workers, and I'd urge people to support it. I'd urge you to consider donating the support the government doesn't give. The link is available via my Facebook account.

Queensland Government

Australian Government

Senator ROBERTS (Queensland) (17:35): As a servant to the people of Queensland and Australia, I have a duty to raise issues hurting my constituents and a duty to work for the people to fix their concerns. People have had a gutful of the Queensland Labor government and the federal Liberal government constantly meddling in the lives of everyday Australians. Tonight, I will show you who is responsible. The Queensland Labor government recently put out for tender a major contract to supply Metro North Hospital and the health service with dairy products. One of the region's largest independent and Queensland owned dairy producers, Maleny Dairies, was ignored when the contract was given to Chinese owned Mengniu Dairy and French owned Lactalis. The Chinese government is a part-owner of Mengniu Dairy, which was involved in the 2008 melamine scandal, where dairy based baby formula was deliberately contaminated just to save money, causing the deaths of six babies and hospitalising 50,000 babies. Lactalis has been accused of pressuring farmers to sign contracts that were not favourable to the farmers. Little tax will be paid in Australia. Where is the benefit for Queensland and Australia?

The owner of Maleny Dairies, Ross Hopper, says his company is 100 per cent Queensland family owned. Eleven farms supply Maleny Dairies. It sells a quality product after paying a fair price to the farmers. It pays Australian tax. Recently, Australia's largest dairy farm was sold to Chinese interests, as was Australia's largest infant formula processing company—more taxes lost overseas. And who pays? The people pay.

What about water? There is no decent water policy in Queensland, and more needs to be done to provide drought relief. How is it that Queensland's most recently built dam, the Paradise Dam, was so badly built that it is only safe to operate with a fraction of the intended capacity? Millions of dollars would be wasted to demolish it and millions of dollars would be spent to rebuild it. How many more bad decisions will Liberal and Labor governments make throwing our money away? On water, the federal government is no better. Just think about the mess that is now the Murray-Darling Basin Plan under the Murray-Darling Basin Authority and the disastrous Howard-Turnbull Water Act of 2007.

Why is there no clear plan to build catchment dams to use the plentiful rain in North Queensland to supply the needs of the state as a whole? As humans, we need water to survive. In the late 19th century and the early 20th century the Western Australian government built the Perth to Kalgoorlie water pipeline and opened the vast farmlands and Kalgoorlie goldfields. The return on investment is staggering. More than a century after the heated argument stopped and a few politicians had the courage to build the pipeline, we're still reaping the benefits. In Queensland, though, the Bradfield Scheme was first mooted in 1938, yet never proceeded. It proposes to divert some of the excess water now wasted to the sea in the north-east and instead send it to the west of Queensland. It is an ambitious concept, a game changer. Good rains are finally falling in Queensland and New South Wales. Why do we not have dams to catch and store this precious resource for the tough times which will come as part of the normal weather and climate cycles? The answer is that Liberal and Labor politicians lack the common sense, lack the integrity and lack the courage. In Australia we have a clear history of climate cycling: wet, dry, wet dry; warmer, colder, warmer, colder. On top of that, we have enormous variation in the length of dry spells and the frequency of dry spells. This is natural and normal. We need to store water.

Yet there's more. Governments stole farmers rights to use their land. Governments now control what farmers can and cannot do. Brisbane and Canberra bureaucrats control farms and destroy livelihoods and rural communities economically and through fires that burn out of control, because the farmers who own the vegetation are not allowed to manage the vegetation they bought. What's missing in Queensland and in Canberra is quality leadership. We need government that can look forward and plan for a sound and realistic future. We need to consider carefully who we vote for and which candidates really care for the future of Australia. Remember these simple truths: our nation's governing document is our Constitution; the only group that can change our
Constitution is the people, and that means that our nation's sovereign is the people. Who elects the government? The people. Who is responsible for the government and holds the government accountable or neglects to hold it accountable? The people. We the people get the government we allow.

As servants to the people of Queensland and Australia, Senator Hanson and I pledge to work for justice for all those rural people who are hurting from the actions of unthinking, uncaring governments. I implore all people, rural and city, to vote for governments that behave with common sense, integrity, transparency and courage.

**Coronavirus**

Senator WATT (Queensland) (17:40): I rise to speak on one of the new threats facing the Queensland tourism industry at the moment, and that's the deadly coronavirus. I think we've all been very concerned to see the news reports of the risk it poses to human health, obviously beginning in China but now also much closer to home. As of today, there are 15 confirmed cases of coronavirus in Australia, including five on the Gold Coast, where my office is based. Media reports suggest that the Gold Coast economy alone has lost up to $500 million in the two weeks since the outbreak. This is predominantly being felt in the tourism industry and in industries that are reliant on tourism. The Gold Coast and Cairns in particular are major tourism destinations in Australia which have felt the brunt of coronavirus and the impact of reduced visitors, particularly from China.

China is the Gold Coast's biggest source of international visitors, and this loss of tourism from China has forced traders in the tourism industry to reduce staff hours. So this is being felt not only by business owners but also by their staff, who are losing hours, and that will have a wider impact on the Gold Coast economy because people who live there won't have as much money to put through the tills of local shops and businesses. It's crucial that we see the federal government actually step up, recognise the risk of this crisis to the Gold Coast tourism economy and start doing something. I've been sitting here for two weeks now, waiting for the federal government to do something about the impact of the coronavirus on the tourism industry in places like the Gold Coast and Cairns. We are at the end of two weeks of sittings and we have not seen anything done.

Senator Green spoke about this as well, particularly the impact on the tourism industry in her home town of Cairns, but I would like to particularly focus on what's happening on the Gold Coast. I think it's fair enough to ask the question: what are our Gold Coast federal members of parliament doing about this here in Canberra? The LNP holds every seat on the Gold Coast. Every single member of parliament representing the Gold Coast in the House of Representatives is a member of this government. What are they actually doing to fix this? Today's report in the Gold Coast Bulletin says they are taking the massive step of hatching a plan. So, after weeks of knowing that this is a major problem for the tourism industry on the Gold Coast, the best that we can get from the five federal members who represent the Gold Coast here in Canberra is that they are sitting around hatching a plan. Well, fantastic! Isn't that really going to help the tourism industry on the Gold Coast? It's not enough to hatch a plan; they've got to start delivering support now.

Now, why is it that our Gold Coast members of parliament—all five of them—can't get anything done and can't get a single dollar out of their government to support the tourism industry on the Gold Coast? The only conclusion I can come to is that they, like every other member of this government, are so distracted by the division within the government at the moment that they can't get on with the job and produce the support that their own local areas need. All week we've seen more shenanigans within the National Party—more shenanigans within the LNP distracting people's attention. We saw last night reports emerging that members of the LNP who sit here in Canberra are thinking about setting up their own party room—maybe Senator McGrath might be part of that as well—rather than sit with the Liberal Party or the National Party.

I don't think that, if I were working in the tourism industry on the Gold Coast, I would care whether members sit in the Liberal Party, the National Party or the LNP. What I would care about is actually seeing those members of parliament come to Canberra and demand that their ministers actually start producing some support right now for the tourism industry.

This level of division that we're seeing in Canberra is also affecting the LNP right on the Gold Coast. The division we're seeing in Canberra within the LNP is being replicated on the Gold Coast. We're seeing a by-election for the state parliament seat of Currumbin at the end of March and, just like what was happening here in Canberra over the past fortnight, we're seeing division there as well. There is immense division within the LNP, distracting them from what people actually want to get done in Currumbin. They're running a candidate who no-one in the Currumbin area actually knows or supports. They are so distracted— *(Time expired)*
Ageism

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:45): I rise tonight to discuss the issue of ageism within our aged-care sector. Last week I met with some wonderful stakeholders from the EveryAGE Counts campaign who have been doing vital work to shine a light on this very important issue. Ageism is defined as stereotyping, discrimination and mistreatment based solely upon age. It impacts on people's confidence, quality of life, job prospects, health and control over life decisions. Sadly, ageism is a pervasive, sometimes hidden, form of discrimination. It comes in the form of prejudicial attitudes towards older people, discriminatory practices against older people and institutional practices which perpetrate stereotypes and undermine dignity.

Age discrimination in the workplace is rampant in Australia. We hear very real accounts from people experiencing age discrimination from the age of 45 years old. Ageism is costing people a huge part of their working life and their choice in being able to work past retirement age.

The EveryAGE Counts campaign argues that ageism is one of the key drivers of failures in quality and safety within our aged-care system. In fact it is ageism that has contributed to some of the high-profile examples of neglect and abuse that has led to the current Royal Commission into Aged Care, Quality and Safety. While we are uncovering more about how ageism operates in the employment and health sector, there has been little research into its significant impacts in aged care.

I would like to touch on some of the ways ageism is reinforced through our residential aged-care system and contributing to a broken system. Let's look at the current aged-care funding instrument. This instrument is biased towards accepting and managing a decline in the cognitive and physical health of older people. If a person's functional ability and health improves, then the provider is given less funding. This is counterintuitive to encouraging reablement amongst older people. I often hear from allied health professionals who are frustrated with the funding instrument. It should be rewarding providers for improving a person's physical, mental and psychosocial abilities. The continued segregation of older people into their own care system also reinforces ageist assumptions about the sameness of older people in their preferences and needs. While there may be some stand-out residential facilities, our system favours a once-size-fits-all approach when it comes to aged care.

The EveryAGE Counts campaign considers that there is a strong relationship between end-of-life care options and ageism in aged care. A vision for a good death in aged care and in the community is just as important as a vision for a good older life. There is a fundamental absence of a human rights approach and framework in age care. We need to review existing legislation by using a human rights lens to redirect it from speaking almost solely to providers. This is why the EveryAGE Counts campaign is recommending a stronger, explicit, funded human rights based approach within all aspects of the aged-care system.

The first step towards eradication of ageism in aged care is raising consciousness with policymakers, providers, practitioners and older people about its existence, sources and impact. We need to fundamentally change Australian attitudes and beliefs about ageing and older people. It will require sustained and targeted activities to tackle ageism. We need to embed the principles of person-centred care, consumer choice and control, co-design and reablement into the principles and practices of the aged-care system.

There is no quick fix for tackling ageism. These issues are complex and interrelated—we acknowledge that. The EveryAGE Counts campaign has made a number of excellent recommendations to the Royal Commission into Aged Care Quality and Safety. I urge the government to consider these recommendations while investigating options for reforms in aged care. I hope that together we can tackle ageism and celebrate the process of ageing and older people across this country.

Bullying

Senator ASKEW (Tasmania) (17:50): I rise tonight to speak about bullying and its insidious impact. This topic is particularly relevant this week, the same week we have acknowledged Safer Internet Day in a bid to raise awareness about online safety. I shared my own message about internet safety on Tuesday and spoke about it with journalists that morning. Many of my Tasmanian parliamentary colleagues, including the member for Bass, Bridget Archer; Senator Helen Polley; and the member for Lyons, Brian Mitchell, also took to social media to add their support to the online safety message through the course of that day. Fellow Tasmanian Senator Catryna Bilyk spoke about internet safety in her adjournment speech last night, building on a motion she moved in this chamber earlier this week.

Bullying is not a new concept, but society's attitude towards allowing bullying has shifted in such a way that it is imperative we address such attacks and the resulting consequences. The day after Safer Internet Day, Jo Palmer, a highly respected member of the Launceston community, was endorsed as the Liberal Party's candidate for Rosevears in the upcoming Tasmanian upper house elections. Once news hit that Jo was running for Rosevears on Wednesday morning, the trolls hit. Last week Jo was being praised as a beloved news anchor, but this week the
tide has turned and the negative comments and attacks on Jo's character have started now that she has decided to enter politics.

These attacks were being led by some of our federal politicians, who chose to lower themselves to the level of trolls. Labor member for Lyons, Brian Mitchell, posted about why we should celebrate Safer Internet Day and spread the message about what it means to be a responsible online citizen on his Facebook page on Tuesday. He went on to say that the online environment is 'toxic and dangerous', and to call it out when we see it. Unfortunately, I need to do just that, as Mr Mitchell himself showed just how toxic he could be by taking to Twitter once he heard Jo's news regarding the Rosevears election. Mr Mitchell said:

Disappointing to learn that Jo Palmer's personal values include cutting health, keeping wages low and failing to tackle climate change.

In contrast, another Tasmanian colleague, Senator Peter Whish-Wilson, also shared the news about Jo Palmer's candidacy on his Facebook page. In his post, he congratulated Jo for putting up her hand up to run for public office. While Senator Whish-Wilson wondered how Jo, as a 'personable, popular and likeable person', would 'reconcile her worldviews with such Liberal Party values', he specifically asked those who responded to his post to 'be kind and keep comments respectful'.

As Senator Whish-Wilson points out, Jo Palmer is a well-loved journalist and important member of our community. Jo left Seven Tasmania as the lead news anchor, presenting her last bulletin on Friday night, after spending more than two decades at the station. She started as a junior journalist in the Hobart office in September 1996 and has been a fixture on Tasmanian television screens for much of the time since. Crowned as Miss Tasmania and then Miss Australia in 1993, Jo was first seen on Tasmanian television screens as host of the state's first lifestyle program, The Good Life. Her profile was instrumental in making Seven's nightly news program one of the most-watched news programs per audience capita in Australia.

As ambassador for Tasmania's Clown Doctors, City Mission's Inside Out 4 Kids and Give Me 5 for Kids, Jo's long-term philanthropic pursuits are evident, as is her service to the community as a regular event host. Jo has also been a recipient of the Tasmanian of the Year Award for her charity and community work. When Seven Tasmania announced on Facebook Jo's departure earlier this month, there was a huge outpouring of support for her, with many fans leaving messages on the page and businesses creating products in her honour, such as Phoenix Launceston's Jo Palmer-giana or the JO-NUT, created by Circle of Life Doughnut Co. in Hobart. Some bereft fans contacted the station to see if the reason she was leaving was because she was ill. That is how much Tasmanians love Jo.

This trend of bullying others, whether online or offline, is not acceptable. We live in a country where we enjoy the right to political views and the ability to share those views with others. If somebody takes offence at those views, bullying should not be their recourse, and our political representatives should know better.

My parliamentary colleague Mrs Bridget Archer MP spoke last year about the extent of the bullying, discrimination and intimidation she had experienced during the 10 years she was a councillor and mayor at George Town Council. Mrs Archer told ABC Tasmania presenter Leon Compton that, as a public figure, it was difficult to show vulnerability 'because it is seen as weakness'. She explained that showing vulnerability could be seen as an opportunity to exploit that person. Mrs Archer went on to say that while social media had exacerbated these issues, they had always existed.

People have been taking advantage of another's vulnerability for their own gain for a long time. It is sad to see that this still continues now. While serving the George Town public, Mrs Archer was the subject of anonymous letterboxing campaigns, malicious and anonymous complaints and unprovoked abuse on the street. Attacks came from her colleagues on the council too. Despite the strength and resilience Mrs Archer exhibits, she says these attacks impacted her and her family so much that she had to consider whether she actually wanted to run as a candidate for the seat of Bass. She told Leon, 'It took an enormous toll on me … it nearly killed me at one point,' and that she experienced anxiety, panic attacks and a breakdown where she had suicidal thoughts. Thankfully, Mrs Archer sought support from other colleagues on the council and within the wider local government organisation, as well as professional treatment.

Despite calling out bullying at a local government level, Mrs Archer has continued to be subjected to such attacks now she is a federal member. Senator Helen Polley repeatedly mentions Mrs Archer negatively in her social media posts, and there have been occasions where these mentions have been outright attacks. Despite also joining her federal Labour colleagues in their support of Safer Internet Day this week, Senator Polley has contributed to the bullying behaviour we see so frequently on the internet. These actions are, unfortunately, typical of the union bred, union fed and union led Labor Party. All of us in this chamber know that the union movement has a vast history of bullying employees, employers and even government officials. This and all other
forms of bullying need to stop, and both the member for Lyons and Senator Polley should be ashamed of their actions.

All colleagues here tonight would acknowledge that leadership can be difficult at times, especially when we, as community leaders and representatives, have to make difficult decisions that we know will not be popular. But when those attacks move from rejecting the decision to rejecting the person making it, a line has been crossed. By all means attack the policy. But respect the person. Every day, we could all say we’ve seen examples of horrible things people have said to us, or about us, whether aimed at us or at one of our family members or colleagues. What we need to remember is that there is a real person at the end of that attack. Even if our opinion or decision is divisive, and even if we disagree, we need to look harder to find the common ground. Respect is what is needed here, and a return to civilised and polite behaviour, not hatred or threats of violence against one another.

As Mrs Archer reminds us, people who enter political life, from whatever political colour or persuasion that may be, almost without exception have the very best of intentions to try and do the right thing for their communities. Senator Whish-Wilson’s comments about Jo Palmer touch on this as well. I am sad to say that the situation Mrs Archer described when being interviewed by ABC News is not unique to her. I’ve spoken with, and heard others talk about, similar experiences. Our eSafety Commissioner tells us cyberbullying includes: abusive texts and emails; hurtful messages, images or videos; imitating others online; excluding others online; humiliating other online; spreading nasty online gossip and chat; and creating fake accounts to trick someone or humiliate them.

In the 12 months to June 2017, one in five young Australians reported being socially excluded, threatened or abused online. In the same time period, around 20 per cent of young people surveyed admitted to behaving negatively to a peer online, with more than 90 per cent of those being the victim of similar behaviour themselves. While we’re teaching young Australians to stay safe when online, it would pay for us, as adults, to check our own behaviour. Bullying is widespread. The bullying experienced by Jo Palmer and Bridget Archer shows this to be the case. Isn’t it about time we started respecting people who are willing to serve their communities? The fact that Safer Internet Day was held this week, and recognised by parliamentarians, is a reminder we should be heeding.

**Senate adjourned at 18:59**