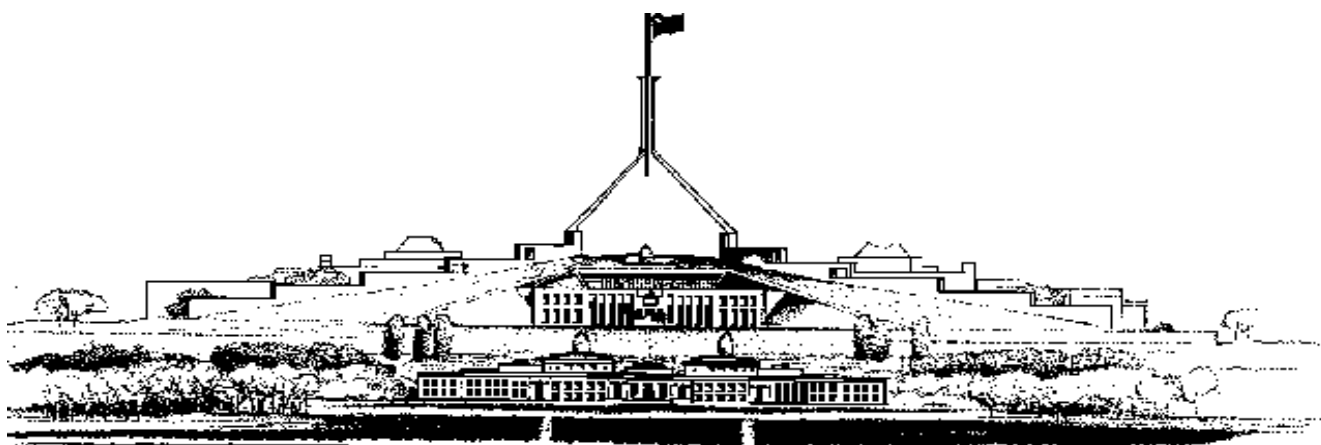




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



Senate
Official Hansard

No. 13, 2017

Wednesday, 15 November 2017

FORTY-FIFTH PARLIAMENT
FIRST SESSION—FOURTH PERIOD

BY AUTHORITY OF THE SENATE

INTERNET

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SITTING DAYS—2017

Month	Date
February	7, 8, 9, 13, 14, 15, 16
March	20, 21, 22, 23, 27, 28, 29, 30
May	9, 10, 11
June	13, 14, 15, 19, 20, 21, 22
August	8, 9, 10, 14, 15, 16, 17
September	4, 5, 6, 7, 11, 12, 13, 14
October	16, 17, 18, 19
November	13, 14, 15, 16, 27, 28, 29, 30
December	4, 5, 6, 7

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**FORTY-FIFTH PARLIAMENT
FIRST SESSION—FOURTH PERIOD**

Governor-General

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

Senate Office Holders

President—Senator Hon. Scott Ryan

Deputy President and Chair of Committees—Senator Susan Lines

Temporary Chairs of Committees—Senators Bernardi, Fawcett, Gallacher, Ketter, Kitching, Leyonhjelm, Marshall, McCarthy, O'Sullivan, Reynolds, Sterle, Whish-Wilson and Williams

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

Deputy Leader of the Government in the Senate—Senator Hon. Mathias Cormann

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

Deputy Leader of the Opposition in the Senate—Senator Hon. Don Farrell

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

Manager of Opposition Business in the Senate—Senator Katy Gallagher

Senate Party Leaders and Whips

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

Deputy Leader of the Liberal Party in the Senate—Senator Hon. Mathias Cormann

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

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

Deputy Leader of the Opposition in the Senate—Senator Hon. Don Farrell

Leader of the Australian Greens—Senator Richard Di Natale

Deputy Leader of the Australian Greens in the Senate—

Chief Government Whip—Senator David Christopher Bushby

Deputy Government Whips—Senators David Julian Fawcett and Dean Anthony Smith

The Nationals Whip—Senator Barry O'Sullivan

Chief Opposition Whip—Senator Anne Elizabeth Urquhart

Deputy Opposition Whips—Senators Sam Dastyari and Jennifer McAllister

Australian Greens Whip—Senator Rachel Siewert

Printed by authority of the Senate

Members of the Senate

Senator	State or Territory	Term expires	Party
Abetz, Hon. Eric	TAS	30.6.2022	LP
Anning, Fraser ⁽⁸⁾	QLD	30.6.2019	IND
Bartlett, Andrew ⁽⁶⁾	QLD	30.6.2019	AG
Bernardi, Cory	SA	30.6.2022	IND
Bilyk, Catryna Louise	TAS	30.6.2019	ALP
Birmingham, Hon. Simon John	SA	30.6.2022	LP
Brandis, Hon. George Henry, QC	QLD	30.6.2022	LP
Brockman, Slade ⁽⁴⁾	WA	30.6.2019	LP
Brown, Carol Louise	TAS	30.6.2019	ALP
Burston, Brian	NSW	30.6.2019	PHON
Bushby, David Christopher	TAS	30.6.2019	LP
Cameron, Hon. Douglas Niven	NSW	30.6.2019	ALP
Canavan, Hon. Matthew James	QLD	30.6.2022	LNP
Carr, Hon. Kim John	VIC	30.6.2022	ALP
Cash, Hon. Michaelia Clare	WA	30.6.2022	LP
Chisholm, Anthony David	QLD	30.6.2022	ALP
Collins, Hon. Jacinta Mary Ann	VIC	30.6.2019	ALP
Cormann, Hon. Mathias Hubert Paul	WA	30.6.2022	LP
Dastyari, Sam	NSW	30.6.2022	ALP
Di Natale, Richard	VIC	30.6.2022	AG
Dodson, Patrick	WA	30.6.2019	ALP
Duniam, Jonathon	TAS	30.6.2019	LP
Farrell, Donald Edward	SA	30.6.2022	ALP
Fawcett, David Julian	SA	30.6.2019	LP
Fierravanti-Wells, Hon. Concetta Anna	NSW	30.6.2019	LP
Fifield, Hon. Mitchell Peter	VIC	30.6.2022	LP
Gallacher, Alexander McEachian	SA	30.6.2019	ALP
Gallagher, Katherine Ruth	ACT		ALP
Georgiou, Peter ⁽³⁾	WA	30.6.2019	PHON
Gichuhi, Lucy Muringo ⁽²⁾	SA	30.6.2019	IND
Griff, Stirling	SA	30.6.2022	NXT
Hanson, Pauline Lee	QLD	30.6.2022	PHON
Hanson-Young, Sarah Coral	SA	30.6.2019	AG
Hinch, Derryn Nigel	VIC	30.6.2019	DHJP
Hume, Jane	VIC	30.6.2019	LP
Kakoschke-Moore, Skye	SA	30.6.2019	NXT
Ketter, Christopher Ronald	QLD	30.6.2019	ALP
Kitching, Kimberley ⁽¹⁾	VIC	30.6.2022	ALP
<i>Vacancy⁽¹⁾</i>	TAS	30.6.2022	JLN
Leyonhjelm, David Ean	NSW	30.6.2019	LDP
Lines, Susan	WA	30.6.2022	ALP
Macdonald, Hon. Ian Douglas	QLD	30.6.2019	LP
Marshall, Gavin Mark	VIC	30.6.2019	ALP
McAllister, Jennifer	NSW	30.6.2022	ALP
McCarthy, Malarndirri Barbara Anne	NT		ALP
McGrath, Hon. James	QLD	30.6.2022	LNP
McKenzie, Bridget	VIC	30.6.2022	NATS
McKim, Nicholas James	TAS	30.6.2019	AG
Moore, Claire Mary	QLD	30.6.2019	ALP

Senator	State or Territory	Term expires	Party
<i>Vacancy</i> ⁽⁷⁾	NSW	30.6.2022	NATS
O'Neill, Deborah Mary	NSW	30.6.2022	ALP
O'Sullivan, Barry James	QLD	30.6.2019	NATS
Paterson, James	VIC	30.6.2019	LP
<i>Vacancy</i> ⁽¹⁰⁾	TAS	30.6.2022	LP
Payne, Hon. Marise Ann	NSW	30.6.2022	LP
Polley, Helen Beatrice	TAS	30.6.2022	ALP
Pratt, Louise Clare	WA	30.6.2019	ALP
Reynolds, Linda Karen, CSC	WA	30.6.2019	LP
Rhiannon, Lee	NSW	30.6.2019	AG
Rice, Janet Elizabeth	VIC	30.6.2019	AG
Ruston, Hon. Anne Sowerby	SA	30.6.2019	LP
Ryan, Hon. Scott Michael	VIC	30.6.2022	LP
Scullion, Hon. Nigel Gregory	NT		CLP
Seselja, Hon. Zdenko Matthew	ACT		LP
Siewert, Rachel Mary	WA	30.6.2019	AG
Singh, Hon. Lisa Maria	TAS	30.6.2019	ALP
Sinodinos, Hon. Arthur	NSW	30.6.2022	LP
Smith, Dean Anthony	WA	30.6.2022	LP
Steel-John, Jordan ⁽⁵⁾	WA	30.6.2022	AG
Sterle, Glenn	WA	30.6.2022	ALP
Urquhart, Anne Elizabeth	TAS	30.6.2022	ALP
Watt, Murray Patrick	QLD	30.6.2022	ALP
Whish-Wilson, Peter Stuart	TAS	30.6.2022	AG
Williams, John Reginald	NSW	30.6.2019	NATS
Wong, Hon. Penelope Ying Yen	SA	30.6.2022	ALP
<i>Vacancy</i> ⁽⁹⁾	SA	30.6.2022	NXT

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

Territory	Senator	Party	Senator	Party
Australian Capital Territory	Gallagher, K.	ALP	Seselja, Z.M.	LP
Northern Territory	McCarthy, M.B.A.	ALP	Scullion, N.G.	CLP

⁽¹⁾ Chosen by the Parliament of Victoria to fill a casual vacancy (vice S Conroy), pursuant to section 15 of the Constitution.

⁽²⁾ Chosen by the Court of Disputed Returns to fill a vacancy created by a disqualification.

⁽³⁾ Chosen by the Court of Disputed Returns to fill a vacancy created by a disqualification.

⁽⁴⁾ Chosen by the Parliament of Western Australia to fill a casual vacancy (vice C Back), pursuant to section 15 of the Constitution.

⁽⁵⁾ Chosen by the Court of Disputed Returns to fill a vacancy created by the resignation of Senator Scott Ludlam on 14 July 2017.

⁽⁶⁾ Chosen by the Court of Disputed Returns to fill a vacancy created by the resignation of Senator Larissa Waters on 18 July 2017.

⁽⁷⁾ Vacancy created by a disqualification.

⁽⁸⁾ Chosen by the Court of Disputed Returns to fill a vacancy created by a disqualification.

⁽⁹⁾ Vacancy created by the resignation of Senator Nicholas Xenophon on 31 October 2017.

⁽¹⁰⁾ Vacancy created by the resignation of Senator Stephen Parry on 1 November 2017.

⁽¹¹⁾ Vacancy created by the resignation of Senator Jacqui Lambie on 14 November 2017.

PARTY ABBREVIATIONS

AG—Australian Greens; ALP—Australian Labor Party;

CLP—Country Liberal Party; DHJP—Derryn Hinch's Justice Party;

IND—Independent; JLN—Jacqui Lambie Network; LDP—Liberal Democratic Party;
LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; NXT—Nick Xenophon Team; PHON—Pauline Hanson's One Nation

Heads of Parliamentary Departments

Clerk of the Senate—R Pye
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—R Stefanic
Parliamentary Budget Officer— J Wilkinson

TURNBULL MINISTRY

Title	Minister
Prime Minister	Hon. Malcolm Turnbull MP
Minister for Indigenous Affairs	Senator the Hon. Nigel Scullion
Minister for Women	Senator the Hon. Michaelia Cash
<i>Minister Assisting the Prime Minister for the Public Service</i>	<i>Senator the Hon. Michaelia Cash</i>
<i>Minister Assisting the Prime Minister for Counter-Terrorism</i>	<i>Hon. Michael Keenan MP</i>
<i>Minister Assisting the Prime Minister for Cyber Security</i>	<i>Hon. Dan Tehan MP</i>
<i>Assistant Minister to the Prime Minister</i>	<i>Senator the Hon. James McGrath</i>
<i>Assistant Minister for Regulatory Reform</i>	<i>Senator the Hon. James McGrath</i>
<i>Assistant Minister for Cities and Digital Transformation</i>	<i>Hon. Angus Taylor MP</i>
Minister for Agriculture and Water Resources	Hon. Malcolm Turnbull MP
<i>Assistant Minister for Agriculture and Water Resources</i>	<i>Senator the Hon. Anne Ruston</i>
<i>Assistant Minister to the Deputy Prime Minister</i>	<i>Hon. Luke Hartsuyker MP</i>
Minister for Foreign Affairs	Hon. Julie Bishop MP
Minister for Trade, Tourism and Investment	Hon. Steve Ciobo MP
Minister for International Development and the Pacific	Senator the Hon. Concetta Fierravanti-Wells
<i>Assistant Minister for Trade, Tourism and Investment</i>	<i>Hon. Keith Pitt MP</i>
Attorney-General (Vice-President of the Executive Council) (Leader of the Government in the Senate)	Senator the Hon. George Brandis QC
Minister for Justice	Hon. Michael Keenan MP
Treasurer	Hon. Scott Morrison MP
Minister for Revenue and Financial Services	Hon. Kelly O'Dwyer MP
Minister for Small Business	Hon. Michael McCormack MP
<i>Assistant Minister to the Treasurer</i>	<i>Hon. Michael Sukkar MP</i>
Minister for Finance (Deputy Leader of Government in the Senate)	Senator the Hon. Mathias Cormann
Special Minister of State	Senator the Hon. Mathias Cormann
Minister for Infrastructure and Transport (Deputy Leader of the House)	Hon. Darren Chester MP
Acting Minister for Regional Development	Hon. Darren Chester MP
Acting Minister for Local Government and Territories	Hon. Darren Chester MP
Minister for Urban Infrastructure	Hon. Paul Fletcher MP
Minister for Defence	Senator the Hon. Marise Payne
Minister for Defence Industry (Leader of the House)	Hon. Christopher Pyne MP
Minister for Veterans' Affairs	Hon. Dan Tehan MP
<i>Minister Assisting the Prime Minister for the Centenary of ANZAC</i>	<i>Hon. Dan Tehan MP</i>
Minister for Defence Personnel	Hon. Dan Tehan MP
Minister for Immigration and Border Protection	Hon. Peter Dutton MP
<i>Assistant Minister for Immigration and Border Protection</i>	<i>Hon. Alex Hawke MP</i>
Minister for Health	Hon. Greg Hunt MP
Minister for Sport	Hon. Greg Hunt MP
Minister for Aged Care	Hon. Ken Wyatt AM MP
Minister for Indigenous Health	Hon. Ken Wyatt AM MP
<i>Assistant Minister for Health</i>	<i>Hon. Dr David Gillespie MP</i>

Title	Minister
Minister for Industry, Innovation and Science	Senator the Hon. Arthur Sinodinos AO
Minister for Resources and Northern Australia	Senator the Hon. Matt Canavan
<i>Assistant Minister for Industry, Innovation and Science</i>	<i>Hon. Craig Laundy MP</i>
Minister for Communications	Senator the Hon. Mitch Fifield
Minister for the Arts (Manager of Government Business in the Senate)	Senator the Hon. Mitch Fifield
Acting Minister for Regional Communications	Senator the Hon. Mitch Fifield
Minister for Employment	Senator the Hon. Michaelia Cash
Minister for Social Services	Hon. Christian Porter MP
Minister for Human Services	Hon. Alan Tudge MP
<i>Assistant Minister for Social Services and Disability Services</i>	<i>Hon. Jane Prentice MP</i>
<i>Assistant Minister for Social Services and Multicultural Affairs</i>	<i>Senator the Hon. Zed Seselja</i>
Minister for Education and Training	Senator the Hon. Simon Birmingham
<i>Assistant Minister for Vocational Education and Skills</i>	<i>Hon. Karen Andrews MP</i>
Minister for the Environment and Energy	Hon. Josh Frydenberg MP

Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans' Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases. Assistant Ministers in italics are designated as Parliamentary Secretaries under the *Ministers of State Act 1952*.

SHADOW MINISTRY

Title	Shadow Minister
Leader of the Opposition	Hon. Bill Shorten MP
Shadow Minister for Indigenous Affairs and Aboriginal and Torres Strait Islanders	Hon. Bill Shorten MP
<i>Shadow Assistant Minister for Indigenous Affairs and Aboriginal and Torres Strait Islanders</i>	<i>Senator Patrick Dodson</i>
<i>Shadow Cabinet Secretary</i>	<i>Senator the Hon. Jacinta Collins</i>
<i>Shadow Assistant Minister for Preventing Family Violence</i>	<i>Terri Butler MP</i>
<i>Shadow Assistant Minister to the Leader (Tasmania)</i>	<i>Senator Helen Polley</i>
Deputy Leader of the Opposition	Hon. Tanya Plibersek MP
Shadow Minister for Education and Training	Hon. Tanya Plibersek MP
Shadow Minister for Women	Hon. Tanya Plibersek MP
Shadow Minister for Skills, TAFE and Apprenticeships	Senator the Hon. Doug Cameron
<i>Shadow Assistant Minister for Schools</i>	<i>Andrew Giles MP</i>
<i>Shadow Assistant Minister for Universities</i>	<i>Terri Butler MP</i>
<i>Shadow Assistant Minister for Equality</i>	<i>Terri Butler MP</i>
Leader of the Opposition in the Senate	Senator the Hon. Penny Wong
Shadow Minister for Foreign Affairs	Senator the Hon. Penny Wong
Shadow Minister for International Development and the Pacific	Senator Claire Moore
Deputy Leader of the Opposition in the Senate	Senator the Hon. Don Farrell
Shadow Special Minister of State	Senator the Hon. Don Farrell
Shadow Minister for Sport	Senator the Hon. Don Farrell
Shadow Treasurer	Hon. Chris Bowen MP
Shadow Assistant Treasurer	Hon. Dr Andrew Leigh MP
Shadow Minister for Competition and Productivity	Hon. Dr Andrew Leigh MP
Shadow Minister for Charities and Not-for-Profits	Hon. Dr Andrew Leigh MP
Shadow Minister for the Digital Economy	Ed Husic MP
Shadow Minister for Consumer Affairs	Tim Hammond MP
<i>Shadow Assistant Minister for Treasury</i>	<i>Hon. Matt Thistlethwaite MP</i>
Shadow Minister for Environment and Water	Hon. Tony Burke MP
Shadow Minister for Citizenship and Multicultural Australia	Hon. Tony Burke MP
Shadow Minister for the Arts	Hon. Tony Burke MP
Manager of Opposition Business in the House of Representatives	Hon. Tony Burke MP
<i>Shadow Assistant Minister for Citizenship and Multicultural Australia</i>	<i>Senator the Hon. Jacinta Collins</i>
<i>Shadow Assistant Minister for Citizenship and Multicultural Australia</i>	<i>Julie Owens MP</i>
Shadow Minister for Families and Social Services	Hon. Jenny Macklin MP
Shadow Minister for Housing and Homelessness	Senator the Hon. Doug Cameron
Shadow Minister for Human Services	Hon. Linda Burney MP
Shadow Minister for Disability and Carers	Senator Carol Brown
<i>Shadow Assistant Minister for Families and Communities</i>	<i>Senator Louise Pratt</i>
Shadow Minister for Infrastructure, Transport, Cities and Regional Development	Hon. Anthony Albanese MP
Shadow Minister for Tourism	Hon. Anthony Albanese MP
Shadow Minister for Regional Services, Territories and Local Government	Stephen Jones MP
<i>Shadow Assistant Minister for Infrastructure</i>	<i>Pat Conroy MP</i>
<i>Shadow Assistant Minister for External Territories</i>	<i>Hon. Warren Snowdon MP</i>

Title	Shadow Minister
Shadow Attorney-General	Hon. Mark Dreyfus QC MP
Shadow Minister for National Security	Hon. Mark Dreyfus QC MP
Deputy Manager of Opposition Business in the House of Representatives	Hon. Mark Dreyfus QC MP
Shadow Minister for Justice	Clare O'Neil MP
<i>Shadow Assistant Minister for an Australian Head of State</i>	<i>Hon. Matt Thistlethwaite MP</i>
Shadow Minister for Employment and Workplace Relations	Hon. Brendan O'Connor MP
Shadow Minister for Employment Services, Workforce Participation and Future of Work	Ed Husic MP
<i>Shadow Assistant Minister for Workplace Relations</i>	<i>Lisa Chesters MP</i>
Shadow Minister for Climate Change and Energy	Hon. Mark Butler MP
<i>Shadow Assistant Minister for Climate Change</i>	<i>Pat Conroy MP</i>
Shadow Minister for Defence	Hon. Richard Marles MP
Shadow Minister for Veterans' Affairs	Hon. Amanda Rishworth MP
Shadow Minister for Defence Personnel	Hon. Amanda Rishworth MP
<i>Shadow Assistant Minister for the Centenary of ANZAC</i>	<i>Hon. Warren Snowdon MP</i>
<i>Shadow Assistant Minister for Cyber Security and Defence</i>	<i>Gai Brodtmann MP</i>
<i>Shadow Assistant Minister for Defence Industry and Support</i>	<i>Hon. Mike Kelly AM MP</i>
Shadow Minister for Innovation, Industry, Science and Research	Senator the Hon. Kim Carr
<i>Shadow Assistant Minister for Manufacturing and Science</i>	<i>Hon. Nick Champion MP</i>
<i>Shadow Assistant Minister for Innovation</i>	<i>Senator Deborah O'Neill</i>
Shadow Minister for Health and Medicare	Hon. Catherine King MP
<i>Shadow Assistant Minister for Medicare</i>	<i>Tony Zappia MP</i>
<i>Shadow Assistant Minister for Indigenous Health</i>	<i>Hon. Warren Snowdon MP</i>
Shadow Minister for Agriculture, Fisheries and Forestry	Hon. Joel Fitzgibbon MP
Shadow Minister for Rural and Regional Australia	Hon. Joel Fitzgibbon MP
<i>Shadow Assistant Minister for Rural and Regional Australia</i>	<i>Lisa Chesters MP</i>
Shadow Minister for Resources and Northern Australia	Hon. Jason Clare MP
Shadow Minister for Trade and Investment	Hon. Jason Clare MP
Shadow Minister for Trade in Services	Hon. Dr Andrew Leigh MP
Shadow Minister Assisting for Resources	Tim Hammond MP
<i>Shadow Assistant Minister for Northern Australia</i>	<i>Hon. Warren Snowdon MP</i>
Shadow Minister for Immigration and Border Protection	Hon. Shayne Neumann MP
Shadow Minister for Finance	Dr Jim Chalmers MP
Shadow Minister for Small Business and Financial Services⁽²⁾	Senator Katy Gallagher
Manager of Opposition Business in the Senate	Senator Katy Gallagher
<i>Shadow Assistant Minister for Small Business</i>	<i>Julie Owens MP</i>
Shadow Minister for Communications	Hon. Michelle Rowland MP
Shadow Minister for Regional Communications	Stephen Jones MP
Shadow Minister for Ageing and Mental Health⁽³⁾	Hon. Julie Collins MP
<i>Shadow Assistant Minister for Ageing</i>	<i>Senator Helen Polley</i>
<i>Shadow Assistant Minister for Mental Health</i>	<i>Senator Deborah O'Neill</i>
Shadow Minister for Early Childhood Education and Development⁽¹⁾	Hon. Amanda Rishworth MP

Each box represents a portfolio except for ⁽¹⁾ which is in the Education portfolio, ⁽²⁾ which is in Treasury portfolio and ⁽³⁾ which is in the Health portfolio. **Shadow Cabinet Ministers are shown in bold type.**

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Wednesday, 15 November 2017

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

COMMITTEES

Meeting

The Clerk: Proposals to meet have been lodged as follows:

Environment and Communications References Committee—private meeting otherwise than in accordance with standing order 33(1) on Thursday, 16 November 2017, from 1.05 pm.

Finance and Public Administration Legislation Committee—public meeting today, from 4.30 pm, for the committee's consideration of the 2017-18 supplementary Budget estimates.

Public Accounts and Audit—Joint Statutory Committee—private meetings otherwise than in accordance with standing order 33(1), from 9.30 am, on Wednesday, 29 November and Wednesday, 6 December 2017.

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

PARLIAMENTARY REPRESENTATION

South Australia

The PRESIDENT (09:31): I have received, through the Governor-General, from the Governor of South Australia a copy of the certificate of the choice by the houses of parliament of South Australia of Rex Patrick to fill the vacancy caused by the resignation of Senator Xenophon. I table the document.

Senators Sworn

Senator Rex Patrick made and subscribed the oath of allegiance.

BUSINESS

Days and Hours of Meeting

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Acting Minister for Regional Communications) (09:35): At the request of Senator Brandis, I move:

That the days of meeting of the Senate for 2018 be as follows:

Autumn sittings:

Monday, 5 February to Thursday, 8 February

Monday, 12 February to Thursday, 15 February

Autumn sittings (2):

Monday, 19 March to Thursday, 22 March
Monday, 26 March to Wednesday, 28 March

Budget sittings:

Tuesday, 8 May to Thursday, 10 May

Winter sittings:

Monday, 18 June to Thursday, 21 June
Monday, 25 June to Thursday, 28 June

Spring sittings:

Monday, 13 August to Thursday, 16 August
Monday, 20 August to Thursday, 23 August
Monday, 10 September to Thursday, 13 September
Monday, 17 September to Thursday, 20 September

Spring sittings (2):

Monday, 15 October to Thursday, 18 October

Spring sittings (3):

Monday, 12 November to Thursday, 15 November
Monday, 26 November to Thursday, 29 November
Monday, 3 December to Thursday, 6 December.

Question agreed to.

BUDGET

Consideration by Estimates Committees

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Acting Minister for Regional Communications) (09:36): I seek leave to amend government business notice of motion No. 2 standing in my name.

Leave granted.

Senator FIFIELD: I amend the notice by inserting after paragraph (2) the following:

(2A) That cross portfolio estimates hearings on Murray-Darling Basin Plan matters be scheduled for Friday, 2 March, Friday, 25 May and Friday, 26 October 2018, but not restricted to those days.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (09:36): The opposition will be supporting this motion as amended by the government, but we would also like to indicate that, because of the changes that are required for the May budget estimates sittings—pushing them to Tuesday to Thursday, because of a public holiday—the spillover day would be lost under that arrangement, so we've had some last-minute discussions with the Manager of Government Business in the Senate about ensuring there is an agreed day. Our recommendation, subject to government consideration, is for 22 June to be specifically designated as the spillover day that would be lost under this motion as drafted.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Acting Minister for Regional Communications) (09:37): I move the motion as amended:

(1) That estimates hearings by legislation committees for 2018 be scheduled as follows:

2017-18 additional estimates:

Monday, 26 February and Tuesday, 27 February (*Group A*)

Wednesday, 28 February and Thursday, 1 March (*Group B*).

2018-19 Budget estimates:

Monday, 21 May to Thursday, 24 May, and, if required, Friday, 25 May (*Group A*)

Tuesday, 29 May to Friday, 1 June (*Group B*)

Monday, 22 October and Tuesday, 23 October (*supplementary hearings—Group A*)

Wednesday, 24 October and Thursday, 25 October (*supplementary hearings—Group B*).

(2) That, pursuant to the order of the Senate of 26 August 2008, cross portfolio estimates hearings on Indigenous matters be scheduled for Friday, 2 March, Friday, 25 May and Friday, 26 October, but not restricted to these days.

(3) That cross portfolio estimates hearings on Murray-Darling Basin Plan matters be scheduled for Friday, 2 March, Friday, 25 May and Friday, 26 October 2018, but not restricted to those days.

(4) That the committees consider the proposed expenditure in accordance with the allocation of departments and agencies to committees agreed to by the Senate.

(5) That committees meet in the following groups:

Group A:

Environment and Communications

Finance and Public Administration

Legal and Constitutional Affairs

Rural and Regional Affairs and Transport

Group B:

Community Affairs

Economics

Education and Employment

Foreign Affairs, Defence and Trade.

(6) That the committees report to the Senate on the following dates:

(a) Tuesday, 27 March 2018 in respect of the 2017-18 additional estimates; and

(b) Tuesday, 26 June 2018 in respect of the 2018-19 Budget estimates.

I indicate that the two managers have had a discussion just before question time, recognising the loss of the spillover day because of the particular situation with public holidays and how estimates is scheduled. We are happy to look at Friday, 22 June, and to have a subsequent motion to address the spillover day, recognising that there may be reasons—I'm not predicting that there will be—why it couldn't be that particular day. I'm not aware of any, but we'll have those discussions, and our objective is to aim for Friday, 22 June.

Question agreed to.

BILLS

Treasury Laws Amendment (Housing Tax Integrity) Bill 2017
Foreign Acquisitions and Takeovers Fees Imposition Amendment (Vacancy Fees) Bill 2017
Second Reading

Consideration resumed of the motion:

That these bills be now read a second time.

Senator McALLISTER (New South Wales—Deputy Opposition Whip in the Senate) (09:39): In speaking before the debate was adjourned yesterday, I ran through the significant issues that are facing Australians in relation to housing—those Australians who seek to buy and also those Australians in the private rental market. I emphasised in my earlier remarks that, despite the focus so frequently being on housing issues in capital cities and housing affordability in capital cities, in fact these issues are also critical in many of our regions. Certainly in my home state of New South Wales, the coastal regions—both the north coast and southern New South Wales—are subject to some very particular pressures, which I'm keenly aware of as a duty senator for both Cowper and Gilmore.

What's required is not a narrow series of tax integrity measures, worthy as the measures in the Treasury Laws Amendment (Housing Tax Integrity) Bill 2017 may be. What's actually required is a concerted, serious, nationally led effort to address housing affordability. If we are unable to pursue that, we will continue to see more and more Australians under very significant housing stress. It starts with home ownership and a recognition that the proportion of people who own their home has declined, from 42 per cent back in 1995 to just 31 per cent now, and the proportion of people who have a mortgage continues to climb. The proportion of people who are renting has increased over the last 20 years—it's up from 26 per cent to 31 per cent—and people are renting for longer and longer periods.

The way that housing is organised in Australia has changed dramatically in the last 20 years. It is essentially a consequence of housing prices becoming higher and higher, putting pressure on housing costs for those who rent and those who have bought. It's also putting pressure on homelessness. We continue to see unacceptably high rates of homelessness, and I made remarks earlier in the debate about the impact of homelessness in one city in New South Wales, in Coffs Harbour, and the very direct impacts that service providers in that city have reported to me.

In that context, it's been incredibly disappointing that the government have failed to act in any serious way about this, despite the fact we are now into their fifth year of what they like to call 'governing'. By contrast, Labor have taken this incredibly seriously; we have gone to election after election with a serious plan to restore housing affordability. We're not naive about how difficult that is. The inflation of housing prices in the private rental market and the residual and unaddressed demand for social housing means that there is a very, very big hill to climb to tackle this problem, but that shouldn't deter us from trying. In fact, it should mean that the measures we put in place are robust and proportionate to the scale of the challenge.

The No. 1 thing that we've put forward is to reform negative gearing and capital gains tax concessions. I've lost count of the number of times young people have approached me and

told me of attending auction after auction after auction and walking out disappointed each time. They're going home on a Saturday afternoon and realising that yet again they have been outbid, not by someone who wants to live in the house but by someone who wants to acquire that home as an investment. Now there's nothing wrong with seeking to acquire a home as an investment, but the kicker is this: when you've got a first home buyer and an investor walking into an auction room, there is an enormous tax advantage allocated to the person who is investing. It's just not right. There is something very, very wrong about a tax system that privileges the investor over the young person, the young couple, perhaps a young family, seeking to buy a home to live in. There is something very, very wrong about that.

That's why we have proposed a reform to negative gearing. Of course, we will continue to allow negative gearing concessions to be applied to new housing. If there are tax concessions in the marketplace, they should be applied to make sure that new housing supply is brought on. But for tax concessions to continue to apply to investors to allow them to participate in this churn of properties in the private market, bidding up asset prices higher and higher and higher, is wrong. We think it's a waste of public money, we think it's unfair and we think it has very significant social consequences as fewer and fewer Australians are able to enter the housing market.

We also seek to limit direct borrowing by self-managed superannuation funds. We do that for a range of reasons, not least of which is our very great concern that limited recourse borrowing in self-managed superannuation funds presents very great risks to the individuals whose money is invested in those funds. Limited recourse borrowing in that sector has absolutely exploded. It was just \$2½ billion in 2012. It's now \$24 billion. That is an incredible rate of growth in self-managed super funds; it is an 860 per cent increase. It has real risks for the super system, but it creates real problems in the housing market because what it means is that these tax-advantaged vehicles are piling into the property market and crowding out first home buyers. Our intention is to place some limits on this. We will adopt the recommendation of the Financial System Inquiry—a recommendation that the government has chosen to ignore—and we will restore the prohibition on direct borrowing by superannuation funds. We do that because, unlike those on the other side, we actually think that this is a challenge that we need to take seriously.

Neither of those things is necessarily popular. It's always risky going to the public and saying, 'We intend to change taxation arrangements.' I've had many conversations with people who have come to me and said, 'This is not fair,' or, 'That's not fair', and we know there are many people who are presently taking advantage of some of these arrangements. But we have to face up to facts. These privileged arrangements for people who are already in possession of substantial assets are working to exclude people who are not from gaining assets themselves, and it's not right. We can't continue like this, and we are seeing the consequences in the falling numbers of young people who are able to buy their own home.

Of course, we also need to look at social housing. It's a very great shame that the government has abolished so many of the mechanisms that the previous Labor government had in place to consider the supply of housing overall. One of the things we are very interested in doing is looking at how we can increase investment in affordable housing, because the community housing sector has real potential to play a much greater role in providing affordable housing for people on a range of incomes at the lower end of the

spectrum. But the trick here is ensuring that they're able to access finance. These are often organisations that are of a modest scale, and it's difficult for them to obtain finance even when they've got a very good business case for building new housing that can provide reasonable returns.

We will establish a bond aggregator that will assist community housing providers to access cheaper finance for new, affordable rental housing. The purpose of the bond aggregator is to be able to source funds from the wholesale market on behalf of the community housing providers. We'll do that by issuing bonds to private investors. This has been immensely successful in the United Kingdom. Their Housing Finance Corporation has lent to about 152 housing associations, and their goal is to deliver up to 30,000 new affordable rental homes.

We need substantial, meaningful intervention from government in the housing market. We need leadership, we need a minister for housing and we need a government with the courage to take on this most difficult challenge.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Acting Minister for Regional Communications) (09:49): As there are no other colleagues seeking the call, I will sum up and thank colleagues who have contributed to the debate on the Treasury Laws Amendment (Housing Tax Integrity) Bill 2017 and the Foreign Acquisitions and Takeovers Fees Imposition Amendment (Vacancy Fees) Bill 2017.

As a government, we are committed to ensuring that home ownership is achievable for Australians and that they have access to secure, stable and affordable housing across the spectrum. The changes contained in these bills are part of the government's 2017-18 budget package to reduce pressure on housing affordability. Two of the measures will improve the integrity of Australia's tax system by better targeting tax deductions relating to residential investment properties. The other measure aims to increase the availability of foreign-owned residential real estate. The vacancy charge will support the government's foreign investment regime, which seeks to increase the number of houses available for Australians to live in. I commend these bills to the Senate.

Question agreed to.

Bills read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Gallacher) (09:50): As no amendments to the bills have been circulated, I shall call the minister to move the third reading unless any senator requires that the bills be considered in the Committee of the Whole.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Acting Minister for Regional Communications) (09:51): I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

Veterans' Affairs Legislation Amendment (Omnibus) Bill 2017**Second Reading**

Consideration resumed of the motion:

That this bill be now read a second time.

Senator FARRELL (South Australia—Deputy Leader of the Opposition in the Senate) (09:51): Before I begin speaking on the Veterans' Affairs Legislation Amendment (Omnibus) Bill 2017: I know that, if Senator Lambie had been here today, she would have wanted to speak on this issue. I just want to put on the record my best wishes for her in the future. Obviously she's had to deal with some very difficult circumstances, and I wish her all the very best.

Labor is supporting the changes, which will clarify, improve or streamline the operation of the law and the processes within the department. The Veterans' Affairs Legislation Amendment (Omnibus) Bill 2017 contains eight schedules which deal with a variety of different elements within the legislation. Given the detail of the bill, I will focus my comments on the schedule which has generated the largest amount of discussion and concern, which is schedule 1, and then step through a brief overview of each of the remaining schedules.

Schedule 1 seeks to amend the provisions under which the Veterans' Review Board operates by aligning certain provisions with similar provisions of the Administrative Appeals Tribunal. The amendments in schedule 1 will modernise and improve the operations of the board to do a number of things. Firstly, they ensure that, in carrying out its functions, the board will pursue the objective of providing a mechanism of review that is accessible, fair, just, economical, informal and quick; is proportionate to the importance and complexity of the matter; and promotes public trust and confidence in the decision-making of the board. Secondly, they impose an ongoing obligation on both the claimant and the Department of Veterans' Affairs, during the period until the board has determined the matter, to lodge with the board a copy of any document that is in their possession that is relevant to the review and that has not been lodged previously. Thirdly, they provide the board with the power to vary or revoke a decision made under the alternative dispute resolution processes with the consent of the parties and where the board is satisfied that it is within its powers and otherwise appropriate to do so. And, finally, they require the Repatriation Commission and any person representing the commission in a review to use their best endeavours to assist the board in fulfilling their legislative objectives.

In addition, this schedule had included an element which gave the principal member of the Veterans' Review Board the ability to dismiss an application for review of a decision if they are satisfied that the application is frivolous, vexatious, misconceived or lacking in substance, has no reasonable prospect of success or is otherwise an abuse of process. This element caused significant angst in the veterans community and, as a result of Labor's intervention—I might mention at this point the very good work that Labor's shadow minister Amanda Rishworth has undertaken in this area. You may know, Mr Acting Deputy President, she has recently been promoted to the shadow cabinet, which is obviously a great recognition of her work and ability not just in this area of policy but also in a more general sense. She replaces another terrific South Australian shadow minister and former minister, Kate Ellis, who, as we

know, is leaving at the next election but has done a power of work on behalf of her community in Adelaide.

As I said, as a result of Labor's intervention, the government removed this particular element of the schedule in the House of Representatives. Labor believes that the VRB was designed to be a less adversarial process than the Administrative Appeals Tribunal. This is the veterans' opportunity to be heard and Labor held significant concerns about the insertion of these provisions. In addition, during the FADT committee process, the principal member advised that there were only three circumstances in the past seven years where he would have utilised this power. Given the small number of times this clause would have been utilised, Labor felt a strong case wasn't made for its inclusion at the expense of veterans' ability to present their cases to the board. As a result, the government removed this element in a series of amendments. Labor welcomed this amendment, which recognised and upheld the unique nature of the Veterans' Review Board.

I would like to go to schedule 2 of the new legislation. It also makes several amendments that enable the convener of the SMRC to give written directions about the manner for lodging requests for reviews or applications, enabling the SMRC to adopt electronic lodgement of request for reviews rather than requiring a hard-copy form as required by the VEA. Schedule 3 relates to international agreements and gives the Minister for Veterans' Affairs the power to make agreements with foreign governments to cover the provisions and payments of benefits under the MRCA and the SRCA/DRCA. As it stands, existing agreements concern only those payments which are payable under the VEA. The new section will now cover allied veterans and Defence Force members with service of the type for which benefits and payments include rehabilitation that can be provided by the Repatriation Commission or the MRCC under the VEA, MRCA and SRCA/DRCA or the Australian Participants in British Nuclear Tests (Treatment) Act 2006. Labor is supportive of extending agreements to cover all veterans' affairs legislation to ensure that veterans are covered under the relevant legislation framework, whether that is VEA, SRCA/DRCA or MRCA.

Schedule 4 legislates the employer incentive scheme payments. These payments are made to employers in the form of wage subsidies to encourage them to engage injured veterans who have found it difficult to compete in a tight labour market. While the department has been able to facilitate these payments, this will strengthen the legislative foundation of the payments. Labor supports measures that assist veterans to move into and retain employment.

Schedule 5 amends the MRCA and SRCA/DRCA to facilitate information sharing between the Military Rehabilitation and Compensation Commission, the MRCC, and the Commonwealth Superannuation Corporation, CSC, with respect to certain service related compensation claims. As it stands, due to information-sharing provisions, after someone is medically discharged they go to Commonwealth Superannuation Corporation to organise payments, where they undergo a second medical, and when they go to DVA for assistance they undergo a third medical. These amendments seek to enable information sharing between the Commonwealth Superannuation Corporation and DVA to reduce some of the rework. These amendments are designed to enable the Commonwealth Superannuation Corporation to access relevant claims information held by DVA where that access would assist CSC in the performance of its functions and the exercise of its powers. Access to the department's claims information, particularly relevant medical and rehabilitation information, would assist the

Commonwealth Superannuation Corporation to make speedier superannuation benefits assessments, which in turn assists the department to determine a person's entitlement to incapacity payments. A common complaint of veterans and advocates relates to the complicated and lengthy claims process for people seeking assistance from the department. Labor supports changes which will improve this process, as long as adequate safeguards are in place to protect veterans' privacy.

Schedule 6 seeks to amend the MRCA to provide the Minister for Veterans' Affairs with the power to delegate his or her powers and functions to members of the MRCC, employers of the department or persons engaged or appointed under the Public Service Act 1999. This function already exists under the VEA but was overlooked during the development of the MRCA.

Schedule 7 will amend the legislation to exempt certain legislative instruments from subsection 14(2) of the Legislation Act 2003. It will enable these legislative instruments to incorporate material contained in other non-disallowable instruments or other non-legislative writings as in force from time to time. The current requirement to amend the Veterans' Affairs portfolio legislative instruments to incorporate changes in non-disallowable instruments causes significant administrative issues for the department. These changes will essentially allow material to be updated with new reference information without lodging each individual instrument with the parliament. Many of the legislative instruments include references to external documents which are incorporated by reference into instruments that are legally regarded as being part of the instrument. As such, any change to the documents can't be recognised unless the changed versions are incorporated into the legislative instrument by an amendment or a replaced instrument. This process can cause significant administrative issues and unnecessary delays. An example of this can be seen in relation to the availability of a new rehabilitation appliance. The availability of the new equipment will be delayed as the legislative instrument—in this case, the treatment principles—that incorporates the document under which the application may be provided would need to be amended to refer to the changed date of the policy document.

Schedule 8, the final schedule, will repeal redundant and spent provisions administered in the Veterans' Affairs portfolio concerning benefits that are no longer payable under the portfolio acts. This was originally proposed as part of the Omnibus Repeal Day (Spring 2015) Bill 2015, which lapsed with the end of the parliament in April 2016. This schedule will remove references to payments which are no longer able to be accessed by individuals, in order to simplify veterans legislation and make it more accessible for individuals wishing to interpret the current provisions. The proposed amendments seek to remove the following: the clean energy advance during a period before 1 July 2012; parts providing for one-off payments to older Australians in 2006, 2007 and 2008; the Economic Security Strategy payment for 2008; and the education tax refund payment of 2012. In some circumstances, a person may be found to have been eligible for one of the payments because of a retrospective assessment of pension. Following the repeal, such a person will retain the eligibility to receive the payment on the basis that they were eligible for an underlying payment during the relevant period the repeal legislation was in force.

I think this legislation not only has bipartisan support but now accurately reflects the views of the veterans community. Overall, it will be welcomed by the veterans community as a

sensible piece of legislation and one that we have worked together to land perfectly. Labor is supportive of these changes. Given the amendments the government moved in the House of Representatives at Labor's urging, we offer our support to this bill.

Senator WHISH-WILSON (Tasmania) (10:06): The Australian Bureau of Statistics, after six agonising minutes, has just announced that Australia has voted 'yes' for same-sex marriage, at 61.6 per cent. No offence to veterans but this is the first time a statistician has stopped the nation; it was announced literally seconds before I popped up, so I just wanted to get that off my chest.

The Veterans' Affairs Legislation Amendment (Omnibus) Bill 2017 will be supported by the Greens. It makes a series of minor changes to the veterans compensation law across several acts. According to the minister, it implements several small but necessary amendments to veterans legislation to clarify, improve or streamline the operation of the law. We all accept in here that the veterans' entitlements system is a mess. All sides of politics agree that the entitlement system, including access to compensation, needs to be fixed. This existing compensation and rehabilitation legislation is a burden on veterans, advocates and even the Department of Veterans' Affairs itself.

I initiated an inquiry a couple of years ago into veterans' suicide and post-traumatic stress disorder—and you, Acting Deputy President Gallacher, may well have been there for that, as was Senator Fawcett. We went around the country taking evidence. Some of it was absolutely heartbreaking stuff. We heard that when our Defence personnel leave the ADF or the Department of Defence and go out into the world, they feel like they fall off a cliff, especially those who may be suffering trauma and haven't necessarily registered that. And there are good reasons why a number of both serving Defence personnel and ex-Defence personnel don't talk about this issue: there's a stigma attached to mental health issues associated with their time in the Defence department and their service. And it's not always those who have been frontline troops and have seen action; often, post-traumatic stress disorder and mental health issues that lead to suicide come from other aspects of defence such as training exercises. No two people's symptoms are the same. We heard that Defence personnel often feel like they fall off a cliff when they go into civilian life. They often feel dislocated. They're suffering and often don't speak out on it. So just getting them to speak is an absolutely critical thing.

What was absolutely 100 per cent clear to the committee was that attempting to navigate the veterans' entitlement system was a key part of the problem, and that we needed to do whatever we could to make it a lot easier to access advice, to get advocates to work for them and to get the right kind of help that they need. Sometimes compensation isn't necessarily the solution to a problem if you're a veteran and you're suffering mental health illnesses or physical disabilities; there are other things that are quite important to veterans as well.

We've also heard recent evidence in another suicide inquiry—the recent inquiry into veterans' suicide that Senator Lambie came to the Greens to enlist our help on. Senator Lambie participated in my inquiry as well. We heard more evidence from countless witnesses that the current system is contributing to mental health problems and suicide amongst the Defence and veterans community. For example, we heard evidence from Colonel David Jamison, formerly from the Alliance of Defence Service Organisations. He told the committee:

... we believe a significant factor contributing to the problem lies in the legislative framework on which support to veterans is based.

... ..

It is abundantly clear from social media groups that veterans from the more recent conflicts feel alienated and see the system as biased against them.

The problems for veterans aren't just limited to compensation, as I mentioned. We heard, during the inquiry into the digital readiness bill earlier this year, that veterans face unreasonably long wait periods to be reimbursed for the costs of any claims. On top of this, rates of entitlement are inconsistent and arbitrary, and the application and assessment processes are labyrinth and circuitous. For many veterans the bureaucracy of the Department of Veterans' Affairs is a barrier to getting what they believe they're entitled to. They see the system as combative and hostile, but whether that is or is not the case is not necessarily the issue here; it's the very firm perception amongst many of the witnesses that the inquiry heard that this is the case.

It's incumbent on all political parties of all colours to work together with the veterans community to create a better system for those who do serve our country. Many of the issues that we uncovered in the Greens-initiated Senate inquiry into PTSD and suicide are also very common issues with first responders—with police—and with other professions in this country.

What will the Greens do? In response to this mess—and it's been like this for a large number of years—we've consistently said we would like to undertake a root-and-branch review of the veterans' entitlement system. I know Senator Lambie went much further by calling for a royal commission. She kept her call up for a royal commission into the Department of Veterans' Affairs while she was here. We believe a root-and-branch review is absolutely essential. We have had many, many reviews over a number of years now, and the direct feedback that I've had from the veterans community is: no more reviews, just get on with it. Just get on with, for example, the many recommendations that have been made by numerous Senate inquiries over time. Get on with it and fix the system. Certainly, from the inquiry that I was involved in that the Greens initiated, there are a large number of recommendations that we're continuing to monitor and that still haven't been implemented, even though they have been recommended by all political parties in the Senate.

In the review, in particular, we want to focus on current entitlements—about whether they're sufficient and whether the current eligibility criteria are fair for veterans, including access to health cards, disability pensions, housing and superannuation arrangements. One of the key issues the inquiry into veteran PTSD and suicide looked at was veteran homelessness. Back then there was a lot of buck-passing—that this is an issue for the states—but the Senate recommended that this is something the federal government should step into. There are a lot of veterans who are suffering from relationship breakdown, alcohol and drug abuse and mental health issues who are sleeping rough. I also acknowledge, in relation to the access to health cards, the great work of my previous colleague in this place, Senator Ludlam, who, although he was the first to resign on the basis of a section 44 constitutional issue, also did great work for veterans over a large number of years, as did Senator Lambie, including being a key instigator in getting the nuclear-testing veterans, finally, after nearly 20 years of fighting, access to their gold card.

We need to get on with recommendations that redesign the entitlements process to make it more legible and accessible, and we recommend an overhaul of the delivery of support services. Complaints about DVA are still on the rise, after all these inquiries, which is an indicator that the system is still failing our veterans. The review of service delivery should consider assigning each veteran a liaison officer—in fact, this was one of the recommendations of the Senate inquiry into PTSD and veteran suicide and homelessness—to act as a single point of contact to help navigate the system. I know advocates do a good job in some respects, and I've spoken to advocates, including in my home town of Launceston, who work with veterans, but, nevertheless, I understand that that still is not a formal policy yet. We support the veterans suicide inquiry's recommendation that the government make a reference to the Productivity Commission to simplify the legislative framework of compensation and rehabilitation for service members and veterans, and we are pleased that the government has accepted this recommendation.

So we'll be supporting this bill today, but, in the meantime, the Greens have been working with all parties to incrementally improve the system, most recently with the Safety, Rehabilitation and Compensation Legislation Amendment (Defence Force) Bill 2016, and now with this omnibus bill. We are pleased that the government has taken on board the legitimate concerns of stakeholders, the Greens and the crossbench, and removed the provision which would have allowed the principal member of the Veterans' Review Board the power to dismiss applications for review if they are deemed frivolous, vexatious, lacking in substance or as having no reasonable prospect of success. As the RSL put it:

To allow one member to decide on the prospect of success of an Appeal is likely to reduce the belief of veterans that they have access to justice in the way they do now.

In conclusion, the Greens are fully supportive of positive steps to make life easier for veterans. We support reform to simplify and clarify different legislation for ADF members and veterans, whilst also respecting the complexity of this system and the unintended consequences of not thinking through changes properly and thoroughly. Many of the times that I've looked at different changes in legislation before us, I've been inundated by a number of stakeholders getting in touch with my office, making me and my staff aware of just how complicated this system is. There are a number of people with expertise in this area who have been dealing with veterans for many years, and we always endeavour to listen to as many stakeholders as possible.

I come from a family of veterans. My father is a Vietnam veteran. My godfather is a Vietnam veteran. Most of my grandfathers and great-grandfathers were war veterans as well. I appreciate the importance of helping our veterans and our ex-serving personnel. As a Green, I always say in this chamber, whenever we talk about veterans issues, that my party, being a party of humanity and justice, wants to see everybody treated with fairness and equality. But, in relation to the price that defence veterans pay for service, especially going into conflict zones, often on behalf of an executive government that makes a decision to send them into conflict zones—whether we're talking about the Great War or the Second World War or the Vietnam War or recent conflicts like Afghanistan and Iraq; and, of course, we've recently deployed ADF personnel to places like the Philippines and participated in war games off South Korea—we need to be aware that the price that these veterans pay sometimes is not just the loss of their lives, or their limbs, or other physical injuries. Often they pay a much more

complex price, such as mental health issues and ongoing issues around post-traumatic stress disorder.

So I think it's really important to say that there often is a hidden cost for Defence service, and, as I mentioned earlier, it doesn't just come from active service; it can come from training and the high-stress environment that ADF personnel find themselves in. Of course, Senator Fawcett, who's in the chamber here, and I share many things in common, but one thing is that we've both been through military college. I have a number of friends who are still in the services, and I believe this is a very serious issue. So the Greens are happy to support this legislation. We look forward to further discussions about how we can improve the entitlement systems for veterans.

I already said some words about Senator Lambie yesterday, but I just want to reiterate that, although we often disagreed on some pretty major things—for example, issues around climate change, asylum seekers coming to this country et cetera—I have to pay her full respect in that she came to parliament on a very active ticket, and that was to try and change the Defence veterans entitlement system. She campaigned for that 100 per cent, and I believe that one of the reasons we're processing this bill today—and other legislation—is that she made this an issue politically. That is to her credit, and that is an important part of her legacy.

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (10:21): I too rise to make some comments on the Veterans' Affairs Legislation Amendment (Omnibus) Bill of 2017. I would just like to start off by acknowledging the work of the ex-service organisations who come out, time and again, to committee processes within the parliament to represent the interests of their members, those being those people who have served and also their families. As Senator Whish-Wilson said, the price that is paid by service men and women is not just the time away from home, the threat they face or the physical injuries but also the mental scars that some bear and particularly the impact on families.

It is a huge task that DVA has, but it is one that no side of politics ever should shirk—or, I believe, ever has shirked—from seeking to get right. The fact that it is not perfect isn't a reflection of the fact that anyone here doesn't care; it's a reflection of the scale of the task and the changing environment. Whilst there are both processes and other things that we can improve, I just want to acknowledge that, from the ESOs to people in this place and even to DVA and in fact, I particularly say, to Mr Simon Lewis, who is the current secretary, there is an awful lot of goodwill from people who want to put in place processes and mechanisms to make sure that people who have served this nation, when they come back, receive the support that they need. However, it is not yet 100 per cent. Perhaps it never will be, but that is no reason for us to ever give up seeking to make it as good as we possibly can.

This bill is just the next step in trying to find those processes. It has been through the committee process. I recognise, Mr Acting Deputy President Gallacher, that you are the deputy chair of the legislation committee that considered this, along with me and Senator Whish-Wilson and others, and we did hear from a range of people who had different views on the bill at hand. So I will just run through some of the key points in the bill and then talk a little bit about some of the concerns that were raised during the committee process and about where the government's got to on that. Then I will talk a little more broadly on the task that I think is facing DVA and this Australian parliament as we seek to support those who have served, those who are serving, those in transition, and those who have served some time ago.

Schedule 1 of the omnibus bill looks to amend the Veterans' Entitlements Act, and it's seeking to modernise and align the Veterans' Review Board's operations with those of the Administrative Appeals Tribunal. That follows the amendments that were made to the Tribunals Amalgamation Act in 2015. They also support an alternative dispute resolution process, and recent amendments to the Military Rehabilitation and Compensation Act 2004, which provide for a single appeal path for reconsidering decisions.

Schedule 2 would amend the provisions of the Veterans' Entitlement Act 1986 concerning the Specialist Medical Review Council to improve the operation of the SMRC and streamline some of the SMRC's administrative arrangements and better reflect the manner in which its functions and processes have evolved over time. The proposed amendments would simplify the nomination appointment process for councillors, enable online lodgement of claims, streamline the notice of investigation requirements and give the SMRC an ability to pay the travel costs of applicants who appear before an oral hearing of the SMRC.

In schedule 3, the proposed amendments would enable international agreements to be made that would cover allied veterans and Defence Force members with the type of service for which benefits and payments, including rehabilitation, can be provided by the Repatriation Commission or the Military Rehabilitation and Compensation Commission under the relevant acts. Currently, the Minister for Veterans' Affairs can only enter into arrangements with the governments of countries that are or have been dominions of the Crown. These amendments would enable the Minister for Veterans' Affairs to enter into arrangements with a broader range of countries, which reflects the broader range of commitments that Australia has and the places where the men and women of the ADF have served.

In schedule 4, the amendments are intended to clarify that vocational rehabilitation assistance under an employer incentive scheme in the form of wage incentive payments are within the scope of the enabling provisions of the relevant legislation. Proposed amendments in schedule 5 would amend the Military Rehabilitation and Compensation Act 2004 and 151A(1) of the Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988 to add the Commonwealth Superannuation Corporation as 'a person to whom the Military Rehabilitation and Compensation Commission may provide information for the purposes allowed under the legislation'. And the proposed amendments would implement a recommendation by the 2011 review of military compensation arrangements intended to improve the information-sharing framework for incapacity and superannuation benefits between the DVA and CSC, and thereby reduce the time taken to process claims by DVA and CSC, which would better support injured former ADF members.

In addition, enabling the CSC to use medical information reports held by the MRCC to determine superannuation claims would also avoid the need to send ADF members for further medical assessment where DVA already holds the relevant medical evidence that could be used by the CSC to determine superannuation benefits. This also means that ADF members would be spared from the sometimes traumatic retelling of their stories. This is particularly significant for ADF members who suffer psychological conditions, including those that have arisen as a result of physical or psychological abuse. Through this Senate Standing Committee on Foreign Affairs, Defence and Trade, as well as the work done by the joint standing committee, which I currently chair, we have heard constant stories by ADF members about some of the inefficiencies in the system that do mean they need to engage with multiple

agencies and retell their story multiple times. For those who have suffered injuries, such as blast injuries that caused a brain injury or those who are suffering from mental health problems, they can be very difficult experiences, so anything we can do to minimise that would be well and truly welcome.

During the committee hearings we heard from a range of witnesses who broadly supported the intent of the bill, although when it came to schedules 1 and 5 there were a number of concerns raised by people. The committee did hear evidence from the principal member of the Veterans' Review Board and from officers of the Commonwealth Superannuation Corporation and DVA in response to the concerns. I personally was satisfied, as was the committee in its report, that the concerns that had been raised by members of the ESOs and other submitters to the committee had been adequately addressed by the principal member of the VRB, which was Mr Humphreys. The committee notes—and we agreed with—Mr Humphreys's evidence that there be no delegation of the proposed dismissal power. We felt that was an important step in providing assurance to people who were concerned about how that ability to dismiss claims that were seen as vexatious or frivolous may be dealt with.

In schedule 5, privacy concerns were raised, but we have been encouraged by the rapid response of the government and DVA to work by commissioning an independent privacy impact assessment from the Australian Government Solicitor. These measures mean that we will be putting in place the kinds of processes to protect the privacy of people to address the concerns on the one hand, while on the other hand providing the framework and the authority to share information that will go some way to reducing the need to retell stories and the delays in processing claims. One of the key things that have been raised over many years across a range of committees is the impact that delays in processing claims have on veterans and their families.

The investment by government into the IT infrastructure is a critical part of this whole exercise and a package with broadly bipartisan support. We are moving to a point where we are reskilling people within DVA to have a more focused approach on the veteran, looking more for that case managed approach, where there are complex needs, to reduce the need to deal with different people on multiple occasions, so there is a point of contact to work with a veteran and their family to carry a case forward. That has been an important step, because we have heard some of the stories about the multiple handling of claims but also, in some cases, about the lack of understanding or empathy on the part of someone in DVA for what a veteran has been through. Even the terminology or words used to describe what has occurred in their service history haven't been understood, and poor decisions have been made in the past. I'm assured, by speaking with Mr Lewis about the type of training that is being provided to staff within DVA, that we are getting on top of that.

The commitment to the investment in the IT infrastructure, though, is critical to continue, not only to give effect to some of the legislative framework being proposed in this omnibus bill but also in practical terms where, for many years, there have been delays because of the handling of paper files that have physically had to move between locations within DVA, even including interstate, which has led to loss of information in the worst cases and delays in many cases. The concept of moving to a digital platform will enable the processing in a far more timely manner, the lack of replication of input from the veteran, and increasingly the ability for a veteran to interface with DVA and the claims process in a digital form so that,

hopefully, you can get to the point where we achieve with DVA what we see in the commercial marketplace, where essentially you can log a claim on your smartphone and within certain parameters have it approved and payments go into accounts almost immediately, as opposed to a long, drawn-out process which often puts people who may already be under financial stress in a situation of waiting long periods of time for reimbursement for costs that they have incurred. It's particularly important with regard to that cost base to note that, while we have provided no-claim, free and immediate medical treatment, all of the associated costs of accessing that treatment also need to be expedited to support the veteran.

The last part of the broader package of what the government is providing is to work with the ESOs. One of the frequent comments that have been made to me by ESOs is that, whilst there has been the best funding in the past to provide training to support the advocates within the ESOs, it's an ageing workforce. The people who are doing it have been doing it on a largely voluntary basis for many years. In many cases, ESOs have struggled to recruit new people to replace those who are perhaps getting to the point where they need to pull back from that activity.

In the whole concept of how we provide that support to our veteran community, particularly when the consequences of the success of a claim are quite critical to the financial future of a veteran and their family, providing a mechanism to select and then train and support advocates is important. Personally—and I've put this forward in inquiries—I believe there is a real case for these people to in some cases move to a salaried position funded by Veterans' Affairs. These people, particularly if they come from a service background, should perhaps get training—legal training or training in areas such as financial planning—so that they can provide detailed, informed advice to veterans who have complex cases. There is some work occurring—it started off with an audit last year of the full range of ESOs—to understand who is out there and who is doing what. I think a framework where we equip those people with a level of training and competence to provide agreed levels of service but where we also have people who are available to provide specialist help for more complex cases is what we need to look at as we move into the future.

Whilst we have around 58,000 people currently serving, the reality is that DVA currently supports around 290,000 Australians. So there are a lot of people who rely on the efficacy of the systems and the training of the people within DVA. Of those 290,000, some 82,000 are widows or widowers and around 2,500 are children of veterans. More than 203,000 of DVA's clients are over 65. They rely on the system functioning well. But the focus of this bill and a lot of the current work is the cohort who are transitioning out of Defence and into the civilian workforce. After 23 years in Defence, I transitioned out of Defence into a different career. I've been blessed. I've never had to reach back to Veterans' Affairs. And, for many people, that transition is seamless and they move on to fulfilling careers without ever having to reach back. But that's not the case for all people. So, for those who need it, the support needs to be there and it needs to be effective. So this omnibus bill is trying to wrap up a number of measures within DVA. It is enabling legislation for the way the review and appeal processes work so that we get quicker claims to the benefit of the veteran. For that reason, I will be supporting the bill.

Senator KITCHING (Victoria) (10:38): I'm pleased to have the opportunity to speak on the Veterans' Affairs Legislation Amendment (Omnibus) Bill 2017. This bill was introduced in the House of Representatives in October by the Minister for Veterans' Affairs, Mr Dan Tehan. The shadow minister for Veterans' Affairs, Ms Amanda Rishworth, in her second reading speech, indicated the opposition's support for the bill. This bill was considered in detail by the Senate Standing Committee on Foreign Affairs, Defence and Trade, which reported its views in June. There has also been a process of consultation with representatives of the veteran community, and the bill has their support. The Senate Foreign Affairs, Defence and Trade Committee has also done substantial work this year in the area of Veterans' Affairs, and I think all members of that committee have worked in a consensus manner in order to improve the quality of veterans' lives.

I do want to echo Senator Farrell's comments about former Senator Lambie. A lot of the reform work in Veterans' Affairs has been pushed forward because of former Senator Lambie's drive and passion in this area and her willingness to share personal experiences. Not everyone would have been as brave as she has been on a number of occasions. Yesterday, when I was listening to the speeches paying tribute to former Senator Lambie, I was struck by the similarities between those speeches and the last part of the poem 'Ulysses' by Alfred Tennyson, which ends:

Tho' much is taken, much abides; and tho'
We are not now that strength which in old days
Moved earth and heaven, that which we are, we are;
One equal temper of heroic hearts,
Made weak by time and fate, but strong in will
To strive, to seek, to find, and not to yield.
And that does remind me of former Senator Lambie.

Ms Rishworth, the opposition spokesperson on veterans' affairs, acknowledged that the government has developed the bill in a bipartisan way. She acknowledged, in particular, that the government had agreed to her request to withdraw one of the proposed amendments which some veterans feared would reduce their right of appeal to the Veterans' Review Board against decisions made by the Department of Veterans' Affairs. That was done in order to ensure bipartisan support for the bill. It doesn't happen often in this parliament and I think it's worthy of note. In turn, Mr Tehan thanked Ms Rishworth for the opposition's cooperation in framing the bill. I note also that the member for Eden-Monaro, Dr Mike Kelly, formerly Colonel Mike Kelly—a very influential voice in this parliament on all matters to do with the Defence Force and veterans' affairs—has commended the minister for his zeal in acting in the interests of veterans. There are not many ministers in the Turnbull government who are currently being praised by the opposition! I fear I might get Mr Tehan into trouble if I add to that chorus of praise, so I will just say that I agree with both Mr Tehan and Ms Rishworth that, as far as possible, veterans' affairs legislation should be dealt with in a nonpartisan way, and that the process by which this bill has been developed is a good example of how that process can and should work more often. It reflects well on both the minister and the shadow minister, and on this parliament.

I want to take this opportunity of congratulating Ms Rishworth on her promotion to the shadow cabinet. She is a very capable and hardworking member, and she has a passionate commitment to the issues for which she is responsible, which are early childhood education and development, veterans' affairs and Defence personnel. I'm sure she will be a success in this role and as a minister after the next election.

Since this bill has bipartisan support, I don't intend discussing its provisions in any depth. It has eight sections, each of which amends various pieces of legislation, including the Veterans' Entitlements Act, the Military Rehabilitation and Compensation Act and the proposed Safety, Rehabilitation and Compensation (Defence-related Claims) Act. Most of the amendments are fairly minor and technical or serve to remove obsolete provisions. Both the minister and the shadow minister have described the proposed amendments in detail, and I don't think it would be a particularly good use of the Senate's time for me to repeat what they have said. Instead, I would like to discuss what I've learnt about our Defence Force personnel and the veterans' community since I became a senator a short year ago last week, and, particularly, since I've had the opportunity recently of travelling to the Middle East operations area as part of the Defence Force's parliamentary program.

There are currently about 350,000 Defence veterans in Australia, most of whom have been deployed overseas at some point in their service. They range from World War II veterans in their 90s to young, recently-discharged veterans of ADF deployments in Iraq, East Timor, the Solomons and Afghanistan. But the majority are over 60, including more than 60,000 Vietnam veterans who are now approaching 70. The number of veterans is not going to decrease in the foreseeable future. There are currently 58,000 full-time or part-time members of the ADF, nearly all of whom have been deployed or will be deployed overseas, who will, in due course, become veterans. About 5,200 personnel leave the ADF every year, and that number will increase. We have had commitments in the Middle East and the Gulf since 1990, and I expect they are going to continue for some time. Other trouble spots will inevitably arise—I think we've seen that recently in Marawi City—and we will be asking our ADF personnel to make further commitments. I can see a time where consideration may need to be given to increasing the size of our Defence Force as the world in general and our region in particular become more uncertain places. That, in turn, will increase the number of Defence veterans in the longer run.

As well as to veterans themselves, we have a commitment to veterans' families past and present. There are still, for example, a substantial number of World War II widows, now mostly over 80, who are receiving pensions and other forms of support. The spouses and children of more recent veterans also receive various forms of support. This makes it all the more important that we maintain our commitments to the wellbeing of our Defence personnel, our Defence veterans and our Defence families as strongly as they maintain their commitment to our security and that of our friends and allies.

This commitment, of course, does not come cheap, and nor should it. The overall Veterans' Affairs budget is over \$11 billion a year. That includes pensions, income support, compensation, health care, rehabilitation, counselling services, transport, employment assistance, home care, housing, commemorations, education and grants funding. More than half of it, over \$6 billion, will be spent on income support and compensation for veterans and their dependants. Around \$5 billion is spent on health care. I might point out that only three

per cent is spent on administering the department itself. Spending on veterans is rising both per capita and in absolute terms. This is because veterans are living longer and because medical technology is becoming more sophisticated and sometimes more expensive. We should also note that these benefits are uncapped. If the number of veterans increases more rapidly than expected because we have new defence commitments overseas, or if the medical needs of veterans become more expensive because of advances in medical technology, then the Veterans' Affairs budget will rise accordingly. That has been a long-term commitment of all Australian governments since World War I, and I think we would all agree in this chamber, in the other place and in the general Australian community that it should be maintained.

Since the Vietnam War and the traumatic effects that service in Vietnam had on many of those who served there, we have become much more aware of the mental health needs of veterans. Senator Fawcett outlined some of those considerations in his contribution. From virtually nothing in the 1960s, we now spend nearly \$250 million a year on mental health services for ADF members, Defence veterans and their families. This includes services provided by doctors, psychologists, psychiatrists and social workers, as well as online information and support services. It includes the Veterans and Veterans Families Counselling Service, which provides free and confidential counselling and support to ADF members, veterans and families at 26 centres around Australia. VVCS serves more than 27,000 people every year.

Australia provides veterans with free mental health services. All veterans have access to full cover for five of the most common mental health conditions: post-traumatic stress, depression, anxiety, alcohol abuse and substance abuse. They don't have to prove that these conditions were caused by their service. As soon as they contact the department, these mental health needs are met without questions being asked. It's an expensive commitment but, I think, a necessary one. Despite all of this good work, there's obviously still a mental health challenge facing both veterans and the Department of Veterans' Affairs. I know that both the minister and the shadow minister are aware of this ongoing challenge, and I hope we will see bipartisan support for more measures to tackle it. Whether in opposition or in government, I will continue to draw attention to some of these issues.

This has been a fairly wide ranging debate. Since the bill itself has bipartisan support and is not controversial, I'd now like to range a little bit further afield. Since 2014, we have been marking a series of centenary events to commemorate Australia's involvement in the First World War. The most recent of these have been the events in Israel to mark the centenary of the Battle of Beersheba. These commemorative events were attended by the Prime Minister, the Leader of the Opposition and other parliamentary colleagues, including Mr Michael Danby and Mr Mark Dreyfus. They were welcomed in Beersheba by the Israeli Prime Minister, Mr Netanyahu. Many descendants of the Australians and New Zealanders who fought at Beersheba were also present.

The Battle of Beersheba on the last day of October in 1917 was one of the turning points of the First World War and, as it turned out, of 20th century history. The charge of the ANZAC Mounted Division at Beersheba was the decisive moment in the Allied victory over the Ottoman army in Palestine and Syria and is also regarded as the last great cavalry charge in military history. The division was made up of three brigades of Australian Light Horse and

one brigade of New Zealand Mounted Rifles, supported by British Horse Artillery. It was commanded by General Sir Harry Chauvel, known as 'Light Horse Harry', one of the most highly regarded commanders in Australian military history.

It's not a coincidence that the Anzac victory at Beersheba was followed in a few days by the Balfour Declaration, in which the British government declared its support for 'the establishment in Palestine of a national home for the Jewish people'. The Battle of Beersheba made it obvious that the whole of Ottoman Syria, of which Palestine was then a part, would soon fall into Allied hands, and a decision had to be made about the conflicting claims to the territory.

The territory through which the Anzacs advanced after Beersheba, including Hebron, Bethlehem, Jericho and finally Jerusalem, was the heart of the historic homeland of the Jewish people, the ancient kingdom of Judea. Many of the ANZAC soldiers had been raised on the Scriptures and knew these places well. They knew that they were the first Christian army to enter the Holy Land since the Crusades, more than 800 years before. They felt they were making history, and they were right. By driving the Ottomans out of Palestine, the Anzacs made a great, if for the most part unintentional, contribution to the establishment of what eventually became the State of Israel. That's why Beersheba, in 1917 a dusty desert town with barely 1,000 inhabitants, is today an Israeli city of 200,000 people.

The battle at Beersheba established an enduring link between Australia and New Zealand on the one hand and the Jewish community of Palestine and later the state of Israel on the other. When the Ottoman Empire declared war on Britain, France and Russia in 1914, most of the Jewish population found themselves enemy aliens in the eyes of the Ottoman state. Some fled to British-controlled Egypt, but many more were deported to remote parts of the Ottoman Empire, deprived of their property, conscripted into the Ottoman army and subjected to various forms of oppression. So they naturally welcomed the ANZAC forces as their liberators, and many of them provided supplies and other services to the Allied armies. A network of Jewish agents also provided the Allies with valuable intelligence about the movements of the Ottoman armies. The best known of these were four siblings, Sarah, Rivka, Aaron and Alexander Aaronsohn, who ran the spy ring known as NILI, the largest Allied espionage network in the Middle East, with a network of about 40 spies.

The links between Australia and the Jews of Palestine who later became Israelis have remained strong. During World War II, Australian forces found themselves again in Palestine, by then under British control. In 1941, they used it as their base for the invasion of Syria and Lebanon, which were controlled by Vichy French forces allied with Nazi Germany. Many local Jews worked for the Australian forces in various capacities. One of those was the young Moshe Dayan, who acquired his famous eye patch as a result of an injury he sustained while serving as a guide for the Australian forces as they advanced northward into Lebanon.

So long as the ANZAC veterans of Beersheba remained alive, they made regular visits to Israel for various anniversary commemorations. Now of course they are all gone, but their descendants continue to honour the event. The centenary of the battle has served to refresh the links between Australia, New Zealand and Israel. At the ceremony on 31 October last, Mr Netanyahu paid a warm tribute to the role of the Anzacs in liberating the Jews of Palestine from Ottoman rule and paving the way for the establishment of the state of Israel.

Today the visitor to Beersheba sees many memorials to the battle and the role of the Anzacs in that campaign. There is a Commonwealth military cemetery where more than a thousand graves of Australian, New Zealand and British servicemen offer silent testimony to the sacrifices made by the Allied forces a century ago. There is of course also a Turkish memorial to the Ottoman soldiers who bravely defended their positions even as the Ottoman Empire was itself collapsing. There is also a striking statue of an Australian Light Horse trooper riding a horse, which is shown leaping over an obstacle. Not many visitors realise that the face of the trooper is that of the late Major General 'Digger' James, a Korea and Vietnam veteran who was later National President of the RSL and who took a close interest in the development of the ANZAC memorial site at Beersheba. The statue is part of a large Australian Soldier Park which was initiated and partly paid for by the Pratt Foundation and other Australian benefactors. It was opened in 2008 by the then Governor-General, retired Major General Michael Jeffery, and the then President of Israel, the late Shimon Peres. The park includes a number of memorials and recreational facilities for local children.

I might mention here that the Australian Soldier Park is one of the many excellent projects of the Pratt Foundation, which has donated more than \$30 million to around 350 Israeli projects focusing on children with disabilities, yeshiva students, Jewish and Arab school students, the Batsheva Dance Company, the Jewish National Fund, Ben-Gurion University and adults with special needs. This is, of course, a foundation established by the late Richard Pratt, who was a great benefactor and philanthropist both here in Australia and in Israel.

The commemorative events at Beersheba are part of the four-year-long process of marking the centenary of World War I, which was initiated by the previous Labor government and has been continued by this current government. The highlight of this process was of course the centenary of the Gallipoli landings in April 2015. Thanks to this process, I think that most Australians now know that our involvement in World War I was much more extensive than the Gallipoli campaign. The process will conclude with the centenary of the armistice on 11 November next year.

Relative to our population, World War I was Australia's most costly war. A total of 420,000 Australians served in it, out of a population of barely four million, and 60,000 Australians lost their lives. Another 130,000 were wounded. On a per capita basis, this was one of the highest casualty rates among the Allied armies, which is a testimony to the courage of the Australian soldier. It also testifies to the fact that the Australians were frequently used as frontline assault forces as at Beersheba and also later in the great battles of 1918 on the western front when Australian forces, led by Sir John Monash, played a key role in breaking the German lines and bringing the war to an end. Sir John Monash was, in the view of most historians, the greatest military commander Australia has ever produced. He was also Jewish, and has a town, Kfar Monash, named after him in Israel. I'm not aware of any other town outside of Australia which is named after an Australian.

Although all the veterans of World War I are now gone, certainly they are not forgotten. They have left behind a military tradition which subsequent generations of Australian service men and women have upheld and further developed. But just as importantly—here I will come back to the subjects of the bill we are debating—it was they, the veterans of World War I, who established the long tradition of vigorous advocacy on behalf of veterans which has continued to today. The RSL was founded in 1916 to represent the servicemen, many of them

wounded and sick, who were coming back to Australia from the Gallipoli campaign. In September 1917, the Repatriation Department was established, and in 1976 it became the Department of Veterans' Affairs, which was established to oversee the return and demobilisation of the Australian Imperial Force to Australia and for the provision of services to its veterans, particularly those who were disabled— (*Time expired*)

Senator REYNOLDS (Western Australia) (10:58): There is no greater constitutional responsibility for any federal government or any federal MP, including those of us in this chamber today, than the defence and the security of our nation, and also the support for all of those who have served in uniform on behalf of all of us. In Australia, we therefore owe our sincere and immense gratitude and respect for the service made by all members of the ADF in all conflicts.

Today I rise to commend the government and the minister on the Veterans' Affairs Legislation Amendment (Omnibus) Bill 2017, which recognises the importance of the service of our current serving ADF members and also veterans. I would acknowledge that this does have bipartisan support, and for that I thank those of the opposition. I would also like to thank Senator Kitching for her comments on the Battle of Beersheba. I had the pleasure and the honour of attending that ceremony and also strategic dialogues after it, and I will address those particular incidents, episodes and celebrations later on in this place.

While some might say that these amendments are relatively modest and minor, it certainly does not mean that their benefit and outcome are modest or minor. They are part of a much longer term journey to reform the way in which we support our veterans. This omnibus bill provides amendments that are absolutely necessary to assist our veterans and afford them the dignity, respect, recognition and support they so rightly deserve. As Australians, we must all recognise not only the service of our veterans but also the challenges they and their families and friends endure and suffer as a consequence of their service. Every veteran who has served our nation has their own personal story. Some are told and remembered through families; others are captured in history and in documentation. But what is not always remembered is that their stories and experience are also the shared experience of their families, who have, in effect, served alongside them.

Australians are rightly proud of the service of ADF members. I, like other members of this chamber and of the other place, have served in the Australian Defence Force, and I remain just as proud of that service and the service of all others in uniform as I was the day that I enlisted. However, what I would like to do now is share with you the story of one particular person, a family member, and record his story in this place. Unlike many others, who don't have access to the stories of family members who served in the past, I do have that access. I would like to share with you the story of my grandfather Alfred George Reynolds. My grandfather was a brave and courageous man who, like many others of his generation in World War I, selflessly volunteered and signed up to serve his country so that today we could have the freedoms and opportunities that we do, those of living in a society of free speech and other democratic freedoms.

On 1 November 1914, Alfred George Reynolds was one of the young soldiers who departed Albany in the first convoy. He was a 3rd Australian Field Ambulance medic who, against all the odds, served not only throughout Gallipoli but all throughout the Western Front, at Fromelles, the Somme, Pozieres, Ypres and Amiens. One can't imagine the horror

that he and his mates went through, year after year. Unlike so many of his friends over those four years, he returned alive. While he may have returned home in reasonably good health, mentally he had changed. He was terribly scarred. My grandfather, throughout his life, rarely talked about his experiences, and he neither valued nor kept reminders of the war. My dad, as a young boy, was often totally bewildered by my grandfather's behaviour. He could not understand his rages, his moods and his depression, because he could not possibly understand what my grandfather had been through on the Western Front and at Gallipoli. Like many others, after the war my grandfather didn't talk about it; he just got on with life as best he could. He raised his six children and continued to do many things in his life, including, I must say, becoming a Labor MP in the WA state parliament. In Western Australia he went on, as I said, to do many things. He had been a wool classer, and he was a wheat and sheep farmer in Mukinbudin, in the Western Australian sheep belt. He was an accountant in Albany and even, as I said, a Labor politician. Nonetheless, throughout his life my grandfather maintained a selfless sense of sacrifice and service to his country.

His story is like so many of those shared now in the Anzac Centre in Albany. But the story that is untold, the story of each of these veterans, is that of the impact their service in our name has had on the rest of their lives and the lives of their families. None of us can truly understand or appreciate what our returned servicemen and servicewomen experience on operations and in war. That is a right that is reserved solely for those who have served in war and in operations. Like my grandfather and like those veterans subsequently, many do return changed. They find it difficult to reintegrate back into society and into their families. And, tragically, between 2001 and 2005 there were 325 suicides amongst people who had served in the ADF since 2001. Alarming, this represents a figure of 23 veteran suicides a year, which is incredibly sad and impacts on all in this chamber.

We as a government, working with those on all sides of this chamber, must do what we can do and always support our service men and women and their families, regardless of whether they are veterans or currently serving, to ensure that we provide them at all stages of their career with the appropriate levels of individualised support. Currently the Department of Veterans' Affairs supports about 291,000 Australians. Just over half of this figure are veterans or current serving members of the ADF. The department provides more than \$11 billion annually. Around \$6.2 billion is spent on income support and compensation, and around \$5 billion is provided to veterans for health care and other rehabilitation services.

I know this government understands and recognises the immense gratitude we all have for our current serving ADF members and for our veterans. It has provided an additional \$350 million for veterans in this year's budget. There is an additional \$58.6 million in funding for much-needed and very welcome mental health initiatives. In addition to this, this government has provided \$38 million in the 2016-17 budget to cover PTSD, anxiety, depression, alcohol and substance abuse and other mental illnesses which have resulted from service. This bill, and the additional funding, will mean that anyone who has served full time in the ADF can access free treatment for any mental health condition. That is such an important development, and it is wonderful to see that it has bipartisan support. This is a huge leap forward in the provision of mental health support and the ongoing destigmatisation of this issue. Not only can anybody who's served full time in the ADF access this free treatment, but it is fully funded and also uncapped.

As I have said, we can't comprehend the circumstances that our men and women face on operations, and never can we truly financially compensate them for what they and their families have given and sacrificed for our nation. But what we can do is to strive to continue to provide better and more targeted services and support. So, in addition, \$166.6 million has also been dedicated to implement the first stage of the Veteran Centric Reform program, which will ensure, one would hope, that the department's transformational journey continues to provide the absolute best possible and tailored services to support our veterans.

We are all indebted to our current ADF members and returned service men and women for their sacrifice and their dedication. This is why the bill, while perhaps modest in size, is certainly not modest in impact. I'd like to go through some of the reforms that are introduced in this legislation. First of all, schedule 1 amends the Veterans' Entitlements Act to modernise and improve the operation by aligning provisions with similar provisions in the AAT Act. It sounds a bit bureaucratic, but, for those navigating the system themselves, it's a very important change. Schedule 2 modernises and streamlines the Veterans' Entitlements Act to improve the specialist Medical Review Council by simplifying the appointment processes for councillors and also progressing whole-of-government requirements for digital transformation. It removes red tape in commencing reviews and provides for reimbursement of certain travel expenses. I'm sure everybody in this chamber engages regularly with veterans, so we know that the simplification of a bewilderingly and unnecessarily complex process is another very welcome step forward.

Schedule 3 of the bill ensures that arrangements with foreign governments can be made to ensure that benefits and payments can be made to our veterans—another relatively minor but very important change for veterans. Schedule 4 strengthens the foundation for providing rehabilitation assistance and support to current ADF members and veterans. Schedule 5 allows for the facilitation of information sharing to assist with the efficiency of compensation claims—a procedural amendment but, for those of you who know veterans who struggle with this system and this process, another welcome streamlining of the process. Schedule 5 also ensures that those veterans who are entitled for discounted pharmaceuticals are afforded with access to these services, giving them greater access to pharmaceuticals than they currently have—an overwhelmingly good thing.

Schedule 6 inserts minor procedural amendments to allow for the delegation of ministerial powers and functions—an administrative process but, again, one designed to speed up the process and make it easier for veterans. Schedules 7 and 8 will implement minor technical amendments and remove from the respective acts several parts that are no longer relevant. These schedules will provide extra clarity and a little more certainty for veterans. Again, while technical in nature, this is all about making the acts easier to read, getting rid of things that should no longer be in them and making it easier for veterans, their families and their advocates to access the services and support they are entitled to receive.

The Senate Foreign Affairs, Defence and Trade Committee was until recently chaired by my great friend and colleague from Western Australia the now retired Senator Chris Back. He had a great passion for, and interest in, veterans' support and veterans' entitlements. He was a great advocate for veterans and acknowledged their service. In particular, he was an advocate for getting rid of really dumb red tape that made their lives even more challenging. So the then Senator Back inquired into this omnibus bill and the committee recommended that the

Senate pass this bill. I'd like to share with you some of the things that Senator Back, as chair, and the committee observed in relation to this bill. Unsurprisingly, the committee found that witnesses were supportive of the bill's intent to improve services and supported this extra support to veterans. This is how the report concluded:

While the committee acknowledges submitters' concerns regarding Schedules 1 and 5 of the bill, it has been reassured by evidence received from the Principal Member of the Veterans' Review Board, and from officers of the Commonwealth Superannuation Corporation and the Department of Veterans' Affairs in response to those concerns.

The committee indicated in its report that many of the concerns raised by witnesses had been sufficiently and adequately addressed and explained that any misunderstanding of the applications of sections introduced in this bill were nullified. Further to this, those opposite, in their additional comments, have also stated that the majority of concerns in relation to this bill had been addressed.

This is a bill that needs to be passed in the Senate. It reflects, and is indicative and respectful of, our men and women whose selfless sacrifice, determination and service allows us to have the freedoms that we enjoy here today. As I've said, none of us can truly understand what our returned service men and women have experienced in war. And I know from my own personal family experience that we can never truly understand the impact it has on their immediate and extended family and friends. Therefore, it is incumbent on all of us in this place, as all of us acknowledge here, to keep meeting the ongoing challenge to update the legislation to make sure that our veterans—of all ages, of all generations and of all conflicts—are provided with all possible support we can provide them. I commend the government and the minister on this omnibus bill and support its passage. I also thank those opposite for their engagement and support on this important bill.

Senator O'NEILL (New South Wales) (11:15): I too rise this morning to put some remarks on the record with regard to this important piece of legislation, the Veterans' Affairs Legislation Amendment (Omnibus) Bill 2017. As always when it comes to legislation and matters that involve our veterans, I'm very mindful to acknowledge the wisdom that has been shared with me by many veterans over the course of my years involved in parliamentary life in particular. That's one of the things that people don't see and which is often not reported about the work that we do: the incredible trust that people place in us in giving us their stories, the acts of hope that they engage in when they speak about the challenges that they face, and the power of individual stories to help us understand the real, practical and structural challenges that face many Australians.

When I think about veterans, I think about many of the people that I've encountered, but I think about one in particular, who was a student of mine. I've known this boy since he was in my year 7 English class. I've been at parent-teacher nights with his mother, who is a worker in the local health profession near where I live. I've seen him grow throughout his life. I saw him on his 16th and 17th birthday years, as he joined the Reserves, and the pride he had in that. I was very privileged and felt very honoured when he came back after he signed up to show me himself in uniform. Over the course of the years, I've engaged with this young man about his life in service, seen him rise to the challenges of opportunities that he has been given, and seen remarkable achievement. He was very proud to be an Australian soldier. He was very proud of the work that he was doing.

But, like many of those who have served our nation across the generations, he is now a veteran. He's not a token veteran, which I think too many Australians have captured in our memory—that on the 11th of the 11th and 25 April we attend, look at people, see the uniforms and do what's right in honouring those veterans on those days. We're good at acknowledging that. But veterans are young men and young women with families. Veterans are people who live all the days between 25 April and 11 November, and all the days between 11 November and 25 April when it comes around again. They have to manage their lives and families, and their families have to manage and interact with them.

Not every person who serves in our armed forces leaves with a deficit, and I really want to put that on the record today. Being a part of the armed forces is a life-enabling and enhancing experience for very many Australians, but, sadly, some people leave our forces in not-very-good shape, and right now we are facing significant challenges of inadequate response, not just for the broad community but particularly for our veterans' community, as to their access to the health services that they need and the counselling that they're excluded from because the rate the government currently pays for veterans to access mental health services is so inadequate that ordinary civilians are getting treatment from local psychologists over the top of our veterans. That's a reality they're confronting. Another reality they're confronting is an inability to get their cases managed properly through the Department of Veterans' Affairs, in transition—as they move out of the military and into the care of the Department of Veterans' Affairs. This problem is made very clear to us as representatives, over and over. That's why, even though this bill will not resolve all of the issues confronting our veterans, it is a significant step in addressing some of the things that are wrong and that need to be attended to.

This bill is supported by Labor—and I acknowledge the remarks of Senator Reynolds with regard to that matter—because we believe the changes that are here before us for consideration today will clarify and improve or streamline the operation of the law and the processes within the Department of Veterans' Affairs. It's a really important thing that, if you're not in very good physical shape or mental shape and you're a veteran, you shouldn't have to fight a system. The system should be serving you, as a person. This is the problem, writ large, that I keep confronting over and over in the conversations that I have with veterans. One veteran put it to me very articulately when he said, 'If I operated as a serving member of the forces with the standard of lack of care that I receive when I seek assistance from the department and its agencies, I wouldn't have been serving in the forces for very long.' We're talking about young men and women who've met incredibly high standards of professional life within the forces. They've served. They've excelled. I think it's fair for them to expect that the treatment, as they leave the forces, be commensurate with the quality of service and standard that they employed in their own service life. It's that mismatch that offends them so much.

This bill addresses some of those concerns in a practical way, but directing people to do particular things doesn't always achieve the cultural shift that I think is required to meet the expectations of our veterans currently. The remarks that I make in support of this legislation are somewhat coloured by an uncertainty that the department and those who are employed within the department, who are doing the day-to-day interactions with our veterans, may not reach the standard that this legislation is seeking to achieve. I think we need to be mindful of

that. I want to put that on the record today, because there needs to be a shift in standard and a shift in culture, of which this is just one small part.

During the debate of this bill in the lower house we saw the government adopt Labor amendments to schedule 1, to remove the ability of veterans' applications to the Veterans' Review Board to be dismissed on terms considered to be frivolous, to be vexatious or to have no reasonable prospect of success. I'm pleased to say that the government did backflip on that, and that was a good decision. We have to protect the unique nature of the Veterans' Review Board. It is, and it has to remain, a place where veterans can appeal decisions that have been made by the Department of Veterans' Affairs. From my conversations with veterans, I know that this is a very significant safeguard for our veterans. It has to continue to provide a place for them to seek protection when an arbitrary decision has been made. It needs to be open to critique, and that's what this will do.

Again, Labor welcomes the government's adoption of our amendment to schedule 1 to ensure that every veteran continues to have the opportunity to be heard in those circumstances. Schedule 1 is an important part of this legislation. I might make a few more remarks with regard to that. The board currently has some legacy matters to deal with that make it difficult for it to do its job, so schedule 1 is going to modernise and improve the operations of the board. It will ensure that, while it's carrying out its functions, it will be able to pursue these particular objectives of providing a mechanism that is accessible to veterans and that is fair, just, economical, informal and quick; providing a review place that's proportionate to the importance and complexity of the matter; and promoting public trust and confidence in the decision-making of the board.

These are all very important issues, and I do want to speak briefly to the issues of 'fair, just, economic, informal and quick'. One of the concerns that has been raised with me very frequently is the challenge for veterans who live at a distance from the city—the cost of trying to get to these meetings that they're called to, including meetings where they're called on to go and see a specialist. They can be waiting for a very long period of time, as part of a process of claim, to be called in to have their case reviewed in some way. I experienced the anxiety just by sitting in a room with these men, who were telling me about waiting for months and months and months for something to happen, and then how finally they'd get a call to say that, within 24 hours, they'd have to show up, and, if they missed their appointment, their whole access to the basic living dollars that come to their account was going to be constantly compromised. That is one of the reflections that I want to make on the culture—that the differentiation of power between those who are making decisions and those who are obliged to comply with directions seems incredibly unjust and disrespectful to our veterans community. So I hope that, with schedule 1, in claiming that the board is going to make this fair, just and economical, we talk about not just the economics of the board's capacity to do its job but the economic impact of making it possible for our veterans, with a reasonable notification period and with reasonable resources, to actually get to the hearings that they need to attend.

I'd like to touch on another schedule, schedule 5. This is a very important one to our veterans because it amends the Military Rehabilitation and Compensation Act 2004 and the Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988 to facilitate information sharing between the Military Rehabilitation and Compensation Commission, the

MRCC, and the other body that is critical to ensuring that our veterans get their fair and adequate payment for living, the Commonwealth Superannuation Corporation. That's a very important communication gap that has existed, but is vital with respect to certain service-related compensation claims.

As it stands—prior to this legislation being introduced and hopefully passing through this place today—due to the information-sharing provisions, if somebody is medically discharged from the forces and they undergo a medical, when they go to the Commonwealth Superannuation Corporation to organise payments they have to undergo a second medical. When they go to the Department of Veterans' Affairs for assistance, they then undergo a third medical. This goes to the point that I was making about the system driving unhelpful, costly and personally impacting behaviours onto the veterans. The system is demanding that the people serve it, instead of the system serving the people, particularly our veterans—who, I remind you, we must honour daily, not just on those occasions of remembrance on 25 April and 11 November.

The amendments within this bill seek to enable information sharing between the Commonwealth Superannuation Corporation and the Department of Veterans' Affairs. That is going to be important in reducing some of the reworking, and the trauma of having to go through multiple recounts of one's story, and multiple and unnecessarily expensive referrals through a range of doctors. The amendments are designed to enable the CSC to get the relevant claims information that's held by the Department of Veterans' Affairs, where that access is going to assist the CSC in the performance of its functions and powers. Access to the department's claims information, particularly relevant medical and rehab information, would not just assist the veterans but also assist the CSC to make speedier superannuation benefits assessments. That, in turn, would assist the department to determine a person's entitlement to incapacity payments.

And there we have what's at the heart of this. It's one thing for us to talk about honouring our veterans; it's another thing to make sure that they have the wherewithal to live. Those who have mental health challenges or physical disabilities as a result of their service are entitled to live with a degree of comfort and a degree of mental ease that their payments are safe and secure and that they're just and reasonable. That is not the case for too many veterans. It simply is not the case. I sincerely hope that the changes that are foreshadowed here in this piece of legislation translate into that action—change that will enhance the lives of our veterans.

One of the challenges is not just the sharing of information but the length of time that it takes for these processes to be undertaken. I'm sure that I'm not the only parliamentarian in here today who will speak on behalf of the veterans, who are just sick of it. Some of the stories that I've heard about files involve part of a file kept in one state and another part of the file kept in another. In this day and age we haven't got the real NBN, but we've got enough capacity for information to shift around. People can scan documents and email. The challenges that have been faced over the years by veterans whose files have gone missing or who have had to wait for months as things have disappeared, as people have left things on their desk and gone on leave and no-one's taken over their case load, are real, practical challenges that need a response. And again I say that this legislation is a pointer to the change that needs to be undertaken. But this legislation needs to be taken seriously, not just as a

minor change to practice but as an indicator of a significant change to practical realities that improve the lives of our veterans.

I also want to discuss this specific schedule from a mental health perspective, in my role here as the shadow assistant minister to the member for Franklin, Julie Collins. We are giving voice to Labor's concerns about adequate funding for mental health services in the broader community. We have a particular duty to respond to mental health challenges in the veterans community. The Department of Veterans' Affairs, during the Senate inquiry into this bill, emphasised that the changes that are expected as a result of the implementation of this bill should improve access to care and support. They noted that these should be of particular benefit to those with mental health conditions.

It was argued that the changes would ultimately be of most benefit to recipients by enabling quicker determinations. We know a couple of things about why speed is very important in terms of people getting a response to their illness, because we know that the longer we leave people in a situation where they feel particularly unwell the longer that victimhood status can continue and identity becomes fixed around unwellness rather than helping people quickly get the care and support that they need. Whether that's for somatic, physical health or mental health, people need to be able to access those services in a timely way, in a time close to when their injury occurs, so that they can have the best possible chance of getting well and returning to full participation in their family, in their community, in their workplace and in the broader community—perhaps even here into this place.

We know that the 2010 ADF Mental Health Prevalence and Wellbeing Study was the first major mental health audit that had happened in the ADF. We had nearly half the ADF members participate in the study, so it was a pretty good sample size, and it found that, of those who responded, half of the ADF population had experienced a mental health disorder in their lifetime. That sounds alarming, but I really want to put it into context. For the general population, that's pretty normal. We actually experience mental illness in the general population at a roughly similar rate. At any one time, one in five Australians might be experiencing mental ill health. The study noted that this is due to a range of stress factors caused by the nature of their work. The study found that the most common mental disorders in the ADF were anxiety disorders, with the most prevalent anxiety disorder being post-traumatic stress disorder.

Sadly, I'm going to run out of time to speak about the challenges of suicide ideation and access to services, but I hope that I've made it clear in my remarks that Labor does support this legislation. But the legislation is only an indicator of significant change that needs to be undertaken, and veterans certainly will be very much the focus of my mental health efforts in the coming period.

Senator BROCKMAN (Western Australia) (11:34): I rise to speak on the Veterans' Affairs Legislation Amendment (Omnibus) Bill 2017, and it is a privilege to do so. I would like to acknowledge the contribution of my colleague across the chamber and my colleague from Western Australia Senator Reynolds who has obviously had a lot more time in this place and have a lot more detailed knowledge of some of these issues than perhaps I do at this relatively early stage of my career. It is incumbent upon the government and the nation, when dealing with the very important issue of defence, to take a broad view of that issue, and part of the way we defend our community and defend our nation is by making sure we treat our

veterans with respect and give them the processes and supports they need post their time in the service of our nation.

I would like to begin today by relating a story. It's a great honour, when you serve in this place, that you get the opportunity to represent veterans and their families and to represent the government at events where veterans and their families are honoured. I had just such an opportunity relatively early on in my career. My wife received an email from a former colleague of hers, and the email contained a very long, somewhat convoluted chain of events that led me to helping a poppy get placed on the wall of remembrance at the War Memorial.

A lady from Western Australia, Betty Havercroft, wrote a letter to *The Canberra Times* on 10 October, looking for someone in Canberra who could place a poppy on the Roll of Honour in memory of her relative, James Herman Breuer, who was killed in action at Passchendaele on 12 October 1917. Betty Havercroft wanted the poppy to be placed on the Roll of Honour on the 100th anniversary of James Breuer's death at Passchendaele. This letter appeared in *The Canberra Times* and it was seen, as I said, by a friend of my wife's. She had been researching her own family history and, as a bit of a coincidence, she found out that her grandfather had actually served with James Breuer and they'd trained together at a camp in Western Australia called Blackboy Hill. In fact, they'd lived not too far from each other at that time as well.

The next coincidence in the chain was that they had both served under a cousin of mine in the First World War, Major Edmund Drake-Brockman. Major Edmund Drake-Brockman was part of the training camp on Blackboy Hill and they were all part of the 11th Battalion that embarked for Egypt and landed at Gallipoli on 25 April 1915. A subsequent series of events took them to the Western Front in July 1917, and then we see the vagaries of war. My wife's friend's grandfather made it back to Australia after he served, lived a long and healthy life and died at the age of 86, whereas a very young James Breuer died on the fields of Passchendaele on 12 October 1917.

So it came full circle, with Mrs Betty Havercroft looking for someone to place a poppy on the Roll of Honour. I was in Western Australia at the time, but I was lucky enough to be in a position where I could reach out to people I knew in Canberra to do that for her. It shows the depth of support for veterans and veterans' families that when a good friend of mine, Philippa Campbell, went to the Roll of Honour to place the poppy on the wall, she found that a number of others had already been there to do it. In fact, something like 12 people from Canberra or from around Australia had actually seen Betty Havercroft's letter in *The Canberra Times* and had gone to the Roll of Honour and placed poppies in the wall in memory of James Breuer on the 100th anniversary of his death.

As members of this place, we get the extraordinary opportunity to meet with our defence forces, to meet with veterans and to represent the government at various events where veterans and their families are honoured. In the short time I've been in this place, I've had a chance to attend the BAE shipyards at Henderson with the Prime Minister, where we had a chance to inspect the ships up on the hardstand and talk about the investment in the Nulka anti-ship missile defence program and to talk with serving personnel—civilian as well as military—as the upgrades to those ships were taking place. Last week I had the honour of visiting HMAS *Stirling* with the defence minister, Minister Payne, to turn a sod on a \$367 million investment in the redevelopment of *Stirling* naval base. Local contracts have already

been awarded there and we've seen \$37 million going into local businesses. I got the chance to speak with serving military personnel and civilians working on those projects. We do have an extraordinary opportunity to look to the future defence of our nation, and part of that, as I said, is ensuring that we treat our veterans with respect, giving them the systems and processes and support they need to be part of our society post their time of service.

The omnibus bill, which I'm very glad to see has cross-party support, modernises and aligns the Veterans' Review Board's operations with those of the Administrative Appeals Tribunal, following the amendments made by the Tribunals Amalgamation Act 2015. I will second the comments made by Senator O'Neill that the processes we put in place for our veterans have to be quick, informal and accessible. They have to give people the opportunity to have their case heard in a way that allows them the maximum opportunity to have their voice heard whilst at the same time ensuring that a proper process is followed. The amendments also support the alternative dispute resolution process. Again, this is about giving people a chance to have their perspective heard in a perhaps less formal way than would otherwise be the case. It also supports the recent amendments to the Military Rehabilitation and Compensation Act 2004, which provide for a single appeal path for reconsidering decisions.

Schedule 2 amends the provisions of the Veterans' Entitlements Act 1986 concerning the Specialist Medical Review Council, improving the operations of the council, streamlining its administrative arrangements and better reflecting the manner in which its functions and processes have evolved over time. Again, this is about making sure the administrative arrangements for those support services we place around our veterans are the best, simplest and most comprehensive they can be. The proposed amendments would simplify the nomination of appointment process for counsellors, enable online lodgement of claims, streamline the notice of investigation requirements and give the SMRC the ability to pay the travel costs of applicants who appear before an oral hearing of the council. Again, we need to keep modernising our systems as technologies improve and as we are able to move what has traditionally been a very paper based system into the modern era, and as we get the ability to move those documents around much more quickly. We also need to give the Specialist Medical Review Council the ability to allow applicants who feel that they need to appear in person before the council the ability to do so.

The proposed amendments to schedule 3 of the omnibus bill would enable international agreements to be made that would cover allied veterans and defence force members with service of the type for which benefits and payments, including rehabilitation, can be provided by the Repatriation Commission or the Military Rehabilitation and Compensation Commission under the relevant acts. Currently the Minister for Veterans' Affairs can only enter into arrangements with the governments of countries that are or have been dominions of the Crown. These amendments would enable the Minister for Veterans' Affairs to enter into arrangements with a broader range of countries. Obviously the arrangements that have been in place reflect our history and reflect the history of our service in past wars, but times have changed and the nature of the Australian population has changed. This is a very sensible amendment, which enables the minister to look to arrangements that will better serve everyone who falls under these categories within Australia.

The proposed amendments in schedule 4 are intended to clarify that vocational rehabilitation assistance under an employer incentive scheme in the form of wage incentive payments is within the scope of the enabling provisions of the relevant legislation. Schedule 5 amends the Military Rehabilitation and Compensation Act 2004 and the Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988 to add the Commonwealth Superannuation Corporation as a person to whom the Military Rehabilitation and Compensation Commission may provide information for purposes allowed under the Commonwealth Superannuation Corporation's legislation. Again, this is a minor technical amendment that smooths the flow of information between relevant parties dealing with veterans' affairs. The proposed amendments implement a recommendation by the 2011 Review of Military Compensation Arrangements, intended to improve the information-sharing framework for incapacity and superannuation benefits between DVA and CSC and, therefore, reduce the time taken to process claims by DVA and CSC, better supporting injured former ADF members. Anything we can do to speed up processing times for people in these circumstances is obviously something we should all support.

In addition, enabling the CSC to use medical information and reports held by the MRCC to determine superannuation claims would also avoid the need to send ADF members for further medical assessment where DVA already holds relevant medical evidence that could be used by the Commonwealth Superannuation Corporation to determine superannuation benefits. Once again, why would we want to send our veterans to require additional assessments by new medical personnel when those assessments have already been carried out to the satisfaction of the Department of Veterans' Affairs? We don't want to retraumatise our veterans. We don't want them to have to retell their stories, particularly when we are dealing with people, as we've heard from my colleagues, with significant issues like post-traumatic stress disorder or other similar psychological conditions, including people who have potentially been victims of physical or psychological abuse.

There is also the ability to dismiss frivolous and vexatious claims. My understanding is that this was requested by the shadow veterans' affairs minister, and it's something that the government has looked at and agreed to. These amendments clarify that the decision to dismiss claims for reasons of being frivolous or vexatious is a non-delegable decision and lies with the principal member of the Veterans Review Board. The principal member will have the ability to dismiss an application for review where he or she is satisfied that the application is frivolous, vexatious, misconceived or lacking substance, or is otherwise an abuse of process.

In commending the bill to the Senate, I would raise again that one of the most important duties we have in this place is looking to the defence of our nation and that looking to the defence of our nation means that we must look to the adequate support of our veterans. Whilst these amendments are largely technical in nature, they do make important changes to ensure that the processes that our veterans face are the smoothest, simplest and easiest to access that they can be. I'm sure there is more work to do in this space, and I'm sure there are additional issues that will need to be considered over time, but this is a good bill and it does and will help our veterans. I commend the bill.

Senator KAKOSCHKE-MOORE (South Australia) (11:50): I rise to speak on the Veterans' Affairs Legislation Amendment (Omnibus) Bill 2017. The bill contains eight schedules which deal with different elements of veterans legislation that would implement

amendments to clarify, improve and streamline the operation of the law. Schedule 1 of the bill seeks to amend the provisions under which the Veterans' Review Board, or VRB, operates, in an effort to modernise the VRB in line with the Administrative Appeals Tribunal following amendments made to the tribunal with the passage of the Tribunals Amalgamation Act 2015. An example of this alignment is new section 133A, which deals with the board's objectives. The proposed amendments provide that:

In carrying out its functions, the Board must pursue the objective of providing a mechanism of review that:

- (a) is accessible; and
- (b) is fair, just, economical, informal and quick; and
- (c) is proportionate to the importance and complexity of the matter; and
- (d) promotes public trust and confidence in the decision-making of the Board.

Schedule 1 also provides the board with the power to vary or revoke a decision made under the alternative dispute resolution process with the consent of the parties and where the board is satisfied that it is within its powers and otherwise appropriate to do so. It also requires the Repatriation Commission and any person representing the commission in a review to use their best endeavours to assist the board in fulfilling its legislative objective in line with the expanded objective which deals with proportionality and public trust.

Schedule 1 had originally contained provisions which would have given the principal member of the VRB the power to dismiss an application for a review of a decision if they were satisfied that the application is frivolous, vexatious, misconceived or lacking in substance, has no reasonable prospect of success, or is otherwise an abuse of process. This was of great concern to me, the veterans community and many submitters to the Senate inquiry into the bill. Mr Brian Briggs of Slater and Gordon Lawyers opined that to introduce these dismissal powers to the VRB 'would increase the risk that genuine claims could be erroneously dismissed', given that even the AAT had wrongly dismissed genuine claims in the past. The principal member of the VRB, Mr Doug Humphreys, conceded in writing that during his tenure of seven years there had only been three matters where it may have been appropriate to hold a preliminary hearing to consider whether or not the matter should be dismissed on this ground if the VRB were so empowered. In the report *The constant battle: suicide by veterans*, the TPI Federation observed that DVA has acknowledged that there are less than 1.5 per cent of claims made by veterans that are disingenuous.

The single appeal pathway was a measure contained in the Budget Savings (Omnibus) Bill 2016, which had the effect of removing the option for internal reconsideration by the Military Rehabilitation and Compensation Commission. I did not support the measure at the time and argued that the previous pathway for review provided veterans with the flexibility to choose the review that best suited their circumstances. But, unfortunately, the opposition did support the measure, which became law. The practical effect of removing the MRCC internal review pathway was to deny veterans a quicker system of review which entitled veterans to legal representation through the entire appeal process. The Foreign Affairs, Defence and Trade References Committee inquiry into suicides of veterans reaffirmed my concerns with the new VRB process. The committee was concerned about whether the practice of preventing veterans from bringing their lawyers to the VRB is appropriate in all cases. A number of examples were provided where vulnerable veterans felt underrepresented or unable to fairly

engage with VRB proceedings. The committee acknowledged that it is imperative that veterans should be able to achieve the fairest hearing possible.

To that end I welcome the government's agreed response to recommendation 24 of *The constant battle: suicide by veterans* report, which proposed that the Australian government establish an independent review of the representation of veterans before the VRB. The recommendation proposes that the review should assess whether the rights of vulnerable veterans are being adequately protected and whether further support mechanisms for veterans appearing before the VRB are required. Our veterans deserve a fair, just and timely system to address their claims. Given the small number of times that the proposed power would be utilised, I do not believe the government has made its case for the inclusion of the summary dismissal powers in the bill. We do, however, support the intention of the bill to align the principles of the VRB and the AAT, and are supportive of these broader changes. The government has, to its credit, subsequently removed these provisions for summary dismissal from the bill, following amendments which passed the lower house last month. I thank the government for listening to my concerns and the concerns of relevant stakeholders by removing the summary dismissal power.

Schedule 2 of the bill seeks to simplify the appointment process of individuals to the Specialist Medical Review Council, progress whole-of-government requirements for digital transformation, remove red tape in commencing reviews and provide reimbursement for certain travel expenses. The SMRC exists as an independent statutory body which reviews the contents of statements of principles or a decision of the Repatriation Medical Authority not to issue such a statement. The current appointment process of panel members to the SMRC takes around three months or longer and is overly prescriptive and time consuming. This affects the ability of the SMRC to perform its functions. The government has advised that these amendments will not change the threshold for specialists appointed to the panel; rather, the amendments will focus on streamlining the process of appointing specialists to the SMRC and are supported by the Nick Xenophon Team.

The amendments in schedule 2 will also provide payment of travel expenses for individuals, representatives of organisations and any necessary attendants accompanying a person attending the SMRC to make an oral submission. Schedule 2 also makes amendments which enable the convener of the SMRC to provide written directions about the manner for lodging requests for review for applications and to facilitate the electronic lodgement of documents in light of the government's digital transformation agenda. The Nick Xenophon Team supports these amendments in an effort to streamline processes and procedures at the SMRC.

Schedule 3 of the bill relates to the making of international arrangements. In particular, the proposed amendments will allow the minister to enter into agreements with a broader range of foreign countries than is currently allowed in order to establish reciprocal arrangements for veterans' affairs, the effect of which is that the minister can enter into agreements with any foreign country that makes provision for reciprocal payments or treatment and rehabilitation in relation to classes of persons specified in the agreement.

Another issue is that currently existing agreements are concerned with only those benefits payable under the VEA. Proposed amendments in schedule 3 will mean that coverage of allied veterans and Defence Force members with service of the type for which benefits and

payments can be provided by the Repatriation Commission or the MRCC will extend to all acts pertaining to them: the VEA, the MRCA, the DRCA or the Australian Participants in British Nuclear Tests (Treatment) Act 2006. The Nick Xenophon Team supports these amendments. Currently, Australia has entered into formal agreements with New Zealand and the United Kingdom, and we look forward to seeing similar arrangements with other nations to expand the coverage of our benefits to our veterans living overseas.

Schedule 4 provides additional measures in connection with the employer incentive scheme payments. These payments are made to employers in the form of wage subsidies to encourage employers to hire injured veterans who have found it difficult to transition to civilian life and competing in tough labour markets. The department provides vocational rehabilitation to eligible serving and former Defence Force members, reservists and cadets following service related injury or disease. The assistance may also involve incentive payments to employers to facilitate civilian employment of veterans. The proposed amendments to the MRCA, the VEA and the DRCA will strengthen the legislative foundation for the payments to employers. These measures are supported by the Nick Xenophon Team because they will assist injured veterans to move forward and transition from defence service. Vocational rehabilitation can play a key role in assisting eligible veterans to find and retain employment. We know that for veterans, working can strengthen self-esteem, increase socialisation and improve physical and mental health.

Whilst I appreciate that there are checks and balances in place to ensure that the EIS achieves its stated aims, I remain concerned that employers may take advantage of vulnerable injured veterans. To that end, I have negotiated with the government to provide for an independent review of the scheme two years after its commencement. This will ensure that it is working to achieve its aims of employing injured veterans and giving them a genuine and lasting opportunity to engage with paid employment and the wider community. I understand that the minister will refer to this in the summing up of the bill.

Schedule 5 amends the MRCA and the DRCA to facilitate information sharing between the Military Rehabilitation and Compensation Commission and the Commonwealth Superannuation Corporation for the purposes allowed under the CSC's legislation. The proposed amendments would implement a recommendation by the 2011 Review of Military Compensation Arrangements intended to improve the information-sharing framework for incapacity and superannuation benefits between DVA and CSC, therefore reducing the time taken to process claims by DVA and CSC, which would better support injured veterans.

Currently, there is no express provision to allow the CSC to request information from the MRCC, but the MRCC can request information from the CSC. The bill aims to assist the CSC to make more timely superannuation decisions by allowing access to MRCC claims information where necessary. Requests for information from the CSC to the MRCC are made in accordance with the Privacy Act 1988. By enabling the CSC to use medical information and reports held by the MRCC to determine superannuation claims, it may avoid the need to send applications for further medical assessment where the MRCC already holds relevant medical evidence that could be used by the CSC to determine superannuation benefits. This amendment is highly significant to Defence Force members and veterans, as they would be spared from any retraumatisation from having to retell their stories, which have arisen in many cases from physical or psychological abuse.

I do note that this section has caused some concern with the veteran community, who raised a number of privacy concerns during the Senate inquiry into the bill. Many submitters encouraged the department to promote greater transparency by undertaking a privacy impact assessment of schedule 5 of the bill. This has been undertaken, and the PIA report by the Australian Government Solicitor was published on 22 June this year and has been uploaded on DVA's website. This information sharing is designed to assist the CSC to undertake its usual function. It is very different to the public interest disclosure provisions of the digital readiness act, which I did not support, which envisaged the secretary being able to make public disclosure of personal information about a veteran.

The provisions in schedule 6 relate to the power of the Minister for Veterans' Affairs to delegate any of his or her functions under the MRCA. In the original drafting of the bill, the delegation of the minister's power extended to a commissioner of the MRCC or any public servant appointed or engaged under the relevant act. Whilst I acknowledge that this broad delegation of power exists under the VEA, it raised concerns with the Scrutiny of Bills Committee about why it was necessary to allow the minister's powers and functions to be delegated to any APS employee at any level. The minister acknowledged these concerns and moved amendments which passed the lower house, which now limit the delegation power so that the minister would only be able to delegate any of his or her functions or powers to an SES employee or acting SES employee in the department. Limiting the delegation power to the Senior Executive Service is reasonable, strikes the right balance and is supported by the Nick Xenophon Team.

Schedule 7 of this bill will amend the legislation to exempt certain legislative instruments from section 14(2) of the Legislation Act 2003 and enable those legislative instruments to incorporate material contained in other non-disallowable legislative instruments or other non-legislative writings in force from time to time. The current requirement to amend the Veterans' Affairs portfolio legislative instruments to incorporate changes in non-disallowable instruments has caused significant administrative issues and lengthy delays for the department. For example, Veterans' Affairs treatment principles are a legislative instrument. The treatment principles set out the arrangements under which the Repatriation Commission can issue guidelines for the provision of treatment, including hospital services, to veterans. An external document associated with the treatment principles includes a schedule of rehabilitation appliances that are approved for use when providing services to veterans. When a new technology becomes available, this list must be updated. Currently, every time an external document is updated, the legislative instrument is attached to it and must be amended. In the case of treatment principles, this can cause a delay of up to six months in new products being made available to the veteran community. The schedule allows certain legislative instruments to be automatically updated to incorporate changes to external documents. All of the incorporated documents will be made available online by the department and readily accessible. This schedule is also supported by the Nick Xenophon Team.

Finally, the amendments in schedule 8 will repeal redundant and spent provisions administered in the Veterans' Affairs portfolio concerning benefits that are no longer payable under portfolio acts and also makes consequential amendments in relation to their repeal. The measures proposed in schedule 8 are being made to simplify veterans' legislation and make it

more accessible for individuals wishing to interpret the current provisions. I support this bill and I thank the minister's office for dealing with my concerns in a professional and considered manner.

On 19 October, I moved a motion calling on the government to implement the recommendations made in the report *The constant battle: suicide by veterans*. The government has since responded to the report and accepted all of the recommendations. I thank the government for its timely response and for acknowledging the importance of the inquiry, which I had the privilege to be part of. I look forward to the implementation of the recommendations and the positive impact they will have on the lives and health of our Defence Force members and veterans.

Senator SESELJA (Australian Capital Territory—Assistant Minister for Social Services and Multicultural Affairs) (12:06): I'd like to thank the senators who have contributed to the debate on the Veterans' Affairs Legislation Amendment (Omnibus) Bill. The bill comprises nine schedules that would implement several small but necessary amendments to veterans' legislation to clarify, improve or streamline the operation of the law. In particular, the proposed amendments in schedule 4 are intended to enable the operation of the Employer Incentive Scheme, creating a pathway to jobs for veterans. I note that, in addressing some senators' concerns, the department will undertake an independent evaluation of the Employer Incentive Scheme after it has been in operation for two years. It is expected that two years should provide sufficient time to determine the effectiveness of the scheme and to determine if any adjustment is required to improve the scheme's outcomes. The evaluation will be in addition to business-as-usual program management activities.

The proposed amendments in schedule 5 would amend subsection 409(2) of the Military Rehabilitation and Compensation Act 2004 and subsection 151A(1) of the Safety Rehabilitation Compensation (Defence-related Claims) Act 1988 to add the Commonwealth Superannuation Corporation, the CSC, as a person to whom the Military Rehabilitation and Compensation Commission, the MRCC, may provide information for purposes allowed under CSC's legislation. This is an important measure for veterans as it allows the department to share relevant information with other agencies in order to alleviate the bureaucracy of the claims process. The proposed amendments would implement a recommendation by the 2011 review of military compensation arrangements intended to improve the information-sharing framework for incapacity and superannuation benefits between DVA and CSC and, therefore, reduce the time taken to process claims by DVA and CSC, which would better support injured former ADF members. In addition, enabling the CSC to use medical information and reports held by the MRCC to determine superannuation claims would also avoid the need to send ADF members for further medical assessment where DVA already holds relevant medical evidence that could be used by the CSC to determine superannuation benefits. ADF members would be spared from any retraumatisation from having to retell their stories. This is particularly significant for ADF members who suffer psychological conditions, including those that have arisen as a result of physical or psychological abuse.

Another important measure in the bill ensures that a holder of a pensioner concession card will have access to discounted pharmaceuticals restored. This is part of a decision by government to restore the pensioner concession card to these veterans.

These are just some of the small but significant ways that this bill will provide for veterans and their families. I again thank senators for their contributions to the debate and I commend this bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Bernardi) (12:09): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator SESELJA (Australian Capital Territory—Assistant Minister for Social Services and Multicultural Affairs) (12:09): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Treasury Laws Amendment (Improving Accountability and Member Outcomes in Superannuation Measures No. 1) Bill 2017

Superannuation Laws Amendment (Strengthening Trustee Arrangements) Bill 2017

Second Reading

Consideration resumed of the motion:

That these bills be now read a second time.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (12:10): Thank you for the opportunity to speak this afternoon on the Treasury Laws Amendment (Improving Accountability and Member Outcomes in Superannuation Measures No. 1) Bill 2017 and the Superannuation Laws Amendment (Strengthening Trustee Arrangements) Bill 2017.

Let no-one be in any doubt about these bills we are starting to debate today. Despite the titles, these bills are not really about improving member outcomes in Australia's superannuation system. These bills are definitely not about addressing some of the very real issues facing our superannuation system that this parliament should be dealing with now. These bills do absolutely nothing, for example, to address arguments about adequacy. These bills do nothing for the one-in-three Australian workers who are not being paid their correct superannuation entitlements. There aren't any measures in these bills that go to addressing the gross inequity for Australian women, who are, on average, retiring with half as much superannuation as their male counterparts. There is no recognition by this government in these bills that work patterns in the 21st century are rapidly transforming, with increasing casualisation and growth in sole traders and contractors. There is nothing in these bills that ensure the retirement needs of members are being looked after in the retirement phase.

Instead, as has become usual practice for this government, irrespective of who the Prime Minister is, these bills are about achieving other ends while trying to masquerade as doing something. Labor will not be a part of that. These bills are another attack on the profit-to-

member superannuation funds, plain and simple. This government can't stand the fact that unions, representing their members, many years ago now started to build a pool of workers' capital to ensure that ordinary working people had access to savings once their working lives had finished. Now that pool of workers' capital in industry funds totals around \$500 billion. Prior to compulsory universal super, only the wealthy, the public servants, politicians and some selected industries, had the opportunity to be members of a super fund. This government is anti-union, plain and simple. These bills are just an extension of that ideology and should be called out as such.

Labor is proud to have worked with the union movement to create Australia's world-leading system of universal and compulsory superannuation. Labor has always been at the front of debates which ensure that Australian workers are able to maintain a comfortable living in retirement. It was the Labor Party and the union movement that prioritised the need to improve incomes for all workers in their retirement years. And it was the Labor Party and the union movement that recognised how inequitable access to established superannuation schemes were prior to universal superannuation. This inequitable access excluded the vast majority of Australian working people and, most particularly, low-income workers and women workers. We are proud of our connection to Australia's superannuation system, and we're proud of it across the political arm and the industrial arm. We're very proud of the involvement of the union movement's fierce advocacy for working people during their working lives and for the attention they have paid to workers in their retirement.

Let's contrast that record with the Liberal-National Party's record on super. Labor looks at every single Liberal superannuation bill very carefully, because we know their record on super. When a Labor government first introduced universal compulsory superannuation, the Liberal-Nationals voted against it. When Labor proposed and subsequently legislated increases in the rate of superannuation guarantee from its initial rate of three per cent, the Liberals voted against it. When Labor introduced the low-income superannuation contribution scheme, so that low-income earners would not pay tax on their superannuation guarantee contributions, the Liberals tried to abolish it. When scheduled increases to the superannuation guarantee rate were due to reach 12 per cent by 2019-20, the Liberals delayed them. When Labor put in place penalties for employers who don't pay their employees the right amount of super, the Liberals tried to weaken them. When Labor put in place ways to compare superannuation products across the industry, the Liberals delayed them. When people made decisions about their savings and their money and their super, the Liberals tried to make retrospective changes. And, finally, when the government woke up to the housing affordability crisis, instead of doing anything about it they decided that using super like a bank account would be a great idea, achieving nothing in terms of housing affordability but running counter to their own objective of super legislation, which, I might add, languishes on the *Notice Paper* because the government don't know what the objective of super actually is.

One thing is clear: the Liberals don't care about super. They never have and they never will. They've never believed in it. The position they took when compulsory superannuation was created was to oppose it. It is clear that the Liberals don't like unions and they don't want to have unions connected to superannuation. So it is with some scepticism about the Liberals' true motives that Labor approaches the debate on these bills. At the outset, I spoke about the pressing issues facing Australia's superannuation system. They are big issues with no simple

solutions, but surely the government of the day has a responsibility to begin to address them. They are issues like adequacy and unpaid super. One in three workers are not being paid the superannuation they are legally entitled to—that is a third of all workers, many of them low paid and many of them women. What does this bill do to address that? How do we ensure that women and low-paid workers get a better deal from super? How do we keep super relevant in our changing labour market to ensure that people who do contract, casual and part-time work don't get left behind? On issues like longevity planning, how does super align with the age pension, with the healthcare system and with aged-care policies to ensure that they all work together in the interests of older Australians?

None of this seems to interest the minister or this government. It appears from the bills before us that all they want to focus on is the micromanagement of superannuation boards, attacking the union movement's connections to super and looking like you're doing something when you're not really doing anything at all. It's clear it's going to take the election of a Labor government to ensure that the big picture for super—that of the original architects, who saw the potential of building up a pool of workers' capital, not only for the individual good but for the country's good as well—is returned to.

The trustees arrangement bill before us today is this government's next attempt to introduce requirements for independent directors on superannuation boards, but it doesn't stop there. It completely abolishes the equal representation model of superannuation fund governance. The equal representation of employer and employee representatives on super boards has been central to the success of the industry fund model. It's a unique situation which brought together employers and employees from the beginning, from the outset, to work in employees' and members' interests, and it has been very, very successful. A balance between employers and employees, working at the highest level in the interests of members and workers, has helped create \$500 billion in funds. These arrangements have worked well and have ensured members of these funds have seen their retirement savings grow faster than those in other sectors. The government has not made the case that there is a problem with these arrangements. It certainly hasn't provided any evidence that what it is proposing will actually lead to better outcomes for members. In fact, the evidence is irrefutable. It shows that the funds that operate with an employer and employee representative board—in the profit-to-member funds that the government is attacking through these bills—actually have significantly higher returns for their members.

Over the last 10 years, APRA's analysis shows that the profit-to-members funds have outperformed bank-owned super funds on average by more than two per cent. Over the last five years, they have outperformed bank-owned super funds by nearly 2.5 per cent, and, over the last year, by 3.3 per cent. Now, these may sound like just numbers, but when you're looking at your own retirement savings—perhaps not this year or not next, but as you get older and you look—this will make the difference of tens of thousands of dollars to what you end up retiring with. This is what the government is seeking to undermine through this bill. It's ignoring the reality that the profit-to-member funds are delivering superior returns, compounded year on year, that ultimately mean building the retirement savings of everyday Australian workers.

If there is no compelling reason for this change, and, in fact, if the evidence is compelling to the contrary, why does the government insist on doing this and insist on bringing this back

when it has previously been rejected by this chamber? The minister let the cat out of the bag in November last year when she said in a speech that the government needed to:

... lift superannuation funds to at least the same standard as other financial services organisations like banks and life insurance companies.

Well, there you have it: to make the governance of superannuation funds the same as the banks—what an extraordinary objective! It goes to the core of this government and its belief in big business above all else.

Labor does not believe that the super funds should be required to have the same corporate governance model as the banks. Let's have a quick look at what that model has delivered for Australian consumers. We've seen, in recent years and, indeed, in debates in this chamber, scandal after scandal in the banking and financial sector. We've seen people being ripped off and losing their lifetime savings. We've seen unethical practices, irresponsible and dodgy lending, poor advice, unfair contracts, misconduct and cover-ups. We've heard allegations of money laundering and breaches of counterterrorism financing laws. Today, I noticed in media reports that ASIC is investigating the big four banks' tardiness in moving people from high-fee-paying super accounts into MySuper products. They were only given five years to get there! Now ASIC actually has to look at why it has taken the retail sector—the funds owned by the big banks—the length of time that it has to move people out of the high-fee funds, which they've been losing their money in, and perhaps into choice products, rather than into the low-fee MySuper funds. That is in the media reports today.

The member outcomes bill raises significant concerns for the opposition. The bill includes eight schedules, and will:

... require trustees to assess on an annual basis whether the outcomes that are being delivered by MySuper products are promoting the financial interests of MySuper members; allow the Australian Prudential Regulation Authority (APRA) to refuse, or cancel, an authority to offer a MySuper product if it has a reason to believe the registrable superannuation entity (RSE) licensee may fail to comply with its obligations; impose civil and criminal penalties on directors of RSE licensees who fail to execute their responsibilities to act in the best interests of members,

... ..

... enable APRA to refuse authority for a change in ownership or control where it has concerns about the person seeking ownership or control, give a direction to a person to relinquish control of a RSE licensee and remove or suspend an RSE licensee where it is subject to the control of its owner; align APRA's directions powers in relation to the superannuation industry with its broader directions powers in the banking and insurance industries;

... ..

... require superannuation funds to disclose on a semi-annual basis investments that they hold directly or through associated entities and initial investments into non-associated entities; ...

They will also:

... require RSE licensees to hold annual members' meetings; ...

And:

... provide APRA with the ability to obtain information on expenses incurred by RSE and RSE licensees in managing or operating the RSE; ...

Labor supports greater protection for members' retirement savings and increased transparency for all funds. But the government has missed the mark with this bill. Firstly, Labor believes

that priority in the proposed outcome assessment needs to be given to net returns to members. The bill should also include a requirement that trustees must promote the financial interests of members, with priority given to the net returns to members. Secondly, and perhaps most concerning, the changes do not apply to all superannuation products, so not all members will be covered. In particular, the changes to schedule 1 and 2 will not apply to choice superannuation products. According to Industry Super Australia analysis, the vast majority—83 per cent—are bank-owned. Other retail super assets are held outside MySuper and will be excluded from the requirements of this bill.

Labor believes that all superannuation products should be covered in this bill, not just some. While the government has advised that APRA will implement similar requirements to choice superannuation products through new prudential requirements, Labor believes that this issue should be legislated to put beyond doubt the arrangements that will apply and that these should apply across the board. Thirdly, schedule 2 of the bill strengthens APRA's power of approval in relation to RSE licensees offering MySuper products. Labor believes that these powers should be strengthened in relation to RSE licensees offering choice superannuation products.

Labor is concerned that the bill does not provide APRA with the powers to oversight bank-owned superannuation funds. The proposed extension to APRA's direction power in schedule 5 only applies to subsidiary companies owned by a superannuation fund but not to a parent or related corporate of the superannuation fund. This means that they won't extend to bank-owned super funds because banks are often the parent to the RSE licensee, not a subsidiary of a RSE licensee. Labor believes that APRA's additional powers should apply equally across the sector.

Finally, Labor believes that the changes to portfolio holdings disclosure in schedule 6 will water down the existing requirements for superannuation funds and could result in portfolio holdings not being disclosed for choice products which contain multiple investment options, which are the majority, of course, of choice superannuation products. Overall, the measures in this bill are inadequate as they simply do not provide those greater protections for people with choice superannuation products and will not put in place nor enforce adequate oversight and disclosure arrangements for bank-owned super funds.

As I have indicated through this speech, Labor will be opposing the Superannuation Laws Amendment (Strengthening Trustee Arrangements) Bill 2017 for the reasons I have outlined. We will not be party to the government's continued political attacks on the union movement that this bill, at its core, represents. We are proud of the connection that the union movement and the Labor Party have to Australia's compulsory superannuation system. Every time and at every stage, the government has opposed the extension of the superannuation system to ordinary working people. That was at the beginning, and its position on this has not changed.

This bill seeks to remove the connection with the industrial movement and weaken the connection of the industrial movement to Labor's compulsory superannuation system. They were there at the beginning. They have been a core part of the success of the profit-to-member funds. There is no doubt that profit-to-member funds have made significant improvements on returns for their members when compared to other products. Just because this government doesn't like unions and has a particular ideological belief, it should not mean that this chamber

does not support one of the key strengths of the success of Australia's compulsory and universal superannuation system.

It is time that we stopped these attacks on the industry model and instead focused on the things that are really going to matter to Australia's superannuation system in the years ahead. These are going to be things like adequacy, things like relevance as the labour market changes and things like what we are going to do about low-income workers and their super savings. What are we going to do about women and the fact they are still retiring with half the savings of men? These are the big issues. What are we going to do as people live longer? The health system ensures that we are living longer, but the adequacy of our retirement savings isn't keeping pace. What are we going to do about that?

Not to worry about any of that; let's just make sure you have an annual members' meeting, probably broadcast on a webinar once a year, to make sure that you look like you're doing something when you're not doing anything at all, other than undermining one of the central and successful planks of Australia's world-class leading super system. Labor's not going to be part of it. That's why we'll be opposing these bills today.

Senator HUME (Victoria) (12:30): I rise today to speak on an exceptionally important matter—one in which I have a particular interest. I of course refer to the legislation introduced to this place designed to strengthen superannuation fund governance, the Treasury Laws Amendment (Improving Accountability and Member Outcomes in Superannuation Measures No. 1) Bill 2017 and the Superannuation Laws Amendment (Strengthening Trustee Arrangements) Bill 2017

There will inevitably be many, many impassioned speeches in the Senate chamber over the coming days, but this is an issue about which I am particularly passionate. Indeed, without wishing to blow my own trumpet, there is hardly a senator in this place with the personal knowledge and professional experience in this particular policy area that I have. Prior to coming to this place, superannuation policy was what I did on a daily basis. In fact, it was at the largest industry super fund in Australia, the industry super fund that Senator Gallagher treasures so dearly. I have worked within the superannuation system and I have seen firsthand its evolution, its opportunities and its milestones, but also its challenges. I have never been shy about expressing my views, where appropriate, on the appropriate direction of this vital pillar of the Australian financial system. It was therefore a privilege to chair the Economics Legislation Committee, which has extensively inquired into this particular piece of legislation. We received 38 submissions and we held hearings over two days. I can confidently stand here and give my full-throated support to these reforms.

The legislative package delivers on the recommendations of a number of major government reviews commissioned not only by this government but also by the opposition while in government. In a move to strengthen member outcomes and governance arrangements for public offer superannuation funds, the Turnbull coalition government has introduced legislation mandating that one-third of board positions and the chair be considered independent. These reforms, which are so vital for the continued success of our thriving superannuation sector, are supported some of the greatest minds in the area. As Mr David Murray AO, the author of the Financial System Inquiry—probably the broadest financial systems inquiry that this country has seen in decades—said in the economics committee hearing:

When a governing body sits to serve the interests of the people it's meant to serve, it shouldn't be constrained by peripheral interests. That's why, in my view, independence is very important—independence from the executive and independence from peripheral interests.

Due to the obligatory nature of the superannuation system, society ought to expect higher standards of governance from superannuation trustees than even those required of directors of publicly listed companies. Investors in listed entities have the luxury of divesting their holdings should they lose faith in the governance of the company. They also have the luxury of appealing to those directors at an annual general meeting. Sadly, for superannuation funds, due to the inherent passivity of members' attitudes—many members' attitudes, not all, I should say—towards their fund balances, as well as the still entrenched nature of the default fund status for many awards, this is often not an option for fund members.

Government has not just a right but also, more importantly, an obligation to step in to ensure good governance practices are upheld for superannuation funds so as to best protect members' interests. And this is a government that realises the importance of the superannuation sector to the Australian economy and, in turn, realises the importance of good governance practices to that sector. These reforms, prosecuted ably by the Turnbull coalition government's economic team over considerable time, are vitally necessary in ensuring the longevity and the continued success of the Australian superannuation sector.

It's worth taking a step back here. Australia's superannuation system is credited with many, many benefits, from restoring national savings to providing the weight of investment money that saw Australia through the global financial crisis. But its most important role is, of course, providing millions of Australians with income in retirement that substitutes for or supplements the age pension. We must not lose sight of this core purpose of superannuation.

There are those here who will tell you that the sector began through political expediency rather than through altruistic objectives. In fact, it was union demands for a pay rise in a period of high inflation and during the death throes of a Labor government that saw Paul Keating trade off a compulsory but sequestered additional two per cent of salary in exchange for industrial harmony in the face of a looming election. Now, that would be a cynical view. Whether it was foresight or good fortune, I personally think that credit should be given to Paul Keating's and Bill Kelty's political marriage of a private sector solution to a public policy challenge.

Mine is the first generation to have lived their working lives with compulsory superannuation. I have no intention of retiring for many years to come, but, as you can see, despite the fact that it is 25 years old, our superannuation system is not yet mature. As the sector reaches this 25-year milestone and surpasses \$2.3 trillion, it is time now to reflect not only on what the system has achieved but also how we can do it better. Any industry that controls trillions of dollars in assets will always have a large number of people expressing truly strident opinions about its operation and direction, but one clear message emerges from that cacophony: the voices that shout the loudest all work in the superannuation industry and stand to financially benefit from their policy positions. The hypocrisy and evident self-interest of those voices is galling.

Among all those voices, who then is representing the savers? Who then is genuinely representing the members? This is the great policy challenge of the coalition government, and it is the policy challenge that we are tackling by reviewing the operation of a 25-year-old

system. We will focus not on those who stand to benefit from an expansion in the industry; we will focus on the members, the superannuants, that the industry is supposed to serve first and foremost. There quite simply shouldn't be any greater loyalty for vested interests than to the superannuation members themselves. Superannuation does, and always should, exist to best serve the interests of the members. And, given the compulsory nature of superannuation—workers are compelled to relinquish nearly one dollar in 10; in light of this, the government clearly has a duty of care and a solemn obligation to get the policy settings right—governments have a vested interest in getting the settings right, because otherwise, working on behalf of future taxpayers, they may be held responsible for funding the age pension of those future generations—that is, those who do not have adequate superannuation savings to support themselves. The imperative is an efficient and effective superannuation system beyond the next 50 years, for that is the potential life of a superannuation fund for someone who is currently entering the workforce. The super system must engender investor confidence and be managed with a robust framework with appropriate oversight and the highest level of skill and integrity. One of those settings—indeed, some might say, the most important one—is the independence and the associated diversity and skills of the people who serve on the boards of those funds that manage the retirement savings of millions of Australians.

Standards of superannuation governance must reflect the industry as it is today, not as it was 25 years ago. In fact, 25 years ago the majority of superannuation funds were defined-benefit funds run by employers. It was right at that stage to have representatives from management and staff to oversee their operation. But with the demise of the defined benefit fund, and as funds opened up to become public offer and opened up to any person regardless of their job or trade, the equal-representation model has become less relevant. Indeed, some would go as far as to say that it is entirely irrelevant; it is a legacy of the past. Today, directors appointed by employer and employee groups are less likely to represent the broader membership of those funds. Ultimately, the one key question when evaluating the composition of a superannuation-fund board should be: is that board best structured to serve and add value to the fund and to its members? It should not be focused on whether a board has been structured to allow an interest group to be represented. As Professor Graeme Samuel noted in the Senate Economics Committee hearing:

I don't draw a great distinction between the structures of corporate governance; I'm more concerned about the reality of it ... Where you've got proprietors or sponsors that are heavily involved in the board and are appointed as representatives of proprietors or sponsors, there's a tendency for the skills metrics to be less relevant. That's where independent directors then become much more relevant and where the skills metrics and the qualities that they can provide become far more relevant.

Good governance promotes confidence in a fund's leadership, capacity and capability. Study after study shows that independent directors change the dynamics of boards for the better. Diverse skills and backgrounds on boards are vital for optimising performance, strengthening conflict management and countering that uncritical group-think mentality. Superannuation boards are, of course, no exception to this rule.

Of course there is a natural reluctance from industry-fund players. Human nature compels us to protect our sphere of influence and, of course, our source of income. The powerful and well-funded advocates of industry superannuation will defend the status quo with an attack contending that members have been well served by the current system and that, if it isn't

broken, it shouldn't be fixed. But this sort of uninformed and uncritical approach is not adequate. It isn't adequate to take a 'not broken; why fix it' approach. Government's role is bigger than that. Certainly we've seen that today. Government's role is better than that, and this government is simply smarter than that. Internationally accepted best practices for corporate and organisational governance must be adopted to ensure the best interests of superannuation members are continually met. This is an industry that needs to move beyond the legacy of the past 25 years and plan for the next 50. It is an industry whose size already outstrips GDP, and is projected to reach a staggering \$9 trillion by 2030. Best practice in government standards should not be an optional extra. Superannuation funds should in fact embrace this change as an opportunity to inject new ideas, new skills and new perspectives onto their boards, which potentially are very set in their ways.

Commenting on the need to modernise the governance model for public-offer superannuation funds, Mr David Murray AO also said that there are risks of maintaining the 1992 model of governance:

... different interests can take over; that is, interests of employee representatives who have other issues to pursue or interests of employers who want to bargain the super fund in with their other commercial deals with whoever they are dealing with. Either way, it is better off. And we are aware that employers, for example, might do a better deal with a bank if they throw in the superannuation, in the interests of the company. At the same time, we could not understand why the advertising of industry funds was the way it was; the advertising and the cost of that advertising didn't seem—

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson): Order! It being 12.45, we shall now proceed to senators' statements.

STATEMENTS BY SENATORS

Welfare Reform

Senator O'SULLIVAN (Queensland) (12:45): I want to concentrate my remarks on an issue that is playing out in the mid-coast of my home state of Queensland, in the Bundaberg and Hervey Bay area. Tragically, unemployment in that part of the country is double the national unemployment figure—somewhere in the order of 10 per cent. We are hoping that that will be alleviated in due course with some of the developments we are happy to support just north of there, including the continued development of the Bowen Basin and the Galilee Basin, particularly with the onset of investment by Adani, one of five corporations who are intending to invest very significantly—billions of dollars—in that Central Queensland region.

Unemployment is having an impact on families. We know that 1,000 children receive breakfast when they arrive at school in this area. Think about that for a moment—1,000 children leave home and make their way to school without having had any nourishment for the morning, and there is anecdotal evidence to suggest that sometimes that breakfast is the only meal that they receive on a given day. One of the problems is that these children largely come from a sector of the community who are likely to be, I suppose, challenged by their economic circumstances, and, whilst there are no figures available, arguably many of them will be on some sort of social welfare. Many will neglect their children because of their own circumstances, including alcohol abuse, drug abuse and gambling abuse—not all; I don't want to reflect on an entire group particularly when the stats aren't available, but that seems to be the anecdotal evidence, and where surveys have been taken that's the sort of argument that is borne out.

The government has taken it upon itself to roll out the cashless debit card into this area—it's one of the areas that have been selected. This is enormously supported by the community of Australia. People fully expect that if social welfare payments are made to anybody then those payments are for the vitals of life, including making sure, to the best of their ability within the limited economic assistance that these payments provide, that they support their children so that we don't have a thousand children arriving at school without having received nourishment in the form of breakfast. Tragically, the Queensland Labor government have decided to select this as a key issue in politics, and they are undermining the government's effort to roll out this program in that area. Sadly, they have been joined in this by one of our colleagues, Senator Watt. I've often said of Senator Watt that he makes expressions with a thought to follow, and up there he has attacked the government by saying that there has been no consultation between the federal government and the local member in this case, Ms Donaldson, and their social services minister. Ms Donaldson repeated that in a Senate legislation committee hearing. Perhaps there's an argument there that she has even misled the Senate through her statements, because, when the evidence had been produced—and I'm happy for anybody who wants to explore this further to produce the physical evidence—we found that our minister had responded in writing to a letter from Ms Donaldson on 1 August and had agreed that they would meet, to clarify some of the issues around the program, and that the minister's office would be in contact to arrange a suitable time.

In the week of 7 August, Minister Tudge's office contacted Ms Donaldson's office to organise a time to meet. Dates in September were offered. These were declined by Ms Donaldson's office as being unsuitable. On 20 September, Minister Tudge's Melbourne office arranged and confirmed by email a meeting with Ms Donaldson for 4 October. With plenty of notice, there was a change of venue—for her to come to Canberra rather than Melbourne. She declined. On 4 October, Minister Tudge called Ms Donaldson's office and left a response. No calls were returned. On 15 October, the minister's office called Ms Donaldson's office and, again, offered to meet. On 16 October, the following day, Minister Tudge's office emailed Ms Donaldson's office—given there had been no reply to their offer—to organise a teleconference for 9.30 am on 23 October. These times were arranged and locked in. This is something that happens for many of us in our day-to-day lives. When Minister Tudge's office rang at the agreed time, Ms Donaldson's office said that the minister was not available. Minister Tudge's office called Ms Donaldson's office to arrange another teleconference time. Her office replied that they would provide a suitable time. That was on 23 October—and they haven't heard from her since.

There is a reason for this. Ms Donaldson is playing serious politics—along with Senator Watt, my colleague here in the Senate—because they want the vote from these people. We have a state election happening, you might have noticed, and that's what drives behaviour like this. There is no regard for the general benefit of the community and no regard for the thousand children going to school each day and not receiving nourishment. Ms Donaldson, when confronted with that, made the defence that she thought these children were double dipping—that they were eating at home and eating again when they got to school. In fact, she admitted her children were engaged in that practice. Well, for a woman who has had as much time as she has had around social services, she ought to know that that was a misleading and very dangerous statement to make.

We had a direct mail-out to over 32 constituents of this community, to engage with them on the rollout of the program. A phone poll of about 500 people showed overwhelming support, as is the case across Australia. There was 67 per cent support when formal contact was made. There were also about 5,500 direct emails sent to the constituents of this area to advise them. In every instance, they were afforded the opportunity, as they ought to have been, to engage with government on how this program would be rolled out. I don't want to blame her for politics and then start to play politics, but she has misled the Senate and the community on the government's efforts to engage with her, on the rollout, as an appropriate courtesy.

You don't need to take my word for it. Let me leave you with a quote from someone who was a very popular Labor member for Hinkler, Mr Brian Courtice. Courtice was a legend in that district. He had this to say about Ms Donaldson:

What she is looking for is votes out of it but she is going to lose the votes from the people who pay tax. She is trolling for votes from the unemployed.

His words, not mine.

But I wouldn't expect anything different from her ... she is a political dud.

She is a very disappointing member.

They're the words of Brian Courtice, not mine. They're the words of a Labor legend—about a Labor dud.

Disappointingly, she is joined by Senator Watt of the Labor Party, a current member of this chamber. Senator Watt ought to come down now into this place and put on the record that he doesn't agree with Ms Donaldson's protest that there has been no contact with her, because he knows full well there has been contact. Senator Watt is always a little bit careless around the facts in relation to matters, but here is an opportunity for him to clear the air. Ms Donaldson may well have misled a Senate inquiry, and we'll have a look at that over time, but for the good people of Bundaberg and the good people of Australia, whose taxes are to be wisely invested, this program is going to proceed for the benefit of the community.

Marriage

Senator McALLISTER (New South Wales—Deputy Opposition Whip in the Senate) (12:55): There have been celebrations across the nation when it was announced this morning that an overwhelming majority of Australians support marriage equality. Australians have confirmed their commitment to equality. They have voted no to discrimination, and it is part of the best of Australia's traditions of inclusion and equality. Today I am truly proud to be an Australian, and I imagine that across the world the example provided by Australians is producing great joy and a source of great hope for people who are interested in progressing human rights, fairness and equality.

I'd like to congratulate the many campaigners across Australia who gave their time and commitment to make this a reality. An army of volunteers were out every weekend, knocking on doors and making phone calls. I know that for many of those people this wasn't just any political campaign; this was a very personal campaign about themselves, their family and their future. Despite how personal this was and how difficult this must have been for some of those people, they campaigned with dignity, optimism and good humour, and they are deserving of all of our congratulations for the way they conducted themselves.

I also know that today's result for many LGBTI people is also an occasion for relief, that when the Australian people were asked to vote on their human rights—when they were asked to adjudicate on their dignity—the Australian people voted for equality. We should acknowledge that the last few months have been a testing time and a hurtful period for many people and their families. The LGBTI community were forced to justify their worth, while the ABS undertook an eye-wateringly expensive exercise to report what dozens of pollsters and plain common sense had told us already. We've now arrived at the point we should have been at well over a year ago: we're on the cusp of debating and voting on a bill to bring marriage equality into effect in Australia. The Prime Minister has built up expectations about this moment for some time. We've heard again and again that, if the country votes yes, we can expect marriage equality to be law by Christmas.

The country has voted yes, overwhelmingly so, and the results speak for themselves: more than 70 per cent participation for every demographic group and an especially high participation rate for our very youngest and oldest electors—those aged 18 to 19 years and those aged 85 years and over. We had an overall participation rate of almost 80 per cent, and more than 61.6 per cent voted in favour of legalising marriage equality. This is the most popular proposition formally put to the Australian people in 40 years. You have to go back to the 1977 referendum on term limits for High Court judges to find a proposal that was supported by every state and territory and with a margin of this magnitude. The raw numbers in support of change are staggering: 2.37 million people in New South Wales, 2.14 million people in Victoria, 1.48 million people in Queensland, almost 600,000 people in South Australia, more than 800,000 people in Western Australia, more than 191,000 people in Tasmania, 48,000 people in the Northern Territory and 175,000 people in the ACT. Despite what we're told, this support was not concentrated in a few inner-city seats. In fact, the constituents of some very prominent no advocates also voted in favour of equality. In the electorate of Menzies, for instance, 57 per cent voted yes. In fact, many of these electorates had yes votes which were above the national average. In the former Prime Minister's electorate of Warringah, 75 per cent voted yes. In the Minister for Immigration's electorate of Dickson, 65.2 per cent voted yes.

Let's be very clear about what this means. It constitutes a resounding nationwide endorsement for change. There is no mandate in these results for any group to play a frustrating role. These results do not give licence for representatives in this place to play procedural games or in any way attempt to stymie the process of legislating marriage equality. The Australian people have spoken. It's time for us in this chamber to listen.

In September this year, the Prime Minister told a marriage equality rally in Sydney that legislation in the form of a private member's bill would sail through the parliament by the end of the year if the yes vote succeeds. That was the promise, and now is the time to make sure that the debate on same-sex marriage legislation is brought on swiftly and fairly. This issue has been subject to lengthy debate here and in the other place. The arguments around this issue have been well canvassed and they are well understood by participants here in this chamber and also by the community. Swift passage is indeed what people have been promised. Senator Brandis, at the start of this campaign, told Leigh Sales on 7.30 that the Prime Minister had said that, in the event that there is a yes vote in the plebiscite, he will facilitate a parliamentary vote on a bill to reform the Marriage Act before Christmas. Well,

now is that time to facilitate it. When he tried to justify his decision to stick to a plebiscite rather than progressing to a free parliamentary vote, Mr Turnbull said: 'Strong leaders carry out their promises. Weak leaders break them.' Well, the Australian people are now 'on a promise'. LGBTI people are 'on a promise'. The promise was that if we endured this postal survey, if we put our case publicly, if those who were in support of the yes campaign were able to convince the Australian people to vote yes in this survey, the swift passage of a change in legislation would be assured.

And all that's required is a change of legislation to allow two people who love one another to marry. We don't need to debate other questions. We don't need to open up long-settled questions about whether it's acceptable to discriminate against people in a whole range of areas. We simply need to progress with sensible measures, as was promised to the Australian people, to make marriage equality a reality. It is incumbent on every one of us in this place to keep that promise. While it was a promise made by members of the government, not my party, this was a process that, in the end, we all agreed to participate in. We all said: 'It's happening. We are going to do our best to get a valid and reasonable result, a legitimate result'—and that has happened. Given that that has taken place, there should be no justification for time wasting, no justification for game playing. It is simply time for everybody to settle down with the business of the parliament. We have been put here to legislate. We understand the arguments, we understand what's at stake and now we understand, with some certainty, the position of the Australian people. It is no time for delay. It is no time for games. It is time to get this done.

Marriage

Senator DI NATALE (Victoria—Leader of the Australian Greens) (13:05): I also rise to make a short statement in response to the announcement of the results from the postal ballot asking the Australian people if they support a change to the Marriage Act. Today we've heard a resounding yes result from the Australian people in favour of change. Every state and territory has returned a yes result. Every electorate in Western Australia, South Australia, Tasmania, the Northern Territory and the ACT has returned a yes result. Twenty-seven out of 30 electorates in Queensland say yes. The highest yes vote in my home state of Victoria included results of over 71 per cent in Batman, 70 per cent in Wills, 82 per cent in Melbourne Ports and 83.7 per cent in Melbourne, all areas with strong Greens campaigns. Even in New South Wales, we saw Warringah with a yes vote of 75 per cent. They didn't buy Tony Abbott's lie that this was about political correctness. They knew what this was about.

We've heard that, despite the negativity, the lies and the misleading tactics of the no campaign, the majority of Australians know that love is love. While we should never have put this question of human rights to a popular survey, we've heard once and for all from the yes result that it's time for this parliament to take the next step—to make equal love a reality for those thousands and thousands of people in LGBTIQ communities right across the country. People have waited so long—they have watched as country after country has gone before us to make this change. I don't often quote musicians, but I quote the Bronski Beat singer and long-time queer-rights campaigner Jimmy Somerville when he sings:

Read my lips and they will tell you

Enough is enough is enough.

Enough of the stalling; enough of the confusion; enough of the damaging homophobic lies. The result today is yes. I say to my Senate colleagues in the chamber: this shouldn't come as a surprise. A decade of solid opinion polls on this subject have shown deep support right across the community. It's now time for action.

Today I proudly stand in this chamber wearing rainbow sneakers given to me as a gift. I want to tell you a little story about these sneakers. I was passing the St Mark's Uniting Church near my office in the Melbourne CBD and I saw a giant yes banner being displayed outside. So I made inquiries and found out what was happening inside that congregation. I met the Rev. Ric Holland. He was a larger-than-life character, proudly advocating to his congregation and to the surrounding community that love is love and that marriage should be a fundamental right enjoyed by everyone in our community. I noticed that in his office he had a pair of bright, rainbow-coloured sneakers, and he told me that his daughter had made them specially for the campaign. A few days later, I received a pair of sneakers at my office as a gift from Primrose, and I wear them today for three reasons. I wear them to bring the rainbow colours into this chamber as a show of solidarity with the people from LGBTIQ communities. I wear them to remind us that the support for yes and for a change to the Marriage Act comes from all corners of the Australian community, including from faith communities. And I wear them to take inspiration from the change that we're creating with LGBTIQ communities to go on and work harder for change with other communities—with Aboriginal and Torres Strait Islander people; for safety and equality for women; for an end to the stigma and discrimination experienced by people with disabilities; for an end to racism, wherever it rears its ugly head; for a safe refuge and new life for people escaping war and violence; for an end to poverty; for the protection of nature in our precious places; and for action on global warming. There is so much hard work to do. We have to keep pounding the pavement. When in the future I recall a yes vote and look at these sneakers, I'll know that change is possible. It was only a few short years ago that this was a debate that existed outside of this chamber, but a long way from this place. I'll think of those famous words from Arundhati Roy:

Another world is not only possible, she is on her way. On a quiet day, I can hear her breathing.

Thank you, Primrose, for your inspiring rainbows. They have a special place in my heart.

I want to acknowledge and thank all those people who were part of the movement for change and who voted with their hearts for yes. I want to acknowledge the contribution of so many incredible people and organisations who made today's result possible. I want to acknowledge the thousands of couples across the country who have shared their stories of love and commitment and hope for equality to their families, their neighbours, their neighbourhoods and indeed, in this age of social media, right across the world. And the world today is listening.

Thank you to the two Victorian couples—Jacqui Tomlins and Sarah Nicholls, and Jason and Adrian Tuazon-McCheyne—who have been fighting for this since 2004. Thirteen years ago they sought to have overseas same-sex marriages recognised in Australia. The Howard government back then wasn't having a bar of it, and for the 13 years since they've continued to fight tirelessly for marriage equality.

Thank you to Rainbow Families, to just.equal, Australian Marriage Equality, PFLAG and the Human Rights Law Centre, who not only have been campaigning for marriage equality for many years but also led the High Court challenge to try to stop the damaging postal

survey. There are numerous other organisations, including unions, Equal Love, states' AIDS councils and GetUp!, who have worked so hard for so many years to get to this point today.

Thank you to everyone across Australia who attended doorknocks, calling parties and rallies; who spoke to their friends, their families; who had those important conversations; and who were active in their local communities about the importance of saying yes. One million phone calls were made, 100,000 doors were knocked on and five million flyers were handed out. Thank you to our own supporters and volunteers in queer Greens groups around the country, who contributed hundreds of hours over the last few months to make sure we saw a yes result. Thank you to fellow parliamentarians and members of parties across the political spectrum who are supporting change. Thank you to those Greens colleagues who have gone before me, including Bob Brown and Christine Milne, and thank you to my current Greens team. I am so proud to be a member of a party where our track record is every MP, every vote, every time for marriage equality.

Today we find ourselves at the beginning of what I believe is the end of the fight for equality in marriage, but we all know there's some way to go yet. There will be some twists and turns as some on the no side seek to delay and derail the process. They'll use this as a Trojan Horse to try to entrench discrimination, rather than to remove it. But today we won't spend time dwelling on their negativity. We'll take time to celebrate the resounding yes vote. Today's a time for joy, for happiness, for love. Tomorrow, we'll come back to begin the debate in this chamber again on how to deliver the promise of a fairer, more inclusive Australia. Tomorrow, we must all recommit to the yes campaign to see through this final chapter. Our work is not yet done. We need the voices of the LGBTIQ communities and their many allies and supporters; we need to hear from them to remain steadfast, strong and loud. For yes to win we need to remain active and mobilised.

We will never turn back. We now have an opportunity to consign these exclusive, discriminatory, shameful laws to the dustbin and to usher in a more compassionate and inclusive era in our nation's history; to tell a different story about ourselves and who we are; to act now not just for us but for future generations, for our children who will no longer need to experience the discrimination and hate that so many before them have had to experience. Today we say yes to equality; we say yes to love.

Voter Engagement

Senator DUNIAM (Tasmania) (13:15): It's a pleasure to take an opportunity today to talk about something that has been an issue of importance to me since I was elected to this place a little over 18 months ago and something I've spoken about at community events and in media interviews since, and that's the issue of young voter engagement in Australia—or youth apathy when it comes to politics! I myself am very keen to see younger Australians take a more active and interested role in the future of Australian politics, government, the policies we make in this place and how the processes operate. I had the pleasure of awarding to an individual by the name of Olivia Richardson the inaugural scholarship that I fund privately through the Hobart residential college Jane Franklin Hall—a scholarship provided for northern Tasmanian students who wish to study at the Hobart campus of the University of Tasmania with an interest in governance, public administration policy or politics. It's been great to work with Olivia, who is an extremely professional individual who I believe has a

great future ahead of her. Olivia, as part of her time in my office and as part of this scholarship, undertook some work which I'll be referring to a little later on.

Everyone who occupies a seat in this chamber, and anyone who has any interest in the political sphere, would acknowledge that young people in Australia have become somewhat disengaged with the political process. It's not a recent phenomenon; it's something that has been happening over a significant period of time. And that is an alarming thing. As a result, we have a weakened democracy. When a certain part of society doesn't want to engage and doesn't feel it is necessary or important for them to engage, then their say isn't being had; their voices are not being heard. That does, as I say, result in what I believe is a weakening of our democracy.

Despite that apparent youth apathy towards the political process, young Australians haven't stopped being engaged in other areas of civic life, including volunteer work for specific organisations, NGOs, community groups and being part of other social movements. From all the evidence I've read, young Australians are motivated by issues based politics—and the issue of the day is the result of the postal survey on marriage equality. Looking at the response rate for the younger cohorts, 78.2 per cent of those aged between 18 and 19 responded, 72 per cent of those aged between 20 and 24 responded and 71 per cent of those aged between 25 and 29 responded. That proves, to a degree, that when there's an issue they feel strongly about they will engage—they will get out of their living rooms or whatever they're doing and participate in the issue that they are confronted with.

The work that Olivia Richardson undertook in putting together her research paper on the issue of youth apathy indicated that it's not politics as a whole that young Australians are not engaged with; it's more our formal institutions that they are disengaged with. The Australian Election Study in 2010 found that young people aged 18 to 29 consistently exhibit the highest levels of voter apathy. You see this manifested through statistics like this: only one-fifth of all people aged 18 to 24 register to vote. With the postal survey we saw an increase in that, but, as I have pointed out, that was an issues based registration. In 2005 the International Social Survey Program asked the question: 'How important is it to vote?' The results revealed a significant degree of youth apathy. Older respondents were twice as likely to answer that voting is very important to them.

There are a number of factors, through all of the research that Olivia has done, that influence youth apathy towards politics. They are as follows: they state that they're unsatisfied with political process—and, when you watch question time from time to time, it's hard to argue with why they would feel that way; they feel their interests are not represented by those who are elected to parliament—this one hurts me, that they don't trust politicians; there's a perception also that politicians are all the same and that we don't stand for anything different; they feel that their one vote won't make a difference; and, finally, they feel that the big issues don't affect them. As people get older and as they have more responsibility in life—as they take on bigger decisions like buying a home and starting a business—the political situation and the decisions we make in this place will impact on them. Typically, you do see voter engagement increasing as people get older.

We are seeing young Australians being increasingly disenfranchised by institutional politics, something I believe we need to address. Looking at the youth membership of political parties, statistics show that in 1963 only around 13 per cent of 18 to 29-year-olds

didn't identify with a political party or affiliation. By 2010, the figure had jumped to 24 per cent. I suspect that if you took a snapshot today you'd find something of a much greater number. Some of this has been attributed to a breakdown in the generational chain, where parents aren't sharing their political views like they used to around the dinner table with their children. All of this is not new. We know that the problem is out there. I suppose the key issue for me is how we address that.

Olivia, as part of her paper—which I'm very grateful for her having completed—points to a couple of recommendations, and I'm pleased to go through a couple of those. The first recommendation Olivia pointed to was around civics education in schools, something we don't see enough of. There are certainly some good programs out there. The Parliamentary Education Office here in the Australian parliament does an excellent job both remotely, through provision of resources to schools that would like to participate in the program, and also through hosting thousands of children through this fine institution every year. My two older sons go to a school that every year sends their grade 5-6 class off to Canberra to understand the political process. But I don't know that it is enough. To have one trip to Canberra doesn't educate our youth on what the parliament does, why it's so important, how this place and the laws we make impact on everyday Australians' lives and how having a vote and being active in the process is important. Olivia has recommended that we should look at interactive online education, something that can assist teachers in promoting civics and a better understanding of how laws are made. Of course younger people and all of us in this place live on our iPads, iPhones and through social media. We should embrace this technology to assist in educating young people about how laws are made and what we actually do here.

As I've said before, young people typically engage through non-electoral political issues and that's a way we should be drawing attention to the political process. This establishment, the Parliament of Australia, is about to go through something with regard to the laws around marriage as a result of a very public and long debate. I think this is a great opportunity for us to show young Australians how important what we do here is and how a single vote in this place can change the outcome of a piece of legislation. This is our opportunity to show why it's important to be actively engaged in what we do and for them, as voters, to be actively engaged.

Olivia also states that the programs that could be run in these classes—something I'd like to pursue, certainly, with the minister for education—would facilitate mock debates, passage of a bill, managing a budget, taking on votes, putting issues on the agenda for debate, negotiations, diplomatic assignments and the like, even staging a protest as part of the democratic rights we have in this country, just to name a few. It would be great to do all of that on an issue that is of interest and relevance in the current debate. There is a great degree of interest from teachers. I think it's about providing those resources to teachers to be able to assist with civics education and make sure that our young Australians do have the knowledge to participate in their future years.

I take this opportunity to commend Olivia for her excellent work in putting together this paper, which I will be working on and trying to see some results come from. She's a very professional young lady, who, I think, has a great future ahead of her. I look forward to

working with the next intern of my Jane Franklin Hall scholarship to see what problem we can tackle next.

Minister for Employment

Senator CAMERON (New South Wales) (13:24): I rise today to go to the issue of the five misleads of the Senate by Senator Cash, the Minister for Employment. The Australian government has issued a Statement of Ministerial Standards. That statement says:

Ministers and Assistant Ministers are entrusted with the conduct of public business and must act in a manner that is consistent with the highest standards of integrity and propriety.

They are required to act in accordance with the law, their oath of office and their obligations to the Parliament.

In addition to those requirements, it is vital that Ministers and Assistant Ministers conduct themselves in a manner that will ensure public confidence in them and in the government.

Senator Cash has lost that confidence. Senator Cash and her office have behaved in a way that is reprehensible for any government minister. Misleading the Senate on five occasions is an extremely serious issue and, if the minister won't resign, the Prime Minister should terminate her position.

This morning, I attended a meeting of the employment committee. I had asked previously in this place a question of Senator Cash as to why she had refused to make herself available for any one of the 40 days between 27 October and 6 December so that this place—the Senate—the Parliament of Australia and the public of Australia can get to the bottom of the cover-up that is now in place by Senator Cash and the government around what Senator Cash did in setting loose the Registered Organisations Commission and the Federal Police on the AWU to get 10-year-old documents for a donation that was made by the AWU to a non-government organisation.

I was extremely surprised and, I must say, a bit shocked that this morning Senator Reynolds, the chair of the committee, and Senator Paterson, the other Liberal member on the committee, who have the numbers on that committee, started to question me about why I asked a question in the Senate in relation to the behaviour of Senator Cash. I felt I was being put on trial by both Senator Reynolds and Senator Paterson. The first thing I want to say is that I will not be intimidated by Senator Reynolds and certainly not by Senator Paterson—absolutely not—but this is a very serious issue. This is an attempt by this government to shut down proper inquiry by this place and by the opposition into the activities of a disgraced minister, Senator Cash.

I am absolutely disgusted that this morning I was told, basically, that I was going to be put before the Privileges Committee. I welcome being put before the Privileges Committee on any of my actions in relation to exposing the misconduct of a minister and the bad behaviour of a minister and her office. I don't have a problem with that, because that will be another avenue to expose the bad behaviour of this minister.

This is a minister who has in her period used royal commissions, the ABCC, the Registered Organisations Commission and now the Fair Work Ombudsman to attack the government's political enemies. These are organisations that are supposed to be acting in the public interest and, in my view, they are becoming more and more a tool of Senator Cash and the government. This is unacceptable in a democracy. A senator raises issues and problems with

this behaviour, and the threat is made against me as a senator in this place that I would be sent to the Privileges Committee under a trial by Senator Paterson and Senator Reynolds using their numbers in that committee to send me to the Privileges Committee.

Understand what's going on here. There are Liberal Party apparatchiks being placed in key positions in these organisations that are supposed to be independent organisations, upholding the law of the land. It is being done by this government to influence the operations of these organisations. It is an absolute disgrace. This is more like what you would see a dictatorship do against the political enemies of the dictatorship. It is unacceptable. I will not be intimidated by Senator Cash, the government, Senator Reynolds or Senator Paterson. It is unacceptable that I cannot ask questions in this place about the accountability and integrity of a minister or the cover-up that a minister is engaging in.

It is absolutely unbelievable that Minister Cash could not have been aware of the conduct of one of her senior advisers and media directors. It is absolutely unacceptable that that would happen. Their argument was that the information came from the media. Well, in my view, the media person in ROC advised Senator Cash's office, and then that was sent out to the media, and the Federal Police turned up at the AWU offices with television cameras already in place. This is a petty dictatorship that Malcolm Turnbull and Senator Cash are presiding over.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Order! Senator Cameron, you should refer to the Prime Minister—

Senator CAMERON: The Prime Minister, Malcolm Turnbull. I apologise. This is, in my view, a very serious situation. We've got a minister engaged in a cover-up. We've got staff being used across a number of government organisations to attack their political enemies. If I end up in front of the Privileges Committee, I welcome that. I will go there and I will ensure that we continue to expose the cover-up of this disgraced minister, the cover-up that this government is engaging in. I will not be intimidated. I will not be put off ensuring that this government behaves in a fair and proper manner.

This minister is in breach of ministerial standards. She actually should resign. She has got no credibility as a minister. She now has no capacity to prosecute any arguments in this place. She has got no credibility when she uses unsubstantiated allegations time and time again, against myself on some occasions and against union officials and members of the opposition. She is an attack dog for this government. She has been uncovered as an incompetent, unworthy minister. She should resign. *(Time expired)*

Insurance Industry

Quintano, Mr Luke

Senator BURSTON (New South Wales) (13:35): I acknowledge Australia's historic nation, forged by Christian explorers and pioneers from Britain and other European lands which created the federal Commonwealth under the Crown, and I acknowledge Australia's first inhabitants, the Aboriginal and Torres Strait Islander peoples, part of our nation.

Insurance is not what it claims to be. According to a KPMG report in 2016, the insurance industry's profits rose 18 per cent in that year, recovering from a low point in 2015. Why? A lower frequency of natural catastrophes, combined with a continued focus on cost savings, resulted in overall profits rising to \$4.058 billion, compared with the previous 12 months drastic fall of \$3.452 billion. It makes you wonder how they can afford to eat, doesn't it?

I have a constituent named Luke Quintano who was involved in a motor vehicle accident on 27 October 1999. The insurer was Allianz. Just when the claim was about to be settled, Allianz advised that they had used the wrong formula, and the entire process would have to be started again. On 15 December 2002, while waiting for Allianz to get their act together, Luke went out and was shot in the head at a nightclub. He lost an eye and the use of the left side of his body. It turns out that the nightclub's insurer was a foreign company illegally selling insurance via a broker network. What was Allianz's response on hearing of the second incident? I am paraphrasing, but it goes something like this: 'We can pay you less for economic loss because now you're disabled and you would not make as much income over your lifetime as you would have if the shooting had not happened.'

Luke's father approached both Liberal and Labor ministers over the years and was given the bum's rush. I guess it was all too hard. The claim was finally settled on 27 February 2004. That was only the claim for the motor vehicle accident. The shooting incident will have no settlement.

So who does the little guy come to when they've been denied help by the mainstream political parties? Yes, One Nation. I approached the Insurance Council of Australia and was told by them that all that could be done was done. They claimed that Allianz had made an offer of settlement to Luke, but he didn't respond. Then they made a second offer of settlement, and Luke didn't respond. According to Luke's dad, no offer was ever made. I know who I believe, and it's not the Insurance Council of Australia.

Who are the Insurance Council of Australia? Well, according to their website:

The Insurance Council of Australia (ICA) is the representative body of the general insurance industry in Australia. Its members represent more than 90 per cent of total premium income written by private sector general insurers. Insurance Council members, both insurers and reinsurers, are a significant part of the Australian financial services system.

In a submission to the Senate Economics References Committee of inquiry into Australia's general insurance industry earlier this year, the Insurance Council of Australia made 31 references to claims, but not one—not one—was about the claims process, the transparency of the claims process or the manner in which they dealt with customers during the claims process. They only spoke of how much claims cost them and not much else. I guess the term 'customer focus' hasn't made its way into the insurance industry just yet.

In the KPMG report I mentioned earlier, the word 'claim' is only mentioned once as a topic of how much money was made because of fewer claims. Remember, Allianz is one of the companies that collectively in 2016 made over \$4 billion profit. They seem to be all about profit and less about paying out claims or managing the customer relationship. Perhaps they could invest some of the \$4 billion looking after victims of dodgy insurers selling policies in Australia that cannot be claimed against.

The Insurance Council of Australia takes no responsibility for the foreign companies' actions. Similarly, the broker who sold the policy to the nightclub takes no responsibility for the foreign companies' actions, nor for their own actions when they were notified that the insurance provider was not registered to operate in Australia. They should, at least, have sold a policy from a registered insurer to a nightclub or accepted the liability for Luke's claim. Aren't the brokers insured? If not, why not? Failing that, the Insurance Council of Australia should have accepted responsibility, as the industry peak body, sorted out the problem with

the consumer and dealt with the member companies later. If there are brokers selling products that are not legal or compliant, the Insurance Council should take it out of the broker's hide after they've settled the claim with the consumer.

I think that after we're finished with the banks we might have a go at the insurance industry, including the Commonwealth Superannuation Corporation for the manner in which they treat veterans. Perhaps we should include the insurance industry in the terms of reference for any banking industry royal commission. By that, I mean insurance companies, brokers and anyone remotely engaged in the sales or claims process. If they cannot police themselves we will have to police them, for the benefit and protection of customers.

The insurance industry in this country is long overdue for a shake-up and we are just the people to make sure it happens. I suggest that the Insurance Council of Australia and its member companies lift their game and make contact with Luke Quintano's father to resolve what is obviously an unresolved matter. It doesn't matter what has gone on before. The problem needs to be fixed and fixed now. This young man has suffered enough and for too long. If he were your son, what would you want to happen? The royal commission into banking is not that far away.

Townsville

Senator IAN MACDONALD (Queensland) (13:41): In addition to my other duties as a senator for the whole of Queensland, I find I'm increasingly being drawn into acting as local MP in the other place as well. Certainly, I've performed that role in the electorate of Kennedy for some time. If people want a headline, they go to the current member, Mr Katter, but if they want serious work done, serious submissions to the federal government, they come and see me in my office in Townsville. In Herbert, now, there is a member—whose legitimacy has been questioned, but more about that some other time—who seems to pay little interest, and that is when she is in Australia. She seems to be overseas on various trips quite often, which is strange for a lower house MP on such a small margin of 37 votes.

I'm increasingly having to do work in Townsville that the local federal MP is not doing, and people who want some help from the federal government come to see me in my office. In that context, people in the Townsville area are indicating to me their concern with three major issues. One is unemployment in Townsville, which unfortunately is too high. Another is the parlous state of water in the Townsville region. The third one is the rampant crime that is happening in the Townsville region and other parts of northern Queensland.

It's strange. The Queensland state Labor government, who are the people principally responsible for addressing the crime wave, have been in power for most of the last 25 years and have done nothing about crime in Townsville. But suddenly, on the eve of a state election in Townsville, they find they're going to bring more police in and do lots of other things to address crime. I don't believe them and I'm sure most Townsville people don't. Fortunately, in the Townsville area, we have three candidates from my party, the Liberal National Party of Queensland, who I'm very confident will be elected. They are Casie Scott, Matthew Derlagen and Nick Martinez. They have a real plan to address the rampant crime in the Townsville region. I don't want to go through their policies today, but certainly curfews, real action, real police activity, giving the police some powers are the sorts of things that I know these three wonderful young candidates in the Townsville region are promising, along with their leader, Tim Nicholls. So I'm confident that something will happen.

Water in Townsville has always been an issue. When it rains, it goes away from the front of mind—and it has rained recently—but again Townsville residents are distressed that they can't water their gardens. They've got lovely gardens in Townsville, but for most of the year they can't water them, and the Labor government that deals with water in the state of Queensland has done nothing about it in 20 years. I have to say the Labor city council talk about it a lot, but rarely have they done anything. Now, suddenly, on the eve of a state election we're having all of these promises from the council, the state government and the sitting Labor members in Townsville about what they're going to do about water. But who would believe them after 20 years of doing nothing? By contrast, the LNP candidates I've mentioned—Matthew Derlengen, Casie Scott and Nick Martinez—have a real plan for water, one that is costed and which will actually happen.

The other issue in Townsville, of course, in addition to jobs, is the cost of living and electricity prices. We in Townsville, in the north, are at the end of the line. If there is any glitch in the transmission system, we miss out. There is no real base-load power station in the north, and the Labor government refuses to even consider it. But fortunately Tim Nicholls and his candidates have promised that within 100 days of election, should they be elected as the state government of Queensland, they will facilitate the private commencement of work on a coal-fired power station in the north—at Collinsville, I believe. This will be wonderful for the certainty and affordability of electricity in the Townsville region. Unfortunately the Labor Party for years have had no solution to this. They talk about renewables and say they're cheap forms of power but, as I've just recently pointed out in a letter in today's *Townsville Bulletin*, the renewable power stations in the Townsville region have been subsidised by the Australian taxpayer to the extent of almost half a billion dollars. So it's not cheap power when it comes from renewable, yet those of us who live in the north all know that we have unlimited reserves of high-quality coal just sitting there waiting to be tapped.

The other big issue in Townsville is jobs. I have to say that on the jobs front I'm hand in hand, step by step with the Townsville Labor city council, who are very keen to promote jobs in the Townsville region with the Adani rail project and the mine project. Unless you know and understand Townsville, you cannot believe what a confidence boost the Adani announcement has been. They've set up their headquarters in Townsville, they've announced Townsville and Rockhampton as the fly-in-fly-out hubs, and jobs are starting to be created. This will be what Townsville needs. I have to say all credit to Jenny Hill, the Labor Mayor of Townsville. She has been, with me, very, very forceful in supporting that particular project. Unfortunately she is not getting much support from the Queensland Labor Premier, who was initially in favour of it but then, because of some things happening in Brisbane with Greens preferences, decided now that she wasn't really in favour of it. The Deputy Premier has never been in favour of it, but she was part of a government that was in favour of it. The Treasurer, who comes from the Cairns area, said the Premier is wrong. The local member for the area involved, the state electorate of Burdekin, which happens to be where I live, is all over the shop. Does he support the coalmine or doesn't he? His party doesn't. What does he do? I'm interested in what the Queensland senators might do. I see Senator Moore and Senator Ketter have at one stage voted in favour of the Adani mine but, interestingly, Senator Watt and the other Queensland senator haven't voted at all on that. So we wonder what their position is. I know that the member for Herbert's position on the Adani coalmine is a bit difficult to work out.

These are things that concern me as an elected representative in that area. I'm certainly hopeful that after the election I will have some colleagues in the state parliament like Jason Costigan, the member for Whitsunday; Dale Last, the current member for Burdekin; the three candidates who I mentioned in Townsville; and Andrew Cripps, who comes from Ingham and takes in the north of Townsville. I'm hoping they'll also be in the state parliament to support me, as I support them in the federal parliament, in promoting those issues of attacking crime, getting a decent water supply for Townsville, providing jobs for Townsville, addressing crime issues and, importantly, getting that Adani railway line and coal line going to provide activity for the unemployed in the Townsville region.

Regrettably, I'm the only senator in the north these days. Once upon a time the Labor Party used to have a senator. Margaret Reynolds was in Townsville, and then Jan McLucas was in Cairns. But the Labor Party, in their wisdom—I don't know what happened to their affirmative action proposals—got rid of Jan McLucas for no reason. I didn't agree with her often, but she was doing a good job for the north. They got rid of her and put in Senator Watt, a union hack from Brisbane, a failed state Labor candidate, so all of the Labor candidates live in Brisbane. In the Senate, no Labor senator has any interest in the north or anywhere outside Brisbane. So I do hope that the Queensland election will give me the support I need in the state parliament to advance issues in the Townsville region.

World Day of Remembrance for Road Traffic Victims

Black Spot Program

Senator GALLACHER (South Australia) (13:51): Mr President, I too congratulate you on your recent appointment as the President of this august institution. Next week, on 19 November, is the World Day of Remembrance for Road Traffic Victims. There are 1.3 million people killed on the roads each year and millions more injured worldwide. If we bring that home to Australia, we saw 1,300 people killed on Australian roads last year, with over 30,000 serious injuries requiring hospitalisation. Unfortunately, so far in 2017, we've seen another thousand Australians tragically lose their lives on our nation's roads. The impact on the nation is emotional, social, and economic.

What does this mean for our federal coalition government? When we look at the budget figures and the promises in the budget, we see that, in its first three budgets, the coalition government committed \$220 million to the Black Spot Program, which upgrades safety around the nation's most dangerous traffic hotspots, but in fact it only spent \$105 million, less than half the amount promised, according to its own budget documents. Now, I would accept that you can take the budget forecasts, and you can look over the forward estimates, and you can have various officers construct various circumstances about how much money has been allocated versus how much is spent and the reasons for that.

But—before I go to explaining the opportunity I had in estimates to pursue this matter—what is the Black Spot Program? We know that a 2012 assessment by the Bureau of Infrastructure, Transport and Regional Economics found that black spots identified under the program, when upgraded and completed, reduced deaths and accidents by an average of 30 per cent—a 30 per cent reduction of accidents resulting in death and injury. So we know. This is not a politically partisan position. The Bureau of Infrastructure, Transport and Regional Economics found that there's a 30 per cent average reduction in accidents and deaths. We also

know that the average black spot project costs \$157,000. That is not a huge amount of money, but it has an incredible effect. It reduces deaths and injuries by up to 30 per cent.

So we took this argument to estimates and I put it to the department: if Australians are dying and being injured at identifiable, researched black spots, we should be putting the money there. The argument is that we didn't get it spent. Was that true or not? The department's answer was, 'We didn't spend it.' It's almost incomprehensible, when we've had 1,000 Australians killed this year and many more thousands hospitalised and seriously injured, that we didn't actually spend the money allocated to black spot projects. Black spots are identified because there's an accident, there's an injury, there's a death or there's an identifiable risk, and they should be prioritised. The money should be spent, but there is, unfortunately, a lack of will, either at the ministerial level or at the departmental level, to get the generous commitments—and I do say generous—of this coalition government acted upon and spent. It's almost beyond belief that this could actually be evidence based. Black spot projects cost \$157,000, on average, in Australia and they bring about a 30 per cent average reduction in injuries and fatalities. There is a good amount of money allocated to the program; we don't get it spent. We simply do not get the money spent.

One of the excuses was the weather—not whether it should be done or not but the weather. Living in Australia for as long as I have, I thought that we have fairly benign weather. I do accept that in more northern parts of the country you have a three-month wet season which might impact on roadworks, but, generally speaking, we should be able to get out and do these projects, but we're not doing them, and we're not doing them because of the lack of leadership both within the department and within the ministry. The Hon. Darren Chester is a reputable minister. He has a very large portfolio, and I contest that there is no-one taking care of road safety. The government is asleep at the wheel, the department is asleep at the wheel and there is no plan, no strategic direction, to get out there and reduce serious injuries and deaths. There have been over 1,000 deaths this year alone, and there were 1,300 last year and over 30,000 serious injuries requiring hospitalisation. The cost to the economy is over \$30 billion. The human cost is immense. There is not an electorate in any part of this country that isn't affected by this failure to spend the allocated money in these areas. I contest it's about time that the department had a strategic plan to get to Vision Zero, take the best of what is happening in every jurisdiction in Australia and make it happen.

Some will argue that the Commonwealth does not have jurisdiction in road safety areas, but I've got to tell you that, if you're holding the purse strings, you can determine the outcome. If you control the amount of funds that are spent on the nation's roads, particularly in respect of black spots, you can allocate it to the jurisdiction that is doing the most effective work in making black spots safe and reduce deaths and injuries by an average of 30 per cent. The cumulative effect on our economic bottom line will be immense. And we will not have our emergency services people cutting people from cars. We will not have our intensive-care units taken over by people in road accidents. We will not have to use rescue helicopters to take people from regional and rural roads because we will have invested properly and gotten the money into the areas where we'll do the most good.

It is appalling that this is the case that I have to report to the Senate, but I finish on this: next week is World Day of Remembrance for Road Traffic Victims. I encourage every senator and member in this place to publicise that day, to recognise that day and to participate

by issuing media releases and doing whatever else they can do in their constituencies to elevate the concerns about road safety and elevate the solutions—and there are many solutions.

The PRESIDENT: Order! It being 2 pm, we will move to questions without notice.

QUESTIONS WITHOUT NOTICE

Domestic and Family Violence

Senator MOORE (Queensland) (14:00): Mr President, I take the opportunity to congratulate you on your position and wish you well in that job. My question is to the Minister for Women, Senator Cash. I refer to the announcement of Queensland One Nation's domestic violence policy, which supports violent fathers' visitation rights despite court issued protection orders. This position is outlined on Senator Hanson's One Nation website. Has the Minister for Women spoken with Senator Hanson in regard to this policy?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:00): The answer, Senator Moore, is, no, I haven't spoken to Senator Hanson in relation to that policy. But, in relation to domestic violence generally, I think that we can all say that it is something that I would hope that each and every one of us in this chamber is committed to absolutely eradicating.

The government's position has been very, very clear. All women and children in Australia need to be safe at home, safe in the streets and safe online. That is very much why the first announcement of the Turnbull government was the \$100 million Women's Safety Package. That is, of course, on top of the Third Action Plan under the Commonwealth action plan to reduce violence against women and their children, which we committed a further \$100 million to. I certainly hope that all of us in this chamber are absolutely committed to doing everything that we can to ensure that when we do say that women and children in Australia deserve to be safe we are putting in place the policies that will effect that.

The PRESIDENT: Senator Moore, a supplementary question?

Senator MOORE (Queensland) (14:01): The One Nation candidate for Thuringowa runs a business which recently posted on social media jokes about domestic violence. The posts have been condemned by DVConnect chief executive, Ms Mangan—whom you know, Minister—as 'the legitimising of violence against women and children.' Does the minister agree with Ms Mangan? Although you've not spoken to Senator Hanson yet, is this the issue that you would raise with her?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:02): Again, I would hope that each and every one of us in this chamber is absolutely committed to ensuring that domestic violence in Australia, whether it is perpetrated against women or, as the case can be—and as Senator Leyonhjelm has raised—against men. It is something that we stand together in solidarity against. In no way is domestic violence ever a joking matter. It is never a matter to be laughed at. That is why the coalition government has been very, very clear since we came to office that we are determined to keep women and children in Australia safe at home, safe in the streets and safe online. To that extent, again, the very first announcement of the Turnbull government was the \$100 million Women's Safety Package.

The PRESIDENT: A final supplementary question, Senator Moore?

Senator MOORE (Queensland) (14:03): Given the harmful policies of Queensland's One Nation and its candidates, and given the statements the minister has made already in answers to questions that I've put, will the Minister for Women now condemn her Queensland LNP counterparts for preferencing One Nation in no fewer than 49 seats in the upcoming state election?

Senator McGrath: Tell us about Billy Gordon! Sanctimonious hypocrites!

The PRESIDENT: Senator Wong on a point of order?

The Senator Wong: He should withdraw.

The PRESIDENT: Senator Wong has raised a point of order. Senator McGrath, will you withdraw that comment?

Senator McGrath: What am I withdrawing?

The PRESIDENT: The term you used is unparliamentary.

Senator McGrath: I withdraw 'sanctimonious hypocrites'.

The PRESIDENT: Senator McGrath, it's out of order to repeat the unparliamentary term. Please withdraw.

Senator McGrath: I withdraw 'sanctimonious hypocrites'.

The PRESIDENT: No, it's out of order to repeat the term. You just need to withdraw.

Senator McGrath: I withdraw.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:04): In relation to Queensland and the LNP, I am advised that there is no preference deal between the LNP and One Nation in Queensland, and any suggestion of that fact is Labor yet again deliberately muddying the waters. The LNP in Queensland, led ably by Mr Tim Nicholls, have made their position very clear: no deals, no coalition and no shared ministry. But, Senator Moore, in relation to allegations of violence and in particular domestic violence, when those on the other side actually stand up and absolutely condemn Luke Collier and have him thrown out of the CFMEU instead of ensuring he is sent to Western Australian to become the youth advocate, then I might start believing some of those on the other side when they say they don't support domestic violence.

Welfare Reform

Senator HUME (Victoria) (14:05): My question is for the Minister for Employment, Senator Cash. Can the minister update the Senate on how the Turnbull government is helping young Australians get off welfare and into work?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:05): I thank Senator Hume for that question. Again, the Turnbull government firmly believes that the best form of welfare is a job. That is why as a government we have so heavily invested in ensuring our youth who are on welfare but also looking down the barrel of long-term welfare have an opportunity to have a go in a workplace and get a job. You would be aware of the Turnbull government's Youth Jobs PaTH program. This is about preparing our youth to ensure they are

ready for a workplace, letting them have a foot in the door and undertake an internship—the trial stage—and then it would lead to employment: to hiring them. Businesses—in particular, small and medium businesses—are hiring young people as a result of PaTH. It is a great shame that those on the other side fought us every step of the way in relation to getting our youth off welfare and into a job. Those on the other side are quite happy to have young people in Australia rely on the welfare drip.

Senator Watt: Slave labour.

Senator Cameron: You've got no credibility on anything.

Senator O'Neill: What a load of nonsense.

Senator CASH: In fact, with the screams coming from the other side, one would almost think they encourage our youth to stay on welfare. Guess what? We will not do that. We will put in place the policies to ensure that those young people, in particular those in streams B and C, are able to get the skills they need so they can undertake an internship, have a go in a workplace and get a job. Can I give you some statistics. Since the commencement of the program, over 11,000 young people have completed employability skills training. They now have skills they would not have had but for the program. In excess of 13,000 youth bonus wage subsidy agreements have commenced. Our youth are, therefore, getting off welfare and into work.

The PRESIDENT: Senator Hume, a supplementary question?

Senator HUME (Victoria) (14:07): Can the minister please describe the benefits the PaTH program is providing young Australians, their families and their communities?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:08): I've had the opportunity to personally meet a number of amazing young people who have secured work through the PaTH program, and to also talk to the business owners who have taken them on. For example, a young man, Dylan, from Queensland, said that the mere thought of applying for a job and going to an interview was enough to make him feel physically ill, but since he undertook the PaTH internship at a local resort, he hasn't looked back. Even though he had no prior experience, his internship has turned into a job and he now gets to do what he loves—that is, work outdoors. Another great example is a business owner by the name of Sherryll. She owns a panel-work business in Moe in Victoria. Sherryll was willing to take on a young girl by the name of Cheneille through the Youth Jobs PaTH program. As she says, she feels very lucky to have found her. Cheneille is now on track to do an apprenticeship, which is a great outcome for her and the employer.

The PRESIDENT: Senator Hume, a final supplementary question?

Senator HUME (Victoria) (14:09): Is the minister aware of any other proposals to help young Australians get into work?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:09): Yes, I am. The PaTH program—prepare, trial, hire—is just one of the many measures this government has to ensure that, when we say the best form of welfare is a job, we actually mean it. We also have our Empowering YOUTH initiative. What this does is help long-term unemployed young people improve their skills and, by improving their skills, you improve their employability.

We also have the Transition to Work program. This provides support to improve the work readiness of those aged between 15 and 21, helping them into work, an apprenticeship or a traineeship. We also have the ParentsNext program, a program that was so successful in the 10 trial sites that we made a commitment in the last budget to roll it out nationally. This program helps people who have become parents re-enter the work force. Again this is a government that, when it says the best form of welfare is a job, puts in place the policies to ensure that.

Ministerial Conduct

Senator FARRELL (South Australia—Deputy Leader of the Opposition in the Senate) (14:10): My question is to the Minister for Employment, Senator Cash. Will the minister explain to the Senate the principle of ministerial responsibility?

Opposition senators interjecting—

The PRESIDENT: I'm not going to call the minister until I can hear her. Order on my left!

Senator Ian Macdonald interjecting—

The PRESIDENT: Senator Macdonald! Order!

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:10): Thank you, Senator Farrell, for the question. Again, this was something that was canvassed extensively at the estimates hearing. Although I have to say those on the other side don't like my answers, allegations and words that I misled the Senate are, quite frankly, just untrue. As I have always said, the answers that I gave were based on the knowledge at the time—

The PRESIDENT: Order, Senator Cash! Senator Wong, on a point of order?

Senator Wong: 'Methinks she doth protest too much' is what springs to mind! The point of order is—

Senator Brandis interjecting—

The PRESIDENT: Order on my right!

Senator Wong: Thank you, George, it's nice to hear you say something nice to me for a change! My point of order is direct relevance. Whilst I know the minister likes to run through her justification, the point of order is that the question was a very simple one: will the minister explain to the Senate the principle of ministerial responsibility?

Senator Bernardi: So it's on relevance!

Senator Wong: I said it was on direct relevance, if you'd had the courtesy to listen to me, Senator Bernardi.

The PRESIDENT: Order! Senator Macdonald, on the point of order?

Senator Ian Macdonald: I can't really comment on the point of order because I could not hear the minister's answer. I would ask you to ask those opposite to stop shouting and screeching and yelling so at least someone who sits close to the minister, like me, can hear her.

The PRESIDENT: Ministers are allocated two minutes to answer the primary question. The minister has been going for 25 seconds. I am listening to the minister's answer. I believe

it's within scope, but I note the minister has more than 1½ minutes remaining to answer the question. I would ask senators to also—props are inappropriate. I would ask senators to also allow ministers—

Senator Sterle interjecting—

The PRESIDENT: Bits of paper with numbers drawn on them held up are props, yes. I wasn't asking them to talk to the hand! I will ask senators to keep in mind Senator Macdonald's request, because I am certain that, if he cannot hear her sitting a seat away, the other end of the chamber will not be able to either.

Senator CASH: One of the elements of ministerial responsibility is ensuring that, when you find out that an answer that you've given based on the knowledge you had is incorrect, you correct the record, which is exactly what I did.

The PRESIDENT: Senator Farrell, a supplementary question.

Senator FARRELL (South Australia—Deputy Leader of the Opposition in the Senate) (14:13): I do have a supplementary question. Does the minister accept that the principle of ministerial responsibility extends to the actions of ministerial staff as reiterated in the 2003 report by the Finance and Public Administration References Committee which states:

Responsibility for the actions of ministerial staff rests always with their minister, and the Committee reaffirms this principle.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:14): As I said, I took responsibility when it was brought to my attention that the information I had given was not correct. I corrected the record at the earliest opportunity and my staff member resigned, just as former Prime Minister Gillard's staff member resigned when they incited what was referred to at the time as a race riot when she was Prime Minister.

Opposition senators interjecting—

The PRESIDENT: Order on my left!

Senator CASH:

Senator Wong interjecting—

Senator Cameron interjecting—

The PRESIDENT: Senator Wong and Senator Cameron!

Senator CASH: If I recall rightly, those on the other side, in particular Senator Wong, were very vocal in supporting former Prime Minister Gillard—

The PRESIDENT: Order! Senator Cash, Senator Williams is on his feet.

Senator Williams: Mr President, I ask you to draw attention to standing order 197. If they do not pay any attention to standing order 197, introduce standing order 203 to those who persistently are yelling across the chamber and pay no attention to you whatsoever.

Honourable senators interjecting—

The PRESIDENT: When there is noise on my left and we don't progress question time, it means we will get to fewer questions. I will also call for order on my right, because if there are complaints that people can't hear it applies regardless of what side one is sitting on.

Senator CASH: As I was saying about former Prime Minister Gillard: when her staffer incited a race riot those on the other side were incredibly vocal in backing former Prime Minister Gillard every step of the way. Even though those on the other side do not like my answers, it does not change the fact that at the earliest opportunity, I went to the Senate committee and advised them of what had occurred.

Senator FARRELL (South Australia—Deputy Leader of the Opposition in the Senate) (14:15): I have a final supplementary question. Does the minister accept responsibility for her staff leaking details of the Registered Organisations Commission raid on the Australian Workers' Union to the media?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:16): As I've stated, my staff member resigned his employment. As soon as I was made aware of the facts, I corrected the record.

Marriage

Senator RICE (Victoria) (14:16): My question is to the Minister representing the Prime Minister, Senator Brandis. The resounding vote for marriage equality announced today has been the result of the tireless campaigning by so many LGBTIQ people that has been underway in Australia for well over a decade. There have been 22 marriage equality bills introduced into the Australian parliament since John Howard, the former Prime Minister, changed the marriage law in 2004. How will the government facilitate the actual passage of legislation to reflect Australia's overwhelming vote for equality that was announced today?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:17): Thank you very much indeed, Senator Rice. May I say I join you and many other members of this chamber in welcoming—indeed, in rejoicing at—the outcome of the marriage postal survey, which returned a yes vote, a little higher than I had expected, of 61.6 per cent and a participation rate of 79.5 per cent. This, on any view, was an outstanding outcome. I want to once again congratulate Senator Mathias Cormann, who was responsible for the conduct of the marriage postal survey, on an outstanding performance. The result—as somebody who, for years, has been an advocate of the yes case—gladdens me greatly.

Senator Rice, what the parliament will do now is precisely what the Prime Minister and I have promised it will do. It will facilitate the consideration of a private member's bill—in fact, it will be a private senator's bill—to give effect to the strongly-expressed wishes of the Australian people.

This is an important day in Australia's history. It is an important day in the history of human rights in Australia. It is an important day on which we acknowledge and finally strike down this barrier of discrimination against people on the grounds of their sexuality. While respecting, as I do, the conscientious beliefs of those who didn't want to see the definition of marriage changed, I, nevertheless, as I said before, welcome and rejoice in this outcome and I look forward to the passage through this parliament before the end of this year of legislation to give effect to it.

The PRESIDENT: A supplementary question, Senator Rice?

Senator RICE (Victoria) (14:19): Senator Brandis, can you assure the Senate that the government will do everything in its power to ensure that lesbian, gay, bisexual, transgender, intersex and queer people in Australia will enjoy freedom from discrimination, and that protections for LGBTIQ people and couples in the provision of goods and services will not be rolled back?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:19): Senator Rice, I don't believe that they should be rolled back, and I think you and I have the same view on this matter. What we will do is what we said we'd do in the event of a yes vote—that is, we will facilitate debate on a private senator's bill to give effect to the decision of the Australian people that the law should be changed to allow same-sex couples to marry.

The PRESIDENT: A final supplementary question, Senator Rice.

Senator RICE (Victoria) (14:20): Senator Brandis, if the parliament can get the reform enshrined in legislation before the end of our last sitting week, can loving couples, regardless of their gender or sexuality, be assured they will be able to marry and that we'll be able to hear wedding bells by Christmas?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:20): Senator, I'm not in a position to tell you the date of commencement of the amendments to the Marriage Act should the parliament pass them, though I would like to see the amending act proclaimed as soon as possible, and I hope that will be before Christmas, and I expect it will be.

Queensland: Mining

Senator IAN MACDONALD (Queensland) (14:21): My question to the Minister for Resources and Northern Australia asks if the minister is aware of the importance of the Adani coalmine and what it will mean for jobs in Queensland. I ask the minister if he might be able to update the Senate on progress with the Adani Carmichael project in Queensland. Particularly, could the minister tell me what support the project's received from the Queensland Labor government? I note that the Labor Premier of Queensland was in favour of it, then she was against it; the Deputy Premier was against it, but she was part of a government that was in favour of it; the Queensland Treasurer has a different view; the candidate for Burdekin, which is where this mine is, is all over the ship on it. I'm wondering if the minister might be able to clarify the real position of the Queensland government, the Australian government—

The PRESIDENT: Order! Senator Macdonald, I have Senator Whish-Wilson on his feet on a point of order.

Senator Whish-Wilson: A point of order: we're wondering if Senator Macdonald's got a question.

The PRESIDENT: Senator Whish-Wilson, I heard numerous questions in that. Senators are granted a minute to ask a primary question. I would hasten to add it is used by numerous senators around the chamber. I'll call upon Senator Macdonald to continue his question.

Senator IAN MACDONALD: Mr President, can I just point out—

The PRESIDENT: Halt the clock, please.

Senator Cameron interjecting—

The PRESIDENT: Order! Senator Cameron.

Senator IAN MACDONALD: Can I just point out my very first words were, 'Is the minister aware of the importance of the Adani coalmine.'

The PRESIDENT: Senator Macdonald, I have ruled that your question is in order, and the point of order I have rejected.

Senator IAN MACDONALD: Do you want me to start again, Mr President?

The PRESIDENT: I heard numerous questions as you were going, Senator Macdonald. I ask you to continue your question. I will grant you a few extra seconds given the clock wasn't stopped early enough.

Senator IAN MACDONALD: Thank you, Mr President. Can the minister clarify what the real position is of the Queensland government, the Australian government and the members for Burdekin, Dawson, Capricornia, Herbert and, indeed, all Queensland senators?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:23): I thank Senator Macdonald for those many and important questions. I can understand the confusion that Senator Macdonald has here, because we are all confused about what the position of the Australian Labor Party is. We have the remarkable situation where, just 10 days before the Queensland election, we really don't know what the Queensland government's position is on probably the most important project in North Queensland. This is the biggest investment from an Indian company ever in Australia and the Queensland government doesn't have its story straight.

The Queensland government called this election; no-one else did. No-one else surprised them that the election would be in 10 days time. They called the date, they decided the date and they did so before they had their show in order, before they had their story straight. The people of Queensland have no idea. We have this absurd situation where, just three weeks ago, the Premier apparently pulled her support for the project and the thousands of jobs that would come from it. Then a few days later the Treasurer of Queensland said in the *Townsville Bulletin* that in fact his position hadn't changed and he still supported federal government investment in the rail line, only to retract that position a few hours later, to be pulled into line by the Premier and say, no, in fact he's deserted the people he's meant to represent in North Queensland and that he no longer supports the loan. Then we had the situation in the last couple of days, where Labor candidates running around central and north Queensland are still trying to protest and say that they in fact support the project. We know, and the people of Queensland know, that if they want these jobs there's only one answer. If they want these jobs, the Liberal National Party is not shy of expressing our support. We don't know where Senator Watt is, we don't know where Senator Chisholm is, we don't know where Senator Ketter is and we don't know where Senator Moore is. They've said 'boo' on it. They've said nothing. But we know, and the people of Queensland know, where Senator Macdonald is and where the members for Dawson, Capricornia and Flynn are, and they know where I am. We're behind this project and we're backing these jobs.

The PRESIDENT: Senator Macdonald, a supplementary question.

Senator IAN MACDONALD (Queensland) (14:25): Can I ask the minister what the Queensland government has actually told the federal government, and you as the federal

minister, concerning its position on Adani? Perhaps that might clarify just what their position is.

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:25): I thank Senator Macdonald for the question. Yes, I can outline what their position has been over time; indeed, it's documented in writing. The Queensland government wrote to the Australian government in February last year—to my predecessor, Minister Frydenberg—and had a list of NAIF candidate projects that they provided us that they would like us to invest in, which included Galilee Basin rail and port developments. They actually applied for these funds. They sent us a letter saying that they would like them. Then, about eight months later, the Deputy Premier, Jackie Trad, said, 'We have determined as a cabinet that any money sourced from the NAIF must come directly from the Commonwealth and not go through the state as a middleman.' Within days, I wrote to the Premier and asked her to clarify the position. The Treasurer wrote back to me and said, 'We will not stand in the way of those arrangements, of those funds flowing through to the project.' Then, a few weeks before the election, we had the Premier pull their position. The Labor Party have been all over the shop on this. The only way we can make this project go forward and these jobs be created is for the Liberal National Party to be elected. *(Time expired)*

The PRESIDENT: Senator Macdonald, a final supplementary question.

Senator IAN MACDONALD (Queensland) (14:26): Does the minister know—is it within his knowledge—whether the Queensland government has actually informed the Adani organisation of its backflip on this very, very important job-creating project in the North?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:27): I thank Senator Macdonald for his question. It is remarkable, with what is potentially the largest investment in Australia from an Indian company—a project that will create thousands of jobs and on which, when the Premier visited India only a few months ago, she lapped up all the publicity over there, saying she supported the project; she stood with eight Queensland mayors, saying she supported the project—that, 12 days since announcing she was pulling her support from the project, the Premier apparently has yet to even speak to Adani about her decision and explain to them why she has done this monumental backflip. *The Courier Mail* reported a few days ago that the Premier of Queensland is yet to pick up the phone to Adani and explain her position. She has run and hidden from scrutiny on this. She has misled and misconstrued the advice that the Integrity Commissioner gave her, and she hasn't even had the wherewithal to explain herself to the people who want to create these jobs in our state of Queensland.

Government Procurement

Senator PATRICK (South Australia) (14:28): My question is to the Minister for Finance. In 2015-16, the Commonwealth government spent \$57 billion purchasing goods and services. Government procurement is recognised around the world as an important means of implementing government policy in respect of industry development, jobs, innovation and maximising economic growth. The unanimous and bipartisan recommendations of the Joint Select Committee on Government Procurement were carefully drafted to be entirely consistent with Australia's international trade treaty obligations. Why is it that the government has failed to accept them in full, therefore putting the creation of thousands of local jobs, the maximising of local investment and local supply chains at considerable risk?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:29): Let me say right up-front that the government does not accept the assertion made by Senator Patrick that we're putting job creation at risk through our approach to government procurement. In fact, if you look at the track record under this government, job creation is actually running very strongly, and the reason it's running very strongly is Australia's success as a trading nation where we have worked very hard to give Australian exporting businesses the best possible opportunity to sell Australian products and services in markets around the world. The global market, of course, is so much bigger than just the domestic Australian market. Whatever we do domestically in Australia, we need to be very mindful of the flow-on implications it could have for the strength of our economy, for investment and for jobs here in Australia if we get these decisions wrong.

The Australian government continues to support Australian business through the ongoing negotiation of free trade agreements in Australia's national interest, opening up new international markets for Australian businesses. We have already opened up major new markets to Australian businesses in China, South Korea and Japan while we continue to work on other agreements, including with Indonesia and the European Union.

In response to the report's 16 recommendations, the government supports in principle or supports in part six of the recommendations. We have noted two recommendations and we do not support the remaining eight recommendations. The key reasons for not supporting these eight recommendations are an inconsistency with Australia's trade obligations and a lack of evidence to suggest the need to introduce proposed additional regulation and red tape. In many cases, the intended outcomes within the recommendations are already addressed within the procurement framework, and adopting the recommendations would undermine the Commonwealth's capacity to achieve value for money and innovation by making procurement processes less competitive and flexible. The response reflects the government's commitment to building a stronger, more prosperous and resilient economy, where Australian businesses have the best possible opportunity to get ahead.

The PRESIDENT: Senator Patrick, with a supplementary question.

Senator PATRICK (South Australia) (14:31): The government appears to have used 'growing red tape' as the reason for not agreeing to many of the recommendations. The South Australian Industry Advocate is on the *Hansard* as stating that industry feedback on the South Australian approach, around which the committee's suggested approach was based, provides a consistent model, simplicity and no additional burden to industry. Did the government consult with the South Australian Industry Advocate before coming to this erroneous growing red-tape conclusion, and if not why not?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:31): The government did not consult with the South Australian Industry Advocate but it did take into account the submissions received and the evidence presented during the Joint Select Committee on Government Procurement's hearing process. The government stands by its response to the committee's report and does not support the introduction of additional requirements for the Commonwealth or business within the Commonwealth procurement framework that would lead to additional costs and red tape.

Recommendations to this effect, including the reintroduction of an environmental-sustainability-procurement-connected policy and supply chain reporting for businesses, would

introduce onerous reporting requirements, increase the costs of contracting and reduce the necessary flexibility and procurement processes as covered in recommendations 3, 4, 7 and 10. It is worth noting that Australian suppliers are already well represented in Commonwealth procurement statistics, with businesses with an Australian address winning approximately 94 per cent of contracts, by number, in 2015-16.

The PRESIDENT: Senator Patrick, a final supplementary question.

Senator PATRICK (South Australia) (14:32): Minister, you are the crossbench whisperer: the deal maker. What effect do you think this breach of agreement with NXT will have on all future crossbench negotiations? Does the government think that the departure of Mr Xenophon from this chamber means agreements previously reached between NXT and the government are null and void? Your government's actions certainly seem to indicate that risky and foolish approach.

The PRESIDENT: Senator Patrick, it is your first question. For future questions, I would seek to link it better to the primary question.

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:33): We in this government, when exploring issues and reaching agreements on policy outcomes, always act consistently with the agreements we have reached, as we have on this occasion. We included certain amendments to the Commonwealth procurement framework in the relevant guidelines, as Senator Cash well remembers, because it was done in the course of the debate on re-establishing the Australian Building and Construction Commission. That was done. We also made a commitment to the inquiry taking place, which also happened.

We never made a blanket commitment to accept all of the recommendations coming out of that process. We are totally focused on Australia's national interest. Australia is an open trading economy. We do business with businesses all around the world. We want Australian businesses to have the best possible opportunity to sell Australian products and services around the world, and we need to ensure that we continue to protect the competitiveness of Australian businesses to sell products and services around the world.

Child Care

Senator BROCKMAN (Western Australia) (14:34): My question is to the Minister for Education and Training, Senator Birmingham. Can the minister update the Senate on the implementation of the Turnbull government's childcare package and explain how Australian parents can prepare for the package?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:34): I thank Senator Brockman, a father of three very young children, who has a very passionate interest in early childhood education and care, for his question. The Turnbull government is delivering the most comprehensive reforms of childcare support in Australian history and in doing so is helping to provide additional support to almost one million hardworking Australian families. Our reforms will ensure that those Australians who are working the longest hours receive the greatest number of hours of entitlement to childcare support and subsidy. Our reforms will ensure that those Australians who are earning the least amount of money from their hard work and toil receive the greatest level of subsidy and financial assistance for their childcare reforms. Our view is that childcare costs shouldn't

dictate how long, how hard or how many hours or days a parent chooses to work; that we ought to empower that decision in Australian families; and, indeed, that our reforms will help to do so.

Let me give Senator Brockman and all senators some examples. For example, an Australian family earning \$50,000 per annum, with two children in child care for a few days a week, will be an estimated \$3,000 a year better off thanks to the Turnbull government's reforms. A family earning \$94,000 per annum, similarly with two children in child care for two days a week, would be more than \$1,500 a year better off. These are the hardest-working Australian families, doing their bit, and they will receive more assistance thanks to our reforms.

And we have made all of this information available to Australian families. I would urge any family interested in preparing next year for the implementation of our reforms to check the child care estimator on the Department of Education and Training's web site to see how it will benefit their families so they can make the work and family decisions that suit them for the year ahead.

The PRESIDENT: Senator Brockman, a supplementary question.

Senator BROCKMAN (Western Australia) (14:36): Can the minister explain which families will benefit most from the government's new childcare initiatives?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:37): If you look across the country, it is unsurprisingly in the mortgage belt suburbs with the hardest-working families and the greatest number of young children that we see the greatest benefits. In Senator Brockman's home state, for example, around the electorates of Pearce or Burt, we see close to 6,000 families who are estimated to be better off in those communities. We spent some time talking about Queensland today. If you go across to Queensland and look at an electorate like Forde, taking in suburbs like Beenleigh, Loganholme or Eagleby, more than 8,000 families in those communities are estimated to be better off. For Senator Macdonald, up in Townsville, in the electorate of Herbert, around 7,000 Australian families will be better off thanks to the Turnbull government's reforms to provide more childcare assistance to those working the hardest and earning the least to make sure they can make the decisions that suit their families, to make sure they can access the care that is necessary to work the hours that suit them that they choose to do.

The PRESIDENT: Senator Brockman, final supplementary question.

Senator BROCKMAN (Western Australia) (14:38): Can the minister outline what would have happened to Australia's childcare system and the families who depend on it without this significant reform?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:38): Without our comprehensive reforms, the \$7½ thousand cap on the childcare rebate, which sees so many Australian families hit February or March of the financial year and just run out of support, would have stayed in place. What happens? Those families choose to work fewer days because they can't afford the childcare bills. They choose to forgo the opportunities of employment. That's what we're bringing to an end, empowering that choice in those families. We're equally putting in place pricing mechanisms that will keep a downward

lid on fee growth in the future, helping both families and taxpayers with what have been runaway costs in childcare fees.

It's remarkable, though, that those opposite across the Labor Party chose to vote against the Turnbull government's reforms, which are helping almost one million Australian families with additional support—the lowest-income families with the greatest support. The Leader of the Opposition voted against some 4,800 families in his own electorate who will be better off as a result of these reforms, as did each and every one of those members opposite. But the Turnbull government is proud and determined to deliver families the support they need.

Trade with Taiwan

Senator LEYONHJELM (New South Wales) (14:39): My question is to the Attorney-General, representing the Minister for Trade. The Australian government is negotiating free trade agreements with the governments of the gulf states, India, Indonesia and 10 or 11 countries in the Trans-Pacific Partnership. It's signed an agreement involving various Pacific Island countries and has free trade agreements in force with the governments of New Zealand, Singapore, Thailand, the US, Chile, Malaysia, Korea, Japan and the Association of Southeast Asian Nations. The Australian government also has a free trade agreement with the government of China. However, it does not have a free trade agreement with the government of Taiwan. The previous minister for trade Mr Andrew Robb advised me that such an agreement was on the agenda. Can the Attorney advise if this is still the case?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:40): Thank you very much, Senator Leyonhjelm, for that question and for the courtesy of giving me some advanced notice of it, so I've got some information from the Minister for Trade which I can give to you.

Taiwan is an important economic partner for Australia, and our bilateral relationship continues to expand. The government is open to the possibility of pursuing better market access arrangements and closer economic cooperation with Taiwan. Any arrangements Australia concluded with Taiwan would be consistent with our one-China policy. The government continues to investigate the potential for liberalising trade arrangements with major trading partners. Taiwan was our 14th-largest trading partner in 2016, and our eighth-largest goods export market for the financial year 2016-17. We expect to see strong growth in energy exports to Taiwan over the medium term as Taiwan transitions its energy mix. For example, Australia is well placed to meet Taiwan's growing demand for LNG over the longer term and coal over the shorter term.

Australia and Taiwan's people-to-people trade links are also stronger than ever. Taiwan is a significant source market for international students in Australia, and is the second-largest source of working holiday-makers after the United Kingdom. Taiwan is Australia's 13th-largest tourism market by arrivals, and 12th by expenditure. In fact, increased flights and new routes saw visitor numbers from Taiwan to Australia grow by 26 per cent to over 164,000 in 2016.

The PRESIDENT: Senator Leyonhjelm, a supplementary question?

Senator LEYONHJELM (New South Wales) (14:42): I think I'll interpret that as no. Communist China has a history of arresting Australian employees of Australian companies and detaining them for long periods of time, only releasing them after they confess to

implausible crimes. Can you advise whether the liberal democratic government of Taiwan has ever done the same to any Australians?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:42): Without accepting the assertion in the first part of that question, I can tell you that, no, we are not aware of any Australians being arrested or detained in Taiwan for commercial matters or economic crimes.

The PRESIDENT: Senator Leyonhjelm, a supplementary question?

Senator LEYONHJELM (New South Wales) (14:42): I understand that trade with Taiwan exceeds trade with most of the countries with which we have signed, or are negotiating, free trade agreements. Can the minister confirm that Australia has an independent foreign policy and that any threats from the government of China have no bearing on our trade policy?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:43): Indeed, Taiwan was our 14th-largest trading partner in 2016. Australia has concluded FTAs with 10 of our top 15 trading partners, including China, the United States, Japan, Korea, New Zealand, Singapore and Thailand. Our negotiations with India, the EU and, eventually, the UK, will mean that when completed, Australia will have FTAs with our top 10 trading partners.

Queensland: Infrastructure

Senator WATT (Queensland) (14:43): My question is to the minister representing the Minister for Infrastructure and Transport, Senator Scullin. How much is allocated in the federal government's forward estimates for the proposal of Queensland opposition leader, Mr Tim Nicholls, to build a second motorway at the Gold Coast in Queensland?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:44): I don't have those details to hand. I'll just have to take them on notice.

Senator WATT (Queensland) (14:44): What analysis has the federal government undertaken into the cost of building a second motorway at the Gold Coast?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:44): Again, I'll have to take those details on notice, but I can assure you that a cost-benefit analysis is done in line with us making an investment in all of these areas. As I said, I will have to get you the details, but that's our policy.

The PRESIDENT: Senator Watt, a further supplementary question.

Senator WATT (Queensland) (14:44): Given the minister will not confirm the total cost of the Queensland opposition's proposal and will not confirm that the federal government will contribute \$250 million to the project, as announced by Mr Nicholls, has the state Leader of the Opposition misled the voters of Queensland or is this just another example of the Queensland LNP being, to quote Senator Brandis, 'very, very mediocre'?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:45): I don't think anybody in this place appreciates being verballled in that way. I was very clear in my answer that I will provide those details on notice, so I don't appreciate somebody verballing me by indicating my answer was quite to the

contrary and that I'd indicated something quite different to that. I will take the answers to his questions on notice. As I said, I don't really appreciate some sort of implication from a question that I haven't been able to provide the answer to.

Trade with Peru

Senator O'SULLIVAN (Queensland) (14:46): My question is to the Attorney-General, representing the Minister for Trade, Tourism and Investment, Senator Brandis. Can the Attorney-General advise the Senate how the coalition government's ambitious free trade agenda is creating new opportunities for Australian businesses and supporting local jobs?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:46): Yes, I can, Senator O'Sullivan, and I thank you very much for that very important question. The Turnbull coalition government has the most ambitious free trade agenda in Australia's history, and you heard some of the particulars I just gave Senator Leyonhjelm about those FTAs. We are unashamedly pursuing new opportunities for Australian businesses to access global markets and to take advantage of benefits that flow from liberalised trade.

The Prime Minister and the Minister for Trade, Tourism and Investment last week attended APEC in Vietnam to implement the government's agenda of growing trade, generating jobs and fuelling economic growth. It has been our consistent approach to free trade that has contributed to Australia's 26 years of uninterrupted economic growth.

There are those in this place who would seek to wind back the clock with protectionism, but that is not the approach of this government. We are taking a proactive approach and demonstrating leadership on the world stage. Our contributions at forums such as APEC ensure that we're positioned to capture every opportunity on offer in our region and put Australia's best foot forward. We know that open markets are key to Australia's success. Last year, Australia's average household income was \$8,448 higher than it would have been without this government's trade liberalisation achievements. Our ambitious free trade agenda is delivering opportunities for Australian exporters and supporting the one in five Australian jobs that are reliant on trade.

The PRESIDENT: Senator O'Sullivan, a supplementary question.

Senator O'SULLIVAN (Queensland) (14:48): Once more, a very comprehensive and honest answer, delivered eloquently. Can the Attorney-General outline how the Peru-Australia Free Trade Agreement, concluded on the Friday of last week, will help to grow Australian businesses and create jobs?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:48): Yes, I can, and, yes, I will. Last week, the Prime Minister and the Minister for Trade, Tourism and Investment announced the conclusion of the Peru-Australia Free Trade Agreement negotiations in Vietnam.

This important agreement, known as PAFTA, marks the beginning of a new chapter in relations between Australia and Latin America. It provides Australian exporters, particularly in agriculture, mining and services, with outstanding access to one of the fastest-growing economies in the world. Last year, Peru imported US\$4.6 billion of agricultural goods; however, Australia only exported \$5.3 million worth of agricultural goods to Peru because of tariff barriers and preferential access for our competitors. The Peru-Australia Free Trade

Agreement will help Australian farmers gain a much greater share of that multibillion dollar market.

The PRESIDENT: Senator O'Sullivan, a final supplementary question?

Senator Cameron interjecting—

Senator O'SULLIVAN (Queensland) (14:49): Rabbie Burns over there makes it difficult to get a question out. Can the Attorney-General update the Senate on some of the big wins for Australian businesses in PAFTA, particularly in our great home state of Queensland?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:50): I certainly can. The Peru-Australia Free Trade Agreement delivers huge wins for Australian businesses, particularly for our home state of Queensland. It locks in the wins with Peru from the TPP but goes well beyond that in market access outcomes. PAFTA will eliminate 99 per cent of tariffs that Australian exporters face into Peru. Sugar, dairy, rice and sorghum farmers in particular will enjoy historic market access. Australia's sugar market access is more than any other exporting country has achieved in 20 years, and is equivalent to roughly 30 per cent of Peru's sugar imports. This is a great win for Queensland cane growers, who rely on free trade agreements to be competitive overseas, and it's no surprise that they have welcomed the Turnbull government's announcement.

Parry, Hon. Stephen

Senator PRATT (Western Australia) (14:51): My question is to the Minister for Communications, Senator Fifield. I refer to the minister's answer in question time yesterday, who, when asked if he suggested Senator Parry should withhold information about citizenship doubts, replied that he 'did not direct Senator Parry'. If he did not direct Senator Parry in his conversations about citizenship, what did he do?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Acting Minister for Regional Communications) (14:51): I didn't advise, suggest or direct what Senator Pratt is suggesting. What I did was encourage him to do what he was seeking to do, and that was to check his own family's records.

The PRESIDENT: A supplementary question, Senator Pratt?

Senator PRATT (Western Australia) (14:52): I refer again to the minister's answer, that he 'was not aware that Senator Parry was a dual citizen until he advised all colleagues'. Did Senator Parry, in his 'varied and casual' private conversations with Minister Fifield, give any indication that he may be a dual citizen or cast doubt on his status?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Acting Minister for Regional Communications) (14:52): As I've indicated, Senator Parry was endeavouring to check his own family records. Obviously, that was in order to satisfy himself about his own personal circumstances. As I've said before in this place, it is the personal and individual responsibility of each senator to check their personal circumstances.

The PRESIDENT: Senator Pratt, a final supplementary question?

Senator PRATT (Western Australia) (14:53): Has the minister been counselled by Mr Turnbull or the Attorney-General for keeping his conversations with Senator Parry regarding his dual citizenship private?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications, Minister for the Arts and Acting Minister for Regional Communications) (14:53): As I have indicated before, I did not speak to others about our conversations—

Senator Wong: Why not?

Senator FIFIELD: Because they were with a colleague on a matter of their personal responsibility about which they had not reached a concluded view.

Health Care

Senator DUNIAM (Tasmania) (14:54): My question is to the minister representing the Minister for Health, Senator Fierravanti-Wells. Can the minister update the Senate on how the Turnbull government is supporting cutting-edge medical research?

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (14:54): First of all, I congratulate you, Mr President, on taking on the presidency, and thank Senator Duniam for his question. Yesterday, 14 November, was World Diabetes Day. As Minister Hunt said, this is a day about new hope and new opportunities for people of all ages with diabetes. To support this, the minister announced that the Turnbull government would invest \$9.46 million through the National Health and Medical Research Council's grants program. This investment will support new research into type 1 diabetes, a disease for which we have no cure. This project, run by St Vincent's Institute of Medical Research in Melbourne, will see collaboration between four of Australia's top research teams. The focus of the research will be on early life and understanding why type 1 diabetes develops, prevention, seeking to identify new drugs to stop the disease from occurring, treatment and improving therapies to replace the cells that are destroyed during the disease process.

This research is important because around 140,000 Australian children and adults suffer from type 1 diabetes. Yesterday's announcement builds on the Turnbull government's recent \$200 million investment in world-leading medical research projects which will improve the lives of patients battling cancers, mental health illnesses and chronic disease. This will include over \$400 million to be invested in cancer research, including areas like melanoma research, \$29 million into mental health research, \$23 million into cardiovascular disease research, \$8 million for diabetes research, \$5 million for obesity research, and improving the health of Indigenous Australians is a priority with \$15.5 million for new research. Over \$15 million also will be targeted at research projects that support people who suffer severe injuries. A total of 326 projects will be funded at a cost of more than \$197 million. (*Time expired*)

The PRESIDENT: Senator Duniam, a supplementary question.

Senator DUNIAM (Tasmania) (14:56): I appreciate the minister's answer. Can the minister further outline the importance of medical research in the Turnbull government's long-term national health plan?

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (14:56): Medical research is a key pillar of the Turnbull government's long-term national health plan. In addition to the recent \$200 million research boost, the government has established a \$20 billion Medical Research Future Fund, which will provide a long-term, sustainable source of funding for the next generation of medical breakthroughs. Furthermore, we are committed to supporting the NHMRC with the government investing over \$4 billion across the next four years. Finally, the government has established a \$500 million Biomedical Translation Fund. This fund is helping early-stage biomedical companies become internationally competitive, creating new markets for health care and producing better health outcomes. This all shows that the Turnbull government is committed to keeping Australian health consumers at the cutting edge of medical treatment.

The PRESIDENT: Senator Duniam, final supplementary question.

Senator DUNIAM (Tasmania) (14:57): Finally, can the minister advise how Australians will benefit from the government's record-breaking investment in medical research?

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (14:57): Australian medical research has been at the forefront of delivering life-saving treatments for patients around the world. The revolutionary human papillomavirus vaccines that help protect against four types of HPV are based on technology first developed and patented in Australia. Apart from its impacts on women's health worldwide, the vaccine was one of the first Australian pharmaceutical successes to result in a fair share of economic flow back to Australia. Just last month, we announced the listing of a new and improved Gardasil 9 vaccine that will protect against another five strains of the HPV. This \$460 million investment by the coalition to the National Immunisation Program is another great example of how the government is taking cutting-edge medical research to the people of Australia. This government takes the health of Australians seriously; contrast this with the record on health of those opposite. *(Time expired)*

Hadgkiss, Mr Nigel

Senator CAMERON (New South Wales) (14:58): My question is to the Minister for Employment, Senator Cash. In evidence to the Senate Education and Employment Committee on 25 October, the minister admitted that she personally approved taxpayers funding the cost of defending Mr Hadgkiss for actions he admits were illegal. Section 5 of appendix E of the Legal Services Directions provides that approval to cover the legal cost of employees should normally be given if the employee 'acted reasonably and responsibly'. On what basis did the minister form the judgement that Mr Hadgkiss had acted reasonably and responsibly?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:59): I thank Senator Cameron for the question. Again, I would have to say, though, Senator Cameron, that to say this was canvassed extensively at estimates, as you would recall, is an absolute understatement. As you were also advised at estimates, it is longstanding practice, regardless of who is in office, for Commonwealth statutory office holders and employees to be indemnified for the costs of defending legal proceedings brought against them. Under appendix E to the Legal—

The PRESIDENT: Order, Senator Cash. Senator Cameron, are you raising a point of order?

Senator Cameron: Yes—a point of order on relevance. I asked the specific question: how did the minister form the judgement that Mr Hadgkiss had acted reasonably and responsibly? How did the minister form that judgement?

The PRESIDENT: The minister has been speaking for 29 seconds. I consider her as being within the scope of the question you asked and directly relevant to it, Senator Cameron.

Senator CASH: As I was saying, on 14 November 2016 it was again explained to you at estimates, Senator Cameron, that Mr Hadgkiss filed his defence in the litigation. He denied, as you know, any contravention of the Fair Work Act. I subsequently approved financial assistance for his legal costs. Again, as you were made aware extensively at Senate estimates, this was consistent with appendix E to the Commonwealth Legal Services Directions and did not cover the penalty ordered against him. Under appendix E to the Legal Services Directions, assistance is not precluded to an official who acted negligently. The assistance I approved was consistent with the Federal Court's findings that he was careless but he did not intend to contravene 503(1) of the Fair Work Act.

The PRESIDENT: Senator Cameron, a supplementary question?

Senator CAMERON (New South Wales) (15:01): Yes, Mr President. Section 7 of the schedule provides that:

If it is not clear whether the employee has acted reasonably and responsibly, it may be appropriate to defer a decision on assistance until the conclusion of the proceedings...

Given Justice Collier had described Mr Hadgkiss's conduct as, 'At the higher end of the scale of seriousness', why did the minister not choose to defer a decision?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (15:02): Again, Senator Cameron, as was explained extensively to you at Senate estimates hearings, I have made my decision in accordance with Legal Services Directions.

The PRESIDENT: Senator Cameron, a final supplementary question.

Senator CAMERON (New South Wales) (15:02): How much have Australian taxpayers paid as a result of the minister's decision to defend Mr Hadgkiss for action he himself admitted was illegal?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (15:02): Thank you, Senator Cameron, for that question. Again, as was explained to you at Senate estimates, we have not yet received the final figures from the ABCC. However, colleagues, before we go, we do have a few minutes, so if we want to talk about legal costs being incurred by those who don't deserve it, why don't we talk about the legal costs incurred by the members of the CFMEU? When it comes to behaving not in accordance with the law, the CFMEU are the worst offenders in this country.

Opposition senators interjecting—

The PRESIDENT: Order on my left!

Senator CASH: They have recently been handed out the absolute maximum fine that you can be handed in Queensland. And what do those on the other side say? Senator Wong says, 'We run a protection racket for our friends.' Senator Wong—

Opposition senators interjecting—

The PRESIDENT: Order! Senator Cash, have you concluded your answer?

Senator CASH: No.

The PRESIDENT: Senator Cameron, on a point of order.

Senator Cameron: I'm just very concerned about Senator Cash's health if she keeps doing this sort of response. She really needs to settle down or she will be in health trouble.

The PRESIDENT: That is not a point of order, Senator Cameron. Resume your seat. Senator Cash.

Senator CASH: Senator Wong and those on the other side—

Opposition senators interjecting—

Senator CASH: Senator Wong—the great defender of the CFMEU; the former lawyer who represented them. The CFMEU—millions and millions of dollars in fines in this country. Those on the other side run a protection racket for them. *(Time expired)*

Senator Wong: You're unravelling. Look at you; everybody knows you lied to the Senate. Your reputation is shot.

Senator Cash: Penny, at least I don't interfere with foreign countries. And you're the shadow foreign affairs spokesperson—

Opposition senators interjecting—

The PRESIDENT: Order!

Senator Brandis: Mr President, it's with great reluctance that I interfere with that fabulous performance. I ask that further questions be placed on the *Notice Paper*.

PERSONAL EXPLANATIONS

Senator REYNOLDS (Western Australia) (15:04): I seek leave to make a short statement.

Leave granted.

Senator REYNOLDS: I rise to make a statement in regard to comments made by Senator Cameron today in a senator's statement. In his statement I believe he egregiously misrepresented the comments of both me and Senator Paterson in a private Senate Education and Employment Legislation Committee meeting held earlier today. Senator Cameron's comments—he didn't have the courtesy to advise me he would be making the statement—can only be characterised as a massive own goal by Senator Cameron. As senators, elected representatives and legislators, it is incumbent on us all to respect parliamentary process and the chamber in which we serve. I am extremely disappointed and disgusted by Senator Cameron's wilful misrepresentation and mischaracterisation of the committee's proceedings this morning. Unlike Senator Cameron, I will not be breaching standing orders and privilege and will not be disclosing unauthorised information, as he has done now twice in this chamber in two days. But I would observe that, in addition to misrepresenting me and Senator Paterson, Senator Cameron has, by his very misrepresentation, made further unauthorised

disclosures of private committee deliberations in contravention of the Senate standing orders and privilege resolutions. That is twice in two days. Senator Cameron's consistent unauthorised disclosures of committee information and his complete disregard for parliamentary process not just is undermining the work of this particular committee but also brings the integrity of the Senate and the Australian parliament into disrepute.

Senator CAMERON (New South Wales) (15:06): I seek leave to make a short statement.

Leave granted.

Senator CAMERON: I find this absolutely unbelievable. I was basically summoned there this morning and I will not be treated as some criminal by Senator Paterson or Senator Reynolds. This is a cover-up that's on. This is what's going on here—trying to cover up Senator Cash's involvement.

The ACTING DEPUTY PRESIDENT (Senator Sterle): Senator Birmingham, on a point of order?

Senator Birmingham: Mr Acting Deputy President, this is a time in which personal explanations can be made. Personal explanations, of course, go to the heart of whether or not a senator has been misrepresented or some misconduct has occurred. Senator Cameron is quite transparently now seeking to debate an issue in relation to the conduct of a minister. There are other times in which senators can do so, but this is now not the time for doing so.

The ACTING DEPUTY PRESIDENT: There is no point of order. Senator Cameron sought leave and leave was granted.

Senator CAMERON: I am not going to be bullied by anyone to support a cover-up by Senator Cash, a cover-up by the chair of the committee and a cover-up by the coalition. This is absolutely disgusting behaviour from Senator Cash. She should resign or the Prime Minister should sack her.

Senator PATERSON (Victoria) (15:07): I seek leave to make a short statement.

Leave granted.

Senator PATERSON: I make these comments in an effort to assist Senator Cameron. It may not have been his intention, but, when he came into the chamber to make a statement about the committee's private deliberations, he was not aware of the full facts of the committee's deliberations and, as a result, he informed the Senate incorrectly about what the committee did. I won't go any further because to do so would be to breach the committee's privilege, as he has done now twice in two days, but the statements he made in the Senate today were not true.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Domestic and Family Violence

Senator MOORE (Queensland) (15:08): I move:

That the Senate take note of the answer given by the Minister for Employment (Senator Cash) to a question without notice asked by Senator Moore today relating to the release by Pauline Hanson's One Nation (Queensland) of a domestic violence policy.

This was the first question of the day. It seems like a long time ago. The question I put to the minister was about the Liberal Party knowledge of the One Nation domestic violence plan that was only released quite recently and also whether in fact, as a result of the knowledge of

that plan, she had any concerns and, as a result of those concerns, which she indicated that she had, whether she was concerned about the situation in Queensland—I won't call it a deal, as the minister seemed to take objection to the term 'deal'—which is on the public record that the Liberal National Party is preferencing One Nation in at least 49 seats in the Queensland election. In terms of the process—

Senator Ian Macdonald: Not in Thuringowa, as you know.

Senator MOORE: I'm sorry? I heard something across the chamber. I'm concerned about that.

The ACTING DEPUTY PRESIDENT: Senator, I may be able to help you—just ignore the interjection.

Senator MOORE: I raised those issues because the release of the One Nation domestic violence plan a couple of days ago—it's a very short plan, and anyone in the chamber would be able to read it quite clearly—has caused a number of responses in Queensland by people who work within the industry and also by people concerned about the issues of domestic violence. In particular, the previous minister in Queensland, my friend Shannon Fentiman, and the Liberal-National shadow minister for child protection and domestic violence issues in Queensland, Ros Bates, have both made very strong comments on their concerns about the impact of this particular plan. Also, my friend Angela Lynch from the Women's Legal Service went on record as well around the issues of legal process.

The plan is clear and it talks about the fact that there are concerns about a number of the policies that are part of this new plan put forward by One Nation. One of them is around the appearance in court of people involved in domestic violence and also the impact that this could have on people's feelings of safety and protection in this area. The Senate did an extensive inquiry on domestic violence a couple of years ago, and one of the key issues that came out of that was the concern about the impact of having both the alleged victim of domestic violence and the alleged perpetrator of domestic violence being together in a court process. This was raised consistently as an area which could create further damage, further harm and further fear—not just to the people involved immediately but also to the children who could be caught up in this process.

We raised this particularly because, when Mr Dickson and Ms Hanson were releasing this plan in Queensland, they said that the whole focus of the domestic violence plan before us was to look at the needs of children. We all agree with making sure that we listen to the needs of children. The minister made a strong point in her answers that she believed that everybody in this chamber would share concerns around ensuring that anyone who is caught up in the process of domestic violence should feel safe and protected. Unfortunately, Ms Hanson was not in the chamber at that time, so we don't know whether Ms Hanson feels the same way. It would be useful to get that on record sometime in the future. I say 'Ms Hanson', in her role as leader of the party, but I should say 'Senator Hanson', in the case of being in the Senate.

There was a clear reason behind my question. When there are such strong and very longstanding policies in this place about what we need to do cooperatively together at the state and federal government levels to ensure that we identify the clear concerns around domestic violence, when issues have been raised by practitioners, supporters and advocates for those in domestic violence and when we have a plan being put forward by one party and

then we have the decision by the LNP government in Queensland to provide preference deals with that party that's put forward such a plan, the reason for my question was to see whether, in fact, the minister responsible here was aware of the plan and whether she had talked with the One Nation party. We found out that she had not spoken with the party, but we did get clearly on record that she was concerned by some of the issues in that plan that I'd put forward in my question.

So my question remains. If there are these concerns raised with the minister, who has taken a lead in the area of domestic violence nationally, there should be an interaction, there should be discussion and there should be discussions about whether the LNP is fully aware of this particular policy and, if so—and having their shadow minister knowing about it—what will happen next. *(Time expired)*

Senator IAN MACDONALD (Queensland) (15:13): Unfortunately—and, coming from Senator Moore, I say particularly unfortunately—this is clearly a despicable and deliberately misleading slur against my party in Queensland. Senator Moore spoke about the candidate for Thuringowa and in the next breath talked about LNP preferences for One Nation. Let me be very, very, very clear about this. In the electorate of Thuringowa, the LNP is, heaven forbid, preferencing the Labor Party before One Nation. Senator Moore knows that.

There is no deal from the LNP in Queensland with One Nation on anything—preferences or otherwise. But the ALP in Queensland is run, controlled and financed by the union movement. I was in Cairns a couple of weeks ago, and the union movement had a roadside stall with placards they were waving around that said, 'Put the LNP last!' If you put the LNP last, that means the Labor Party and their backers in Queensland are preferencing One Nation before the LNP.

I would like to have Senator Moore say the same words about her backers and funders, the union movement, who are there putting One Nation before the LNP. All the fine words you said, Senator Moore, about domestic violence and violence against women, you would equally say about your union mates, who are urging voters in Queensland to put the LNP last, which, by extension—and you don't have to be very bright to work this out—means that the ALP will be preferencing One Nation before the LNP.

Senator Watt: That's not true. Stop lying.

Senator Moore: That's just not true.

Senator IAN MACDONALD: I'm glad to have the interjections from the two Queensland senators here, because they're both products of the union movement, they are both controlled by the union movement and they are both funded by the union movement. If they will get up here and tell me that the union movement is not running a campaign in Queensland that says, 'Put the LNP last!'—in other words, preference One Nation before the LNP—then I will take that down and write it in gold every day between now and the Queensland state election.

I saw them in Cairns. I've seen them in Townsville with these placards—'Put the LNP last!'—which means Labor voters preference One Nation before the LNP. What they do is their own business, but it is hypocritical for Labor politicians to get up here and blame the LNP for preferencing One Nation when, in fact, the people that run and fund the ALP have workers out today, as we speak, on pre-poll—the CFMEU is out in droves in the electorate of

Burdekin, six of them at a time, saying, 'Put the LNP last!' which means, 'We're urging you to support One Nation in a preference before the LNP'.

This is despicable. It is deliberately misleading, and it is a typical Labor rort in Queensland. The Labor Party say, 'We're not doing it,' but the Labor Party don't run the campaign in Queensland, and they don't fund the campaign in Queensland. The Labor Party do not have the men and women on the polling booths in Queensland. They're all the union thugs from the CFMEU and elsewhere, and they are the ones who are handing out how-to-vote cards saying, 'Put the LNP last!'—in other words, preference One Nation over the LNP.

I conclude where I started, again, to make it very clear that the LNP in the electorate of Thuringowa, which Senator Moore used in her questions, will be preferencing the ALP before preferencing the One Nation candidate. *(Time expired)*

Senator WATT (Queensland) (15:19): I rise to take note of the answers to questions posed by Senator Moore to Senator Cash today. I have to say I was shocked by Senator Cash's answers to Senator Moore's questions. I was shocked that we would have a minister for women, among whose responsibilities is the protection of women from domestic violence, who seems to have no concern whatsoever for the disgraceful comments made by Senator Hanson and her candidates regarding domestic violence. Senator Moore asked Senator Cash whether she had spoken with Senator Hanson about Senator Hanson's policy that supports violent fathers having visitation rights to their children even when there are court issued protection orders to protect children from those violent fathers. You would think that, if this minister were doing her job properly—standing up for the rights of women fleeing from domestic violence—she would actually take it seriously and she would have a word to Senator Hanson about that policy. She didn't answer that whatsoever. She clearly has not spoken to Senator Hanson about that point. Similarly, Senator Cash has done nothing about the offensive comments put forward by one of Senator Hanson's candidates for the state election regarding domestic violence which were made on his own business's social media pages. As I say, you would think that a minister who was serious about her responsibilities to protect women from domestic violence would do something about that and would take Senator Hanson aside and say, 'Look, what you're saying is unacceptable; maybe you don't understand the issues at play, but here's my perspective,' but she clearly hasn't done anything of the sort.

We know why Senator Cash never takes Senator Hanson on about these matters, and that's because she desperately needs the votes of Senator Hanson and her fellow senators in Canberra to get anything done. We've all seen Senator Cash taking Senator Hanson aside, having a good old joke and giving a pat on the back and a bit of a hug. She's constantly and desperately schmoozing Senator Hanson for her votes. That's why Senator Cash is never prepared to have a hard conversation with Senator Hanson about the grossly offensive and, in some cases, dangerous positions and comments from her party. We also know that Senator Cash has a long history with One Nation. She was one of the architects of the deal between One Nation and the Liberal Party in the Western Australia election. She doesn't want to admit that, but we know that they—she and Senator Cormann—went out for a nice private dinner and did the deal to get those preferences exchanged. So she has form in ignoring and turning a blind eye to the worst excesses of One Nation in order to get their votes here and in order to get their preferences in elections.

But what is going on here at the moment is about a different preference deal. It's not about Western Australian preference deals; it's about Queensland preference deals.

Senator O'Sullivan interjecting—

Senator WATT: Senator O'Sullivan probably knows about them as well. The state LNP in Queensland have repeatedly said, 'Oh, no, there's no preference deal between us and One Nation—none at all.' Senator Cash stood up here today and said it again—'No, no, I don't know anything about a preference deal'—just like she didn't know anything about a preference deal in Western Australia, even though she did the deal over a dinner with One Nation. How else do you explain that, in the Queensland state election, the LNP gave its preferences to One Nation in 49 seats—over half of the seats that are being contested? And that's ignoring the large number of seats in which One Nation isn't even standing a candidate.

The Gold Coast is one of the areas that I've been spending most of my time campaigning in and doing most of my activity. We all know that is a key battleground in this election, where there are a number of highly vulnerable LNP seats that are at risk of falling to Labor. Rather than cutting a preference deal with One Nation there, what the LNP and One Nation have done is come to an arrangement where One Nation won't even stand a candidate. That's their way of propping up vulnerable LNP members on the Gold Coast, as they are in so many other places. So Senator Cash and the state LNP back in Queensland are saying: 'No, believe us: there's no deal here whatsoever, just like there's never been a deal anywhere else. It just so happens that, in 49 seats, we're giving One Nation our preferences and, in a number of other seats, including our most vulnerable seats, One Nation isn't even standing a candidate.' If that's not a deal, I don't know what is. How could the Queensland LNP be doing a deal with One Nation? That is a party that makes offensive statements and has offensive positions, policy-wise, on domestic violence. They have a senator who walks in here dressed in a burqa and shames some of our multicultural communities. They're out there—and forgive the language, Mr Acting Deputy President Sterle—saying teachers are teaching kids to strap on dildos. And there is the chaos from the anti-vaxxers about autism. Why does the LNP keep doing deals with One Nation? *(Time expired)*

Senator HUME (Victoria) (15:24): I must be getting used to this place. It's been 15 months since I was elected and I think this is the first day that I have felt truly jaded. I am so sick of us talking about ourselves. We are constantly talking about ourselves. Don't you think that the public is sick to death of hearing us talking about ourselves?

We have so many bigger issues to deal with, and yet we're talking about preference deals. We're talking about what was said in estimates. We're talking about citizenship over and over again. This is madness. We are here to govern. The parliament is supposed to be a solemn place. It is supposed to be a place of considered deliberation. It is supposed to be a contest of ideas, and we are talking about ourselves again—this time, under the shroud of domestic violence. The argument we're having here today in the motion to take note of answers is not about domestic violence, and yet domestic violence is such an important issue. It's an issue that we desperately need to take seriously, and yet you are using it as political opportunism. I find it totally shameful.

There are so many things that we could be talking about. We could be talking about tax policy. We could be talking about tax reform. We could be talking about the \$150 million of extra taxes that the Labor Party intend to impose on an unsuspecting public, but they won't

talk about that. What they want to talk about is themselves again. We could be talking about energy policy—a transformative energy policy that has been proposed in this place. We have discussed over and over again how important affordable and reliable energy is, and yet the Labor Party—who are completely tied up in knots over their ridiculous and irrational ideological obsession with their Renewable Energy Target—don't want to talk about energy policy. I can understand why, because it is so politically unpopular for you. You don't want to talk about that. What you want to talk about is yourselves, again. Don't you see how frustrated the public are with us talking about ourselves?

If you want to talk about domestic violence, fine, let's talk about domestic violence. The Turnbull government's first cabinet decision was to dedicate \$100 million to domestic violence. There is nothing that this government should hang its head in shame for on the issue of domestic violence. In fact, we should stand proud for all that we've done. Please, let me enlighten you to some extent about what has been done by this government in the area of domestic violence. We have dedicated \$100 million to technology and to police and healthcare training. Prime Minister Turnbull has taken the lead on this cultural change and, indeed, so has the Attorney-General. In fact, he was speaking just the other day about new specialist domestic violence units—\$3.4 million in funding committed to establish six new domestic violence units and support for the expansion of an existing one, ensuring more women can receive the vital legal and social support they need. Family violence is truly devastating. It devastates the lives of tens of thousands of Australians. It affects women and children of all demographics and leaves scars that may last a lifetime on the children who suffer and witness it. Yet what you have done today is shameful. What you have done is pure political opportunism. Rather than talking about what's important in this place, which is debating and contesting ideas—rather than talking about tax reform, energy reform, the new trade agreement with Peru or banking and superannuation reforms—you have taken a truly important issue that affects so many, that has devastated so many lives, and you have created a political hobbyhorse.

This is a place of dignity. It is a place of solemn and thorough consideration of issues. There will always be political argy-bargy, but your insinuations and accusations today are completely out of line, and you know it. The integrity of senators here has never been in doubt. It's never been in doubt by the leadership. It's never been in doubt in my mind and, let's face it, it's never been in doubt in your mind either. What you have done today is political opportunism. It is opportunistic deflection at best; it is shameless and immoral disingenuousness at worst. I hope you hang your heads in shame, because this is not what this place is for.

Senator CHISHOLM (Queensland) (15:29): I think what's become clear is that the acting lessons that Senator Cash has had are compulsory on the other side, because we've just seen another performance. There is a serious element to this, and Senator Moore explained this. Election campaigns often put a spotlight on policy. That's what's happened in Queensland with the One Nation policy on domestic violence. Basically what this means is that One Nation's domestic violence policy supports violent fathers having visitation rights despite court issued protection orders. That is what their policy is. That is what is on the One Nation website. The reality is that the fact that the Liberals are preferencing One Nation in 49 seats

means that, if One Nation wins seats in Queensland, it is going to be because of their preferences. That is the reality; that is why this is a serious issue.

I just wanted to take up the point that Senator Macdonald raised, because I can't let that sit. No party in Australia has done more than the Queensland branch of the Labor Party to defeat One Nation. In every election since One Nation have been on the scene, we have put them last. We will do that in this election campaign and we will continue to do it for as long as One Nation exists.

Mr Acting Deputy President Sterle, you'd be aware of this: if there's one thing you'd say about Senator Cash it is that she is a vigilant minister. She is so vigilant that we know that on occasion her office tips off journos to get down to see a raid that's going on. But you'd have to say on this issue that she's been less than vigilant. We raised this serious issue. Senator Cash had the opportunity to condemn it, but Senator Cash did not. I think that speaks volumes for the relationship between One Nation and the Liberal-National Party in this chamber and indeed across Australia. Since I got elected, I've seen the way that they've operated in this place. We know that One Nation vote with the LNP 85 per cent of the time in the Senate. We know how important those votes are and the damage that it does to Queenslanders and Australians. We know they voted for anti-work laws. We know they voted to cut pensions. We know they voted for education cuts as well, and there's been a pattern around Australia. We know what they did in WA for the state election. Mr Acting Deputy President Sterle, you know that particularly well, given that's your home state. We also know what is going on in Queensland, where the LNP are preferencing One Nation in 49 seats. This will have consequences.

Senator Macdonald mentioned Thuringowa. He didn't mention the how-to-vote card his home seat of Burdekin. I've got it here in front of me, and the LNP will be preferencing, No. 2, Sam Cox, One Nation candidate, ahead of the Labor Party. In the seat where he actually lives, they're preferencing One Nation ahead of Labor. You might say something different in Thuringowa, but we know what they're doing in Burdekin and we know what they are doing in 49 seats across the state. This will be the key point between now and the election; indeed, this will go to the next federal election as well.

Tim Nicholls likes to say he will provide stability, but you can't provide stability when you're preferencing One Nation in 49 seats. You are the ones who are going to be responsible for electing more of them to parliament at the state level, and it is something that you will wear around your necks. The voting record that we're seeing is something that will be an issue in the state campaign, and it will also be an issue in the lead-up to the next federal campaign. We know that former Senator Roberts made the quick switch across to run in Ipswich. It's already becoming a dominant issue in Ipswich. We know the record of Senator Roberts. We know that he was a former Liberal. We know that he will be someone who would potentially be a Treasurer in a Nicholls LNP government. This is what it has become. It's become a coalition—a Liberal-National Party-One Nation coalition operating in the Senate—and it will be coming to Queensland soon enough as well.

If stability is going to be the focus of this election campaign, whilst the LNP are doing what they are with preferences, whilst they are preferencing One Nation in 49 seats, they don't have a leg to stand on when it comes to stability. They will be the ones responsible for electing more One Nation members to parliament. They will be the ones who will do a deal

with them to form government. And we know what the consequences will be—we've seen it played out across Australia, and it will be something that will be coming to Queensland—cuts to basic services, cuts to health and a focus on whacky conspiracy theories, when what Queensland needs is a stable Labor government, and it's only Annastacia Palaszczuk who can provide that. *(Time expired)*

Question agreed to.

Marriage

Senator RICE (Victoria) (15:34): I move:

That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Rice today relating to parliamentary consideration of marriage equality legislation.

Senator Brandis, in response to my question about marriage equality, clearly was genuine in his support for the massive 61 per cent yes vote announced today. He was clearly part of the majority of Australians that were very pleased by this result. But my question went to turning the result, the support that was expressed in that vote, into legislation that can go through this parliament as quickly as possible. We need to turn that profoundly resounding vote into reality, turn it into legislation so we can achieve equality for lesbian, gay, bisexual, transgender and gender-diverse, intersex and queer Australians as soon as possible.

Today's result is the result of a long campaign—a long campaign since 2004 when former Prime Minister John Howard changed the Marriage Act to define marriage to only be between a man and a woman. Since that time, we have seen 22 proposed bills in this parliament to change that legislation, to recognise equality—to recognise that love between gay and lesbian, bisexual, intersex, transgender and queer people is equal to the love of other people. The Greens have been involved in many of those 22 bills; in fact, we have the resounding record of being the party that in every vote in every parliament has voted for equality. Today we are here very much standing on the shoulders of giants, including former senators Bob Brown, Kerry Nettle, Andrew Bartlett—who is back here with us again—Natasha Stott-Despoja and Sarah Hanson-Young. So many pieces of legislation have been introduced in this parliament but have not achieved success. We shouldn't have had to go through this marriage survey; we should have been able to decide the issue here in this parliament. But, when it was forced upon us, the community rose up and said resoundingly, 'Yes, we want to have equality'. We need to turn that support into legislation as quickly as possible. We need to give due justice to the campaigners, because it hasn't been just us parliamentarians who have been fighting hard for equality for well over a decade. Many other people have been involved, including the people of Australian Marriage Equality—Tom Snow, Anna Brown, Teirnan Brady—and those in various other campaigns, such as Rodney Croome, Shelley Argent, Felicity Marlowe from Rainbow Families, as well as so many thousands and thousands of other Australians.

My social media feed over the last hour, since the result of the vote has been known, has been filled with outpourings of emotion, outpourings of just being so pleased that, finally, their relationships are recognised by Australians as being as valid as any others. I want to make sure that we get legislation through this parliament as quickly as possible, and we will have to work across party lines. We're going to have a bill introduced here this afternoon and it's got to be legislation that reflects the fact that people have voted for equality, they have not voted for extra discrimination. They haven't voted to erode antidiscrimination provisions.

They have voted for equal rights for same-sex-attracted and gender-diverse people. That's what needs to be reflected in the legislation. We didn't get from the Attorney-General today a guarantee that the government was definitely behind making sure that we didn't have extra discrimination bolted onto marriage equality legislation, and that's what we need to ensure. We don't need extra discrimination. We can have protection for people's religious beliefs, but we do not have to have extra discrimination bolted onto this legislation. I really hope that we will be able to get legislation through this parliament in our last two weeks of sitting so that same-sex-attracted and gender-diverse people, along with all Australians, can celebrate. *(Time expired)*

Question agreed to.

PETITIONS

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

Insurance

To the Honourable President and Members of the Senate in Parliament assembled:

The petition of the undersigned shows: Property owners and Residents of the Pilbara in Northern Australia, seek urgent action from the Federal government to reduce the Insurance Premiums available for Home & Contents insurance and Landlord insurance.

We believe the findings of the Northern Australia Insurance Premiums Taskforce did not correctly reflect the impact of the high insurance premiums being offered to Pilbara property owners and residents, or did the findings justify the high insurance price hikes that affected existing policy holders or show statistics that indicated that the Pilbara area had a high claim rate. Some insurance premiums now are higher than home loan repayments paid each month. Pilbara residents believe we are being unfairly treated as Australian citizens and believe a cyclone event in Queensland should not affect our insurance premiums in Western Australia as they do. We believe that insurance premiums could be charged at an affordable capped rate for properties that are built and have met the Australian building codes and regulations required for cyclone regions.

Your petitioners therefore respectfully request that the Senate urgently cap insurance premiums to an affordable amount and consider base premiums are offered upon building standards met. Request that a insurance watchdog is formed to watch over the insurance industry and their practices of offering unjustifiable insurance premiums and unexplained price hikes to regional areas.

And your petitioners as in duty bound, will ever pray.

by **Senator Dodson** (from 289 citizens)

Petition received.

NOTICES

Presentation

Senator Bernardi to move on the next day of sitting:

That the Senate notes—

(a) that 24 November 2017 marks the 10 year anniversary of the death of good government in Australia;

(b) that the standards of government and political debate have declined since the days of Menzies, Hawke, Keating and Howard; and

(c) the urgent need for senators, members and the Government to return to a focus on the principles exemplified by governments before 24 November 2007, specifically:

- (i) stable government,
- (ii) ministerial standards, and
- (iii) fiscal responsibility. (*general business notice of motion no. 576*)

Senator Bernardi to move on the next day of sitting:

That the Senate—

(a) notes that the Trump Administration in the United States of America has declared 7 November to be the National Day for Victims of Communism;

(b) further notes the Senate motion passed on 18 October 2017 rejecting any assertion that the teachings of Lenin or Marx should be celebrated in a liberal democracy;

(c) recalls the number of refugees who came to Australia fleeing communist regimes; and

(d) calls on the Government to organise a similar annual commemoration remembering the victims of communism from 7 November 2018 onwards. (*general business notice of motion no. 577*)

Senator Bernardi to move on 27 November 2017:

That the Direction — operation of certain unmanned aircraft, made under the *Civil Aviation Act 1988*, be disallowed [F2017L01370].

Senators Fierravanti-Wells, Moore and Rice to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) on 19 November 2017, the world will observe World Toilet Day, an opportunity to reflect on the importance of safe sanitation for everyone,

(ii) in Australia, access to safe and hygienic toilets that discreetly manage human waste is a given, yet 2.3 billion people around the world lack access to even basic sanitation services,

(iii) providing universal access to safe sanitation is an ongoing challenge, with nearly 900 million of the world's poorest people still practising open defecation,

(iv) poor sanitation undermines advances in education and healthcare and diminishes the dignity of those already disadvantaged and vulnerable,

(v) poor sanitation is a particular problem for women and girls – the Australian Government commissioned research in the Pacific which confirmed that lack of access to safe and functional toilets, as well as other aspects of menstrual hygiene, including washing facilities and products, such as pads, contribute to absenteeism at school and at work,

(vi) findings also show that women and girls can be subject to social stigma during menstruation, which leads to further shame and isolation,

(vii) the theme of this year's World Toilet Day is wastewater – driven by population growth, urbanisation and a changing climate, water scarcity is rapidly emerging as a global issue, and wastewater is increasingly seen as a valuable resource rather than a waste product,

(viii) wastewater poses many challenges – all over the world communities are grappling with the day-to-day dangers of polluted water, degraded environments and communities living alongside untreated or poorly treated sewage,

(ix) Australians play an important role in addressing the global sanitation problem – the Australian Government's Civil Society Water, Sanitation and Hygiene Fund is projected to provide improved sanitation to over 2.8 million people in 19 countries over the years 2013 to 2018, 60% more than originally estimated,

(x) Australians will continue to support global action to address sanitation – the new Water for Women Fund will deliver community water and sanitation projects in poor countries, with a focus on projects that directly benefit women and girls, and

(xi) the Prime Minister is a member of the High Level Panel on Water with ten other world leaders, which has a core focus on achieving Sustainable Development Goal 6 (SDG6), ensuring availability and sustainable management of water and sanitation for all; and

(b) recognises:

(i) universal access to safe sanitation is critical to achieving Sustainable Development Goal 6 by 2030,

(ii) Australia has much to offer in this space – ours is the driest inhabited continent and we have a long history of sound, evidence-based water management and far-sighted reform, and

(iii) the strong commitment from the non-government sector, including WaterAid and Plan International, in their advocacy for safe sanitation. (*general business notice of motion no. 578*)

Senator Patrick to move on the next day of sitting:

That—

(a) the Senate notes that:

(i) the Murray-Darling river system is a national resource,

(ii) the aim of the Murray-Darling Basin Plan, agreed to in 2012, is to ensure that water is shared between all users, including the environment, in a sustainable way,

(iii) it is important that the plan is executed effectively and with financial responsibility,

(iv) on 26 October 2017, the *Guardian* revealed that the Government had purchased 22 megalitres of water at a price of \$78 million in circumstances where there were independent valuations for the same water of \$24.8 million (an Australian Bureau of Agricultural and Resource Economics and Sciences valuation) and \$38 million (Herron Todd White valuation), and

(v) the Senate has an obligation to inform itself as to whether taxpayers' money being spent on the Murray-Darling Basin Plan is being spent efficiently and effectively; and

(b) there be laid on the table by the Minister representing the Minister for Agriculture and Water Resources, by the start of business on 28 November 2017:

(i) all decisions and associated decision reasoning for all purchases of water across the Basin from 1 January 2017, and

(ii) all valuations/assessments in the Government's possession related to each of these purchases, including independent valuations/assessments. (*general business notice of motion no. 579*)

Senator Cameron to move on the next day of sitting:

That the Education and Employment Legislation Committee meet on 21 November 2017 to consider the 2017-18 supplementary Budget estimates, in Canberra, from 9 am to 3 pm, or for a further period on that day as is necessary to further examine the Employment portfolio, and that the Minister for Employment (Senator Cash) appear before the committee at that time to answer questions. (*general business notice of motion no. 580*)

Senator Bernardi to move on the next day of sitting:

That the Senate—

(a) notes that a number of senators support a minority view in the community that gender is merely a social construct, and that gender is not determined by chromosomes or biology;

(b) questions how someone can logically, or in good conscience, also support Medicare funding of termination of pregnancy on gender grounds if that is their view;

(c) finds termination of pregnancy on gender grounds reprehensible, particularly for the value of girls and boys; and

(d) opposes Medicare funding for termination of pregnancy, where it occurs on gender grounds. (*general business notice of motion no. 581*)

Senator Bernardi to move on the next day of sitting:

That the Senate—

(a) notes that political activist organisation GetUp!:

(i) was seed-funded by organisations closely connected with Mr George Soros, a renowned globalist and funder of socialist politicians and causes,

(ii) has provided and received support for left-of-centre political parties, trade unions and other organisations, and

(iii) has actively campaigned like a political party, and in every such instance, against right-of-centre politicians during election periods; and

(b) affirms that GetUp! is deserving of greater electoral regulation or scrutiny, given its impact upon our political process, economic development, support for litigation against major job-creating projects, border protection policies, national security, sovereignty and our institutions. (*general business notice of motion no. 582*)

Senator Bernardi to move on the next day of sitting:

That the Senate—

(a) notes:

(i) reports that the New South Wales Government has determined that it will abandon the 'Crossroads' program in school years 11 and 12, due to its radical theories about gender and sexuality, and

(ii) the program will be replaced by teaching those students life skills, such as driving a car, managing their finances and improving their mental health; and

(b) commends the New South Wales Government for taking these steps. (*general business notice of motion no. 583*)

Senator Bernardi to move on the next day of sitting:

That the Senate notes that—

(a) a number of senators are White Ribbon Ambassadors, or have tabled motions supporting campaigns to stop violence against women and domestic violence; and

(b) a statement on the White Ribbon Australia website states that they advocate for 'nationally consistent access to safe and legal abortion, including late-term abortion in all states and territories', and that if senators have a concern about that stance they ought to take it up with White Ribbon Australia. (*general business notice of motion no. 584*)

Senator Fifield to move on the next day of sitting:

That the order of the Senate of 15 November 2017, relating to the 2018 estimates hearings, be amended as follows:

Paragraph (1), after "Tuesday, 29 May to Friday, 1 June", insert ", and, if required, Friday, 22 June".

Senator Fifield to move on the next day of sitting:

That consideration of the business before the Senate on Monday, 27 November 2017 be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable Senator Patrick to make his first speech without any question before the chair.

Senator Sterle and Senator O'Sullivan to move on the next day of sitting:

That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 30 March 2018:

The operation, regulation and funding of air route service delivery to rural, regional and remote communities, with particular reference to:

- (a) social and economic impacts of air route supply and airfare pricing;
- (b) different legal, regulatory, policy and pricing frameworks and practices across the Commonwealth, states and territories;
- (c) how airlines determine fare pricing;
- (d) the determination of airport charges for landing and security fees, aircraft type and customer demand;
- (e) pricing determination, subsidisation and equity of airfares;
- (f) determination of regulated routes and distribution of residents' fares across regulated routes;
- (g) airline competition within rural and regional routes;
- (h) consistency of aircraft supply and retrieval of passengers by airlines during aircraft maintenance and breakdown;
- (i) all related costs and charges imposed by the Civil Aviation Safety Authority; and
- (j) any related matters.

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

That—

(a) the Senate notes ABC media reports on 15 November 2017 referring to Operation Manitou and the fact that, on 14 August 2017, the Royal Australian Navy conducted a training exercise with its Saudi Arabian counterpart in the Red Sea;

(b) the Senate further notes that Saudi Arabia is currently enforcing a naval blockade of Yemen, which has led to widespread food shortages; and

(c) there be laid on the table by the Minister for Defence, by no later than 12.45 pm on 29 November 2017, any documents relating to the joint training exercise between the Royal Australian Navy and its Saudi Arabian counterpart on 14 August 2017. (*general business notice of motion no. 585*)

Senator Rhiannon to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the New South Wales (NSW) Department of Finance, Services and Innovation has stated that it will not be extending employment guarantees for cleaners, which have been in place since 1994, in the new contracts in 2018,

(ii) the *Fair Work Act 2009* allows employers, such as the NSW Government, to take this action,

(iii) 7000 school cleaners in NSW will need to reapply for their jobs for the first time in 24 years,

(iv) many of these already precarious and underpaid workers will be placed under unnecessary financial stress, including housing stress,

(v) regional school cleaners will face the brunt of this announcement, as many of these workers will be unable to find another job in their area if their contracts are not renewed, and

(vi) United Voice NSW, the union for cleaners, is doing an excellent job advocating for these workers; and

(b) calls on:

(i) the Federal Government to amend the *Fair Work Act 2009* so previous employment guarantees are retained when new contracts are drawn up, and

(ii) the NSW Government to ensure jobs are guaranteed to all cleaners who want to continue employment under the new agreement. (*general business notice of motion no. 586*)

BUSINESS

Leave of Absence

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (15:40): by leave—I move:

That leave of absence be granted to Senator McKenzie for today, on account of parliamentary business.

Question agreed to.

NOTICES

Postponement

The Clerk: A postponement notification has been lodged in respect of the following:

Business of the Senate notice of motion no. 1 standing in the name of Senator McKim for today, proposing the disallowance of the Migration Legislation Amendment (2017 Measures No. 4) Regulations 2017, postponed till 27 November 2017.

The PRESIDENT (15:41): Does any senator wish for the question to be put on this notification? If not, we will proceed.

COMMITTEES

Procedure Committee

Reporting Date

The Clerk: Notifications of extensions of time for committees to report have been lodged in respect of the following:

Procedure Committee—

Proposal for a Parliamentary Code for Respecting Cultural Diversity, extended to 7 December 2017.

Proposed amendment to standing order 193, extended to 7 December 2017.

The PRESIDENT (15:41): I remind senators that the question may be put on any proposal at the request of any senator. There being none, we will now proceed to the discovery of formal business, which I will move through in a specified order. I'll do my best to replicate my predecessor's management of this.

BUSINESS

Rearrangement

Senator McGRATH (Queensland—Assistant Minister to the Prime Minister) (15:41): I seek leave to amend government business notice of motion No. 3 before seeking to have the motion taken as a formal motion.

Leave granted.

Senator McGRATH: I move the motion as amended:

That consideration of the business before the Senate on the following days be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable senators to make their first speeches without any question before the chair, as follows:

- (a) Tuesday, 5 December 2017—Senator Bartlett; and
- (b) Wednesday, 29 November 2017—Senator Steele-John.

Question agreed to.

BILLS

Judiciary Amendment (Commonwealth Model Litigant Obligations) Bill 2017

First Reading

Senator LEYONHJELM (New South Wales) (15:42): I move:

That the following bill be introduced: A Bill for an Act to provide for enforcement of Commonwealth model litigant obligations, and for related purposes.

Question agreed to.

Senator LEYONHJELM: 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 LEYONHJELM (New South Wales) (15:43): 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 LEYONHJELM: I table an explanatory memorandum. I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The speech read as follows—

I introduce the Judiciary Amendment (Commonwealth Model Litigant Obligations) Bill 2017.

The purpose of the bill is to subject Commonwealth litigants to enforceable model litigant obligations.

The Attorney-General already has discretion to issue obligations for Commonwealth litigants to act as a model litigant.

He exercised this discretion most recently in March 2017, requiring the Commonwealth to assess and deal with claims promptly, to pay legitimate claims, to consider alternative dispute resolution, to keep the costs of litigation to a minimum, for example by not requiring the other party to prove a matter the Commonwealth knows to be true, to not take advantage of a claimant lacking resources to litigate a legitimate claim, and to apologise when the Commonwealth has acted wrongfully.

In its *Access to Justice Arrangements* report of 2014, the Productivity Commission recommended that each government should impose enforceable model litigant obligations on its agencies, given government's power, resources, 'frequent-player status' and role of acting in the public interest. The Commission noted that this would not prevent governments from acting firmly to protect their interests.

In 2016 the Commonwealth Government dismissed this recommendation based on fears of increased costs and delays.

However, model litigant obligations include obligations to reduce costs and delays, and making these obligations enforceable is likely to translate this theory of reduced costs and delays into reality.

My bill would compel future Attorneys-General to maintain the practice of issuing binding obligations to act as a model litigant, and would make these obligations enforceable.

Firstly, the bill establishes a process by which the Commonwealth Ombudsman can investigate a complaint about a Commonwealth litigant failing to act in accordance with its obligations as a model litigant.

Secondly, the bill empowers a court to order a stay of proceedings while the Ombudsman considers a complaint. Thirdly, the bill provides that, if the court is satisfied that the Commonwealth litigant has contravened or is likely to contravene the model litigant obligations, the court may make any order it considers appropriate.

For example, the court could make an order with regards to the Commonwealth litigant's future conduct, or it could issue a costs order against the Commonwealth litigant in response to a past failure to act as a model litigant.

This bill demonstrates that the Productivity Commission's recommendation can be enacted responsibly. It shows that the Commonwealth Government's theoretical fears about increased costs and delays are misplaced, and that an opportunity for reduced costs and delays beckons.

This bill is modest, sensible and practical, and I commend it to the Senate.

Senator LEYONHJELM: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MOTIONS

Repatriation Commission Outpatient Clinic

Senator HINCH (Victoria) (15:43): I move:

That the Senate recognises that:

(a) today marks the 80th anniversary of the opening of the former Repatriation Commission Outpatient Clinic at 310 St Kilda Rd, Southbank, Victoria;

(b) during its operation, more than 1000 veterans visited the Repatriation Clinic every week;

(c) the Repatriation Clinic played a key role in returning veterans to civilian life; and

(d) there is an ongoing need to provide support to veterans, including through the Arts; as Weary Dunlop who worked with returned soldiers in that building once said: 'give the troops access to the Arts so that they may have an interest in life'.

Question agreed to.

DOCUMENTS

Master Facility Agreements

Order for the Production of Documents

Senator RICE (Victoria) (15:44): I move:

That the Senate—

(a) notes that:

(i) prior to providing funding through the Northern Australia Infrastructure Facility, the Federal Government must agree to Master Facility Agreements with the governments of Queensland, Western Australia and the Northern Territory,

(ii) the Minister for Resources and Northern Australia (Senator Canavan) indicated, in response to an estimates question on 1 June 2017, that he intended to release the Master Facility Agreements once they had all been signed, and

(iii) the final Master Facility Agreement was signed by the Federal Government and the Western Australian State Government on 3 November 2017; and

(b) orders that there be laid on the table by the Minister for Resources and Northern Australia, by no later than 12.45 pm on 16 November 2017, copies of the Master Facility Agreements agreed between the Federal Government and the Governments of Queensland, Western Australia and the Northern Territory.

Senator McGRATH (Queensland—Assistant Minister to the Prime Minister) (15:44): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator McGRATH: Consistent with the tabled answer to question on notice BI66 and the answer to the question put by Senator Whish-Wilson at Senate estimates on 26 October 2017, Senator Canavan has agreed to release the master facilities agreements once they have been signed and he has received written consent from each of the other parties to the agreement.

Question agreed to.

MOTIONS

War Crimes

Senator MOORE (Queensland) (15:45): I, and also on behalf of Senators Reynolds, McKim and Kakoschke-Moore, move:

That the Senate—

(a) notes that:

(i) genocide is a crime under both international and Australian law,

(ii) the use of sexual violence and other acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group constitutes genocide,

(iii) the use of sexual violence in armed conflict is a war crime,

(iv) the use of sexual violence, as part of a widespread or systematic attack, directed against any civilian population is a crime against humanity, and

(v) international sex trafficking is a crime under Australian law;

(b) acknowledges that members of Da'esh:

(i) have perpetrated genocide against the Yazidi people,

(ii) are perpetrating war crimes and crimes against humanity against Muslims, Christians, Yazidis and other religious and ethnic minorities,

(iii) have perpetrated acts of sexual violence amounting to war crimes, crimes against humanity and genocide in Iraq and Syria, and

(iv) have dedicated infrastructure for the kidnap, trafficking and sale of sex slaves in Iraq and Syria; and

(c) calls on the Government to:

- (i) condemn the genocide perpetrated against the Yazidi people by Da'esh,
- (ii) investigate Australians who have allegedly perpetrated war crimes, crimes against humanity and genocide, including through the use of sexual violence, and prosecute them as appropriate, and
- (iii) support international efforts to gather evidence, investigate and prosecute those responsible for international crimes perpetrated by Da'esh in Iraq and Syria.

Question agreed to.

Perinatal Depression and Anxiety Awareness Week

Senator O'NEILL (New South Wales) (15:46): I, and also on behalf of Senators Siewert and Kakoschke-Moore, move:

That the Senate—

(a) notes that:

- (i) this week is Perinatal Depression and Anxiety Awareness Week,
 - (ii) 1 in 5 expecting or new mums and 1 in 10 expecting or new dads will experience perinatal anxiety or depression,
 - (iii) around 100,000 families are affected by perinatal anxiety and depression every year in Australia, and
 - (iv) too many expecting and new parents who need help do not seek help as they are unaware of the symptoms, or of where to go to seek assistance;
- (b) urges all those who need help to contact their GP or the Perinatal Anxiety and Depression Australia's (PANDA's) specialist perinatal counselling national helpline on 1300 726 306; and
- (c) acknowledges the work being undertaken by PANDA to connect those who seek help, and raise awareness around perinatal depression and anxiety, including first establishing this Awareness Week in 2005.

Question agreed to.

War Graves

Senator BERNARDI (South Australia) (15:46): I move:

That the Senate—

(a) notes:

- (i) the ultimate sacrifice made by Australian men and women in armed conflicts overseas defending the freedom of foreign nations, and

(ii) the strong emotional and spiritual ties some Australians have to places overseas where the remains of their relatives and forebears lie, either undetected or irretrievable, ie, war grave sites; and

(b) calls upon the Australian Government, whenever it receives notice that a development on an overseas war grave site may occur, to move immediately upon receiving that notice, and use its best endeavours, to communicate Australia's view on the respect we wish to be given regarding our war grave sites.

Question agreed to.

COMMITTEES**Corporations and Financial Services Committee****Reporting Date**

Senator O'NEILL (New South Wales) (15:47): I move:

That the time for the presentation of the report of the Parliamentary Joint Committee on Corporations and Financial Services on its inquiry into the life insurance industry be extended to report by 31 March 2018.

Question agreed to.

BILLS**Public Governance, Performance and Accountability Amendment (Executive Remuneration) Bill 2017****First Reading**

Senator WHISH-WILSON (Tasmania) (15:47): I move:

That the following bill be introduced: A Bill for an Act to amend the *Public Governance, Performance and Accountability Act 2013*, and for related purposes.

Question agreed to.

Senator WHISH-WILSON: 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 WHISH-WILSON (Tasmania) (15:48): 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 WHISH-WILSON: I table an explanatory memorandum, and I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The speech read as follows—

This bill establishes caps and reporting requirements for the remuneration of executives in the Commonwealth public service. The Greens believe for the broader issue of excessive executive remuneration to be tackled, and for the pay gap between the rich and the poor to be bridged, this is a good first place to start. Because the government has a role to play in setting public service salaries, Parliament can play a leadership role in tackling growing wage inequality, and set public service executive salaries to better conform to community expectations and standards. There is power and purpose in this symbolism.

Ordinary Australians are coming to realise that the economic reforms of the last thirty-odd years haven't delivered all the benefits that were promised to them. People are beginning to realise that our political and economic system has failed them, and that it favours the wealthy and powerful. The strong sense of this is fuelling discontent with politics and a decline in respect for institutions globally. This

growing tide of anti-establishment sentiment will only serve to increase political volatility and introduces its own set of challenges for parliaments.

Globally and in Australia, workers have increased their output, but wages have not kept up with productivity. Companies are making more money, but workers are getting a smaller share of the pie. Ordinary Australians are being asked to accept less security and be more 'flexible', but a casualised workforce is far from relaxing.

There is no more conspicuous example of income inequality than the growing disparity between what executives—our bosses—are paid and what ordinary workers are paid. The spectacle of executives taking home fat pay-packets while wages are growing at the slowest rate on record is emblematic of a system gone wrong. This does not need to be so and should not be so.

There is little evidence that, beyond a certain point, increased remuneration provides an incentive for executives to perform better. Senior executives are rarely as uniquely skilled or as valuable as excessive salaries would suggest.

There is also little evidence that excessive executive salaries make for better workplaces. Conversely, a large pay gap between executives and workers can have a negative impact on employee satisfaction and self-worth.

However, there is evidence to suggest that excessive executive salaries have become self-reinforcing phenomena. Excessive salaries can encourage people motivated by big money to manoeuvre themselves into these positions. In doing so they risk the creation of a rarefied club; and encouraging an organisational culture that emphasises the importance of money rather than the importance of the job: public service. Ultimately, this offers up the self-serving justification: it's the market rate, it must be right.

Well it isn't right, and we should call this out. More broadly, wage inequality is becoming a drag on economic performance and social cohesion. To the extent that executive pay contributes to pay inequity—and is emblematic of it—it should be of concern to anyone interested in a fairer and more prosperous society.

The Commonwealth public service has not been immune from the trend towards excessive executive salaries. Since 2010, the salaries the Senior Executive Service has risen 18%, and that of Commonwealth Departmental Secretaries even more. Over the same period, the salaries of lower ranking public servants have risen just 13%.

This is not acceptable. The current system is clearly failing to reward employees equally. It's time for the Parliament to take additional steps to restore some balance. It's time to make sure everyone in the public service gets a fairer go.

The *Public Governance, Performance and Accountability Act 2013* (the Act) sets standards for Commonwealth entities and Commonwealth companies. Within the framework provided by the act, this bill inserts requirements relating to the remuneration of executives.

This bill will establish a cap on the total remuneration of senior executives, inclusive of any performance payments or other bonuses, at five times the average earnings of full-time adults across the Australian public service. The introduction of this cap will close the gap between the wages of public sector executives and those of ordinary Australians. Thereafter, this cap will ensure that public sector executives do not get a pay rise greater than that of average workers.

The effect of this will be to reduce the maximum salary of executives in the public service to an amount, on current figures, in the order of \$420,000. This is still a lot of money, and much more than most people earn. However, it would be a significant reduction in salary for the most highly paid public servants, and would cut the wages of some by as much as half.

In time, the introduction of this pay cap is also likely to lead to a reduction, in real terms, of the wages of second tier management. Remuneration in the public service is structured around a hierarchy

of pay grades. So as to maintain a premium for the chiefs, second tier management will likely see their wages stagnate for a period while a new hierarchy is established within the cap.

Finally, the introduction of this cap will help break up the 'normalisation' of the club. It will directly challenge the idea that excessive executive pay is inevitable and, in doing so, will set an example for the private sector.

This bill also introduces annual public reporting requirements. Commonwealth departments and companies covered by the act will be required to report annually on the total remuneration of executives, the ratio of total remuneration to the average wage, and the ratio of total remuneration to the minimum wage.

Introducing ongoing transparency and comparisons for executive pay in the public service will ensure that there is a constant reminder of the level of disparity that exists within the wage structure.

If the parliament is to speak with any authority on inequality, then it must lead by example and structure remuneration in the Commonwealth public service in a way that is fair and reasonable. Sky-high executive salaries are an affront on the dignity of ordinary workers, and are deeply unpopular with most Australians. Dramatic pay inequity inherently devalues the efforts of lower-ranking employees. For the sake of respect we need to take steps to put limits on executive pay.

Senator WHISH-WILSON: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MOTIONS

Disability Services

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:49): I, and also on behalf of Senator Steele-John, move:

That the Senate—

(a) notes that the New South Wales (NSW) Government will be cutting funding for disability advocacy from July 2018 and that this will affect the Council for Intellectual Disability and other disability organisations;

(b) acknowledges:

(i) the importance of advocacy for the inclusion of people with disability and their full participation in our communities,

(ii) the 'Don't Silence Us' campaign being run by the Council for Intellectual Disability calling on the Premier of NSW to guarantee on-going funding for the Council for Intellectual Disability, and

(iii) the 'Stand by Me' campaign being run by the NSW Disability Advocacy Alliance calling on the NSW Government to stand by them and provide the necessary funding for them to be able to continue serving people with disability in NSW after July next year; and

(c) calls on the Federal Government to work with the NSW Government and other state governments to ensure that funding for disability advocacy is not reduced at the state level.

Senator McGRATH (Queensland—Assistant Minister to the Prime Minister) (15:49): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator McGRATH: The coalition government recognises the role of advocates in representing people with disability. The government considers that all jurisdictions should continue to play a role in disability advocacy under the National Disability Strategy and, in

line with the recommendations of the 2017 Productivity Commission review of NDIS costs, the government will continue to put this position to our state and territory colleagues.

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:50): I made a grave mistake. I omitted to add Senator Carol Brown. I apologise to Senator Brown. Could I add Senator Brown's name?

The PRESIDENT: Leave is granted.

Question agreed to.

Qualifications of Senators

Senator BERNARDI (South Australia) (15:50): I move:

That the Senate—

(a) notes:

- (i) the numerous cases regarding the eligibility of senators under section 44 of the Constitution,
- (ii) the uncertainty about votes that have occurred with the participation of ineligible senators, and
- (iii) the motion that passed the Senate on 13 November 2017, requiring senators to disclose certain matters pertaining to their citizenship, which remains binding whether or not the Senate continues sitting; and

(b) calls upon the Prime Minister, if a similar motion passes in the House of Representatives on 27 November 2017, to immediately thereafter prorogue the Parliament until such time as the High Court has ruled on the eligibility of members and senators.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (15:50): I seek leave to make a one minute statement.

The PRESIDENT: Leave is granted for one minute.

Senator DI NATALE: I'd like to put on the record that Senator Bernardi and the Greens very rarely agree on anything, but it is true that Senator Bernardi has been a supporter of the Greens' plan for an audit of parliamentarians' eligibility under section 44 of the Constitution. Of course, that is the Greens preferred pathway to bring an end to the citizenship crisis gripping the parliament. The Australian people deserve certainty about the make-up of their parliament and they deserve a timely resolution to this crisis. However, simply calling parliament off, as this motion proposes, isn't going to deliver that outcome and does look, for all intents and purposes, to be a tactic from Senator Bernardi to derail progress on marriage equality. Of course, the Greens won't stand for that. What we need is an active process of declaration and audit with referrals to the court. That is what will deliver certainty to this parliament. Over the longer term, we do need to address reform of section 44 of the Constitution so it more accurately reflects modern multicultural Australia.

Senator HINCH (Victoria) (15:51): I seek permission to make a short personal statement.

The PRESIDENT: Leave is granted for one minute.

Senator HINCH: I will support Senator Di Natale on this issue. I think this is something we are going to see in the days and weeks ahead, as conservatives in this chamber try to thwart what happened today—a memorable day for Australia where same-sex marriage becomes a genuine reality. The conservatives are trying these sorts of tricks which have nothing to do with senators' eligibility. I've voted with the crossbench this year time after time to try and get this to an audit, and we've tried damned hard to do that. But it has not happened,

and I don't think we should sit and watch this happen, as we get thwarted and the people of Australia get thwarted because you don't want same-sex marriage in this country.

Senator BERNARDI (South Australia) (15:52): I seek leave to make a brief statement.

The PRESIDENT: Leave is granted for one minute.

Senator BERNARDI: I assure the Senate and those who have their tinfoil hats on that my call for a proroguing of this parliament has been longstanding since the citizenship crisis started to engulf this place. I find it extraordinary that you concoct some outrage, Senator Hinch, because you think that somehow this is a nefarious plot against your rainbow agenda. It has nothing to do with that. I'm concerned for the integrity of this place. I have been on the record as saying that for some months now, and I provided that advice to the government which they decided not to heed. This is not my responsibility. This is a responsibility of all of us to re-establish and reassert the confidence of the Australian people in the eligibility of every single one of us to be here. The denials of appropriation or accountability in this place only undermine our standing in the eyes of the Australian people. More people will be disqualified and we are all responsible collectively for the failure to address it.

Question negatived.

Coal Seam Gas Mining: Liverpool Plains

Senator RHIANNON (New South Wales) (15:53): I move:

That the Senate—

(a) notes that:

(i) sustainable food and fibre production on the Liverpool Plains requires an integrated and strategic approach to water reform,

(ii) the Liverpool Plains contain some of the most productive and fertile soil in Australia and farmers need certainty about water resources to assist their farming practices, and

(iii) the high degree of connectivity between groundwater systems throughout the Namoi Valley indicates that mining impacts on Liverpool Plains groundwater can extend well beyond one local site into surrounding agricultural systems; and

(b) calls on the Government to protect agricultural groundwater systems by placing a moratorium on Commonwealth approval of proposed coal and coal seam gas mining projects on the Liverpool Plains, Namoi Valley and Gunnedah Basin.

Senator McGRATH (Queensland—Assistant Minister to the Prime Minister) (15:54): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator McGRATH: The government does not support this motion and opposes any moratorium or blanket bans on development. Safeguards are already in place to protect agricultural groundwater systems and the environment. The Environment Protection and Biodiversity Conservation Act 1999 has a water trigger requiring environmental assessment for coal seam gas and large coalmining development that may significantly impact water resources. The minister is also required to seek the advice of the independent expert scientific committee on all large coal and coal seam gas projects that require approval under the EPBC Act. Moratoriums have only served to restrict gas development and supply and increase energy costs.

The PRESIDENT: The question is that notice of motion No. 571 standing in the name of Senator Rhiannon be agreed to.

The Senate divided. [15:59]

(The President—Senator Ryan)

Ayes13
Noes44
Majority.....31

AYES

Bartlett, AJJ
Griff, S
Hinch, D
McKim, NJ
Rhiannon, L
Siewert, R (teller)
Whish-Wilson, PS

Di Natale, R
Hanson-Young, SC
Kakoschke-Moore, S
Patrick, RL
Rice, J
Steele-John, J

NOES

Abetz, E
Brandis, GH
Burston, B
Cameron, DN
Carr, KJ
Chisholm, A
Dastyari, S
Duniam, J
Fawcett, DJ
Fifield, MP
Gallagher, KR
Hanson, P
Ketter, CR
Leyonhjelm, DE
McGrath, J
O'Neill, DM
Paterson, J
Polley, H
Reynolds, L
Ryan, SM
Smith, D
Urquhart, AE (teller)

Bernardi, C
Brockman, S
Bushby, DC
Canavan, MJ
Cash, MC
Cormann, M
Dodson, P
Farrell, D
Fierravanti-Wells, C
Gallacher, AM
Georgiou, P
Hume, J
Kitching, K
Macdonald, ID
Moore, CM
O'Sullivan, B
Payne, MA
Pratt, LC
Ruston, A
Scullion, NG
Sterle, G
Watt, M

Question negatived.

Immigration Detention

Senator McKIM (Tasmania) (16:02): I move:

That the Senate—

(a) notes that:

(i) Australia's offshore processing regime is a deliberately cruel policy that has created humanitarian crises on Manus Island and Nauru,

(ii) there remain hundreds of men on Manus Island in the care of the Minister for Immigration and Border Protection (Mr Dutton) who are suffering greatly because of his decision to cut off their access to drinking water, food, electricity and medication,

(iii) threats by the Royal Papua New Guinea Constabulary to use force against detainees at the Manus Island detention centre are unprecedented and potentially highly dangerous, and

(iv) the men on Manus Island and the men, women and children on Nauru are Australia's responsibility and remain so; and

(b) calls on the Government to end offshore detention, and bring to Australia every person who sought asylum in Australia and who is currently in Papua New Guinea and Nauru.

Senator McGRATH (Queensland—Assistant Minister to the Prime Minister) (16:02): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator McGRATH: The coalition government is resolute in its commitment to securing Australia's borders and preventing deaths at sea. Regional processing has been essential to the success of the government's strong and consistent border protection measures. Senator McKim's motion clearly demonstrates that the Greens have learnt nothing from their past mistakes. This motion demonstrates to all Australians that, given the chance, Labor and the Greens would return to the failed policies that resulted in 50,000 people arriving on more than 800 boats and at least 1,200 men, woman and children drowning at sea.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (16:03): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator GALLAGHER: Labor won't be supporting this motion. We believe in strong borders, offshore processing, regional resettlement and boat turnbacks when it's safe to do so, because we know it saves lives at sea. The Turnbull government are in their fifth year of government and have been completely and utterly incompetent at managing Australia's offshore processing centres. Australia has a moral obligation to ensure the men on Manus Island have access to essential services such as security, health and welfare services, which is why the men at the now closed RPC should immediately relocate to alternative accommodation. The stand-off at the now closed Manus Island RPC could have been avoided if the Prime Minister had been clear from the start about refugees' access to essential services and had guaranteed their ongoing safety and security.

Labor will never let people smugglers back in business, and that is why Australia is not and must not be a resettlement option. The Prime Minister must immediately secure other third-country resettlement options with appropriate conditions for eligible refugees.

Question negatived.

Hamilton, Professor Clive

Senator BERNARDI (South Australia) (16:04): I move:

That—

(a) the Senate notes:

(i) the claims by academic Mr Clive Hamilton, author of the unpublished book *Silent Invasion*, that he is experiencing difficulty proceeding with publishing his book critical of foreign influence in our institutions, including this Parliament, and

(ii) in particular, his publisher's concern about being subject to significant court action financed by or at the behest of a foreign nation; and

(b) in the interests of free speech and Australian sovereignty, the Senate calls upon the Government to render such assistance to Mr Hamilton as to enable his claims to be considered or published.

Senator McGRATH (Queensland—Assistant Minister to the Prime Minister) (16:05): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator McGRATH: As the Attorney-General noted in question time yesterday, we are increasingly seeing public reports of the insidious effect of covert foreign affairs influence being directed against liberal democracies whether it is for interference in democratic elections or the stifling of free and open debate within our own community. That is why the coalition government will soon introduce a comprehensive suite of reforms to address a broad spectrum of foreign interference and covert political influence activity in Australia. The government is aware of the media reporting relating to Professor Clive Hamilton's latest book. The government does not propose to intervene in a commercial matter between Professor Hamilton and his publisher.

Question negatived.

BILLS

Marriage Amendment (Definition and Religious Freedoms) Bill 2017

First Reading

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (16:06): I ask that general business notice of motion No. 570, standing in the name of Senator Smith and eight other senators, relating to the introduction of the Marriage Amendment (Definition and Religious Freedoms) Bill 2017 and related procedural motions be taken as a formal motion.

The PRESIDENT: There is no objection.

Senator BRANDIS: I seek leave to make a short statement.

The PRESIDENT: Leave is granted.

Senator BRANDIS: The effect of this motion will be to bring on for debate the private senator's bill put forward by Senator Smith to enable the parliament to give effect to the wishes of the overwhelming majority of the Australian people to change the law to allow same-sex couples to marry. This delivers on the Prime Minister's promise to facilitate such a debate in the event of a yes vote. The debate will now proceed in the usual manner for dealing with a private senator's bill, subject to the timetable provided for by the motion. The debate on the second reading will begin tomorrow. It is the government's intention that the debate will continue until the bill, with whatever amendments the Senate may agree to at the committee stage, is finally disposed of. I envisage that that is likely to be by the end of next Senate sitting week.

The Prime Minister and I and other members of the government have always said that there should be strong protections for religious freedom and freedom of conscience. Different senators will have their own views about whether the protections in Senator Smith's bill go far enough. I myself would prefer to see them go further, so I foreshadow that in the committee stage of the debate I will move an amendment to extend the right of conscientious objection to performing a ceremony of marriage from ministers of religion to include civil marriage celebrants as well. That is not a government position—there is no government position on a private senator's bill—but my own private view. Nothing in this bill inhibits the right of churches or of people of religious faith generally to continue to adhere to the doctrines and teachings of their church when it comes to marriage and to speak freely of those teachings, and to bring up their children in accordance with the tenets of their faith. Some have suggested incorrectly that the effect of the bill may be to limit that right. To put the matter beyond doubt, I will also move an amendment to make it clear that nothing in the bill makes it unlawful for people to hold and to express the views of their own religion on the subject of marriage. Such an amendment would not in any way derogate from the primary purpose of the bill, to enable same-sex couples to marry, but would make it clear that, as the Prime Minister and I have always said, that reform and the protection of religious freedom are not inconsistent. I thank the Senate.

Senator O'SULLIVAN (Queensland) (16:09): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator O'SULLIVAN: I stand representing quite a body of colleagues here on this side of the Senate and, I suspect, in some other parts of the Senate. I'm very heartened to hear the Attorney indicate his intention to move the amendments that he's articulated in his statement. The point I want to make today—and this will be an historic day—is that there are five million Australians who are cautious about this process. I'm simply calling on all colleagues over the next week or so to have a respectful debate and to go carefully and cautiously, in a timely fashion. I, too, share the view that we, as a government, and we, as a parliament, need to have this matter resolved. There is an inevitability about the passage of this bill, but I want to be certain that people out there who want the protections to which they're entitled know that they have strong voices still within this due process. We will debate it and bring amendments respectfully because, I think, we all share one view: we want to create legislation here that brings a nation together and doesn't leave the potential for a nation to be divided.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (16:11): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator WONG: I thank the Senate. I'll be very brief. I'll just make a few comments. The first is in relation to the context in which this bill is being brought forward by a number of colleagues from around the chamber, and I thank all of them for their co-sponsorship of it. Australians have done their part and it is now time for the Senate to do its part. Australians have voted very clearly to change the law and it's time for the parliament to reflect that perspective. I make this point: in relation to the time frame, Senator Brandis envisages that this bill will be finalised by Thursday of the next sitting week. That is, in fact, what the procedure set out in the motion provides for. This will be a debate which will conclude at the conclusion of the next sitting week, for the Senate's part.

In relation to the amendments, and in the spirit of the respectful way in which others have contributed to this debate, I won't go into a long debate about this. We do have the view that the Australian people voted to lessen discrimination and not to extend it. That is our view. We also take the view that the Senate committee bill doesn't change or take away any existing protections for religious freedom. I trust that the Senate will bear in mind the nature of the vote that has been reported today as we proceed to debate this bill.

I will also make a point about the management of debate. There's obviously a free vote amongst the major parties on the substantive issue. There will be the need to ensure that there is time for consideration within groups of amendments, and I would encourage senators who are seeking to put amendments to try to ensure that those are provided early to enable various groupings around the chamber to consider them carefully. In closing, I simply say this: I believe the Australian people voted to remove discrimination and I trust the bill will reflect that.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (16:13): I seek leave to make a brief statement.

The PRESIDENT: Leave is granted for one minute.

Senator DI NATALE: I will be brief. Today, Australia spoke resoundingly in support of marriage equality and in support of ending discrimination—not extending it, not entrenching it. The Greens have had a longstanding position in this place through my predecessors senators Bob Brown and Christine Milne. Indeed, every MP who has represented the Greens has been a strong supporter of marriage equality. I do want to make a point though about amendments. There was an opportunity for all supporters of marriage equality to discuss this issue through the very extensive cross-party committee process that was engaged in several months ago. It was through that process that the issue of potential amendments was raised, and significant ground was given on all sides. Let me make it very clear: the Greens made significant concessions in ensuring that a cross-party bill that got widespread support would be able to be presented to this chamber. We engaged in that committee process in good faith, knowing that we would have to give some ground if this parliament was to support it. This bill is not the bill the Greens would have introduced if we were proposing legislation ourselves.

I just say to people, particularly those people in support of marriage equality: we have already made our position very, very clear when it comes to amendments. The consensus position that we arrived at through that cross-party bill was the position that the Greens support and that we would not be entering into discussions about further extending discrimination in law. I would just say to every person who supports ending discrimination in this place: think very, very carefully about entrenching discrimination in order to appease your colleagues, rather than listening to the Australian people who spoke loudly and clearly today.

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (16:16): I, and also on behalf of senators Reynolds, Wong, Pratt, Di Natale, Rice, Kakoschke-Moore, Hinch and Hume, move:

That—

(1) The following bill be introduced immediately: A Bill for an Act to amend the law relating to the definition of marriage and protect religious freedoms, and for related purposes. [Short title: Marriage Amendment (Definition and Religious Freedoms) Bill 2017].

(2) On Thursday, 16 November 2017, the second reading debate on the bill shall have precedence over all general business until not later than 6 pm.

(3) In the week commencing 27 November 2017, the bill shall have precedence over all government and general business and, until proceedings on the bill are concluded, the hours of meeting and routine of business shall be varied as follows:

(a) proposals under standing order 75 not be proceeded with;

(b) on Tuesday, 28 November 2017:

(i) the hours of meeting shall be 12.30 pm to 11 pm,

(ii) the routine of business from not later than 7.20 pm shall be consideration of the bill only, and

(iii) the Senate shall adjourn without debate at 11 pm; and

(c) on Thursday, 30 November 2017:

(i) the hours of meeting shall be 9.30 am to adjournment,

(ii) the routine of business from not later than 4.30 pm shall be consideration of the bill only,

(iii) divisions may take place after 4.30 pm, and

(iv) the Senate shall adjourn without debate after proceedings on the bill are concluded.

Question agreed to.

Senator SMITH: 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 SMITH (Western Australia—Deputy Government Whip in the Senate) (16:17): 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 SMITH: I table an explanatory memorandum and I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The speech read as follows—

This bill amends the Marriage Act 1961 to remove the restrictions that limit marriage in Australia to the union of a man and a woman. The bill will allow two people to marry in Australia, regardless of their sex or gender.

The bill will also recognise foreign same-sex marriages in Australia.

The requirements for a legally valid marriage otherwise remain the same under the Marriage Act.

It will continue to be the case that a marriage is void if one or both parties are already legally married, the parties are in a 'prohibited relationship' (siblings, a parent-child relationship), one or both parties did not provide real consent, or one or both parties are not of marriageable age.

The architecture of the bill has been informed following the report of the Senate Select Committee on the Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill.

This bill further refines and improves the exposure draft legislation to more accurately reflect community attitudes expressed through the senate committee process.

The Senate select committee report identified a broad desire and willingness from parties (including pro-same-sex marriage groups) to protect religious freedom in respect to marriage in any future same-sex marriage legislation.

The Senate report identified considerable consensus for a continuation of exemptions for ministers of religion and to create a new category of religious marriage celebrants. There was also consensus agreement that any laws or exemptions need not single out same-sex couples. The Senate committee also proposed a pathway for current civil celebrants to become religious marriage celebrants, while all remaining and future civil celebrants would continue to provide non-discriminatory services.

The Senate report did not recommend introducing controversial new provisions which lack precedent within Australia's legal framework (conscientious belief, a 'no detriment' clause, exemptions for individuals). In keeping with the consensus reached by the Senate select committee, this bill does not include these provisions.

Australia's marriage laws have been amended on 20 occasions since the introduction of the Marriage Act.

These latest proposed amendments will insert an 'objects clause' which will create a legal framework to:

(a) allow civil celebrants to solemnise marriage, understood as the union of two people to the exclusion of all others, voluntarily entered into for life;

(b) allow ministers of religion to solemnise marriage, respecting the doctrines, tenets and beliefs of their religion, the views of their religious community or their own religious beliefs; and

(c) allow equal access to marriage while protecting religious freedom in relation to marriage.

The bill will allow a minister of religion to refuse to solemnise a marriage if that refusal conforms to the doctrines, tenets or beliefs of the minister's religion.

This would allow ministers of religion to refuse to solemnise a same-sex marriage where the minister's religion only allows heterosexual couples to marry.

The bill will create a new category of religious marriage celebrants.

This new category will include:

(a) existing civil marriage celebrants wanting to perform marriages consistent with their religious beliefs; and

(b) ministers of religion that perform marriages for religious denominations that are not recognised, such as independent religious organisations and smaller, emerging religious groups.

This new category of religious marriage celebrant will be able to refuse to solemnise a marriage on grounds that the religious marriage celebrant's religious beliefs do not allow them to solemnise the marriage.

The bill will require marriage celebrants who are not religious marriage celebrants – colloquially referred to as civil celebrants – to perform same-sex marriages and will be subject to existing anti-discrimination laws.

The bill will also establish a new category of marriage officer to solemnise marriages of members of the Australian Defence Force overseas, as proposed in the Senate report.

The bill will allow bodies established for religious purpose to be able to refuse to make a facility available or provide goods and services, for the purposes of, or reasonably incidental, to the solemnisation of a marriage.

Consistent with existing anti-discrimination law, the refusal must conform to the doctrines, tenets or beliefs of the religion of that body or be necessary to avoid injury to the susceptibilities of adherents to that religion.

It is worth noting that bodies established for religious purposes already have a similar exemption under the Sex Discrimination Act 1984. Inclusion of this in the bill will reaffirm their exemption in relation to the solemnisation of marriage.

The bill will ensure the Sex Discrimination Act is amended to give full effect to the religious protections in the bill.

It should be noted the parliament has previously determined the ability of religious organisations to lawfully discriminate in the provision of goods and services (including hiring of facilities for weddings or marriage related services such as catering) where this discrimination would accord with the doctrines, tenets or beliefs of their religious order or would be necessary to avoid injury to the susceptibilities of adherents to their religion.

The amendments to the Sex Discrimination Act that enshrined this position were passed by the former Labor Government with support from the Coalition Opposition.

The bill follows the Senate report in not including provisions which are inconsistent with existing anti-discrimination law, create a dangerous precedent or raise complex legal matters about the intersection of federal, state and territory law.

Australian discrimination law already sets the standard and balances competing rights. These laws have operated without significant controversy for a number of years.

Finally, this bill gives effect to the view that all Australians should have equal access to Australia's marriage laws and that extending marriage to same-sex couples will strengthen and not diminish marriage in Australia.

Senator SMITH: I seek leave to continue my remarks later.

Leave granted.

The PRESIDENT: In accordance with this motion, the bill will be listed for consideration at the time for private senators' bills tomorrow.

MOTIONS

Immigration Detention

Senator McKIM (Tasmania) (16:18): With regard to the general business notice of motion No. 575 that was moved earlier this afternoon, I seek leave to have the question re-put because I wished to call a division and failed to do so.

The PRESIDENT: It's a question of leave that I can put to the chamber, Senator McKim.

Leave not granted.

MATTERS OF PUBLIC IMPORTANCE

Climate Change

Energy

The PRESIDENT (16:18): I inform the Senate that, at 8.30 am today, four proposals were received in accordance with standing order 75. The question of which proposal would be

submitted to the Senate was determined by lot. As a result, I inform the Senate that the following letter has been received from Senate Siewert.

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

The complete failure of the Turnbull Government to develop a climate and energy policy, resulting in Australia's emissions increasing since 2013 and contributing to an increase in global carbon pollution in 2017.

Is the proposal supported?

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

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

Senator DI NATALE (Victoria—Leader of the Australian Greens) (16:19): As climate change talks commence in Bonn, a report released on Monday shows that global carbon emissions have risen in 2017 by two per cent on 2016 levels. This means the world will belch 37 billion tonnes of CO₂ this year alone. Let's reflect on that. We have seen an increase in global carbon emissions at a time when the science is telling us that we urgently need to reduce emissions.

On the Turnbull government's watch, since 2013, Australia's emissions have continued to increase. Since 2013—I say that again—our emissions have continued to go up and up and up. We are now facing the loss of the Great Barrier Reef. We are seeing global climate systems completely disrupted, record storms through the Atlantic and records broken through each year, and yet we see our emissions here in Australia continue to increase. Why has that occurred? It is because we have a government with no plan to cut pollution, no coherent climate policy and no coherent energy policy. This is a government totally captured by the fossil fuel interests of its big business donors. The government has ruled out a renewable energy target. It has ruled out a clean energy target, despite commissioning the Chief Scientist to conduct a comprehensive report on it. It has of course ruled out the most efficient mechanism by which to reduce emissions—that is, a comprehensive, economy-wide price on carbon pollution.

We now have the introduction of the farcical National Energy Guarantee, a policy designed to put a handbrake on renewables and to keep dirty coal-fired power stations open. In one of the most bizarre turns this year, we saw the Prime Minister instruct one of the big energy operators to keep a dirty, polluting coal-fired power station open, as the centrepiece of the government's climate policy. This coal-fired power station would be more at home in 1960s Russia than it is in a modern, 21st century economy. Sadly, the LNP is absolutely hell-bent on appeasing the coal lobby and, of course, on appeasing its own vocal right wing, led by former Prime Minister Tony Abbott. It's prioritising its big corporate donations from the fossil fuel industry over a livable climate, over our precious places like the Great Barrier Reef. It seems its intention is to make sure that the dollars just keep rolling in and that vested interests are kept on side: 'We've got to have the money flowing, even if we lose the Great Barrier Reef, even if people are in climates and environments that are uninhabitable.' It seems that the dollars are much more important than our children's and our grandchildren's future.

We are seeing now in Bonn that Australia is trashing our international reputation. We are an international pariah right now, receiving a Fossil of the Day Award, following on from the prestigious awards that we were able to win at the previous climate talks and the ones before that. ANU Professor Frank Jotzo says that the possibility of achieving Australia's 2030 Paris climate target is now slipping away, slipping further from reach. This is a disgrace. The science is telling us in which direction we need to be moving, and we have a Liberal Party taking us in precisely the opposite direction. Our neighbours are so frustrated by Australia's behaviour that we had the leader of Tuvalu publicly declaring, 'Australia is stuck in the Dark Ages with its reliance on dirty fossil fuels.'

We are at crisis point. We have an opportunity to take our economy out of the 19th century and into the 21st century, with a solution that is good for jobs, good for prices and, most importantly of all, good for the environment. We Greens have a plan to do that. We've got a policy that sets out a plan to transition communities so that Australia can go from being the worst per capita polluter in the world to one of the best, least-polluting countries. We can do that by making sure that we produce at least 90 per cent of our energy from clean, renewable energy resources. We can do that by 2030. Of course, we need to stop the Carmichael Adani mine in its tracks if we are to have any chance of meeting the climate targets that we agreed to in Paris, if we are to have any chance of achieving that two-degree temperature reduction that the climate so desperately needs.

Queensland are about to head to the polls. They know the Greens are the party standing between them and the construction of the Adani coalmine. They know that we are the only party that have committed to ensuring that this mine does not get built—and that means no taxpayer funded handouts, regardless of whatever form they take. We were pleased to see, under pressure, the Queensland state government indicate they would refuse to support the NAIF loan, but this is the same party that has supported secret royalty deals to the tune of hundreds of millions of dollars. That is taxpayer money going to support a project that will cook the planet. It is the Queensland Labor Party, of course with the support of the LNP opposition, that wants to give that Adani mine unlimited access to groundwater in the Great Artesian Basin. It is the same party that wants to continue to see that rail line being built, that port being built and the risk to the Great Barrier Reef as that coal is shipped through to go on to continue to fuel dangerous climate change.

Queenslanders now have a choice. In a few days time they have an opportunity to put in place three wonderful, outstanding representatives—Kirsten Lovejoy in McConnel, Amy MacMahon in South Brisbane and Michael Berkman in Maiwar—to send a very strong statement to whoever should form government in Queensland at the next election that the community does not want to see that Adani mine built. Today we learnt that the former Deputy Prime Minister Barnaby Joyce and Minister Canavan have written to the Chinese government and said, 'If private financiers won't fund it, we want you to fund it.' It's another secret deal that we see this government entering into, with the Chinese government, begging for support for that coalmine. In a few short days the people of Queensland will have an opportunity to make such a strong statement about where their values stand. The only thing that stands between them and the Adani coalmine is the Australian Greens. Vote for Kirsten Lovejoy, Amy MacMahon and Michael Berkman and say to the next Queensland government, 'This cannot be built.' (*Time expired*)

Senator BROCKMAN (Western Australia) (16:27): I rise to speak on this matter of public importance proposed by Senator Siewert of the Greens. I have to say, I'm not surprised by the breathtaking level of economic illiteracy on display. As everyone in this place knows, Australia's carbon footprint is a minuscule percentage of global emissions and, even if we were to slash our carbon output to zero, it would have no impact on global temperatures.

The government is taking strong action required to protect Australian industry, to protect Australian jobs, to keep the lights on and to comply with our international obligations. Those opposite would rather see working Australians out of a job as those jobs are moved offshore to countries with much cheaper electricity than Australia, often with electricity that's generated by burning Australian coal! The irony of that should not be lost on anybody.

When the South Australian Labor government demolished coal-fired power stations, the stations were having no impact on global temperatures but the government were condemning their state to a second summer of brownouts, potential blackouts and energy rationing. Obviously, it's almost impossible—it's very, very difficult, indeed—to keep a viable manufacturing sector going if you have those sorts of pressures. Conversely, the government have a plan to make our electricity supply more reliable and more efficient while, at the same time, meeting our international emissions reduction obligations. Through the coalition's National Energy Guarantee, we are bringing to an end government subsidies for renewable energy, which will bring us back to a technology-neutral energy policy which will allow energy providers to invest in the reliable, baseload capacity that Australians need.

The National Energy Guarantee is made up of two parts, integrating both energy and climate policy. The first is a reliability guarantee that is set to ensure a reliable level of dispatchable energy is always available from ready-to-use sources such as coal, gas, pumped hydro and, potentially, batteries. This guarantee will be set by the experts—the AEMC and the Australian Energy Market Operator. The second is an emissions guarantee, which will be set to ensure we continue to meet our international commitments. The level of this guarantee will be determined by the Commonwealth and enforced by the Australian Energy Regulator. The National Energy Guarantee is a practical, workable, pro-market policy to increase the affordability and reliability of our energy system whilst also meeting our international commitments.

Once again—and I think this is a very important point—we have to highlight that the policy is technology neutral. Our policy allows energy providers to make decisions on the source of supply whilst maintaining reliability. 'Reliability'—it's another word for keeping the lights on. I reiterate: there will be no subsidies, no taxes and no emissions trading scheme. This policy will provide power generators with the certainty they require to invest in the latest technologies—whatever technology is most efficient and effective for meeting their obligations. It could be batteries; it could be the next generation of low-emission, high-efficiency coal-fired power stations. Who knows? One day we might see a fourth-generation nuclear reactor or some new technology that, quite frankly, nobody in this place even knows about yet. These cutting-edge, low-emission technologies can produce cheap, reliable energy for Australians while simultaneously reducing our dependency on gas and our vulnerability to fluctuations on the price and supply of LNG.

Our policy isn't based on ideology; it's based on a deliberative evaluation of the evidence. The government doesn't engage in knee-jerk, ideological policymaking. That is why we

commissioned the Finkel review into the future of the national energy market, following the disastrous statewide energy blackout experienced in South Australia in September 2016. It's simply not acceptable that, in a First World country as prosperous and energy-rich as Australia, we'd find ourselves in a situation where we cannot keep the lights on just because it happens to be a bit warm. We're used to it being a bit warm.

In addition to implementing the National Energy Guarantee, the coalition is already implementing a number of Finkel review recommendations in conjunction with state and territory governments, including the energy security obligation, which provides the necessary support services that have traditionally come from coal generation and assist in stabilising the system as the level of intermittent generation increases. We're also implementing a requirement that there be a three-year notice of closure, requiring large generators to give notice before closing their facilities. This gives the market time to plan and invest in the system. Whilst some will jump up and down, bemoaning the end of the renewable energy subsidies, I would remind them of the words of Australia's Chief Scientist, Alan Finkel, who described this plan as 'a credible mechanism'—this is from the country's most authoritative voice on energy matters.

When we're thinking about the guarantee, we should look at who is out there supporting it. We have seen support for the plan from across a wide range of industry groups and industry sectors. We've seen it from the BCA, ACCI, AiG, Manufacturing Australia and the Energy Users' Association. We've seen it from employers like BHP, BlueScope and JBS meat processors—large energy users. We've also seen support from the energy industry itself: Origin, AGL, EnergyAustralia and Energy Networks Australia. We've seen it from the irrigation sector. We've seen it from the grocers. We've seen it from the mining industry. We've seen it from the forest products industry. We've seen it from groups involved in infrastructure. We've seen it from the Grattan Institute and from energy consumers. The CEO of BCA, representing more than one million Australian jobs, says:

It is the most practicable, workable thing we've seen in business for quite some time.

The CEO of BlueScope, Australia's largest manufacturer, said:

It turns the game around—where now, the effective functioning of homes, businesses, schools and hospitals is the priority.

That's a very important point. We need to get back to reliability again. The effective functioning of homes, businesses, schools and hospitals is the priority. Surely no-one in this place would say that should not be the priority of anybody setting Australia's energy policy going forward?

We've also seen from the coalition government a significant amount of work in this space on the domestic gas supply. This affects the eastern states much more than my home state of Western Australia, where we are very fortunate to be very gas rich. In fact, part of what the coalition government is doing is undertaking a feasibility study in an east-west pipeline to see whether the vast resources of gas in Western Australia can be economically transported to the eastern states, which would obviously open a new market for Western Australian gas but would also add to the reliability and put downward pressure on costs in the eastern states, which currently have some of the highest energy prices in the world.

On the east coast itself, the coalition government secured a deal with the gas producers that will cover projected shortfalls in domestic gas supply in 2018 and 2019. This has already

delivered results, with Origin committing to put 41 petajoules into the domestic gas market starting 1 November 2017 through to 2018. Again, we're making sure there is enough gas for Australia. This is about providing the reliability of supply to keep our manufacturers in business, to keep the turbines spinning and to keep the power going into people's homes, people's businesses, hospitals, banks and schools. This is a very positive outcome and it was a welcome relief to Australian households and businesses who have been struggling with the lack of supply and high prices.

The long-term solution, as I've said, is the National Energy Guarantee. We obviously need to keep working on the detail of this policy with the state and territory governments, but this is a plan that will deliver real benefits to the people of Australia. This is a plan that will deliver a reliable energy supply to the households and businesses of Australia whilst meeting our international obligations—again, very important. We are meeting our international obligations and I'm very proud to be part of a government that is doing so.

Senator MOORE (Queensland) (16:36): It is interesting that the first two speakers have summed up many of the debates that we've had in this place since I arrived. Senator Di Natale, in his contribution, started by referring to the current international conference that's being held on energy and climate in Bonn and talking about the information which has been widely circulated—many people have read it—in terms of concerns about where our world is going in the international response to energy and concerns going to our future. Senator Brockman, when he started his contribution, after he made the traditional slap at the Greens for their economic knowledge, made the point, and we've heard this so many times in this place, that we are a low emitter and that nothing we can do here will have any impact on the international stage. The natural consideration that came from that, although Senator Brockman did not say this, is: why should we do anything? I've been here through many debates about what our role is, what we should be doing about climate change nationally and what our energy policy is. It seems to me that those two represent the extremes in the debate. There does not seem to be any understanding of a common response to the issue. That's one of the real issues. Senator Siewert's proposal says: the failure of the government to develop an effective energy plan. Certainly the shadow minister in our party, Mr Butler, has talked in many places recently about the series of attempts there have been under this government to come up with a plan and that still, in November 2017, we do not have a detailed plan before us.

I'll give a little bit of the history first because I looked it up and I feel as though I should mention it. In terms of the process, the emissions intensity scheme was talked about in 2014–15. It was a proposal from the Australian Energy Market Commission, AEMC, in 2015 which was the result of a large amount of consultation about what should be the national energy plan. By and large, that's what went to the last election: modelling to ensure that there was an emissions intensity scheme according to the different baselines, making an emissions reduction target of 45 per cent by 2030. The idea was that this would respond to concerns raised by industry, by households and by the wider community about exactly how our energy system fits and what the best way to operate it is. Importantly, I think there is a growing awareness of the way the world operates in terms of emissions—that it doesn't matter where the emissions come from; they still build up, so we cannot segment ourselves in Australia or

in New Zealand or in Bonn. We have to look at the overall issue, because we cannot hide from the international impact.

This has been brought home to me very clearly, as I believe it has with you, Madam Acting Deputy President Reynolds, when we have had the opportunity to talk with people in our Pacific areas. I've been very, very impressed by the range of discussions I've had with our Pacific neighbours, not only with people in government but also with people in the wider community, in civil society. Farmers that I have met in different areas openly discuss issues of climate change and how it impacts on their livelihoods and on their life. In the Pacific, we have seen land being lost to the sea. There's no firmer argument to the fact that something is happening than actually seeing that your own backyard is disappearing. A call has been made by our neighbours that we do have an international responsibility. That's part of the wider discussion. This is not something that you can separate and put to the side. This is part of the discussion we must have in Australia about how we develop a plan and what the international and domestic obligations are going to be. We cannot hide from that.

As I mentioned, the emissions intensity scheme was plan 1 on the agenda, and the government moved away from that. They said that it wasn't going to happen and that they would move in another direction. That was when we first heard about the intention to refer a general investigation to the Chief Scientist. We discussed that in this place. I can remember having discussions about what the role would be, how the Chief Scientist would consult and the public way in which he would go out and seek a range of views on how to develop an effective energy policy from the scientists, from the users, from the community and in fact from anyone who wanted to be involved, because this was a public process. The information on what was going on was put out to the community and people had the opportunity to put in submissions. Then, based on those submissions, there were a range of public hearings and discussions. That is a format with which we are familiar; it was very similar to the way we operate in the committee process.

The response across the board again proved that people in the community wanted to be involved in decisions about our energy policy. They were not backward in coming forward, in bringing forward a whole range of ideas and concerns. Not all agreed. We never have full consensus in this space, but it showed that people were thinking about these issues and wanted to be involved, but they wanted their government to listen and they wanted their government to come up with a plan. Out of that came the quite detailed Finkel review process. We debated that in here, Madam Acting Deputy President. I feel certain we had a bit of a go at each other—probably; that is the way it works. We debated how the Finkel process would operate, how his recommendations would be implemented and why there was an expectation that change would happen. That was an agreement. There was a recommendation from Finkel particularly around renewable energy targets, the sources of our energy, how it would operate, taking into account all the concerns that had been raised and the best minds who work daily in this space.

Then the government moved away from that process as well and we heard there was going to be another process. We heard that through someone coming into the chamber and telling us that there was going to be another iteration of a plan. Senator Brockman mentioned the details of that plan in his contribution. I was pleased, because he had 10 minutes, but we only have an eight-page document in front of us to cover all the intricacies of the plan in public

knowledge, and I think he did a really good job. I think he mentioned most of the public awareness and knowledge of the so-called NEG that's now before us as the plan that's going forward. I remember clearly at our recent Senate estimates process that we were asking a range of questions about exactly what the new plan was and what modelling was being done on how it would actually work. What we need to have is not theory, though it's very important to have a solid base of theory.

I look across to the One Nation team and I expect to see Senator Roberts there because he was such a strong contributor to the debate and he kept asking for empirical evidence. He wanted evidence around plans, which is an absolutely valid issue. You need to have evidence. You need to have documentation. Whether you accept the evidence is another issue, but you need to actually have detail which you can consider and work out what the future plans are going to be. That's what we don't have now.

In the proposed new plan that the government has gone out marketing very strongly in the community through the media, there is not a lot of detail and there certainly is not modelling of exactly how we are going to balance Australia's energy needs; how we will look at the way we are going to work with our energy; as Senator Brockman rightly put it, how we are going to keep the lights on, which is the basis of what people are concerned about; how we are going to do that in the most efficient way; how we are going to keep prices down, which of course is the overwhelming fear element that's always run in these arguments about maintaining low prices; and at the same time how we are going to meet our international obligations, because we still have strong international obligations.

I'm concerned about the information that has come out from the Bonn conference. People are worried about whether Australia is going to be able to maintain the obligations that Prime Minister Turnbull made at the original Paris conference. We have made a commitment that we are going to be part of an international reduction of emissions so that we can respond to the international issue of climate change. In the last week at the recent conference the Prime Minister attended, he reaffirmed that we were going to be continuing our role in that process. But what we don't know from the plan before us is how that is going to happen. In taking up Senator Siewert's notice of motion we are working on— (*Time expired*)

Senator HANSON (Queensland) (16:47): I will say that Senator Moore is right: Senator Roberts is sorely missed in this place, especially when it comes to debates to do with climate change. He was the only one in this place who really had a clear understanding and knew how to debate this issue.

I believe that a lot of people have been led down the garden path so far as climate change goes. I remember Professor Tim Flannery making comments over the years like: 'We will never have floods again. This whole country is in drought. Therefore, we must build these desalination plants.' So what did we do? We went out and built all these desalination plants to be left in mothballs, costing taxpayers approximately \$31 million a year—that's for one—to have them in mothballs. We were listening to these professors who went and bleated their beliefs—it was never the case—'The fact is we've got these rising seas and waters and all this flooding will happen.' Well, it's yet to happen.

We have used climate change as a furphy. People have no understanding of it. Over the years I've listened to sceptics, to people that are scientists who are saying it is happening and to scientists saying, 'No, it's not happening.' These scientists have been employed by certain

organisations because they've got a job now; there's a lot of money in it. Taxpayers are funding this to the tune of billions of dollars. It's become a political football. Even in our educational system, we are actually pushing this agenda. It's being used as a political football without clear science.

None of us, not even I, can get up and speak with regard to science. Do I know exactly what's happening? No, I don't; I have to rely on others to try and give the right information. How many times have we heard now that they've taken the temperature out in deserts or in concrete jungles and have come back with a temperature gauge and it's not the case at all? I'm not denying there is climate change, but is it man-made? Has anyone stopped to think about the volcanic eruptions that are happening or the earthquakes that are happening? Have we actually been looking at the factors? What about the atomic bombs that have been let off in this world? Has that had an impact on it?

The oceans actually make about 97 per cent of emissions, and we're talking about a small, minuscule amount that's supposed to be created by humans on the planet.

Labor's policy of 50 per cent renewable energies by around about 2030 is absolutely ridiculous. We are not going to cope. If you head down that path, we are going to end up as a Third World country. We are feeling the effects of it now. People are struggling to pay their power bills. In Queensland, 430 people a week are unable to pay their bills and are being cut off by their power suppliers. I've just come back from India. If you think you've got problems here, go over to India—the smog that's in that country there. They're burning fires to get warmth because they don't have coal-fired power stations or the coal that they need to give themselves energy, so they're burning anything on the streets to get warmth and cook their food.

Here in Australia we have energy resources. We have an abundance of coal and gas, but we don't keep it for our own needs or energy here in Australia—to keep our own manufacturing industry going and so the pensioners can turn on a fan or heating when it suits them. We are destroying our own country because you're headed down this path where we've got to appease everyone else without protecting ourselves.

Renewables will come. There will be a time for that when we actually have the technology to be able to store the energy. But to head down this path, destroying families, businesses, industries and manufacturing when most of us in this place have no idea what we're talking about when we're making legislation—I think you have to look at the factors and start looking after our own country first without being led by those who have more to gain by selling their own product. They don't understand and they don't give two hoots about the people in this country who are struggling to keep their heads above water. What I'd say to the Greens and about the Adani— *(Time expired)*

Senator IAN MACDONALD (Queensland) (16:52): What a pleasure to follow Senator Hanson, who has made a sensible, rational contribution to this debate, like my colleague Senator Brockman earlier. It's pleasing to see some rationality and common sense coming into this whole debate.

The Turnbull government is focused on keeping the lights on and getting more affordable power to Australian households and businesses. Senator Hanson has just indicated how many people and businesses cannot afford to use electricity because of the cost of power,

particularly in my home state of Queensland. Why? It is because the Queensland Labor government own the generators, and, for years, they've been gouging the price—adding to the price—to try and prop up their budget. 'Forget about the households or the small businesses. We need to try and balance our budget.' They've chased any other investment away from Queensland, so that's why power prices are so high in Queensland.

Our approach is driven by engineering and economics, not by ideology. It brings together the advice of the very best experts in the field, whereas from the Greens you get all the mantra, ideology and stuff they've read in left-wing papers around the world. It doesn't make any sense. They can never argue the case. They don't understand the issue. They just mouth the rhetoric and put that out as policy.

The Turnbull government has adopted the National Energy Guarantee, which is a practical, workable, pro-market policy to increase the affordability and reliability of our energy system whilst also meeting our international commitments. I have to remind everyone: Australia is one of the few countries—under Liberal governments, I might add—that has actually met its target from Kyoto and previous targets from Paris. We do that without subsidies. There are no subsidies, no taxes and no emissions trading schemes. The Turnbull government is focusing on this because the provision of affordable power is so important to every mum and dad and every household right throughout Australia, but more particularly so in my home state of Queensland.

You've heard the Greens in this debate and elsewhere talk about how these carbon emissions are destroying the world and destroying the Great Barrier Reef. I keep asking a question, and none of them will ever tell me the answer, because they can't. The question is: how come Australia's share of the world's emissions, 1.2 per cent—keep that figure in your mind—is going to change the whole climate of the world? In fact, when I questioned the Chief Scientist, Dr Finkel, about that and asked, 'If we stopped our emissions by 1.2 per cent, which is everything in Australia, what difference would that make to the changing climate of the world?' his answer was, 'Virtually none.'

Senator Williams has done some research into this with the help of the Parliamentary Library. He has shown me figures, and the Parliamentary Library has got them, where new power stations in China alone—

Senator Williams: Coal-fired power stations.

Senator IAN MACDONALD: Coal-fired power stations; thank you, Senator Williams. New ones—these are not existing ones—have a carbon emission of something above 2,000.

Senator Williams: It is 670 million tonnes.

Senator IAN MACDONALD: It is 670 million tonnes. But, in units, it's somewhere around 2,300, I think. Australia, just to keep these figures in mind, has 73. These are new, coal-fired, emission-generating units. In China alone, they are above 2,000; in Australia, we are under 100. Yet the Greens are saying: 'This is what we've got to do in Australia. We've got to shut business down and export jobs overseas.' They say we've got to do all this so we get a warm, fuzzy feeling and so we can go to the green international conference somewhere around the world and say, 'Oh, look, Australia's cut its emissions by 50 per cent.' The Labor Party, unfortunately, have fallen for that gag as well. It will mean nothing to the changing climate of the world. Don't take my word for it; ask Dr Finkel. It will mean absolutely nothing

if we cut it by 20 per cent, 30 per cent, 50 per cent or, according to Dr Finkel, 100 per cent, and yet the Greens would ruin every manufacturing-job-creating exercise in Australia.

That's why they're so opposed to the Adani project. The Adani project won't, in any material way, export carbon, and what it does will have absolutely no impact on the changing climate of the world—absolutely none. But it will create jobs in Queensland—particularly up my way—it will create wealth in Queensland, and it will enable the Queensland government, whoever's in power after Saturday, to almost pay their bills, because of the royalties that will come in from the mining of this clean, abundant, natural coal we have not far from where I live. It's waiting there to be tapped. When it's tapped, it won't impact upon the changing climate of the world and will certainly not have any impact on the Great Barrier Reef. But it will create jobs. It will provide electricity for the starving millions in India—but that doesn't seem to be a concern of the Greens in this particular debate.

I say to the Greens: please explain. I keep asking them. I've been doing this for, I think, 10 years now, when this issue of climate change first came up. I've been asking the Greens to explain to me: if Australia—which emits less than 1.2 per cent of the world's carbon emissions—cuts its emissions by 50 per cent, how is that going to change the changing climate of the world? None of them will ever answer me. Why? Because there isn't an answer. Or there is an answer, but Dr Finkel has given it; Dr Finkel said it won't make any difference whatsoever. But it does make a difference to people I know—people up in Townsville who desperately need the jobs and who desperately need the work from Adani. For the small businesses that run off that—the accommodation, the houses and restaurants and all of those people that will benefit from the Adani project—it means big things to them.

So I plead with the Greens: give me an answer. I keep asking them. Senator Roberts, when he was here, used to keep asking them, but they always ignored that. They go on about how horrible we are, how we don't understand, how the latte set in Sydney think we are all troglodytes—yes, thanks to the Greens' propaganda. But give me an answer to that. Australia, I keep repeating, emits less than 1.2 per cent of the world's carbon emissions. China each year—or week, was it? I forget what it is, but let's say each year—exudes more carbon with its new power stations—not the old ones, the new ones—than Australia has been emitting for years.

I say to the Greens: how come it's okay for China? How come it's okay for India? How come it's okay for Russia? They're all okay, but poor little old Australia emits practically nothing, makes no impact on the changing climate of the world, and yet the Greens political party—and Labor, I'm sorry, have gone along with them—think there are a few votes in it from the ignorant latte set around the leafy suburbs of Brisbane, Sydney and Melbourne. Those people might vote for the Greens and the Labor Party. The Labor Party and Greens keep fighting each other for that cohort of votes.

But ask any of the people at the latte place next time you go there, Senator Rice—ask them how is it that Australia's emissions are somehow going to destroy the Great Barrier Reef? I'd ask you to ask that. They'll just open up the *Green Left Weekly* and read out the propaganda that pops out of the paper, but none of them will understand it. None of them will ever be able to argue the case. Sure, if the rest of the world stop their carbon emissions, so should Australia; I've never challenged that proposition. But, until they do, why does Australia

destroy itself and the jobs of its people and its standard of living for a meaningless ideological, warm-feeling approach for the latte set in Sydney, Melbourne and Brisbane?

This is a debate which I think more and more Australians are starting to understand is just ideological claptrap from the Greens, regrettably being now mirrored by the Labor Party as they fight for Greens votes. *(Time expired)*

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (17:02): I also rise to speak on the matter of public importance, and I think it is with great pleasure that I follow One Nation and their friend Senator Macdonald in this debate.

I note Senator Hanson said, when she first started speaking, that today she spoke with reluctance, as it was normally her colleague the former Senator Roberts—who was of course found by the High Court to be ineligible to be a senator, a dual citizen—who swamped the chamber with his ridiculous theories and conspiracies. The speech that we just heard from Senator Hanson sounded just like something her former colleague would have said: full of conspiracies and lacking any empirical evidence. You can love coal, but to love Australia you should embrace all energy options. If you don't like things because of their colour, don't discount something because of its colour. Listen to the real scientists, listen to the energy industry and let's get people across the country back into work in our energy industry. Tens of thousands of jobs have been lost in our renewable energy sector since 2014 because of scaremongering and short-term anti-scientific policies. But we can do better, so get your head out of the smog and let the cool breeze of windmills and the warm glow of solar panels improve the energy security for this country.

This matter of public importance reads:

The complete failure of the Turnbull Government to develop a climate and energy policy, resulting in Australia's emissions increasing since 2013 and contributing to an increase in global carbon pollution in 2017.

This is certainly an important matter of public importance for us to debate.

But, before I get into my argument, I just want to point out that there appears to be a drafting error in the motion. I hate to be semantic, but if we're going to attack the Turnbull government for their abject failure on climate and energy policy then we have to get our facts right first. According to the data I've seen—the empirical evidence, as former Senator Roberts would say—emissions actually decreased from 2013 to 2014 by six megatonnes. It's an important point. It demonstrates the worth of this chamber resisting attempts in late 2013 to repeal the carbon price, a carbon price that provided certainty to industry and investors, and the total emissions allowed in the Australian economy and let the market resolve how best to produce the energy.

I've also had to point out a much bigger mistake than a drafting error from the Greens, and it was back in 2009. Under the leadership of former Senator Bob Brown, the Greens voted against Labor's original Carbon Pollution Reduction Scheme. As it is today, climate change was an urgent policy area back in 2009. The commitment of the Labor Party to take action on climate change was a key factor in the 2007 election. Yet, for their own reasons, which make absolutely no sense, the Greens voted with the Liberals and Nationals. They voted with the member for Warringah, Mr Abbott, and opposed Labor's action—action that would have introduced a mechanism to ensure that prices were affordable, that our electricity infrastructure was reliable and that we promoted technology that is sustainable, low carbon

and, where possible, carbon free. I say the reasons made absolutely no sense because, when the Greens finally did support Labor on climate change action in 2011, the mechanism within the legislation to reduce carbon pollution was almost identical to that in the earlier 2009 bill.

While there was that delay of two years, all that was really achieved was the creation of space for Mr Abbott to launch his dangerous, ill-informed scare campaign—a scare campaign that his former senior adviser Peta Credlin finally admitted earlier this year was all about politics and nothing about economics or the environment. It's important to point out that this delay of two years enabled Mr Abbott to take the leadership and commit the next five years to repealing the carbon price, only to fail to replace it with any credible climate change or energy policies when it was finally repealed.

So when the Greens get up in this place and say, 'We must take urgent action on climate change,' I do agree with them, but I remind them of their ideological move in 2009 that is a big part of how we ended up with such a failure of climate and energy policy in this country. While the Greens failures are clear, the failure of the Turnbull and Abbott government is much, much worse. Under their watch, Australian emissions have increased and we've been left without an energy policy for over four years.

The member for Wentworth once famously said that he would not lead a party that is not as committed to effective action on climate change as he was—I emphasise 'was'. In his lust for power, this Prime Minister has thrown out everything he once stood for publicly. He's thrown out his long-held, leather-jacket-wearing commitment to action on climate change. He's thrown out his support for renewables. He's thrown out his support for Australia as a leader in this space. Who do we have instead? We have a desperate Prime Minister, a hapless Prime Minister who has abandoned reasonable policy processes. He has abandoned his beloved proper cabinet processes and rushed out his so-called National Energy Guarantee without any analysis or modelling by the Department of the Environment and Energy and without adequate consultation with industry or with the states.

This is a timely matter of public importance because just yesterday the Global Carbon Project reported new data showing global CO₂ emissions have risen for the first time in three years. Coinciding with that report on Monday, 15,364 scientists from around 180 countries signed an article appearing in *BioScience* that stated unequivocally:

To prevent widespread misery and catastrophic biodiversity loss, humanity must practice a more environmentally sustainable alternative to business as usual.

I repeat: over 15,000 scientists from around 180 countries have said that business as usual will lead to widespread misery and catastrophic biodiversity loss unless we stop what we're doing and curb our per capita consumption of fossil fuels. Unless we change the behaviours more broadly, our earth will become uninhabitable. This isn't an ideological dream. This is the revisiting of a study from 1992 by eight climate scientists who are supported by over 15,000 other scientists.

The report from 1992, which was at that point signed by more than 1,700 scientists, entitled *World Scientists' Warning to Humanity*, warned that humans were on a collision course with the natural world. The updated article, released on Monday, found that, across nine indicators, humanity is failing our planet, and Australia needs to do its bit—Australia needs to lift its game. This is something that our Prime Minister once understood. This shouldn't be a partisan argument. There have been Liberal members for the environment who

have, in their own way, demonstrated care for our world. Yet, somehow, here we are, with the so-called most progressive Liberal Prime Minister in history, who has completely abandoned Australia's role as a strong middle power and completely abandoned the notion that Australia should do our bit to combat climate change.

Weeks after the launch of his National Energy Guarantee, the Prime Minister can give no guarantees about its effectiveness, no guarantees on its price, no guarantees on its reliability for energy supply and nothing on the sustainability of our energy sector—nothing. All that we know is that, under Prime Minister Turnbull's National Energy Guarantee, power bills will keep going up and up and thousands of jobs in the renewable energy area are at risk. As it stands, the Prime Minister's plan will strangle the renewable energy industry for a lousy 50c in three years time, and that 50c saving isn't even guaranteed.

On our investment in renewables, it's worse than business as usual. The National Energy Guarantee is so bad that Australia's energy mix will be comprised of only 28 per cent renewables by 2030. That's seven per cent lower than the Chief Scientist said would occur if we did nothing at all. It's a bizarre and dangerous policy, but it is true to form for this government. Under their watch, one in three renewable energy jobs has been lost and confidence and certainty in that sector has been shattered.

Senator STEELE-JOHN (Western Australia) (17:12): This is, once again, not my first speech. When considering the wording of this matter of public importance, I can't help but think that the use of the words 'complete failure' in relation to the Turnbull government's policies on climate change is awfully kind of my colleague Rachel Siewert of WA. When I think about the policies of this government in relation to climate change, the phrase that comes to mind used to be 'disappointed but not angry'. Well, I sit here this afternoon in this chamber thoroughly angry, and I believe that I speak on behalf of most of my generation when I say that.

Those in the Liberal-National section of this chamber, in particular, don't often talk about youth issues, apart from when they find that there have been proposed attacks which will affect the very many vested interests which fund them, and then of course they speak at length and with great emotional detail about the need to protect my generation from the intergenerational theft which is either the current tax at hand or the current spending proposition. I would like to ask this chamber whether it can think of any greater act of intergenerational theft than failing to act on climate change and whether it can think of any greater act of intergenerational theft than letting the vested coal and various fossil fuel interests which seem to run this government rob my generation of its future, of a safe and healthy environment in which to raise our kids—because I cannot.

Further to this, I cannot think of any greater act of theft than to deny my generation the opportunity to reap the benefits of the third great industrial revolution of our species. I'm talking of course of the transition to the renewable economy. We in the WA Greens have done extensive work on this issue, and I pay great thanks and respect to my former colleague Senator Ludlam in referring to the work he did on how we might transition our part of this ancient continent to 100 per cent renewable energy by 2030. Among the many findings of this work, it was discovered that this process would create no fewer than 156,000 new jobs. That is 12,000 jobs a year, with 25,000 jobs in the solar PV industry alone. These are the kinds of

things that are being sacrificed upon the altar of the coalition's allegiance to the various fossil fuel interests which now seem to so comprise their support base.

I would add also that we cannot discuss the issue of climate change at this current time without discussing the issue of the proposed Adani coalmine in Queensland, which again Senator Canavan seems to be such a huge fan of that you would have thought Adani had personally made sure that he wasn't a dual citizen in the end anyway. This proposal seeks to do nothing less than put the world's largest coal port through the Great Barrier Reef—one of the great natural wonders of the world, something which we in Australia are lucky enough to hold in trust for the entirety of mankind, for the entirety of humanity. It is ours to steward. Yet we treat it with such disrespect and disregard. We would put at risk 69,000 jobs within the state of Queensland on the vague promise of 1,500 jobs in the construction sector. And let me inform this chamber, as somebody from WA, that jobs in the construction sector and phases of the mining industry quickly disappear as we transition to the more automated aspects of the industry. They disappear and leave nothing in their place.

So we would risk this natural wonder. We would risk tens of thousands of jobs for 1,500 jobs, which will be gone as soon as they've come, to support a company which is linked to everything from multinational tax avoidance to the most horrendous types of environmental abuses, all because the Minerals Council tells those in the coalition that it's a good idea, all because the mining lobbies are in your ear 24/7 and all because nobody—I'm sad to say, on either side of this chamber that doesn't sit in the Greens section of the crossbench, or some of the more enlightened crossbench senators—has the courage and conviction to clearly stand up against this group and say no. This is not exclusively a failure of the coalition. It is also a shame shared by the Labor Party at a state and federal level. They campaigned for the Queensland election on the platform of saving the Great Barrier Reef and have only now withdrawn their support for the billion-dollar taxpayer subsidy to this tax-dodging multinational corporation because of a legal loophole they found themselves in. It is a disgrace.

This government's policy in relation to climate change is a disgrace. It is an act of intergenerational theft. While I am in this chamber, I will not let it go by without it being called out for what it is.

The ACTING DEPUTY PRESIDENT (Senator O'Sullivan): The time for the discussion has expired.

DOCUMENTS

Consideration

The following documents tabled earlier today were considered:

Vacancy in the representation of Tasmania—Letter from the President of the Senate to the Governor of Tasmania (Her Excellency Professor the Honourable Kate Warner, AC), dated 14 November 2017 [copy].

Australian Strategic Policy Institute Limited (ASPI)—Report for 2016-17.

COMMITTEES

Regulations and Ordinances Committee

Delegated Legislation Monitor

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (17:20): I present Delegated Legislation Monitor No. 14 of 2017 of the Standing Committee on Regulations and Ordinances.

Ordered that the report be printed.

Scrutiny of Bills Committee

Scrutiny Digest

Senator DASTYARI (New South Wales—Deputy Opposition Whip in the Senate) (17:20): On behalf of the chair, Senator Polley, I present *Scrutiny Digest* No. 13 of 2017 of the Standing Committee for the Scrutiny of Bills.

Ordered that the report be printed.

Community Affairs References Committee

Report

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:20): I present the report of the Community Affairs References Committee on the future of rugby union in Australia together with the *Hansard* record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator SIEWERT: I move:

That the Senate take note of the report.

First off, I would like to thank all the witnesses who gave evidence to the committee, sometimes in quite trying circumstances, and the submitters. Unfortunately, as is always the case with these inquiries, we can't hear from every submitter, so I would particularly like to thank all of them. Also, I acknowledge the many rugby union fans who came to the hearings. I acknowledge the hurt that has been caused by the decision to cut the Western Force, a Western Australian team, from the Super Rugby competition. It has hurt and caused a great deal of stress and anxiety for not only the Western Force players but also, of course, the huge legion of Western Force fans—and in fact rugby union fans across Australia.

The committee has made eight recommendations. In our conclusion, we make the point that this inquiry grew out of concerns expressed by members of the rugby community about the future of rugby union under the stewardship of the Australian Rugby Union, commonly known as the ARU. The committee considers that some of the evidence it has received through this inquiry raises questions regarding the governance of the ARU and its stewardship of rugby union in Australia. We recommend that the Australian Sports Commission consider an additional principle to be introduced in the commission's Sports Governance Principles in relation to national sporting organisations' commitment and duty to player welfare. Recommendation 2 is that the Australian Rugby Union immediately transfer all intellectual property and trademarks associated with the Western Force to Rugby WA. We further recommend that the Western Australian government review evidence to the committee in

relation to the process used to eliminate Western Force from the national Super Rugby competition, and seek further legal advice on what assurances were provided to them by the ARU and in particular the Australian Rugby Union negotiations with both the Victorian and Western Australian governments which informed the good faith investment decisions by the Western Australian government on behalf of Western Australian taxpayers.

We further recommend that the Australian Securities and Investments Commission review the evidence received by the committee regarding transactions involving the Melbourne Rebels. We further recommend that the Australian Securities and Investments Commission review the financial circumstances reported in Australian Rugby Union's annual reports against the evidence presented to the committee. We also recommend that Australian Rugby Union consider implementing measures outside of state based bodies which ensure the involvement and engagement with grassroots rugby union supporters, particularly in relation to consultation and decision-making processes that concern significant change to the nature and future direction of the sport. We also recommend that the Commonwealth government examine the structure of sporting organisations in Australia, with a view to maximising community involvement and increasing the accountability and transparency of organisations that bear the custodianship of a sport. Finally, the committee recommends that the Commonwealth undertake a review of world's best practice sporting policies in relation to sporting funding and performance measures. We conclude there is little doubt that the structural decline in the game's finances will continue to challenge the ARU and Super Rugby going forward. The committee accepts that external factors have played a significant role in shaping the changing environment in which Super Rugby now finds itself but considers that a number of decisions taken by the ARU have made those factors more acute. Those factors include the decision to support SANZAAR's expansion of the Super Rugby competition to 18 teams against the will of major Australian rugby stakeholders and the decision to provide significant additional financial support to the Melbourne Rebels. The committee acknowledges that the ARU board is trying to improve the financial and on-field performance of Australian rugby and is aware that there might be difficult times ahead.

There was very significant evidence presented to the committee inquiry. There's obviously a great deal of concern still in Western Australia. In fact, I'd say that concern was certainly palpable at the committee inquiry. I really urge people that are interested in the future of rugby union in this country to read this report, because there are significant issues raised in this report. Senator Linda Reynolds will go through a great deal of the evidence that we received. She has played a critical role in this inquiry. I will leave her to go through the evidence that we received. Please, read this. We need to do something in terms of this sport. And in terms of these recommendations, I urge that they be implemented.

Senator REYNOLDS (Western Australia) (17:27): I too rise to speak on the tabling of this unanimous community affairs committee report on the future of rugby union in Australia. I supported this reference because I believed that Western Force supporters deserved to know why their beloved team was culled so brutally and so inexplicably. It became clear to me over the course of this inquiry that the custodians of this game, the ARU, had little practical accountability to their grassroots—the very people they are custodians of this sport for.

As a senator for Western Australia, I saw and I felt the palpable depth of passion for this sport in my state—a sport that has actually been played in Western Australia since the 1860s.

I was moved more than I can tell you by their anger, by their sadness and by the tears of the rugby union players themselves. There was sheer bewilderment at this inexplicable and this brutal decision. What strengthened my resolve—in fact, made me resolved—to seek this inquiry was the 8,000-strong crowd in Perth on 20 August. It absolutely demonstrated to me that the WA rugby community deserved an answer. Their pain and their despair on that day, and since then, has only been exacerbated by the failure of the ARU to even come and address them at that rally or subsequently, and provide them with the answers to this decision. All I can say is what poor custodianship of this great game and, in fact, what cowardice.

As I said in this chamber on 17 August, if the ARU had nothing to hide in their decision-making processes, they had absolutely nothing to fear from this inquiry. But not only did their cowardice indicate their unwillingness to account for their actions; this inquiry demonstrated to me just why they were so keen for it not to proceed. I promised at that rally to provide answers for supporters, for players and for their families but also for federal taxpayers who fund this sport through the Australian Sports Commission and, as a senator for Western Australia, for WA taxpayers who, in good faith, invested well over \$100 million in infrastructure for this sport.

The Senate is a powerful forum for Australians to seek transparency and obtain answers to issues that they cannot possibly get in any other forum. I believe this inquiry has achieved that outcome. Initially, the committee had scheduled a single hearing in Perth, but it was very clear to me, to the chair, Senator Siewert, and to the other senators present that many more questions had arisen not just in relation to the axing of Western Force but also broader ones about the governance, about their due process, about player welfare and also about the long-term viability of this sport in Australia.

Consequently, we held two additional hearings which have gone somewhat towards providing a clearer picture of what happened. But, as Senator Siewert has just indicated, I think there are many more questions now for those who have been responsible for making these decisions to account for to the sport and to their grassroots but also to a range of other agencies that we've mentioned in this report. While there are now further issues for the committee to consider in relation to the evidence that we have already received, it is now over to the relevant agencies and also the rugby union community itself to review the report and to review all of the public evidence to determine the future of their sport.

I was personally very disappointed with the sport's custodians, the ARU. They had the opportunity to see this inquiry as a way of fully and transparently explaining the circumstances that led to the decision to save the Melbourne Rebels and cull the Western Force. Sadly, they did not. Even before this inquiry commenced hearing evidence, it was very clear that the ARU representatives were resentful. They were contemptuous and even publicly dismissive of this committee inquiry. I also believe there were inappropriate and highly misdirected attempts by ARU officials to stop this inquiry. But, for me, one of the greatest tragedies in this sad tale of ARU stewardship is that since 2008 at least 13 reviews were conducted into governance and grassroots engagement, but there was no discernible evidence provided to this committee throughout this inquiry that there was any discernible improvement to the health of the sport as a result of this continuous cycle of reviews. While the sport's administration was being endlessly reviewed, it was also clear in the evidence that

it was being driven close to insolvency by the custodians of this sport, which, at the end of the day, according to the ARU, resulted in their decision to cull one Super Rugby team.

For me, there is a great deal of irony that these captains of industry who are the custodians of this sport have financially driven this great sport to the brink of insolvency. I was left thinking, 'In what universe does saving the worst-performing and most financially subsidised team make sense?' It clearly does not. These captains of industry gave a private company—a private company!—a deal of a lifetime. For \$1 this company got a completely debt-free licence. They had \$12 million-plus of loans waived, and all for \$1. And, as we have now found out, there were extra secret payments made to the Super Rugby franchise owners for which there was no requirement for that money to be spent at all on the sport. The kicker is, after all of this, within two years this deal had only further exacerbated the financial woes not only of the Melbourne Rebels but also of the ARU. I still struggle after listening to all of this evidence to understand how you grow a sport by cutting it.

In light of the evidence, the committee has made, as Senator Siewert has said, eight recommendations to strengthen governance and accountability and to assist salvaging the future of this federally funded sport in Australia. Firstly, the committee recommends that the Australian Sports Commission consider a new principle in relation to the national sporting organisation, including a commitment and duty to player welfare. We heard utterly shameful evidence that the ARU paid absolutely no attention whatsoever to player welfare. This has to change, for rugby and for other sports. The committee also recommends that the ARU immediately transfer all trademarks and intellectual property back to Rugby WA, given that there are still teams around Western Australia that are utilising the branding. Here's my idea: ARU, how about you sell them back to the Western Force or Rugby WA for \$1? Thirdly, the committee recommends the WA state government continue to review evidence now available to them and seek further legal advice on the assurances that were made to them by the ARU. The committee also recommends that all national sporting organisations learn from the ARU experience about how not to keep engaged with the grassroots. Finally, and probably most seriously, the committee recommends that ASIC review evidence on the process used in the Melbourne Rebels transaction and on the finances outlined in the ARU's annual reports. There is clearly, in our minds, a discrepancy.

As a nation, we have a long and proud sporting tradition. It's part of our culture. It's part of every fibre of who we are as a people. Having strong, sustainable and community focused sporting teams is in the national interest. Therefore, we as a committee believe it is only sensible that the Commonwealth government review world's best practice in funding and performance measures to strengthen the performance across our national sporting landscape.

In conclusion, I thank Senator Siewert for her masterful chairmanship throughout this inquiry. I also sincerely thank the committee secretariat for the work they have done, over and above, to deliver this report. I also thank all colleagues in this chamber who have supported this inquiry. I again acknowledge Senator Watt for his support and engagement in this process. As Senator Siewert has also done, I acknowledge and thank all of those who gave evidence in, as she described, often difficult circumstances. The committee will now further review the circumstances of the provision of this evidence and the content of the evidence. I look forward to having more to say on this in the future. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**Community Affairs References Committee
Government Response to Report**

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (17:38): I present the government's response to the report of the Community Affairs References Committee inquiry into the growing evidence of an emerging tick-borne disease that causes a Lyme-like illness for many Australian patients. I seek leave to have the document incorporated in *Hansard*.

Leave granted.

The document read as follows—

Australian Government response to the Senate Community Affairs References Committee final report:

Inquiry into the growing evidence of an emerging tick-borne disease that causes a Lyme-like illness for many Australian patients

November 2017

Introduction

The Australian Government has taken an interest in, and is concerned for, Australian patients who are sharing their stories about suffering with debilitating symptom complexes attributed to ticks. The Australian Government Department of Health began engaging with patients and advocacy groups in early 2013 to discuss the concerns about Lyme borreliosis, also known as Lyme disease. Professor Chris Baggoley AO, established a short-term advisory committee (Chief Medical Officer's Advisory Committee on Lyme Disease in March 2013 [CACLD]) to consider the evidence for a *Borrelia* species causing illness in Australians, looking at diagnostic algorithms for borreliosis in Australians and treatments for borreliosis, awareness-raising and education, plus research into borreliosis.

Through regular communication and correspondence, the Government has gained a deeper appreciation and real concern for those Australians experiencing these chronic debilitating symptoms. The Government remains engaged with the patient and medical community to continue to find, share and understand the evidence associated with this medical conundrum. The Government hopes its work with the clinical medicine and research communities will result in answers and relief for patients and their families.

The inquiry into *Growing evidence of an emerging tick-borne disease that causes a Lyme-like illness for many Australian patients* conducted by the Senate Community Affairs References Committee culminated in the Committee's final report (the Report) building on the interim report tabled in May 2016. The Government thanks the Committee and the various stakeholders for their valuable and thoughtful input to the Inquiry.

This response addresses the specific recommendations raised in the Senate Committee's Report, and has been coordinated and prepared by the Department of Health. A general over-riding concern of the Government, expressed in these responses, is that, at this time, there is insufficient evidence to conclude that these debilitating symptom complexes are in large part 'tick-borne'. Many of the recommendations pre-suppose a tick-borne aetiology, the acceptance of which may not be in the best interests of achieving appropriate diagnosis and treatment for the suffering of these patients.

The Australian Government through the Department of Health remains open-minded about the cause of the various complexes which manifest as constellations of chronic debilitating symptoms. The best outcome for patients is to not draw conclusions based on poor levels of evidence, but to consider each

patient thoroughly in a multidisciplinary medical approach that makes the best use of clinical acumen and available diagnostic skills and technology.

Recommendations and Australian Government responses

Recommendation 1

The committee recommends that the Australian Government Department of Health engage with stakeholders following the publication of the National Serology Reference Laboratory review to discuss the findings of the review and any bearing those may have on testing for Lyme disease in Australia.

The Australian Government, through the Department of Health, agrees to share the findings of the report and engage with stakeholders at an appropriate time.

Recommendation 2

The committee recommends that the Australian Government increase funding for research into tick-borne pathogens as a matter of urgency. This funding should include:

- funding for research on pathogens which may cause infection;
- funding for research on whether newly-identified pathogens can cause illness in humans; and
- funding for the development of diagnostic tests which can detect infection by any newly-identified pathogens endemic to Australia.

The Australian Government, through the Department of Health recognises the need to direct funding to determine the cause or causes of the symptoms affecting these patients through research that is comprehensive, evidence-based and incorporates a multidisciplinary assessment.

The department notes the current investigation of potential tick-borne infectious pathogens and the current lack of evidence that the illnesses in question are in large part tick-derived or of an infectious nature. However, the department agrees that research into the microbiome of ticks in Australia is important, given the evidence that ticks can transmit infectious diseases here and in other countries. Evaluation of the potential of identified organisms to cause infections is an important research goal, but will not necessarily lead to the therapeutic answers required by this patient population. It is premature to fund the development of new diagnostic tests unless and until causative agents are identified.

The National Health and Medical Research Council (NHMRC) is the government's lead agency for funding health and medical research. NHMRC accepts, through its various funding schemes, investigator-initiated research proposals in any area relevant to human health. This may include research proposals aimed at debilitating symptom complexes attributed to ticks.

In addition, research into debilitating symptom complexes attributed to ticks will be funded through an NHMRC Targeted Call for Research (TCR). TCRs are one of the mechanisms through which NHMRC directs priority funding to defined areas of need.

The Minister for Health has announced that the NHMRC will hold a TCR on this topic in 2017–2018. As a first step, NHMRC has established a committee of independent scientific experts and consumer representatives to help frame the research question for the TCR. The committee information can be found on the NHMRC website¹.

Funding of \$3 million will be available for this research and will be a significant response to the concerns of patients who are seeking answers to their medical condition.

It is premature to fund the development of new diagnostic tests unless and until causative agents are identified.

Recommendation 3

The committee recommends that government medical authorities, in consultation with stakeholders including the Australian Chronic Infectious and Inflammatory Diseases Society (ACIIDS) and the Karl

McManus Foundation, establish a clinical trial of treatment guidelines developed by ACIIDS with the aim of determining a safe treatment protocol for patients with tick-borne illness.

The department has a working relationship with the Karl McManus Foundation and the Australian Chronic Infectious and Inflammatory Diseases Society and officials have met with representatives of both organisations since the tabling of the final report. Should evidence emerge to define the underlying cause of these debilitating symptom complexes, the department would be happy to engage in discussions about potential treatment trials.

We are cognisant of the evidence of Professor Lindsay Grayson to the Committee, suggesting multiple underlying causes for these symptom complexes. If the government's calls for research into the underlying cause of the symptoms does indicate multiple causes, treatment and treatment trials will need to be tailored to the appropriate diagnoses. Such research may include investigation of the merit of multidisciplinary medical teams in the assessment, diagnosis and treatment of patients.

Recommendation 4

The committee recommends that the Australian Government allocate funding for research into medically-appropriate treatment of tick-borne disease, and that medical authorities measure the value of treatment in terms of patient recovery and return to health. The best treatment options must then be developed into clinical treatment guidelines.

The Australian Government, through the Department of Health recognises the need to direct funding to determine the cause or causes of the symptoms affecting these patients through research that is comprehensive, evidence-based and incorporates a multidisciplinary assessment. Such research may reveal a component of tick-borne disease and contribute to appropriate treatments and the development of treatment guidelines.

Ethically designed clinical trials may be possible in the future when the causes of these debilitating symptom complexes are better understood.

Recommendation 5

The committee recommends that the Australian Government Department of Health facilitate, as a matter of urgency, a summit to develop a cooperative framework which can accommodate patient and medical needs with the objective of establishing a multidisciplinary approach to addressing tick-borne illness across all jurisdictions.

The Australian Government, through the Department of Health, partially supports this recommendation, and will arrange a forum with the proviso that stakeholders do not meet under the premise that the diseases in question are proven to be tick-borne. The Minister for Health and Minister for Sport, the Hon Greg Hunt MP, will convene and attend the forum. State and territory health authorities, the Australian Medical Association, representatives from the relevant medical colleges, along with patient groups, will be invited and encouraged to participate in the forum. All parties attending the forum will contribute to the development of a framework for patient-centred multidisciplinary care teams.

For the best care, including improving access to care, we believe that these patients need a coordinated multidisciplinary assessment and management approach. The department has already engaged with the learned medical colleges to facilitate this, noting the Commonwealth does not provide direct clinical services. States and territories, through specialist medical practitioners in their public hospitals, are best placed to play a leading role in establishing a multidisciplinary approach to care. Such an approach will also require each patient's general practitioner to be involved, in addition to general and subspecialty physicians, pathologists, psychiatrists and allied health professionals. In 2017, the department will approach state and territory government health authorities to propose a patient-focussed plan to pilot a multidisciplinary assessment and management clinic designed to answer research questions in multiple jurisdictions. The pilot program will then guide progress.

Recommendation 6

The committee recommends that federal, state and territory health agencies, through the Council of Australian Governments Health Council, develop a consistent, national approach to addressing tick-borne illness.

The Australian Government, through the Department of Health would support consideration of a national approach via the Council of Australian Governments' Health Council (CHC) and the Australian Health Ministers' Advisory Council (AHMAC) to the comprehensive multidisciplinary management of these debilitating symptom complexes. The Government, however, emphasises the need for an open mind on causality, so a national approach would not presuppose a tick-borne aetiology.

Recommendation 7

The committee recommends that the Australian Government Department of Health urgently undertake an epidemiological assessment of the prevalence of suspected tick-borne illness in Australia, the process and findings of which are to be made publicly available.

The Australian Government, through the Department of Health recognises the need to determine the cause or causes of the symptoms affecting these patients through research that is comprehensive, evidence-based and incorporates a multidisciplinary assessment. Should such research reveal an identifiable tick-borne disease that matches a symptom complex, the feasibility of an epidemiological study will be examined.

At this time, it is not possible to undertake such an epidemiological study without the evidence of, or ability to accurately diagnose, uncharacterised tick-borne illnesses (other than identified illnesses in Australia such as Australian Rickettsial infections and mammalian meat allergy).

Recommendation 8

The committee recommends that the Australian Government Department of Health establish the prevalence and geographical distribution of overseas-acquired Lyme disease in Australia.

Collecting epidemiological data on overseas acquired Lyme disease would be best achieved if overseas-acquired Lyme disease was nationally notifiable. Lyme disease has previously been considered by national public health experts twice for inclusion in the Australian National Notifiable Diseases List, however, on both occasions, the criteria for inclusion were not met.

As an alternative to collecting epidemiological data, the Australian Government, through the Department of Health, has published a guideline on overseas-acquired Lyme disease, which is publicly available. The department recognises that many medical practitioners are not familiar with overseas-acquired Lyme disease and will undertake through an education and awareness raising endeavour to inform Australian medical practitioners of the importance of recognising overseas-acquired Lyme disease.

Recommendation 9

The committee recommends that Australian medical authorities and practitioners addressing suspected tick-borne illness:

- consistently adopt a patient-centric approach that focusses on individual patient symptoms, rather than a disease label; and
- remove 'chronic Lyme disease', 'Lyme-like illness' and similar 'Lyme' phrases from diagnostic discussions.

The Australian Government, through the Department of Health, has a patient-centric approach to health care.

The department strongly supports the removal of the terms "Lyme Disease", "Lyme disease-like Illness" and "Chronic Lyme Disease" from diagnostic discussions. They are unhelpful and divisive.

At present, there is not a clear agreed alternative nomenclature. The term adopted by the Committee "suspected tick-borne disease" is presumptive and could be divisive. The department proposes to use the term "Debilitating Symptom Complexes Attributed to Ticks" (DSCATT) which NHMRC has now adopted to describe its TCR, to describe the heterogeneous nature of the debilitating symptom subgroups with acknowledgement that ticks may have a role.

Recommendation 10

The committee recommends that, to help the referral of patients for guided and comprehensive pathology testing, medical practitioners work with pathologists, especially microbiologists, immunologists, chemical pathologists and haematologists to optimise diagnostic testing for each patient.

The Australian Government, through the Department of Health, supports this recommendation.

Recommendation 11

The committee recommends that the Australian Government Department of Health work closely with the Australian Medical Association and Royal Australian College of General Practitioners to ensure that general practitioners have a better understanding of how to treat patients who present with complex symptoms.

The Australian Government, through the Department of Health, supports this recommendation and will continue to encourage the Australian Medical Association and the Royal Australian College of General Practitioners to raise awareness amongst its members of the need to care for patients presenting with debilitating symptom complexes attributed to ticks sympathetically and with compassion.

Recommendation 12

The committee recommends that treatment guidelines developed by Australian medical authorities emphasise the importance of a multidisciplinary, case conference approach to patient care, involving consultation between general practitioners and specialists with expertise in neurology, psychiatry, rheumatology, immunology, infectious diseases and microbiology.

The Australian Government, through the Department of Health, strongly supports this recommendation and will work with state and territory health agencies under a national approach as proposed in Recommendation 6 of the report.

1 <https://www.nhmrc.gov.au/grants-funding/apply-funding/targeted-and-urgent-calls-research/research-debilitating>

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:38): I thank the minister for tabling the government response to the report of the Community Affairs References Committee inquiry into the growing evidence of an emerging tick-borne disease that causes a Lyme-like illness for many Australian patients. I move:

That the Senate take note of the document.

I chaired this inquiry. For once, I'm up here saying good things about the government and their response. I know that may shock some people, but—

Senator Reynolds: Credit where credit is due.

Senator SIEWERT: Exactly. This committee inquiry, if people remember, was basically into the issues around the number of people who have a Lyme-like illness. We made 12 recommendations and we received hundreds of submissions and a lot of evidence from people that were affected by Lyme-like illness. One of the great issues for those affected by Lyme-like illness was that people didn't believe they were ill. We had a lot of evidence around

doctors not believing them and about being rejected. In fact, the president of the AMA made a very unfortunate statement as we started our committee inquiry.

Importantly, out of the inquiry, people felt heard and they supported our recommendations. Government have now come a significant way in addressing this issue and I do welcome their response. It probably doesn't go as far as some people would like, but I think there has been some significant progress. The introduction in the government's response states:

... the Government has gained a deeper appreciation and real concern for those Australians experiencing these chronic debilitating symptoms ...

It goes on to state:

The Government remains engaged with patient and medical community to continue to find, share and understand the evidence associated with this medical conundrum.

It's actually really significant that they are now saying they will look much more seriously at this issue.

I know some people have been frustrated, because I've been getting phone calls and emails about the government taking a little while to respond to the committee's inquiry. I know that the government have been engaging with our recommendations for some time, and I note my appreciation for the updates on their progress. The fact that the government are now making some progress here makes up for the government's delay that some people see.

It's important that the government now recognise and acknowledge that people are ill and are sick. That is such a significant step in the right direction. From my reading of the government's response, while they believe people are ill, they're don't necessarily think the evidence is there around whether it's caused by ticks, whether it's tick-borne. The evidence the committee received does show that there could be potential for other vectors. A lot of the government's response is termed around, 'There may not be evidence around tick-borne but we have to find out what it is'—that's how to summarise it in a couple of quick sentences.

The government also stated:

The Australian Government through the Department of Health remains open-minded about the cause of the various complexes which manifest as constellations of chronic debilitating symptoms. The best outcome for patients is to not draw conclusions based on poor levels of evidence, but to consider each patient thoroughly in a multidisciplinary medical approach that makes the best use of clinical acumen and available diagnostic skills and technology.

I think, again, we are making some progress.

In response to the committee's recommendation 2, where we recommended that the government increase funding for research, the government made quite a lot of comment:

The Australian Government, through the Department of Health recognises the need to direct funding to determine the cause or causes of the symptoms affecting these patients through research that is comprehensive, evidence-based and incorporates a multidisciplinary assessment.

That is one of the things that came out of our report very strongly—that we need to be taking a multidisciplinary approach. The government goes on to articulate that the NHMRC has started a process called a 'targeted call for research', or TCR, and the minister has announced that the NHMRC will hold a TCR on this topic in 2017-18. It goes on to say that \$3 million has been allocated for research in the TCR process. They think that there will be a significant response to the concerns of patients who are seeking answers to their medical conditions.

We also made some comment in our report around the terminology. We recommended that we don't call it 'Lyme-like' anymore or use any of the words that are basically associated with the Lyme-like illness, because it doesn't adequately describe what's going on. They didn't quite agree with the terminology we suggested—fine—but they are taking the approach of calling it 'debilitating symptom complexes attributed to ticks'. In other words, we're going to start looking at these. At the moment, people think it's caused by ticks because classic Lyme disease found in America and European countries is caused by ticks. We just haven't been able to quite prove that yet here. Although there's a strong belief it is, we haven't been able to prove it, but we know people are sick. We know that there are debilitating symptoms and that this issue needs to be addressed. I'm really pleased to see that the research is going ahead.

The government also agreed, as I said, to the funding. They said:

The Australian Government ... recognises the need to direct funding to determine the cause or causes of the symptoms affecting these patients through research that is comprehensive, evidence-based ...

I take it from their recommendations that they also realise that other vectors could be involved. They then go on to talk about our recommendations. Our recommendation 6 says:

The committee recommends that federal, state and territory health agencies, through the Council of Australian Governments Health Council, develop a consistent, national approach to addressing tick-borne illness.

The government said:

... the Department of Health would support consideration of a national approach via the Council of Australian Governments' Health Council ... and the Australian Health Ministers' Advisory Council ... to the comprehensive multidisciplinary management of these debilitating symptom complexes. The Government, however, emphasises the need for an open mind on causality ...

In other words, they again move away from whether it's tick-borne to look at what other causes may be involved.

The government have published already, in response to our recommendation, recommendations around the prevalence and geographical distribution of overseas-acquired Lyme disease, because there are cases of classic Lyme disease in Australia that were acquired overseas. They say:

... the Australian Government, through the Department of Health, has published a guideline on overseas-acquired Lyme disease, which is publicly available.

The government also support our recommendations around assistance to patients and, in particular, the need for a comprehensive approach and a multidisciplinary approach.

As I said, we have waited a little while. I'm sure some people think the government should have gone further, but I think this is a comprehensive response. I congratulate the government and say thank you to the government for responding in a meaningful way. Let's keep the momentum on this issue. It needs to be addressed. I beg the government to please keep going on this issue. Help the people who are suffering from these debilitating symptoms.

Senator REYNOLDS (Western Australia) (17:48): I too rise to thank the government for their response on the Lyme-like disease inquiry. It's not very often that you get two reports in a row in this place where you have Senator Siewert and myself in thunderous agreement and in support of committee recommendations. It has been a pleasure to work on the Community Affairs References Committee. We deal with so many heartbreaking and intractably sad

issues. It's wonderful to see that, almost inevitably, we come up with bipartisan reports. It gives me particular great delight to read the government's response to this report. I also participated in this inquiry before and after the last election.

It was an utterly devastating experience listening to the personal accounts of those people who are clearly desperately ill, their families and their carers and those who had survived suicide attempts and the families of those members who were successful in committing suicide. There was the agony of two things: the agony of their illness itself but also the agony and the trauma in being so sick but not having anybody believe that they were sick and treating them as psychiatric patients or treating them in many other different ways. This forced some very sick people and their carers to go to sometimes hundreds of doctors here and overseas to find a diagnosis and to find treatment. It was utterly heartbreaking.

Even though an election interrupted the course of this inquiry, Senator Siewert and I and other senators on the committee got to the point where we produced a report. As Senator Siewert said, it has been a very long and very torturous process for those people who have made submissions and for those who followed the course of the inquiry so closely. While it has taken quite a few months for the government to formally respond, I am just so happy for the thousands of people who have debilitating illnesses which may or may not be classic Lyme disease that the government of Australia and the Minister for Health has said, 'We have heard you and we believe you.' Those are profoundly important words to these sufferers and their families. I think it's the first way in starting to change the way that these patients have been treated, not treated or maltreated by the medical profession in particular.

It seemed to me that there was some form of Stockholm syndrome or hysteria with the medical practice where, if anybody said, 'I've been bitten by a tick,' or 'I may not have been bitten by a tick but I have a bullseye rash,' or 'I have symptoms which may be this', they were immediately treated by so many medical professionals as hysterical, as mad, and requiring some form of psychiatric treatment. The medical profession itself, with the leadership of the AMA, must take a fresh look at these patients. Undoubtedly some of the people who had been overseas will have classic Lyme disease, but, as we heard in the evidence, there are many other forms of vector-borne diseases that it could be—but, again, the research has not been done. We heard that, because of the way patients were treated, quite often they weren't treated for other diseases and illnesses that could have similar symptoms. So people may have had MS or other diseases which the medical profession never truly looked into.

Senator Siewert has gone through the government's position on this. I thank the minister and his staff, who have been so engaged in this in genuinely looking for a way forward and to working and sometimes pushing their own department to arrive at this position. But I would ask all who get involved in the roundtable early in the new year to come to this with a fresh approach. Put aside labels, put aside prejudices, put aside assumptions about what this may or may not be. Go to that forum with the intent to have a look at the symptoms that these people present with, listen to their stories and start a fresh diagnosis. It might be that in the early months and years more effective treatment can be provided to ease pain and to make the quality of life better, but there is no doubt that more research is required to actually identify what these illnesses are, what the pathogens are and what the bacteria or the viruses are and to then start finding effective treatments for these people.

In conclusion, I thank all of my colleagues and I again thank Senator Siewert for her tenacity and her leadership of this committee and of this inquiry. This inquiry, this report today and the government's reply to this report is something that I think all of us in this place can be very proud of. It will make a difference to many peoples' lives—to people who were not believed, who were not listened to and who were, quite simply, desperate. To all of you, I say: this is the next step. Here, in this place, we do believe you. We do want to find answers to your illnesses. I just hope that the AMA and the medical profession more generally go in with a fresh set of eyes and ears and look after these patients, because we've put them through enough. I seek leave to continue my remarks later.

Leave granted.

Senator DASTYARI (New South Wales—Deputy Opposition Whip in the Senate) (17:55): I rise to provide a few brief comments regarding the Community Affairs References Committee's inquiry into the growing evidence of an emerging tick-borne disease that causes a Lyme-like illness for many Australian patients. I will be very brief and won't keep the Senate waiting too long. This inquiry commenced almost two years ago and was re-adopted at the start of the current parliament. In that time, it attracted significant public interest, with over 1,200 submissions received, many of them from Australians who are experiencing chronic, debilitating symptoms that they associate with a tick bite. The committee included coalition, Labor and crossbench senators and tabled its final report on 30 November 2016. The government was required to respond to the committee reports within three months of their tabling. This response has taken 12 months—four times the allowed period. This follows the six months that it took the government to respond to the committee's interim report, after which the government provided a two-page response. At long last, Labor looks forward to having an opportunity to review the government's response. This response, on face value, appears more substantial than its previous attempts. I hope that this does justice to the many issues that have been raised by many people as part of this inquiry. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DOCUMENTS

Mining

Order for the Production of Documents

Documents were tabled pursuant to the order of the Senate of 14 November 2017 for the production of documents relating to the Adani Group Carmichael mine.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Ketter) (17:57): The President has received letters requesting changes in the membership of committees.

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (17:57): by leave—I move:

That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation and References Committees—

Appointed—Participating member: Senator Patrick

Economics Legislation and References Committees—

Appointed—Participating member: Senator Patrick

Education and Employment Legislation and References Committees—

Appointed—Participating member: Senator Patrick

Environment and Communications Legislation Committee—

Appointed—

Substitute member: Senator O'Neill to replace Senator Chisholm from 20 to 24 November 2017

Participating members: Senators Chisholm and Patrick

Environment and Communications References Committee—

Appointed—Participating member: Senator Patrick

Finance and Public Administration Legislation and References Committees—

Appointed—Participating member: Senator Patrick

Foreign Affairs, Defence and Trade Legislation and References Committees—

Appointed—Senator Patrick

Future of Work and Workers—Select Committee—

Appointed—

Senator Steele-John

Participating members: Senators Bartlett, Di Natale, Hanson-Young, McKim, Patrick, Rhiannon, Rice, Siewert and Whish-Wilson

Legal and Constitutional Affairs Legislation and References Committees—

Appointed—Participating member: Senator Patrick

Rural and Regional Affairs and Transport Legislation and References Committees—

Appointed—Participating member: Senator Patrick

Question agreed to.

BILLS

Treasury Laws Amendment (Improving Accountability and Member Outcomes in Superannuation Measures No. 1) Bill 2017

Superannuation Laws Amendment (Strengthening Trustee Arrangements) Bill 2017

Second Reading

Consideration resumed of the motion:

That these bills be now read a second time.

Senator WATT (Queensland) (17:58): I rise to speak on the Treasury Laws Amendment (Improving Accountability and Member Outcomes in Superannuation Measures No. 1) Bill 2017 and the Superannuation Laws Amendment (Strengthening Trustee Arrangements) Bill 2017. They are both bills that Labor will oppose. In relation to one of these bills, we will also be moving some amendments. What these bills amount to are a continuation of the rather sad attack that we continue to see from this government on the independence of superannuation funds and the right of workers to have some control over their own retirement savings. I understand that there was a rather brief Senate inquiry conducted into these bills, and I

noticed from the dissenting report from Labor senators that this was a very rushed exercise. The bills were introduced late in a sitting week, and then a very short amount of time was provided for the inquiry. So I thank all senators, whether they be Labor or other senators, for their work on this inquiry—no doubt under significant time pressure. Thank you to the committee secretariat as well for their work.

At the outset I want to put on record that we on the Labor side of parliament are very proud of our nation's superannuation system. It is obviously a great Labor achievement from the Hawke-Keating days, in partnership with the trade union movement and employers. All observers would recognise that our retirement scheme, particularly based on compulsory superannuation, is an incredible social justice measure, making sure that all working people, no matter what their background, no matter what their income, are able to enjoy a dignified and secure retirement as a result of the superannuation contributions that they make and that their employers make on their behalf.

Not only is compulsory superannuation a critical social justice measure in Australia; it's also become a really key component of our economic wellbeing as a nation. Superannuation funds are obviously large investors in Australian companies, in property and in infrastructure projects, which all go on to create more jobs for Australian working people as well. There is no doubt that some of the prosperity that Australia has seen over the last 25 years is based on the introduction of compulsory superannuation by the Hawke-Keating Labor government a couple of decades ago. We are extremely proud of our role in having established compulsory superannuation, and we will always fight to preserve it and to preserve workers' ability to have some control and influence over their own retirement savings.

There was a very clear decision made by the Labor government when we set up compulsory superannuation that it needed to be a bipartisan exercise between employers and trade unions on behalf of working people. A very deliberate decision was made to ensure that boards of superannuation funds reflected the interests that both employers and working people, through their unions, had in the preservation of good retirement savings and a decent retirement for all working people. That's why, when this system was established, it was created on the basis that there would be an equal place for employers and trade unions on the boards of superannuation funds to ensure that those interests were properly reflected. So it's very sad to see this government now wanting to change that, to change a system that has been extremely successful for working people, for social justice, as I have said already, and for the health of the Australian economy.

It's worth observing that industry superannuation funds, which are the primary target of this legislation, have consistently out-performed retail and corporate superannuation funds over many, many years. We see a government which claims to be about the free market, about prosperity, about lifting economic growth and about making everyone wealthier. It's ironic, then, to see this very government introduce some legislation which interferes with the operations of the most financially successful superannuation funds around—being industry superannuation funds. I could understand the government wanting to take some action if there were a demonstrated poor record from industry superannuation funds, which are run by a combination of employer and union representatives. I could understand it if there were problems there and if members of those funds were essentially being duddled out of their own retirement savings. But it is quite the contrary. If you look back on the record of industry

superannuation funds—the funds that do have employer and employee representation on their boards—you see that they have outperformed retail and corporate funds. So, if anyone needs a bit of a look at them, it's surely got to be the retail and corporate funds rather than industry superannuation funds.

We know that, over a long period of time, large banks have lobbied this government very heavily to get their hands on the massive and growing pile of retirement savings that has been built up by these industry funds on behalf of ordinary working people. We know that lobbyists have been in and out of the doors of ministers' offices and government departments, putting the case for why banks should be able to have greater control over those funds. I don't understand why they've been given much consideration by this government, when, again, if you look at the record of funds that are run by banks, they have a much poorer financial record than the industry funds, which, now, this government wants to tinker with. I would've said to them: thanks; but why don't you go and get your own house in order before you come knocking on the door, seeking to get your hands on the funds which have been run highly effectively on behalf of working people through a combination of employer and employee membership?

I noted that this bill, the strengthening trustee arrangements bill, essentially replicates a similar bill that was brought forward and introduced by this government back in 2015—before I was here, but I remember the debate on it occurring at the time. At that time, Labor senators also put forward a very strong dissenting report on a similar argument—that the right way to go about building up retirement savings is to have them administered by a combination of employer and employee representatives. The government was not able to get that legislation through at the time, and they should've read something into that: this Senate, and the opposition, does not support this attack on industry funds and the retirement savings of working people.

Labor's position on this 2017 bill is very similar to the position that we took back in 2015, and we continue to have the same primary concern, which is that this bill seeks to impose a corporate governance model on funds which operate under a trustee governance model. You've got to acknowledge that the way these industry superannuation funds operate is fundamentally different to the corporate approach taken by retail and corporate superannuation funds. It's quite appropriate that retail and corporate funds have imposed on them a governance system that is based on what happens in the corporate world, but industry superannuation funds effectively run as trustee arrangements, and they need a different approach, accordingly.

Some of the problems of the imposition of this corporate governance approach were highlighted in the Labor senators' dissenting report on this bill, where they acknowledged, at paragraph 1.13, that:

Corporate governance—

the model that's sought to be imposed here—

faces particular issues which need to be addressed and include:

- Board members having a fiduciary duty only to their shareholder owners, which can put at risk the needs of a company's customers; and

- The presence of executive directors, that is, management of the company having a presence on the board, where decisions might be taken that advantage management over the needs of shareholders.

As I say, it was a fundamental principle in the Hawke-Keating government's embarking on this approach that the administration of industry super funds would be done on a cooperative basis, with agreement reached, hopefully, between employer and employee representatives. It is important that working people have confidence that their retirement savings are being managed in a way where their interests are paramount, not the interests of shareholders in a company. We know that we have a corporate law system where, in large corporations, the interests of shareholders are paramount. That's fine. That's appropriate for a corporate environment. But if we're talking about a system that is designed to protect and grow workers' retirement savings, surely the biggest priority should be to make sure that the interests of those working people who've made their contributions—and employers who've made contributions to these funds as well—remain paramount over the interests of any particular shareholder. That's what's at risk here if these amendments do go through. Similarly, it's not appropriate that the fiduciary duties that directors of corporate funds have, again, primarily being to a shareholder, be simply transferred across and put onto a trustee based fund, when other considerations are important—the needs of the employers and working people, who this system is designed to benefit. Those are the kinds of considerations that are much more appropriate for a trustee based system. But, unfortunately, if this bill is passed, that's what will be removed.

Equal representation of employers and working people, through their unions, on superannuation boards has been a very longstanding arrangement. It's served Australians well and it is something that Labor believes absolutely needs to be maintained. I just don't understand why the government is so hell-bent on changing a system that works, changing a system that has consistently delivered better financial returns to members than the returns provided by retail and corporate funds. Even if you look away from the benefits to the individual members of these funds, the system that we have in place for superannuation at the moment, the legislative architecture that we have in place, has not only served the members of those funds well but it's actually served the nation well. It's built up a massive, world-leading pot of funds across superannuation that has been effectively invested to the benefit of members of the funds but also to the benefit of the nation, through investments in infrastructure, property and other Australian companies, as well as overseas companies, but there has been a direct benefit to Australia and the Australian economy through the very system which this legislation now seeks to undermine. Over the last 10 years, the analysis conducted by APRA shows that not-for-profit superannuation funds have outperformed bank-owned super funds by, on average, more than two per cent. That's something that we should be encouraging. We should be encouraging the actions and operations of not-for-profit superannuation funds which are overseen by joint employer-employee directors. We shouldn't be trying to undermine them, which is what is sought to be done here.

As I mentioned, there is only one explanation I can come up with for why the government would want to ignore the evidence, ignore the economic benefit to the nation, ignore the financial benefit to members and ignore the many benefits that flow to employers who participate in industry super funds as well. The only explanation I can come up with is that they've been worn down by the lobbying of big banks and big financial services companies. Indeed, Minister O'Dwyer, who oversees this legislation, let slip what this legislation is really

about in November last year, when she said the government needed to 'lift superannuation funds to at least the same standard as other financial services organisations like banks and life insurance companies'. That came from a report in the *Financial Review* on 23 November 2016. Clearly there is an agenda at play here from this government and from this minister to ignore the proven track record of industry super funds based on a cooperative approach between employers and employees, throw the baby out with the bathwater, copy what's being done by their mates in the banking industry and throw that into the mix as well.

This is the real aim of this bill. It's to make the governance of superannuation funds the same as that of the big banks. You really have to wonder why any minister would want to put forward a change to our internationally successful superannuation system to make it more closely modelled on what happens with the banks. You would have to wonder why any minister would want to do that, after the litany of scandals that we have seen from Australian banks over the last few years. I've lost count of the number of scandals that we've seen, particularly involving the Commonwealth Bank but across our banking system more generally, with insurance and other products being sold to people who didn't need them, the tying of commissions to the number of sales of products, which perversely incentivises people working in the banking system to sell people products that they don't necessarily need, because that's the only way they're going to get their bonuses.

We know very well that the Australian public have had enough of this, and that's why the calls that Labor has made for a banking royal commission, backed in by some members of the government and crossbenches as well, has resonated with so many people out there. They're sick of seeing the scandals that we see day after day, month after month, year after year from the big banks. Despite that, despite all the evidence that there are some serious culture problems in our banks, this government now wants to take the approach that banks use, apply it to a successful industry superannuation scheme and provide an avenue for the banks to come in and get their hands on workers' money. I think that the banks, before they're given that opportunity, need to get their own house in order. They need to show that they actually have changed, that their culture has changed and that they recognise their responsibilities to look after their customers as well as their shareholders before we even give any consideration to giving banks a greater opportunity.

It's going to be very interesting, when the House of Representatives comes back in a couple of weeks time, to see where a number of government members of parliament stand on the issue of a royal commission. There have been a number of lower house members from the government, particularly from my home state in Queensland, who've been very vocal about the need for a banking royal commission. But every time there's been the potential for them to vote it in they've either gone missing in action or voted with their own government colleagues. The member for Dawson is probably the best known example. He's an absolute champion of rights for people against the banks when he's back home in Mackay, but the minute he comes down to Canberra he gets taken aside and told what to do, because we all know that he isn't independent of mind and he takes his writing instructions from Canberra and then runs back to Mackay to do what he's told.

I can't remember whether it's on this issue—the banking royal commission—or one of the other many issues that the member for Dawson has grandstanded about, where he has actually said he won't be voting against the government while the former Deputy Prime Minister, the

absent Deputy Prime Minister Barnaby Joyce, is campaigning. That's how strong the commitment of the member for Dawson is to a banking royal commission. It's a perfect example of the fact that he's actually got his own government's interests at heart rather than those of his constituents, who want to see something done about the banks.

I wouldn't be at all surprised if we see some sort of a debate about the need for a banking royal commission in the last two weeks of the House of Representatives, and it's going to be a real test for the member for Dawson to show where he stands. Does he actually believe the things when he's out there back in Mackay or running around the Bowen Basin beating up the banks, saying that they need a good talking to and they need a royal commission, or is he going to come back down to Canberra like he's always done and fold and lose the chance to put in place a banking royal commission?

It's not just him. The member for Capricornia is another. We know that there are many problems that her constituents have been experiencing with banks. It's a great opportunity for her as well to actually flex her muscles and show her government that she's going stand up for her constituents, when her vote could actually make a difference and could actually drive a banking royal commission.

In conclusion, I don't understand why we would want to tamper with a world-leading superannuation system. It has served us, its members and the Australian economy very well, having that cooperative approach between employers and employees. The last thing we should be doing is letting the big banks get their hands on this before they fix up their own problems.

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (18:18): I, too, rise to address the Treasury Laws Amendment (Improving Accountability and Member Outcomes in Superannuation Measures No. 1) Bill 2017 and the Superannuation Laws Amendment (Strengthening Trustee Arrangements) Bill 2017. I'm glad Senator Watt has remained in the chamber. I trust he's going to stay here for a bit longer, because he put the question to the chamber and to the Australian people: why would we change something that is working well? But the question is: who is it working well for? He also said that if there was any evidence that this was not working well for members then, perhaps, he might reconsider. Can I draw his attention to some of the cases that have been raised in recent years where we have seen members' funds, which they have put into an industry fund for the benefit of their own retirement, used on things that the members are just not aware of and, certainly, are not for the members' benefit. Let's take the disclosures that we see from the Australian Electoral Commission of the financial statements of industry super funds, and you get an estimate that around \$8 million was paid last year alone to unions in unexplained payments. Other reports call them 'dark payments'. The industry fund CBUS, for example, chaired by former Victorian Labor Premier Steve Bracks, looks after some 732,000 members working in the construction industry. CBUS paid over \$1 million in sponsorship fees to unions, including the ACTU, the CFMEU, the AWU, the AMWU, the ETU and the PTU.

Coming back to the point that was made by Senator Watt and those opposite about directors appointed by unions, guess where their fees go? In many cases the fees are going directly to the unions, not to the directors themselves. In some cases they get paid a small retainer, or a percentage amount. Essentially there is a flow of cash to the unions both in grants and in other payments, and even the directors' fees go back to the unions.

TWUSUPER, which covers transport workers, paid almost \$1 million to the TWU last year and over \$126,000 in directors' fees. It doesn't publicly release its financial statements, but it is clearly not using those funds for the benefit of its members. Australian Super, one of the largest industry funds, with nearly \$92 billion in assets, only declared one payment to the ACTU, of over \$225,000, but other unions have declared to the AEC that they receive sponsorship payments from Australian Super.

What we see here is a clear pattern of industry super funds paying money to the unions. When Senator Watt says it's a system that's working well, I think the Australian people and members of industry funds are well placed to be asking the question, 'But who is it working well for?' Looking to the future, with the growth in the investment value of funds—it is already at \$2.3 trillion and it is expected to grow to around \$4 trillion over the next 10 years—union payments, if not scrutinised, can be expected to rise to \$22 million a year. That's \$22 million that should be going into the retirement savings of Australian workers but, instead, is being diverted into the political campaigns and other activities of unions—and that is the question that we need to raise.

I'm disappointed Senator Watt has left the chamber. He said that it would be dreadful to upset the relationship on the board between employers and employees. The government is not proposing to say you can't have equal representation. You can still have equal representation—people appointed by the employers, people appointed by the unions—but what we're saying is that good governance requires independence, and that is not just in the financial sector; there are many sectors where good governance has a requirement around transparency and independence. The government is saying by all means have your union appointees, by all means have an equal number of employer appointees, but you must have a minimum of one-third independent directors to make sure there are no conflicts of interest and that there are no dark payments, as have been proven, with millions of dollars flowing out of the retirement savings of employees and into the coffers of unions. So the two points that Senator Watt raised are clearly disproven by the facts.

We have introduced these bills to strengthen the foundation of Australia's compulsory superannuation system, in particular for the default MySuper members. That's an important thing to grasp. There are two elements to that. It's compulsory. This is us taking some of the gross earnings of workers in Australia and putting it into super. It was a Labor idea, we grant that, it has worked well, and we fully support it. But it is compulsory, which means we must make sure the governance around that process is absolutely squeaky clean, is transparent and works in the best interests of employees.

Because it's the default MySuper program, we're talking here about a whole range of workers, including young people who've just come into the workforce who perhaps have no background in financial planning or management, or thought for their retirement, and what do they do? They just take the default fund that is offered as part of their agreement or what the employer has as the default fund as part of MySuper. In terms of financial literacy, these people are probably some of the most vulnerable in our community. They need the protection of a governance system that not only is effective but is transparent to make sure that the workers are the people who benefit from the growth in that system.

The superannuation sector has grown to over \$2 trillion as a result of the mandatory nature of it. These reforms are consumer based reforms. They're focused on the consumer to make

sure that it's more accessible and more understandable, and that the providers are more accountable for how they use their members' money. It's aiming to have stronger prudential standards—that is, the enforcement and the transparency which gives people who are putting their money compulsorily into these funds the confidence that it's being managed in their best interests. This is not something that's just been cooked up overnight. There have been a series of reviews that have recommended these kinds of measures and these bills put them together.

There are three bills: Treasury laws amendment improving accountability bills that I mentioned, Treasury laws bill No. 2 and the accountability bills. They aim to increase choice, increase independence on the trustee boards and increase transparency. It includes new measures to strengthen the supervision of the superannuation sector, boosting the trustee accountability and improving member engagement. I've had a crack at the unions here, but importantly it also closes a legal loophole that has been used by some unscrupulous employers, a minority, to short-change employees who choose to make a salary sacrifice contribution into their accounts.

Contrary to what those opposite would tell you that this is all about the government trying to disrupt and tear down the system, we're actually trying to make it more transparent and effective, and to increase the governance of the framework for the benefit of the employees. The protests that come from the other side, particularly when you hear them say, 'It's working well,' should ask the question, 'Who's it working well for?' Currently, it's working well for the unions.

Is this just something that comes from the conservative sides of politics? Let's go back to Mr Jeremy Cooper, who was appointed by the ALP as the chair of 2010 super system review—and Labor was in government then. This quote comes from the Senate Economics Committee inquiry hearing. Mr Cooper said, 'Providing for independent directors shouldn't diminish the representation of members but actually enhance it.' He goes on to say, 'How we can make people who are forced to save into it feel confident that the standards of governance is at or near world's best practice.' That is from someone appointed by a Labor government to do a review into super who is saying that transparency is a good thing and will actually enhance the benefit for members.

Professor Graeme Samuel was appointed by the board to conduct an independent review into the governance arrangements at the CFMEU-backed industry fund, Cbus. This quote comes from the Senate Economics Committee inquiry hearing. Professor Samuel said: 'I don't draw a great distinction between the structures of corporate governance. I'm more concerned about the reality of it. When you've got proprietors or sponsors that are heavily involved in the board and are appointed as representatives of proprietors or sponsors, there's a tendency for the skills metrics to be less relevant. That's where independent directors then become much more relevant and where the skills metrics and qualities that they can provide become far more relevant.'

What we hear there is that where it's just jobs for the boys—or girls, as the case may be—the members are actually getting a disservice because the people on the board are there because of who they know not what they know. It is not their skills or competence that results in them getting the appointment; it is because they've been a long-term member or secretary of a union, or they're part of the employer's group. What we've seen from two eminent people who have presented evidence to the Senate committee is that those are not in the best interests

of the members of the fund. Members of the funds are members of the Australian public who expect transparency when it comes to money that is theirs, whether it is their savings or their taxes.

Looking at South Australia, where I'm from, when it comes to transparency we've had an issue just recently, where the Aboriginal Affairs minister, Kyam Maher, has been embroiled in a scandal about the appointment of a Mr King to the APY Lands, and an FOI has uncovered that it looks like there were backroom deals done, appointments and packages approved by the minister—we're not quite sure what the relationship was—but there's been no transparency. Now they're using taxpayer funds to fight the FOI order which was given by the appropriate authority who said, 'Yes, this should be released.' They're fighting that, and the public are rightly outraged that money appears to be being spent in a way that is not endorsed by the board, even, and it is unrealistic in its terms and conditions.

When it comes to superannuation, people rightly have the same concerns. In South Australia, questions have been asked about the validity of some of the members on the board of Statewide Super in South Australia. People are concerned about this concept of jobs for the boys, or jobs for the girls. Ms Alexandra Overly has recently been appointed as a board member of Statewide Super. She took the position over in March this year, after her husband, Justin Hanson, became a state member of the SA Legislative Council for Labor. Mr Hanson, interestingly, inherited the membership or the directorship from his father. I've got to say, that's a pretty close nexus—from father to son to wife. I think Professor Graeme Samuel's point about whether there is a skills deficit here as opposed to appointment for other reasons is a really valid question that people should be asking. Another Statewide Super director, Mr Ian Steel, was appointed by the South Australian and Northern Territory branch of the Australian Services Union and, according to his LinkedIn profile, he's also been working for Labor ministers. In 2015-16, over 70 per cent of the fees received by Mr Steel for his work as a director were paid to the ASU. There are also current members of the lower house, from the Labor side, who have a history with Statewide Super. Mr Georganas, for example, received \$66,000-plus in directors fees for one year, all of which was paid to the ASU. One of our former colleagues here, former senator Anne McEwen, was appointed by the ASU as a member representative on the board of Statewide Super. Katrine Hildyard MP, the state Labor Minister for Disabilities and the Minister Assisting the Minister for Recreation and Sport, was a former secretary of the ASU and also a director on the Statewide Super board and resigned when she went into the parliament.

You have to start asking questions about whether it is all just an in-house thing and what value is being added to the members, particularly when Statewide Super has started sponsoring things in the community that are related to people from the unions who are on their board. On 9 October, there was a \$150,000 sponsorship for women's sports, and Ms Hildyard is now coincidentally the Minister Assisting the Minister for Recreation and Sport. It would be interesting to know if there was any declaration of conflicts of interest around that particular one. Also, the Australian Electoral Commission records show the SA branch of the Labor Party received over \$16,000 from Statewide Super in 2015-16. Statewide Super asserts that this was a refund for overpayments. That may well be. But, in total, Statewide Super has paid over \$600,000 of the retirement savings of hardworking South Australians to the trade unions over the past decade. Yet, if you come back to this concept of 'compulsory' and

MySuper, Statewide Super is the default fund in 18 different South Australian industrial awards, including those for children's service workers, hospitality employees and passenger vehicle transport workers. That means that funds are being stripped out of this super fund—a super fund for some of the lowest paid, hardest working people in Australia, who trust their money to this union, to this super fund—not for their benefit but to go back to the unions. And members opposite ask why we think transparency is important.

Members opposite made the point, 'It's a good thing if industry super funds outperform other funds.' Let's look at Statewide Super. They have outdelivered and outperformed for the unions but not necessarily for their own members. Using Industry Super's own advertisement concept, let's compare the pair and see how a Statewide Super member would fare next to a member in another industry super fund achieving the 10 year average. Take a 30-year-old office worker and look at what she has achieved in terms of the rate of return. What you will find over a 10-year average period is that Statewide Super returned 3.58 per cent and the Industry Super fund average returned 5.13 per cent. That means that she would be \$116,000 worse off in retirement because she didn't look around and check to see if there was another industry fund that would do a better job. I will pick a retail fund that I've done some research on, BT Growth. Over a 10-year period there was a return of 5.53 per cent. So all the rhetoric that says industry funds will always get you a better deal is clearly not correct for Statewide Super. They're not getting the best returns and they're streaming money off to the unions, none of which are in the members' best interests.

What the government is looking to do is not just make the funds more user-friendly for the people who are using them but, importantly, put accountability and transparency around the governance—still keeping the model that the Labor Party want in terms of having employee and employer representatives. That's absolutely fine. But what we're saying is that one-third of the directors should be independent so that we can deal with the issues of conflict of interest and we can ensure that accountability and transparency are there, not in our interests but in the interests of the men and women who those opposite and the unions purport to represent. What we see in the facts before us is that around the country, in union after union and industry fund after industry fund, the savings of hardworking Australians are creamed off and paid to unions for their own political benefit rather than the benefit of their members. I will be supporting this bill.

Senator KETTER (Queensland) (18:37): Here we are again with the continuation of the ideological attack on the trade union movement and any organisation or any person who is in any way associated with the trade union movement. In this instance, we're looking at an attack on the industry superannuation fund sector. Whilst I have a lot of respect for Senator Fawcett, his contribution just continues that attack on the union movement, in terms of the ideology. The premise behind Senator Fawcett's contribution is that union officials should be considered persona non grata. They shouldn't be anywhere near the industry superannuation funds, which, after all, the unions helped to create back in the 1980s, and unions should not receive any payments from anybody, ever.

The ACTING DEPUTY PRESIDENT (Senator Williams): Order! Senator Ketter, resume your seat, please.

Senator Fawcett: On a point of order: in fact, I made the point that they are welcome to remain on the board.

The ACTING DEPUTY PRESIDENT: That's no point of order, Senator Fawcett. Continue, Senator Ketter.

Senator KETTER: This is an ideological agenda continuing from what we know of the government's attack on the ABCC and the Registered Organisations Commission. This government's obsession with the union movement is on display for all to see.

In relation to the Treasury Laws Amendment (Improving Accountability and Member Outcomes in Superannuation Measures No. 1) Bill 2017 and Superannuation Laws Amendment (Strengthening Trustee Arrangements) Bill 2017, I want to start by talking about my concerns regarding the rushed process with these bills. As set out very clearly in the Senate Economics Legislation Committee's dissenting report, we note that these bills were introduced into parliament on 14 September this year, on a Thursday morning, on the last day of a two-week sitting period. This was made worse when very short reporting dates were set for the bills. I note that the Manager of Opposition Business in the Senate, Senator Gallagher, moved a motion to extend the reporting dates on the superannuation bills to give proper time for scrutiny. It is unfortunate that we lost that vote. As I look at the bills in more detail, the more concerned I become. The committee managed to review four bills over a two-day period and, for that, some credit is due to the chair, Senator Hume, for her cooperation, despite the unreasonable reporting dates set by the government.

I'll use my time today to go through two major aspects of these bills: firstly, the policy aspects of these bills and how the government continues to confuse corporate governance and trustee governance; and, secondly, the politics of these bills and the government's incessant desire to destroy the union movement. So the first is the policy issue. I'll begin by talking about the Superannuation Laws Amendment (Strengthening Trustee Arrangements) Bill 2017. Let's be clear: this is a recycling of the same bill that was defeated in 2015. Since that time, no clear evidence has been received to show that there was any deficiency in the funds with equal representation boards that warranted this bill, and that's notwithstanding the contribution that Senator Fawcett made. He identified a number of areas, but, again, it's all about throwing mud at the industry funds and, when it comes to the retail banks and their performance, it's all: 'There's nothing to see over here. Let's move on and attack the sector of the superannuation industry which is performing at a higher level and, at the same time, charging much less in fees to members of the superannuation funds.' There's no evidence which would warrant the establishment of a minimum of one-third independent directors or to warrant abolishing the requirement for equal representation for the remaining board members.

We have seen the scandals in the major banks. If we take a step back, I think we can all agree that superannuation is now a vital part of our public policy landscape. That wasn't always the case, and I'll talk a bit more about that later.

It's Labor and the union movement that have a proud record of establishing the superannuation sector—\$2.3 trillion now—for the benefit of all Australians, not just the privileged elite. Labor and the union movement have a proud history of establishing industry funds or profit-to-member funds. We have capital and labour at the same board tables, working together to enable workers to have a decent retirement. The history—and I know Senator Watt has touched on this—is that it was the unions that won superannuation as an industrial matter back in the 1980s. Then, through the accord with the Labor government, that was established as an industrial matter that could be put into industrial instruments. Of course,

employers opposed that at the time. In fact, the employers took the matter to the High Court, and it had to be determined there. Then, having won that battle, Labor introduced the concept of universal superannuation in the 1990s. Where was the coalition at that time? It was opposed to that. When it came to increasing the initial three per cent superannuation to nine per cent, that was something that Labor voted to do. Where was the coalition? Again, it opposed that. When it came to increasing the superannuation level from nine per cent to 12 per cent, again, this was something that Labor voted for and the coalition opposed.

Let's be quite frank about this: the coalition expects us to believe that it is acting in the best interests of the members of the nation's superannuation funds. If it were left to the coalition, we wouldn't have the \$2.3 trillion superannuation benefit for Australian workers. In fact, the superannuation system wouldn't exist. If this were a reform package truly designed to focus on improved accountability and member outcomes then the sort of things we'd be looking at would be the underperformance of bank-owned super funds. Why is this happening? It's within our competence to find out what is going on there. Why is it that the bank-owned funds are continuously underperforming compared to industry funds? Why don't we have a look at the vertically integrated structures of the retail banks, the potential conflicts that exist and whether members' interests are being safeguarded there and not bank interests? Why aren't we looking at the lack of visibility of profits and margins in retail funds and their related entities and how much the retail fund is spending on related party transactions, which impact the net return to members? Why aren't we looking at whether all super funds are run only for the benefit of their members? Of course, we know that the elephant in the room is that retail funds are inherently conflicted because they operate in the environment of return to shareholders as well. We should be looking at things like transparency and accountability measures being sector neutral. This is a package of measures which is aimed, fairly and squarely, at the industry fund sector, and it is an instance of the government running, basically, a protection racket for the banks.

We know that industry funds, according to the analysis of APRA data by a number of stakeholders, have outperformed retail and corporate funds on average, and they've done a better job of making their customers rich. The competitive tension between industry funds and the trustee governance structure and other financial services firms with their corporate governance structure is a good thing for the sector. Ideally, it should be a race to the top to offer the best outcomes for working Australians.

In that context, looking at the Superannuation Laws Amendment (Strengthening Trustee Arrangements) Bill, it remains flawed in that it seeks to impose a corporate governance model on funds which operate under a trustee governance model. Corporate governance faces particular issues which need to be addressed. These include board members having a fiduciary duty only to their shareholder owners, which can put at risk the needs of a company's customers, and executive directors—that is, management of the company—having a presence on the board, where decisions might be taken that advantage management over the needs of shareholders. The inquiry found that profit-to-member funds do not normally face these same issues. As the Australian Institute of Superannuation Trustees notes, 'Profit-to-member funds do not face the shareholder-customer conflict, and also do not have executive directors on their boards.'

This bill seeks to prescribe independence in legislation. Stakeholders such as the peak body ASFA said that the ASX principles based approach would be the preferred approach. In seeking to mandate a minimum of one-third independent directors, the government is claiming that board decision-making will be improved and that member outcomes will lift in the long term as a result. However, in our inquiry, witnesses such as Mr Cooper, whom Senator Fawcett cited, and Mr Samuel stated that what should really be desired in board member selection is the concept of cognitive independence—that is, that each board member is able to think independently of other board members, with diversity of thought leading to better group decisions. Mr Bernie Fraser, who is well known to most Australians, also appeared before the committee. He stressed that the skills and values of board members are paramount in good board member selection—not labels such as 'independence'.

When poor consumer outcomes were being considered during the inquiry, Industry Super Australia tabled a document which noted that \$480 million in compensation, reimbursements, refunds, payments, remediation and consumer loss for alleged misconduct has been made by the big four banks plus Macquarie and AMP. And this is only in the past two years. This document included details of the ANZ paying an additional \$10.5 million in compensation to 160,000 superannuation customers, CBA paying \$16.3 million to staff after a review of superannuation guarantee arrangements where they were not paying their part-time staff, the National Australia Bank's superannuation trustee company paying \$35 million in compensation for two breaches involving failures in relation to provision of general advice, and Westpac's BT Financial Group paying \$12 million to customers whose life insurance claims were knocked back. This document is an absolute eye-opener. It goes for pages. As I said, going forwards two years from 16 September 2015 it details \$480 million. If you put that up against the types of issues that Senator Fawcett was raising, we are looking at chalk and cheese here when it comes to failure of governance. That is quite clear. This list continues to evolve.

As time goes on, we know things are happening. You are well aware of these matters, Mr Acting Deputy President Williams. We know that ASIC is pursuing the banks when it comes to attempted unconscionable conduct in relation to the BBSW rate-rigging scandal. So \$50 million has been agreed to by the ANZ in respect of a settlement there. It's expected that the National Australia Bank will have a similar settlement. We have seen that the Commonwealth Bank has been in significant breach of anti-money-laundering laws—53,000 breaches. That could potentially lead to billions of dollars in fines.

Although those matters don't directly relate to superannuation, the \$480 million figure certainly does. It's also worthwhile noting that just today we see reports of ASIC now probing how banks and super funds stiffed customers of billions of dollars. This is in relation to what is supposed to be happening with the transition of legacy superannuation products into the low-fee MySuper environment. This is supposed to be happening under reforms introduced by the Gillard government in 2012. There was a four-year period to enable all funds to transition to offering the MySuper product. We saw the industry super sector moving across to the MySuper environment much quicker. This ASIC investigation is into the fact that a number of bank-owned super funds have taken until the eleventh hour of the four-year transition period to transfer these funds.

Why have they done that? This was the subject of a Rainmaker report instigated by Industry Super Australia. Rainmaker concluded that the slow retail transition was most likely a deliberate strategy by retail wealth managers. The transition has had a material impact on the profit margins of some of the major banks. One UBS analyst has said that the profit margins on revenue for the major banks over the past six months fell 8.5 per cent year on year and the MySuper transition was one of the major drivers of the falling profit margins. We see billions of dollars of extra fees being gouged from members as a result of the banks dragging their feet in moving to the low-fee MySuper environment.

We know that there are many other scandals, but I think this just illustrates the point that, when it comes to governance issues and misbehaviour, no credible observer could say that there are genuine governance issues on the industry fund side in comparison to what's been happening with retail banks. We see the ridiculous situation where the minister has said that the purpose of these bills is to lift the standards of all funds to this level. If that's the purpose of it then it really is misdirected, at best. In fact, this is a protection racket for the banks.

We know that, two years on from the previous attempt to pass these types of bills, the profit-to-member funds have not been idle in reviewing their own governance arrangements. The AIST Governance Code, which applies ASX corporate governance principles to the superannuation and trustee governance context, will be in force on 1 July 2018. Mr Fraser also delivered his review and made recommendations to strengthen the selection process of board members and to ensure that boards had the right mix of skills that they required.

I want to say that I'm not against independent directors as a principle. A number of industry funds have already moved down that track, but it should be left to trustee boards to suit their own circumstances. Where they believe that independent directors would enhance board decision-making then they should be appointed. Many profit-to-member funds, as I said, have adopted such appointments. However, I don't agree with prescribing an arbitrary quota of independent directors and defining 'independence' in legislation. I welcome the work of AIST in developing a governance code and endorse the idea that cognitive independence is what policymakers should strive to achieve. Given all these findings, the Senate should reject this trustee arrangements bill once again.

A number of the submitters to our inquiry—including, I think, Choice—were very concerned about the fact that the government was throwing the baby out with the bathwater by abandoning the employer and employee governance model and basically leaving a vacuum there. Apart from the one-third director component of the board, the rest of the composition of the board is left open. I think that is very much a backward step. Once again I want to illustrate the difference between what we've got on the industry super fund side and on the bank side. We know that many of the retail bank funds do have a majority of independent directors, but that's in an environment where they've got banking executives sitting on the board of superannuation funds, making decisions about the interests of members—and who is appointing these banking executives to these boards? Of course, it's the banks themselves. Not only do the banks appoint the banking executives; they also appoint the so-called independent directors. When it comes to concerns that we should all have about governance, the focus should very much be on what is going on in the retail super sector.

When it comes to member outcomes—I have a brief period of time to address this issue; this is a very dense piece of legislation and I won't go through all the details—I am concerned

this legislation will not improve protections, accountability and outcomes for members across the sector. In particular, the need to strengthen outcomes for choice products and to improve reporting and accountability of retail RSCs with a large financial firm parent company has not been given due consideration in these bills. In closing, these bills are misdirected; they are a protection racket for the banks and should be rejected.

Senator IAN MACDONALD (Queensland) (18:57): I rise to speak on the Treasury Laws Amendment (Improving Accountability and Member Outcomes in Superannuation Measures No. 1) Bill 2017 and Superannuation Laws Amendment (Strengthening Trustee Arrangements) Bill 2017. It is always a pleasure to follow my Queensland Senate colleagues from the Labor Party in debates such as this. I have to say, Senator Ketter, you tell a good story. You sound like a banker, you look like a banker and some of your arguments could almost be convincing for someone who didn't understand them. I have to say your colleague from Queensland wasn't quite so urbane. I think I would have purchased a litre of snake oil from him. I think he could sell anything to you if you just go for flowery words. Unfortunately, in both cases, you need to develop some facts about these matters.

I do agree with Senator Ketter in one aspect—that is, there must be transparency and accountability. There's got to be. I heard Senator Watt say that it was important that the representation of workers and employers was maintained. Hang on. We're not talking about a parliament. We're not talking about a football match. We're not talking about a workers' representative and an employers' representative. We're actually talking about people's savings and what the superannuation company can do with those savings. It's not a question of representing one side or the other. It's a question of getting the best financial return.

I'm sorry Senator Cameron is leaving, because I was going to make a very favourable and complimentary comment about Senator Cameron. I hate to admit it in this chamber, because it will be on the record for all time, but I quite like Senator Cameron. If you take him out of this atmosphere and out of the hothouse atmosphere of the Senate committee process, he's a lovely fellow, good to be with. But I'm not quite sure what Senator Cameron's qualifications were for the position he held as a director for a superannuation company. I think I'm right—and, fortunately, he's gone—that I've heard somewhere in this chamber over the years that I've been here that Senator Cameron was a director of a superannuation company. Now, as I say, I like Senator Cameron; he's a great debater. But I had a look on Wikipedia just to get some background to Senator Cameron to see why he would be a director on a superannuation fund that was trying to maximise the return for those who invested in that superannuation fund. Wikipedia says that Senator Cameron:

... left school at 15 to take up an apprenticeship as a fitter at a local chain-making factory. Shortly after completing his apprenticeship the factory closed ...

I don't know if there's any connection between Senator Cameron becoming a tradesman and the factory closing, but that's what Wikipedia says! Mr Cameron, as he then was:

... emigrated to Australia in 1973 ... He initially worked at the Garden Island Dockyard in Sydney, before moving to the Liddell Power Station in Muswellbrook—

in the Hunter Valley—

... where he worked as a maintenance fitter. After seven years working at the power station Cameron was elected as the Hunter Valley/New England regional organiser for the Amalgamated Metal Workers and Shipwrights Union ...

He later became assistant national secretary, was then national secretary of the AMWU for several years and then was elected to the Senate in 2007. I was around at the time. I used to like George Campbell, but I remember how Senator Cameron stabbed poor old George Campbell in the back and came into the Senate.

In that background of Senator Cameron, I'm asking: if that is a union director of a trillion-dollar superannuation fund, what business expertise or financial expertise does he bring as a board member to that particular facility? If I have wronged Senator Cameron—if he wasn't a director—I'll apologise, but I'm pretty certain that's right. I think it became public at one stage. He was on \$120,000 a year. I think it only became public because there was a bit of a fight on whether the director's fees, \$120,000, belonged to him or belonged to the union that he was representing. I just wonder about someone with that background. I'm sure he was a wonderful fitter and I'm sure he was a wonderful organiser for the union. But does that make him the right sort of person to be a director of a trillion-dollar superannuation fund? Perhaps someone could explain that to me.

Senator Watt spoke a lot about representing the workers and representing the employers. Well, as I say, this isn't the parliament; this isn't a debating society. It's not where you represent someone. What you're there to do as a director is to make sure that the contributions to the fund made by workers get the very, very best return. That's not a question of representing workers or representing employers. It's a question of using every available skill to get the best return for the people whose funds you have control over. I think Labor speakers have this all wrong. It's not a question of representing workers and employers; it's about getting the best result and about accountability and transparency. That accountability and transparency needs to be there and obvious. Senator Watt was saying, 'The union representatives represent all the workers, and so they're there to look after the workers' money.' Can I just alert anyone who might be listening to this debate to the fact that the unions don't actually represent the workers; they represent 10 per cent of the workers. If you've got a union representative on the superannuation company board, supposedly representing the workers because he's a unionist, well, I'm sorry, he's not representing the workers; he's representing 10 per cent of the workers—which means he certainly doesn't represent the 90 per cent of workers who choose not to join a union.

So I think the Labor Party have got this all wrong. It's about the best return for the contributor's money. I would hope that, for whichever superannuation fund I or my wife have, there are directors who know something about high finance, something about international finance, something about exchange rates and something about floating dollars—something really top class. There are many, many people around Australia—very, very good financiers—who understand what money is all about. They should be there—I think that in the retail funds they are there—to get the best return for the contributors to the superannuation fund. They're not there to represent 10 per cent of the workers. They're not there to represent the employers. They're there to get a good deal for those who put their money into the superannuation fund.

I think the Labor speakers on this are simply mouthing the words they've been told to mouth by the unions and the members of the union leadership groups, the union bureaucracy, who, because of their position, happen to be directors of these superannuation companies. They would be drawing in—I don't know—\$100,000 or \$200,000. It'll all be on the record

somewhere, but I do know that \$130,000 was spoken about, and that's not a bad return for four or five meetings a year.

Senator Smith: Better than the award rate.

Senator IAN MACDONALD: It is a bit better than the award rate—you're right, Senator Smith. I want my superannuation fund to have people who know what they're doing. Whilst I love Senator Cameron—and I'll live to regret that statement, I might say, but he is a nice fellow—when he did his fitter apprenticeship, he joined a company that immediately went broke and then he spent seven years as a maintenance fitter. I'm not quite sure how that qualifies him to deal with high finance. I'm sure he was a very good fitter. Fitting and turning is a very noble and honourable profession. It's not easy in some instances. I have a nephew who has chosen that trade. They're experts at fitting and turning. I wouldn't have thought they're experts at high finance around the world. That's one issue: directors are not there to represent everyone; they're there to get a good return for the money that contributors invest in the superannuation fund.

The other thing that concerns me about the background that has necessitated this bill is that I understand, and there is factual evidence, that over the last 10 years the so-called industry superannuation funds have contributed \$53 million of members' money—I repeat that: \$53 million of members' money—to the union movement or to the ALP. It is documented, of course, that the money that goes to a union from sources like this does a sort of round-robin circle: it goes to the unions and it's then immediately paid to the ALP to fund election campaigns and to try to keep them in power with their tentacles. So \$53 million of contributions have gone to the unions over the last 10 years. Is that accountable? Is that transparent? Why would a superannuation fund be donating \$53 million to the unions? Those unions that receive that money then make equally generous donations to the Labor Party, who then use it to try and win elections—and they're pretty good at that.

I wondered when my Queensland colleagues from the Labor Party spoke on this whether they hadn't been given the gee-up by the unions in Queensland running up to the Queensland state election, because I do know that most of the campaign workers for the Labor Party in the Queensland election are not branch members of the ALP, if there is any such a thing—unlike my party. The people working on the booths for my party are actually branch members—ordinary mums and dads, young people, students and retirees out there because they believe in a cause. But I know through experience in just the last few weeks and over many years that the people running the booths for the Labor Party are—would you believe it?—the union organisers, the union heavies, in every state. They are not only from across the state of Queensland; they ship them in from Victoria, New South Wales, Western Australia or wherever to man the pre-poll booths and man the booths on the day. There are very few local people, ever, at the booths in Townsville. They're all visiting unionists. We know the one or two local unionists. We know the one or two people locally who are Labor Party members, but there's not many of them. Most of them are people shipped in by the union movement.

I just wonder if the reason that Senator Ketter and Senator Watt are here trying to retain the influence of these union heavies in their board positions on these superannuation funds is they've been given by the union people in Queensland a bit of a hurry up: 'Look, if you guys want us to work for you on the booths, you'd better get into the Senate. Here's a speech we've written for you. You can go and deliver that and say how terrible it would be if this

superannuation arrangement was changed.' You could see the passion in Senator Watt's speech on how he wants to retain that privilege for a few union heavies. I repeat: they're not representing the workers, because the unions only represent 10 per cent of the workers—10 per cent! So they're not even representing the workers. They're representing the union heavies, they're representing the ALP and they're representing that privileged group that believe they have a God-given right to be able to interfere with the running of a country or, in the case of Queensland, a state.

I'd like someone to explain where the \$53 million from superannuation contributors went. I know it went to the unions, but why? Why would a superannuation fund be making donations to a union? We know that all the unions are there for these days is simply to shovel money through the Labor Party to try and win elections and to keep them in the positions of power and privilege that they currently hold in the state of Queensland and elsewhere around Australia. If there are any more Labor speakers in the debate, it would be interesting for them to indicate why superannuation companies would contribute some \$53 million of contributors' money to the unions. Perhaps there is a reason. I've never heard it explained.

The fact sheet is littered with those sorts of things. Charis Mullen has been a director on the board of AusSafe since October 2013, following her nomination by the Australian Workers' Union of Employees, Queensland. She's the campaign coordinator for the AWU's Queensland branch, and she is now the Labor Party candidate for the seat of Jordan in the upcoming election. AustSafe, the superannuation fund of which she's a director, has paid more than \$305,000 of members' money to trade unions over the past decade. Why? I would be interested if any Labor speaker could explain that.

Gary Bullock has been chair of the Intrust Super board since earlier this year. He is the state secretary of United Voice and honorary treasurer of the Queensland Council of Unions. Mr Bullock is on public record about United Voice supporting seven successful ALP candidates in the 2015 state election, going so far as to call them 'the United Voice MPs'. I have to say, with some dismay, that they include the current member—not for long, I hope and expect—for Mundingburra, Ms Coralee O'Rourke, who, according to reports, had her living expenses leading up to the 2015 election paid for by United Voice. Where did United Voice get that money from? Perhaps they got it from that donation from the Intrust Super board. One would be interested to find out why Intrust would have paid—I am told—some \$618,000 of members' money to trade unions over the past decade.

Time, unfortunately, doesn't allow me to go through a series of these examples. I see Senator Watt has rejoined the debate, which is good to see. I'd be interested, Senator Watt, to know if you were ever a director of a—

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson): Senator Macdonald, address your questions through the chair, please.

Senator IAN MACDONALD: Mr Chairman, I'd be interested if Senator Watt could tell the chamber whether he has ever been a director of a superannuation fund and, if so, what financial expertise he might have brought to the board.

Senator Watt: I'm an expert on many things but not that.

Senator IAN MACDONALD: Thank you, Senator Watt. That saves me wasting my other 32 seconds on wondering what your expertise is. It hasn't become obvious to me in the time that you've been here. I'm sure it's not financial expertise, but it's not relevant.

Clearly the whole superannuation industry and the industry funds really do need serious looking at. What's wrong with having independent directors—not workers' representatives or employers' representatives but independent directors—who will look after the money well on behalf of the contributors? *(Time expired)*

Senator DASTYARI (New South Wales—Deputy Opposition Whip in the Senate) (19:17): Mr Acting Deputy President, I note that we only have a few minutes left for this debate on the Treasury Laws Amendment (Improving Accountability and Member Outcomes in Superannuation Measures No. 1) Bill 2017 and the Superannuation Laws Amendment (Strengthening Trustee Arrangements) Bill 2017 before we reach 7.20, so unfortunately I'm probably not going to have the opportunity to really get into the arguments that I was going to breathtakingly make that would blow you away. You may have to wait till tomorrow for that opportunity, Mr Acting Deputy President.

Senator Watt: What time do we come back?

Senator DASTYARI: I believe they are selling tickets for it upstairs. It's going to be massive; that's all I can say—huge!

I think it's important for us to spend a little time having a closer examination of the real intention of legislation such as this. It is unfortunate that, at the heart of so many of the decisions that get made, or the arguments that get pushed, by the government, there is an ideological agenda. I think that these bills, unfortunately, are not devoid of ideology, when really we should be having a debate about a fairly practical piece of legislation around superannuation laws, around strengthening trustee arrangements. What we have here is legislation that does nothing more, in the opinion of many Labor and crossbench senators, than push forward a strong ideological agenda.

The government, unfortunately, come from a political stream of thought that means they have never really been fans of superannuation. The idea of superannuation is something that the government and the conservative side of politics have consistently opposed in one form or another. Towards the end of the Keating government, there was a proposal to increase superannuation. Over time, this was something that they opposed. The notion that there is going to be a savings base for the nation that is built by workers, protected by workers and controlled by workers is something that, unfortunately, those at their end of town have always argued against. There is a simple proposition at the heart of this. Do you vote to keep money in the pockets of mums and dads saving for their retirement, or do you pursue an agenda that is about increasing and lining the pockets of some of Australia's wealthiest, most successful bankers? That is what the debate here is going to be about—and, in 10 seconds, that's just a snippet.

Senator Watt: I can hardly wait.

Senator DASTYARI: You won't be sleeping tonight, waiting to hear what I have to say next!

Debate adjourned.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson) (19:20): Order! I propose the question:

That the Senate do now adjourn.

Marriage

Senator DODSON (Western Australia) (19:20): I rise to speak tonight on the result of the national survey on marriage equality. This is a result that may not be welcomed in some parts of our nation and, indeed, in some first-nation communities. However, the right result has come from the voice of the Australian people. In a modern civil society like Australia, the right stance for our country is to hear the voice of the people and to translate it into good law. The result of the same-sex marriage survey provides political guidance to the parliament and how it should now act. We need to pass a law to reflect these wishes. This does not mean being unmindful of those who have contrary views. However, we have seen enough discrimination. We have seen enough inequality. We have seen enough prejudice. In this place, we have the capacity to make those unions of loving same-sex attracted couples civilly supported, celebrated and legally sound.

Marriage inequality is one form of institutional, systemic discrimination which our country now wants us to fix. Marriage equality of same-sex couples sends a message that you are equal; you are entitled to fairness; you are as Australian as any other Australian; you are a valued human being; and you are loved equally. I hope a positive message can ripple out to all our Australian people that this is now a time for respect, for hope, for understanding and for acceptance. We know bigotry, ignorance and negative discrimination can and does upset and divide families and communities. It does shatter the lives of individuals and needs to be rejected on all occasions. We, the first-nations people, know all too well that stinging feeling of being consigned to a lesser status in our society because of our identity, our race, our experience of rejection and our non-recognition, in truth, as to who we are: the first peoples of this country.

Institutional discrimination has to be overcome by good policy and fair laws. Personal attitudes and beliefs are often harder to deal with, but education and compassion are often necessary. They are often subjective and the result of our beliefs, knowledge and experience as well as our encounters with and treatment by others. Good law in our parliament should work towards resolving such matters—balancing them and ensuring that human beings are put first, not our institutional prejudices. Slowly, our nation is becoming slightly more understanding and more tolerant of differences and diversity amongst its people. We may hold different views but, in our civil society, government has to make laws that are fair, balanced, respectful of difference and diversity and for the common good. The idea that a single point of view is the only view is long gone. Knowledge, understanding and honour require us to rectify the injustices that have plagued our society. The same-sex marriage equality survey tells us that.

I understand and respect the views of fellow Australians, including some first-nation Australians, who may feel that they cannot support same-sex marriage because of their own beliefs, whether those beliefs emanate from their religious faiths or from their understanding of their own social, cultural traditions. I respect their views and value their perspectives. But,

in a civil society, different beliefs, values and traditions can be respected without allowing any single view to dominate as the good order of the society. Many first nations peoples who want to see acknowledgement of our own uniqueness in the nation state also want to see respect for those who are different to us in terms of their customs, values and practices. We should be aware of and reflect on the diversity and inclusiveness of our own Indigenous societies, irrespective of our differences. There is more in common that we hold than what divides us. Our national society has to try to reflect this modern mix and composition of ideas, beliefs and values. Kinship connects all human beings so that no-one is less than anyone else. Our protocols embody respect for those who are different, so they are included, not excluded or ostracised. Mutual respect underpins the reciprocity we so often offer to this society but so rarely receive in return.

The Western notion of the marriage contract is a recent construct that has inserted itself into our ancient, ongoing kinship systems and societies. Marriage so often has, historically, been about private property, possessive ownership and the exchange of goods and chattels. Women have often been treated as only equivalent to property. This is still true in some societies today. Today, the same-sex marriage equality survey tells us to move away from that legacy—to treat partners not only as equals but also as equals to others who have married under Australian law. Marriage equality is about precisely that—equality.

It is up to us as individuals, as fellow humans, to do what our conscience tells us, to do what is good, what is true and what is honest. People who love each other and want to celebrate that love and commitment should not be penalised. In our civil society, the burden for the parliament is to seek the common ground, to do what is best for our citizens, to deliver the long-overdue justice to same-sex couples. The nation's voice has told us that Australians support marriage equality. We must now get on and make that happen.

I look forward to seeing more of the respectful attitudes that were portrayed today—when the bill was moved by Senator Smith and in the responses made by the leaders of the various parties. Tomorrow, let us see that respect carried through in a true, just and respectful manner.

Economy Marriage

Senator BARTLETT (Queensland) (19:27): I would like to speak tonight about some recent data that, once again, demonstrate just how much our economy and political system are rigged in favour of the wealthy and the well-off. This latest data from the Australian Bureau of Statistics show how much the discredited, so-called trickle-down system of economics—that puts markets before people and that has been promoted by both parties of the Establishment—has failed the majority of the community.

Figures just released by the Australian Bureau of Statistics—not the fabulous ones today on the marriage equality survey that Senator Dodson just spoke about, but figures in regards to wage growth—show that wage growth continues to flatline whilst recent figures from the same source show that corporate profits have continued to soar. Wages continued to sit at a measly two per cent growth over the past 12 months—almost exactly the same level as inflation. Therefore, there has been, basically, no increase at all. At the same time, if you compare that to the enormous growth in corporate gross operating profits over the last financial year—30 June to 30 June—it grew at the astonishing rate of 21.2 per cent,

seasonally adjusted. To repeat that: wages grew by, basically, zero, adjusted for inflation, whilst corporate profits grew by over 20 per cent in a year.

This data unequivocally demonstrates that the system is becoming more and more rigged to the few and against the many. Why should it be that these few reap so many profits and such great increases in their own wealth whilst the workers, who are the ones responsible for producing the wealth, get none of that growing share? It's no wonder, in these economic circumstances, that cost-of-living factors are, therefore, so critical in the current election campaign in Queensland. Probably the issue that's been most consistently raised over the last two to three months in the lead-up to the state election has been that of energy prices and electricity prices—and, of course, we had a debate in this chamber on that topic just yesterday.

In that context, I'd like to provide some updated information—which I'm sure the Senate has been eagerly awaiting the opportunity to hear from me—with regard to energy prices and assessment of the policies that have been put forward by all of the political parties to date in the state election campaign. This assessment comes from Hugh Grant—not the Hugh Grant that people might immediately think of from the UK, but Hugh Grant, who is nonetheless quite well known in Queensland as an energy analyst. He has a long history and experience in the energy sector and is also a consumer representative in assessing and providing feedback to energy regulators on the impact on consumers. I did hope to incorporate his assessment in *Hansard* tonight but I have received word that permission for that has not been granted—so I will nonetheless provide that information to the Senate.

His information is on the policies of the Queensland Greens, across the board, the full suite of policies in the areas of networks, the generators and the retailers, as well as related policies such as reverting to state-based network regulations and approaches to renewable energy versus the clearly ridiculous ideas of building a new coal-fired power station—something that would clearly make electricity costs more expensive. All of those factors have been assessed by Mr Hugh Grant. He found that, for an average electricity bill, a typical bill for South-East Queenslanders, the Greens' policies would save people around 32 per cent, \$620, off a bill of \$1,750 over the course of a year. By contrast, Katter's Australian Party was half that, at \$330; Labor about half again, at \$165; One Nation less again; and the LNP's policy would actually cost people more once you factor in the economically and environmentally absurd ideas to build new coal-fired power stations, wherever you put them in the state. That's for South-East Queensland. When we turn to regional Queensland where, in many cases, unemployment is higher and, therefore, cost-of-living pressures—not just electricity but also, of course, housing costs, transport costs and the like—can have more impact, these savings are even greater.

I think Mr Grant will be releasing these details himself and he can explain the rationale behind his assessment, but the key point that I wanted to emphasise to the Senate and to all Queenslanders is that the Greens' policies leading into the state election on that key issue of electricity prices clearly will deliver the most significant and the most sustainable savings for Queenslanders in one of the areas where cost-of-living pressures are so high. That, in conjunction with all of the other issues that Queenslanders are assessing leading up to the state election is an extra reason to emphasise that the Greens' policy approach at this state election is such a credible and important one for the electorate to consider.

Whilst I'm talking about my state of Queensland, I would like to also take the opportunity to thank the people of Queensland for so resoundingly demonstrating their support for marriage equality and for removing discrimination from our Marriage Act—discrimination that was put in place by this parliament in 2004. Queensland came in at just over 60 per cent. Nearly 61 per cent of the people of Queensland who filled in the unnecessary postal survey expressed their support for marriage equality. I was particularly pleased to see that this was a higher figure than for the state of New South Wales, which came in at under 58 per cent. I think we can add that one as even better than winning the State of Origin, frankly. It's also another example, as I mentioned in this place yesterday, of just how false this portrayal is of Queensland as somehow innately conservative and reactionary.

As I said yesterday, Queensland has a strong history of pushing the envelope on radical action, pushing progressive change and fighting back against the reactionary and conservative forces that undoubtedly are present not just in Queensland but elsewhere. So let this be just another example to put the lie to the nonsense that somehow Queensland is innately a conservative state. That's not just in the south-east. I am very pleased that the electorate I live in—the seat of Brisbane—achieved the fifth highest result across the country, with nearly 80 per cent of people said yes to marriage equality and yes to removing discrimination. The seat of Griffith across the river was also one of the top 10 in the country to say yes. It is not just in those seats but also in so-called conservative areas that people voted yes.

Indeed, Mr Christensen, the member for the seat of Dawson, which is based around Mackay and goes all the way up those rural and regional areas to the southern parts of Townsville, is a strident opponent of not just marriage equality but treating people decently in all sorts of ways. In his electorate, the yes vote was 55 per cent—a clear 10 per cent win and a bigger margin than Mr Christensen himself has in that seat, I think I am correct in saying. So it was a resounding yes voice also coming from regional Queensland and rural Queensland. It is a very important point to make when we consider this question and the legislation before this chamber in the following sitting week.

I would like to pay tribute to the people across the country, particularly in Queensland but in other areas that are seen as conservative, such as Toowoomba, which I know Senator Moore knows particularly well. I went to some marriage equality events in that city and the local pastors there, a couple, spoke very passionately and positively about marriage equality. It is a great example of people from all walks of life and from all parts of the political spectrum simply arguing their case with a genuine sense of heart and belief—with the spirit that Senator Dodson just referred to in his speech. You can shift people's views by simply opening your heart and explaining your beliefs in convincing other people on how to change.

I would also like to thank those within the Greens, the rainbow Greens, who have been the spearhead within Queensland in pushing and promoting the need not just to say we support marriage equality but to put it at the top of the agenda, and for continually pushing and pushing to get that change to happen. The leaders of our network in Queensland and the rainbow Greens are also candidates in the state election: Steve Purcell in Jordan and Bridget Clinch in Everton, which I think was Senator Watt's old seat. We've got an even better representative coming, Senator Watt. You will be pleased about that.

Senate adjourned at 19:38

DOCUMENTS**Tabling**

The following documents were tabled by the Clerk pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislation (FRL) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

A New Tax System (Family Assistance) Act 1999—Child Care Subsidy Secretary's Rules 2017 [F2017L01463].

A New Tax System (Family Assistance) Act 1999, A New Tax System (Family Assistance) (Administration) Act 1999 and Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Act 2017—Child Care Subsidy Minister's Rules 2017 [F2017L01464].

Civil Aviation Act 1988—Civil Aviation Order 100.5—Determination – Civil Aviation Order 100.5 – non-application of fuel quantity gauge calibration requirements—CASA 92/17 [F2017L01466].

Corporations Act 2001—ASIC Market Integrity Rules (Chi-X Australia Market) Amendment 2017 (No. 1) [F2017L01461].

Defence Act 1903—Woomera Prohibited Area Rule 2014—Determination of Exclusion Periods for Amber Zone 1 and Amber Zone 2 for Financial Year 2017-2018 Amendment No. 2 [F2017L01465].

Migration Act 1958—Migration Regulations 1994—Migration (IMMI 17/059: Regional Certifying Bodies and Regional Postcodes) Instrument 2017 [F2017L01460].

Tabling

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

Vacancy in the representation of Tasmania—Letter from the President of the Senate to the Governor of Tasmania (Her Excellency Professor the Honourable Kate Warner, AC), dated 14 November 2017 [copy].

Australian Strategic Policy Institute Limited (ASPI)—Report for 2016-17.