



COMMONWEALTH OF AUSTRALIA

SENATE

Hansard

MONDAY, 2 DECEMBER 2019

CORRECTIONS

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SITTING DAYS—2019

Month	Date
February	12, 13, 14, 18, 19, 20, 21
April	2, 3, 4
July	2, 3, 4, 22, 23, 24, 25, 29, 30, 31
August	1
September	9, 10, 11, 12, 16, 17, 18, 19
October	14, 15, 16, 17
November	11, 12, 13, 14, 25, 26, 27, 28
December	2, 3, 4, 5

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**FORTY-SIXTH PARLIAMENT
FIRST SESSION—FIRST PERIOD**

Governor-General

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

Senate Office Holders

President—Senator the Hon. Scott Ryan

Deputy President and Chair of Committees—Senator Susan Lines

Temporary Chairs of Committees—Senators Askew, Bernardi, Bilyk, Brockman, Brown, Faruqi,
Fawcett, Fierravanti-Wells, Gallacher, Griff, Kitching, Polley, Sterle and Stoker

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

Deputy Leader of the Government in the Senate—Senator the Hon. Simon Birmingham

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

Deputy Leader of the Opposition in the Senate—Senator the Hon. Kristina Keneally

Manager of Government Business in the Senate—Senator the Hon. Anne Ruston

Deputy Manager of Government Business in the Senate—Senator Jonathon Duniam

Manager of Opposition Business in the Senate—Senator Katy Gallagher

Deputy Manager of Opposition Business in the Senate—Senator Kimberley Kitching

Senate Party Leaders and Whips

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

Deputy Leader of the Liberal Party in the Senate—Senator the Hon. Simon Birmingham

Leader of The Nationals in the Senate—Senator the Hon. Bridget McKenzie

Deputy Leader of The Nationals in the Senate—Senator the Hon. Matthew Canavan

Leader of the Labor Party in the Senate—Senator the Hon. Penny Wong

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

Leader of the Australian Greens—Senator Richard Di Natale

Deputy Leader of the Australian Greens in the Senate—Senator Larissa Waters

Chief Government Whip—Senator Dean Anthony Smith

Deputy Government Whips—Senators James McGrath and Slade Brockman

The Nationals Whip—Senator Perin Davey

Chief Opposition Whip—Senator Anne Elizabeth Urquhart

Deputy Opposition Whips—Senators Raff Ciccone and Malarndirri McCarthy

Australian Greens Whip—Senator Rachel Siewert

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Members of the Senate

Senator	State or Territory	Term expires	Party
Abetz, Hon. Eric	TAS	30.6.2022	LP
Antic, Alexander	SA	30.6.2025	LP
Askew, Wendy ⁽⁵⁾	TAS	30.6.2022	LP
Ayres, Timothy	NSW	30.6.2025	ALP
Bernardi, Cory	SA	30.6.2022	IND
Bilyk, Catryna Louise	TAS	30.6.2025	ALP
Birmingham, Hon. Simon John	SA	30.6.2022	LP
Bragg, Andrew James	NSW	30.6.2025	LP
Brockman, Slade	WA	30.6.2025	LP
Brown, Carol Louise	TAS	30.6.2025	ALP
Canavan, Hon. Matthew James	QLD	30.6.2022	NATS
Carr, Hon. Kim John	VIC	30.6.2022	ALP
Cash, Hon. Michaelia Clare	WA	30.6.2022	LP
Chandler, Claire	TAS	30.6.2025	LP
Chisholm, Anthony David	QLD	30.6.2022	ALP
Ciccone, Raffaele	VIC	30.6.2025	ALP
Colbeck, Hon. Richard Mansell	TAS	30.6.2025	LP
Cormann, Hon. Mathias Hubert Paul	WA	30.6.2022	LP
Davey, Perin McGregor	NSW	30.6.2025	NATS
Di Natale, Richard	VIC	30.6.2022	AG
Dodson, Patrick	WA	30.6.2025	ALP
Duniam, Hon. Jonathon Roy	TAS	30.6.2022	LP
Farrell, Donald Edward	SA	30.6.2022	ALP
Faruqi, Mehreen Saeed	NSW	30.6.2025	AG
Fawcett, David Julian	SA	30.6.2025	LP
Fierravanti-Wells, Hon. Concetta Anna	NSW	30.6.2022	LP
Gallacher, Alexander McEachian	SA	30.6.2025	ALP
Gallagher, Katherine Ruth	ACT		ALP
Green, Nita Louise	QLD	30.6.2025	ALP
Griff, Stirling	SA	30.6.2022	CA
Hanson, Pauline Lee	QLD	30.6.2022	PHON
Hanson-Young, Sarah Coral	SA	30.6.2025	AG
Henderson, Sarah Moya ⁽⁶⁾	VIC	30.6.2022	LP
Hughes, Hollie Alexandra	NSW	30.6.2025	LP
Hume, Hon. Jane	VIC	30.6.2025	LP
Keneally, Hon. Kristina Kerscher ⁽³⁾	NSW	30.6.2022	ALP
Kitching, Kimberley ⁽¹⁾	VIC	30.6.2022	ALP
Lambie, Jacqui	TAS	30.6.2025	JLN
Lines, Susan	WA	30.6.2022	ALP
McAllister, Jennifer	NSW	30.6.2022	ALP
McCarthy, Malarndirri Barbara Anne	NT		ALP
McDonald, Susan Eileen	QLD	30.6.2025	NATS
McGrath, Hon. James	QLD	30.6.2022	LP
McKenzie, Hon. Bridget	VIC	30.6.2022	NATS
McKim, Nicholas James	TAS	30.6.2025	AG
McMahon, Samantha Jane	NT		CLP
O'Neill, Deborah Mary	NSW	30.6.2022	ALP
O'Sullivan, Matthew Anthony	WA	30.6.2025	LP
Paterson, James	VIC	30.6.2025	LP

Senator	State or Territory	Term expires	Party
Patrick, Rex Lyall ⁽²⁾	SA	30.6.2022	CA
Payne, Hon. Marise Ann	NSW	30.6.2022	LP
Polley, Helen Beatrice	TAS	30.6.2022	ALP
Pratt, Louise Clare	WA	30.6.2025	ALP
Rennick, Gerard	QLD	30.6.2025	LP
Reynolds, Hon. Linda Karen, CSC	WA	30.6.2025	LP
Rice, Janet Elizabeth	VIC	30.6.2025	AG
Roberts, Malcolm Ieuan	QLD	30.6.2025	PHON
Ruston, Hon. Anne Sowerby	SA	30.6.2025	LP
Ryan, Hon. Scott Michael	VIC	30.6.2022	LP
Scarr, Paul Martin	QLD	30.6.2025	LP
Seselja, Hon. Zdenko Matthew	ACT		LP
Sheldon, Anthony Vincent	NSW	30.6.2025	ALP
Siewert, Rachel Mary	WA	30.6.2022	AG
<i>Vacancy</i> ⁽⁷⁾	NSW	30.6.2022	
Smith, Dean Anthony	WA	30.6.2022	LP
Smith, Marielle Feuerherdt	SA	30.6.2025	ALP
Steele-John, Jordon	WA	30.6.2025	AG
Sterle, Glenn	WA	30.6.2022	ALP
Stoker, Amanda Jane ⁽⁴⁾	QLD	30.6.2022	LP
Urquhart, Anne Elizabeth	TAS	30.6.2022	ALP
Van, David Allan	VIC	30.6.2025	ALP
Walsh, Jess Cecille	VIC	30.6.2025	ALP
Waters, Larissa Joy	QLD	30.6.2025	AG
Watt, Murray Patrick	QLD	30.6.2022	ALP
Whish-Wilson, Peter Stuart	TAS	30.6.2022	AG
Wong, Hon. Penelope Ying Yen	SA	30.6.2022	ALP

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.R.	ALP	Seselja, Z.M.	LP
Northern Territory	McCarthy, M.B.A.	ALP	McMahon, S.J.	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 Parliament of South Australia to fill a casual vacancy (vice N Xenophon), pursuant to section 15 of the Constitution.

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

⁽⁴⁾ Chosen by the Parliament of Queensland to fill a casual vacancy (vice G Brandis), pursuant to section 15 of the Constitution.

⁽⁵⁾ Chosen by the Parliament of Tasmania to fill a casual vacancy (vice D Bushby), pursuant to section 15 of the Constitution.

⁽⁶⁾ Chosen by the Parliament of Victoria to fill a casual vacancy (vice M Fifield), pursuant to section 15 of the Constitution.

⁽⁷⁾ Vacancy created by the resignation of Senator Arthur Sinodinos on 11 November 2019.

PARTY ABBREVIATIONS

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

Heads of Parliamentary Departments

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

MORRISON MINISTRY

Title	Minister
Prime Minister	The Hon. Scott Morrison MP
Minister for the Public Service	
Minister for Women	Senator the Hon. Marise Payne
Minister Assisting the Prime Minister for the Public Service and Cabinet	The Hon. Greg Hunt MP
Minister for Indigenous Australians	The Hon. Ken Wyatt AM MP
<i>Assistant Minister to the Prime Minister and Cabinet</i>	<i>The Hon. Ben Morton MP</i>
Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development	The Hon. Michael McCormack MP
Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management	The Hon. David Littleproud MP
Minister for Population, Cities and Urban Infrastructure	The Hon. Alan Tudge MP
Minister for Regional Services, Decentralisation and Local Government	The Hon. Mark Coulton MP
<i>Assistant Minister for Road Safety and Freight Transport</i>	<i>The Hon. Scott Buchholz MP</i>
<i>Assistant Minister to the Deputy Prime Minister</i>	<i>The Hon. Andrew Gee MP</i>
<i>Assistant Minister for Regional Development and Territories</i>	<i>The Hon. Nola Marino MP</i>
Treasurer	The Hon. Josh Frydenberg MP
Minister for Population, Cities and Urban Infrastructure	The Hon. Alan Tudge MP
Assistant Treasurer	The Hon. Michael Sukkar MP
Minister for Housing	
<i>Assistant Minister for Superannuation, Financial Services and Financial Technology</i>	<i>Senator the Hon. Jane Hume</i>
Minister for Finance (Vice-President of the Executive Council) (Leader of the Government in the Senate)	Senator the Hon. Mathias Cormann
<i>Assistant Minister for Finance, Charities and Electoral Matters</i>	<i>Senator the Hon. Zed Seselja</i>
Minister for Agriculture	Senator the Hon. Bridget McKenzie
<i>Assistant Minister for Forestry and Fisheries</i>	<i>Senator the Hon. Jonathon Duniam</i>
Minister for Foreign Affairs	Senator the Hon. Marise Payne
Minister for Trade, Tourism and Investment (Deputy Leader of the Government in the Senate)	Senator the Hon. Simon Birmingham
Minister for International Development and the Pacific	The Hon. Alex Hawke MP
Assistant Trade and Investment Minister	The Hon. Mark Coulton MP
<i>Assistant Minister for Regional Tourism</i>	<i>Senator the Hon. Jonathon Duniam</i>
Attorney-General	The Hon. Christian Porter MP

Title	Minister
(Leader of the House)	
Minister for Industrial Relations	The Hon. Christian Porter MP
Minister for Health	The Hon. Greg Hunt MP
Minister for Aged Care and Senior Australians	Senator the Hon. Richard Colbeck
Minister for Youth and Sport	
Minister for Home Affairs	The Hon. Peter Dutton MP
Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management	The Hon. David Littleproud MP
Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs	The Hon. David Coleman MP
<i>Assistant Minister for Customs, Community Safety and Multicultural Affairs</i>	<i>The Hon. Jason Wood MP</i>
Minister for Communications, Cyber Safety and the Arts	The Hon. Paul Fletcher MP
Minister for Education	The Hon. Dan Tehan MP
Minister for Employment, Skills, Small and Family Business	Senator the Hon. Michaelia Cash
<i>Assistant Minister for Vocational Education, Training and Apprenticeships</i>	<i>The Hon. Steve Irons MP</i>
Minister for Industry, Science and Technology	The Hon. Karen Andrews MP
Minister for Resources and Northern Australia	Senator the Hon. Matthew Canavan
Minister for Energy and Emissions Reduction	The Hon. Angus Taylor MP
Minister for the Environment	The Hon. Sussan Ley MP
<i>Assistant Minister for Waste Reduction and Environmental Management</i>	<i>The Hon. Trevor Evans MP</i>
Minister for Defence	Senator the Hon. Linda Reynolds CSC
Assistant Defence Minister	The Hon. Alex Hawke MP
Minister for Veterans and Defence Personnel (Deputy Leader of the House)	The Hon. Darren Chester MP
Minister for Defence Industry	The Hon. Melissa Price MP
Minister for Families and Social Services (Manager of Government Business in the Senate)	Senator the Hon. Anne Ruston
Minister for the National Disability Insurance Scheme	The Hon. Stuart Robert MP
Minister for Government Services	
<i>Assistant Minister for Children and Families</i>	<i>The Hon. Michelle Landry MP</i>
<i>Assistant Minister for Community Housing, Homelessness and Community Services</i>	<i>The Hon. Luke Howarth MP</i>

Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. The title of a department does not necessarily reflect the title of a minister in all cases. Ministers are sworn to administer the portfolio in which they are listed under the 'Minister' column and may also be sworn to administer other portfolios in which they are not listed. 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	The Hon. Anthony Albanese MP
<i>Shadow Cabinet Secretary</i>	<i>Senator Jenny McAllister</i>
Deputy Leader of the Opposition	The Hon. Richard Marles MP
Shadow Minister for Defence	
Shadow Minister for Veterans' Affairs and Defence Personnel	The Hon. Shayne Neumann MP
Shadow Minister Assisting for Defence	Mr Pat Conroy MP
Shadow Minister for Defence Industry	Mr Matt Keogh MP
<i>Shadow Assistant Minister for Defence</i>	<i>The Hon. Dr Mike Kelly AM MP</i>
Leader of the Opposition in the Senate	Senator the Hon. Penny Wong
Shadow Minister for Foreign Affairs	
Shadow Minister for International Development and the Pacific	Mr Pat Conroy MP
<i>Shadow Assistant Minister to the Leader of the Opposition in the Senate</i>	<i>Senator Jenny McAllister</i>
Deputy Leader of the Opposition in the Senate	Senator the Hon. Kristina Keneally
Shadow Minister for Home Affairs	
Shadow Minister for Immigration and Citizenship	
Shadow Minister for Multicultural Affairs	Mr Andrew Giles MP
Shadow Minister Assisting for Immigration and Citizenship	
Shadow Minister for Industrial Relations	The Hon. Tony Burke MP
Shadow Minister for the Arts	
Manager of Opposition Business in the House of Representatives	
Shadow Minister for the National Disability Insurance Scheme	The Hon. Bill Shorten MP
Shadow Minister for Government Services	
<i>Shadow Assistant Minister for Carers</i>	<i>Ms Emma McBride MP</i>
Shadow Minister for Education and Training	The Hon. Tanya Plibersek MP
<i>Shadow Assistant Minister for Education and Training</i>	<i>Mr Graham Perrett MP</i>
<i>Shadow Assistant Minister for Skills</i>	<i>Ms Ged Kearney MP</i>
Shadow Treasurer	Dr Jim Chalmers MP
Shadow Assistant Treasurer	Mr Stephen Jones MP
Shadow Minister for Financial Services	
<i>Shadow Assistant Minister for Treasury</i>	<i>The Hon. Dr Andrew Leigh MP</i>
<i>Shadow Assistant Minister for Charities</i>	
<i>Shadow Assistant Minister for Financial Services</i>	<i>The Hon. Matt Thistlethwaite MP</i>
Shadow Minister for Climate Change and Energy	The Hon. Mark Butler MP
Deputy Manager of Opposition Business in the House of Representatives	
Shadow Minister Assisting for Climate Change	Mr Pat Conroy MP
Shadow Minister for Health	The Hon. Chris Bowen MP
<i>Shadow Assistant Minister for Mental Health</i>	<i>Ms Emma McBride MP</i>

Title	Shadow Minister
Shadow Minister for Infrastructure, Transport and Regional Development	The Hon. Catherine King MP
Shadow Minister for Cities and Urban Infrastructure	Mr Andrew Giles MP
Shadow Minister for Northern Australia	Senator Murray Watt
Shadow Minister for Disaster and Emergency Management	Senator Murray Watt
<i>Shadow Assistant Minister for Infrastructure and Regional Tourism</i>	<i>Senator Carol Brown</i>
<i>Shadow Assistant Minister for Tasmania</i>	
<i>Shadow Assistant Minister for Northern Australia</i>	<i>The Hon. Warren Snowdon MP</i>
<i>Shadow Assistant Minister for Road Safety</i>	<i>Senator Glenn Sterle</i>
Shadow Minister for Agriculture and Resources	The Hon. Joel Fitzgibbon MP
Shadow Minister for Western Australian Resources	Mr Matt Keogh MP
Shadow Special Minister of State	Senator the Hon. Don Farrell
Shadow Minister for Sport	
Shadow Minister for Tourism	
Shadow Minister Assisting the Leader of the Opposition	
Shadow Attorney-General	The Hon. Mark Dreyfus QC MP
Shadow Minister for Constitutional Reform	
<i>Shadow Assistant Minister for the Republic</i>	<i>The Hon. Matt Thistlethwaite MP</i>
Shadow Minister for Communications	Ms Michelle Rowland MP
<i>Shadow Assistant Minister for Communications</i>	<i>Mr Tim Watts MP</i>
<i>Shadow Assistant Minister for Cyber Security</i>	
Shadow Minister for Finance	Senator Katy Gallagher
Shadow Minister for the Public Service	
Manager of Opposition Business in the Senate	
<i>Shadow Assistant Minister for Government Accountability</i>	<i>Senator Kimberley Kitching</i>
<i>Deputy Manager of Opposition Business in the Senate</i>	
Shadow Minister for Families and Social Services	The Hon. Linda Burney MP
Shadow Minister for Indigenous Australians	
<i>Shadow Assistant Minister for Reconciliation</i>	<i>Senator Patrick Dodson</i>
<i>Shadow Assistant Minister for Constitutional Recognition of Indigenous Australians</i>	
<i>Shadow Assistant Minister for Indigenous Australians</i>	<i>The Hon. Warren Snowdon MP</i>
Shadow Minister for Ageing and Seniors	The Hon. Julie Collins MP
Shadow Minister for Women	
<i>Shadow Assistant Minister for Aged Care</i>	<i>Ms Ged Kearney MP</i>
Shadow Minister for Employment and Industry	The Hon. Brendan O'Connor MP
Shadow Minister for Science	
Shadow Minister for Small and Family Business	
Shadow Minister for Innovation, Technology and the Future of Work	Ms Clare O'Neil MP
Shadow Minister Assisting for Small and Family	Mr Matt Keogh MP

Title	Shadow Minister
Business	
<i>Shadow Assistant Minister for Manufacturing</i>	<i>Senator Louise Pratt</i>
<i>Shadow Assistant Minister for Employment Services</i>	
Shadow Minister for Regional Services, Territories and Local Government	The Hon. Jason Clare MP
Shadow Minister for Housing and Homelessness	
<i>Shadow Assistant Minister for External Territories</i>	<i>The Hon. Warren Snowdon MP</i>
Shadow Minister for Early Childhood Education	The Hon. Amanda Rishworth MP
Shadow Minister for Youth	
Shadow Minister for the Environment and Water	Ms Terri Butler MP
<i>Shadow Assistant Minister for the Environment</i>	<i>Mr Josh Wilson MP</i>
Shadow Minister for Trade	Ms Madeleine King MP

Each box represents a portfolio. **Shadow Cabinet Ministers are shown in bold type.**

CONTENTS

MONDAY, 2 DECEMBER 2019

Chamber

DOCUMENTS—

Tabling.....	1
--------------	---

COMMITTEES—

Meeting	1
---------------	---

BUSINESS—

Rearrangement	1
---------------------	---

BILLS—

Saving Australian Dairy Bill 2019—

First Reading	6
---------------------	---

Second Reading.....	6
---------------------	---

Public Governance, Performance and Accountability Amendment (Waiver of Debt and Act of Grace Payments) Bill 2019—

First Reading	7
---------------------	---

Second Reading.....	8
---------------------	---

National Consumer Credit Protection Amendment (Small Amount Credit Contract and Consumer Lease Reforms) Bill 2019 (No. 2)—

First Reading	8
---------------------	---

Second Reading.....	9
---------------------	---

MOTIONS—

Climate Change	10
----------------------	----

BILLS—

Productivity Commission Amendment (Addressing Inequality) Bill 2017—

Second Reading.....	15
---------------------	----

DOCUMENTS—

Charity Fundraising in the 21st Century: Select Committee—

Order for the Production of Documents	25
---	----

BILLS—

Migration Amendment (Repairing Medical Transfers) Bill 2019—

Second Reading.....	34
---------------------	----

QUESTIONS WITHOUT NOTICE—

Prime Minister.....	39
---------------------	----

National Security	41
-------------------------	----

Prime Minister.....	42
---------------------	----

National Security	42
-------------------------	----

Climate Change	43
----------------------	----

Minister for Energy and Emissions Reduction.....	45
--	----

Murray-Darling Basin	45
----------------------------	----

Murray-Darling Basin	47
----------------------------	----

Dairy Industry	48
----------------------	----

Infrastructure	49
----------------------	----

Murray-Darling Basin	50
----------------------------	----

Minister for Energy and Emissions Reduction.....	51
--	----

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS—

Dairy Industry	52
----------------------	----

Murray-Darling Basin	56
----------------------------	----

PETITIONS—

Religious Freedom	57
-------------------------	----

NOTICES—

Presentation	57
--------------------	----

Postponement	59
--------------------	----

COMMITTEES—

Community Affairs References Committee—

Reporting Date	60
----------------------	----

PARLIAMENTARY ZONE—

Approval of Works	60
-------------------------	----

CONTENTS—*continued*

BILLS—	
Crimes Legislation Amendment (Combatting Corporate Crime) Bill 2019—	
Agriculture Legislation Amendment (Streamlining Administration) Bill 2019—	
Wine Australia Amendment (Label Directory) Bill 2019—	
First Reading	60
Second Reading	60
MOTIONS—	
Islamophobia	63
Australian Bushfires	64
World AIDS Day	64
Housing Affordability	65
Workplace Safety	65
Animal Welfare	66
DOCUMENTS—	
Environment—	
Order for the Production of Documents	66
MOTIONS—	
Economy	66
Department of Home Affairs	67
Work Health and Safety	68
West Papua	68
Racism	68
Great Australian Bight: Oil Exploration	70
Seismic Testing	71
Mining	72
Department of Home Affairs	74
DOCUMENTS—	
Prime Minister—	
Order for the Production of Documents	74
MOTIONS—	
Climate Change	75
MATTERS OF URGENCY—	
Climate Change	77
COMMITTEES—	
Community Affairs References Committee—	
Government Response to Report	88
AUDITOR-GENERAL'S REPORTS—	
Report No. 15 of 2019-20—	
Consideration	89
DOCUMENTS—	
Department of the Environment and Energy—	
Consideration	90
DOCUMENTS—	
Census: Gender and Sexuality Questions—	
Regional Jobs and Investment Packages—	
Pensions and Benefits—	
Prime Minister—	
Order for the Production of Documents	92
BILLS—	
Health Legislation Amendment (Data-matching and Other Matters) Bill 2019—	
Social Security (Administration) Amendment (Income Management to Cashless Debit Card Transition) Bill 2019—	
Treasury Laws Amendment (Recovering Unpaid Superannuation) Bill 2019—	
First Reading	92
Second Reading	92
Defence Service Homes Amendment Bill 2019—	
National Disability Insurance Scheme Amendment (Streamlined Governance) Bill 2019—	
Returned from the House of Representatives	95

CONTENTS—*continued*

COMMITTEES—

Migration Joint Committee—	
Membership.....	96
Joint Select Committee on Road Safety—	
Appointment.....	96

BILLS—

Education Legislation Amendment (2019 Measures No. 1) Bill 2019—	
Farm Household Support Amendment (Relief Measures) Bill (No. 1) 2019—	
Medical and Midwife Indemnity Legislation Amendment Bill 2019—	
National Health Amendment (Safety Net Thresholds) Bill 2019—	
Treasury Laws Amendment (International Tax Agreements) Bill 2019—	
Assent.....	96
Migration Amendment (Repairing Medical Transfers) Bill 2019—	
Second Reading.....	96

ADJOURNMENT—

Trade Unions	116
Superannuation.....	118
Violence Against Women	119
Murray-Darling Basin	121

Monday, 2 December 2019

The PRESIDENT (Senator the Hon. Scott Ryan) took the chair at 10:00, read prayers and made an acknowledgement of country.

DOCUMENTS

Tabling

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

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

COMMITTEES

Meeting

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

Parliamentary Joint Committee on Human Rights—private meeting—3 December 2019, from 5.30 pm.

Joint Committee of Public Accounts and Audit—public hearing followed by a private briefing—4 December 2019, from 9.15 am

The PRESIDENT (10:01): I remind senators that the question may be put on any proposal at the request of any senator. There being none, we'll move on.

BUSINESS

Rearrangement

Senator HANSON (Queensland) (10:01): by leave—I move:

That general business notice of motion No. 295 standing in my name, relating to the Saving Australia Dairy Bill 2019, be called on immediately.

The PRESIDENT: On a point of order, Senator Cormann? Are you speaking to the motion or a point of order?

Senator Cormann: I seek clarification. The business today provides for the introduction of the dairy bill put forward by Senator Hanson. The Senate has already provided—on Thursday—that Senator Hanson can introduce the dairy bill and she can indeed speak to it as part of the normal introduction procedures. It sounds to me as if the motion that she is now proposing is inconsistent with what is on the *Notice Paper*, so I'm just seeking clarification. We are prepared to provide leave, obviously, to do what is on the agenda, but if she is seeking to vary the agenda then we have not been advised of what the proposed plan is and we are not in a position to support it without any engagement from One Nation with the government in relation to these matters.

The PRESIDENT: I'll provide advice to the chamber, having just checked with the Clerk. Leave was granted for Senator Hanson to move a motion in relation to this bill. The effect of this motion would be to bring it on for debate, not for what I would call the more regular process for the introduction of a bill, where debate is adjourned to a subsequent day. Senator Cormann, to answer your inquiry, this would actually bring it on for debate immediately.

Senator Cormann: I would indicate, on behalf of the government, that, while we are happy to facilitate the introduction and for Senator Hanson to give her second reading speech, we will not be supporting a variation to the business of the Senate in the way that is proposed in that motion.

The PRESIDENT: Senator Hanson didn't have an opportunity to speak before Senator Cormann rose. You can close the debate if you wish, Senator Hanson. The impact of this will be, I understand, that the debate will be put to a vote immediately after Senator Hanson speaks to it, so if any other person wishes to speak to it I suggest they stand now. If not, I'll call Senator Hanson. Senator Hanson.

Senator HANSON: If I'm denied leave to actually have this up for debate then, pursuant to contingent notice, I will move that so much of the standing orders be suspended as would prevent me moving the motion.

The PRESIDENT: Senator Hanson, just a correction: you were granted leave to move a motion to have the bill brought on immediately, which is a variation of the agreement last Thursday, which was to introduce the bill. The normal process would be to table an explanatory memorandum, have the bill introduced and table a second reading speech. We are now debating your motion as to whether or not we would proceed beyond those stages to a full second reading debate at this stage today, which was not agreed last week. So leave hasn't been denied for you to introduce the bill. We are now speaking to the motion—and you've got 20 minutes to speak to it—to

introduce and have a full debate on this today, including other second reading contributions, not just your own second reading speech being tabled. So I invite you to continue to speak to that particular motion.

Senator HANSON: I will, thank you. Australians will be listening to what is going to happen in this chamber today relating to saving the Australian dairy industry. As I've raised previously, we are losing the equivalent of one dairy farmer a week in Australia. They are devastated that they are actually being stopped. When I hear the Nationals say, 'But we are doing what we can to help the dairy industry,' it is not the truth. For 4½ years, there has been inquiry after inquiry into the dairy industry. Nothing has happened.

There's been talk about a code of conduct. Where is it? It was only because I forced the issue that this code of conduct has been drafted up, and it is a pathetic draft—absolutely pathetic. It is not addressing it. Why have we moved so far from the ACCC recommendations on a dairy code of conduct to something that has been drafted on the run and is protecting the processors? A lot of the dairy industry participants that I have met admit that it does not go far enough to protect the dairy farmers.

All that I'm asking for, and what the people of Australia want, is a fair farmgate price for dairy farmers' milk. You can't expect them to run a business if they are not getting paid the cost of their milk to produce that milk. Don't you understand where we are? We're in dire straits in this nation. We had 22,000 dairy farmers. We're down now to 5,200, according to what the minister told me last week. We've lost another 500 just in the last year and a half, if that. That doesn't mean to say that these people are producing milk. A lot of them have held onto their registration purely in the hope that the industry will turn around.

This government has been so supportive of our dairy industry being sold to foreign interests. Chinese own the biggest dairy farm in Tasmania, with about 19,000 head of cattle. They're exporting their milk overseas. There is no reason why we should be supporting this. They now want to buy up Bellamy's, which has been supported by our Treasurer Frydenberg, and people here have said, 'What's the problem with that?' We've gone from 12 billion litres of milk in the year 2000. Now we're just scraping over eight billion litres of milk.

You talk about registering the industry. People must understand that this industry is not what it was previously, when it was supported by the state and federal governments. This is not going to be supported by either party or either government. This is about the farmers having a contract in place that the processors must pay them a fair price for their milk, and you're going to deny them that. There is nowhere else in the world where this is the case. We're the only country that doesn't have a regulated industry. Even in New Zealand, their milk is regulated. America and Europe have regulated the dairy industry, and they're powering ahead in their export market and their domestic market. They're producing more milk now. But you are so blinded and so bloody-minded that you are prepared to actually destroy the dairy industry in Australia. That is our food security. That's the people.

Senator Sterle: And where are the Nats?

Senator HANSON: Exactly right. Where are the Nats? Where's the National Party on this? Where are you standing up for the dairy industry? Have you been out to any of the dairy farmers? Have you actually looked in their eyes? Have you ever seen what they're going through? You have no idea. If you don't support this bill to give them a fair farmgate price, all it is—

Honourable senators interjecting—

Senator HANSON: I don't want to hear the same old rhetoric. The actions on the floor of parliament speak for themselves.

The PRESIDENT: Order! Can I remind senators, firstly, that interjections are disorderly and, secondly, that this is a procedural motion about whether a bill should be called on for debate; it is not a speech on the second reading of the bill. Senator Hanson will continue without interjections.

Senator HANSON: This is where it's so important. We are about to finish in parliament in four days. At the end of this week, we will go on our holidays—a holiday from this place, although probably a lot of us will continue to work. But the fact is that people out there are trying to grasp at straws, to hold on and to pay their bills.

I hear a National Party member—Senator Susan McDonald—say, 'Oh, well, we should get the retailers, Woolworths and Coles, to actually collect the money from the consumer, and then pass it back through the processors to the dairy farmers.' In what other industry do we do that in Australia? Do we tell the strawberry farmers and the other fruitgrowers, 'Sorry, you won't get your money until the retailers have sold their product, and then we'll give you back what we think is fair'? Didn't we try that? Didn't Woolworths and Coles put an extra 10c, which went back to dairy farmers, and then another 10c on top of that, which didn't go back to them? Do you really trust these two organisations that have the biggest monopoly in the country? These are the people—Woolworths—who underpaid their workers by \$300 million. They didn't pay them the right wages, and you trust

them to do this? There is no common sense to what you're saying here—that the farmer should not get at least a production cost. The bill covers a fair farmgate price. Even Barnaby Joyce has come out saying they should receive a fair farmgate price.

Then the other part of the bill is that the ACCC will oversee the regions to ensure that they will stipulate what a fair farmgate price is—not the parliament, not the members of the House, this chamber or any parliament. That is up to an organisation to actually set that up. The third part of the bill is the divestiture so that the processors will not control the market. Most of the processors in the country are foreign owned. Do you really think it's in their best interests? Let me tell you about the foreign ownership; you've allowed all our industries and manufacturing and our essential services to be privatised in the country. We have over 750 multinational companies here that have a turnover of \$612 billion a year, and do you know how much tax they pay? \$10 billion. The coalition thought it would be wonderful to actually increase that and go after multinationals to pay their taxes here. I have been advocating since 1997 that they pay their taxes in Australia. You did a wonderful job! You've reined it in by 1.63 per cent! We've got an extra \$125 million! How wonderful you guys are!

So you are prepared to see this happen in a dairy industry that has a tradition in this country of providing the milk that we need for the domestic market. If you think it's going to actually upset the world trade, it doesn't work that way. This is a domestic market. How it can affect trade agreements is if we actually subsidise the dairy industry. They increase production, which then affects the world market. We are nowhere near that. What we are doing is ensuring that we have a dairy industry for future generations. Otherwise, I will tell you now, we will be buying long-life milk out of New Zealand. Their production is up to 22 billion litres a year.

So the fact is that we need to protect our dairy industry in Australia. It is very important. The people of this nation will be watching this today to see what we are going to do about it. I call on those people. Have a good look at this. If you are opposing this, I say to you: get the bloody guts to stand up as an individual and represent your constituency and the people of this nation, because they feel as if they have been absolutely forgotten. These people are on their knees. I've got one, a dairy farmer up in the Scenic Rim, who has to sign a contract with a processor to get 50c a litre for the milk. That is well and truly below production for a six-year contract. This is what the processors are doing. They're screwing dairy farmers so that they can't make any money out of it. All farmers want is a fair farmgate price.

Senator Sterle: Bullying them!

Senator HANSON: It is bullying, and it's not fair on the farmers here. You are going through this issue now, and, I tell you what, the people of Australia feel the coalition government are not supporting them enough, as far as the drought goes. You've brought in all these measures; you're going to give them all this money—and the paperwork—and it's going to take months and months before they get any assistance from the government. Do you really understand what is happening in this country? I don't think you do. The people are sick and tired of your same old rhetoric. I'm sick and tired of the procrastination that happens in this chamber. We are all given our wages, but these people have to fight tooth and nail to be able to get a fair go. That's all they want—a fair go.

Since this industry was deregulated in 2000, it's done nothing but go downhill all the way. It's gone downhill because of your free trade agreements and because you believe in deregulation. It hasn't helped. Surely you can see that. You can see what's happened to our industry here: it hasn't helped the dairy farmer. These communities are shutting down. Dairy farmers put a lot of money into these small towns and these communities. If you destroy that, you're going to shut down a lot of communities, and you are going to shut down jobs and—what's important to me—a way of life. That's what we still have in Australia. It's about a way of life. It's got nothing to do with how much money they make. This attitude that the government have is: 'Get big or get out.' It's not about getting big or getting out; it's about a way of life. These people have been in it for generations. They want to be on the land. It's their right to be on the land, whether they make a million dollars a year or whether they make a few dollars just to put a roof over their head and feed their family. That is their choice. Well, it was until governments—not me, because I wasn't a part of this—ruined this nation with the policies that they've brought in. They have destroyed the Australian way of life and standard of living. This is because of government policies—both state and federal—that have changed over the years.

If you've got the guts, get out the front this morning and go and meet with the farmers—if you're prepared to go and meet them. That's another issue: to deal with the water. But this is where we need to actually debate this whole issue. Let's put it up on the floor of parliament today. Let's put it to the vote and let's see how you vote on it. Let's see if you're prepared to stand up and back the people in your own constituency as far as the dairy industry goes.

Senator Rennick interjecting—

Senator HANSON: Senator Rennick wants to keep having a go at me. I don't think he really understands. Senator Rennick, fair enough, says he's from the land and he understands what it is to be on the land. But if he votes against this dairy bill, without pure common sense and without explaining why it needs to be voted against, then he doesn't have an argument. He's just like the rest of the sheep following the party line—you put up your hand when you're told to put up your hand. That's exactly why I find a lot of people don't have the bloody guts to stand up for what they truly believe in this place—because they won't get preselection next time around. Well, isn't it a shame. I tell you what, whether I get elected at the next election or not, at least I will be able to look back and think that I stood up for principle, I stood up for what I believed in, and I wasn't dictated to by anyone on anything. I will know that the people will judge me. If I go against my conscience and what I truly believe in fighting for the people out there on certain issues, then I will be judging myself for the rest of my life because I didn't stand up for what I truly believed in. It is a shame that other people don't do the same. I can speak from my experience talking to other former members of parliament who regret that they never had the guts to stand up for what they truly believed in.

If you understand what this place is about, you understand that people out there are watching us: how we vote, what we say, and how we react. And our actions speak louder than words. They're depending on us to make the right decisions for their future and for their wellbeing and for the future of this nation. You know what the talk is at the moment? They're sick and tired of seeing the Chinese have so much influence on our nation, whether it's in parliament, industries, social media or education—everything. And yet I don't see that you're really standing up to fight against it. And that's what the people see.

Our actions will speak for themselves, and the people will judge us. So I'm asking you: let the debate on this bill go through. Then we'll have a vote at the end of it and let the people know that we do support them. I hope this bill gets up so we can give them a bit of hope that we are really listening to them. That's what the people want: they need hope that we really care. I would ask you a question if you want to get up, Senator Rennick, and oppose this. I will say it to you then: what have you got to win by opposing giving a fair farmgate price for the milk, or what have they got to lose? What is it? If you deny a fair farmgate price for the milk, what on earth are you going to win by it? Who are going to be the losers out of this?

At the moment, we haven't got a fair farmgate price. At the moment, we are losing people out there. Suicides are happening. People are losing their properties, their homes. It's a pity. If you were wearing their shoes, what would you do? What would you beg? What would you ask of the people trying to make the decisions for you? Isn't it about giving them a fair price for their milk? Isn't that what it's about—to ensure that we have milk on our shelves? Are you going to be quite happy with powdered milk?

The fact is that the dairy industry is going to be bought up by the Chinese, because, as people walk away, foreign interests are buying it up. They're going to go from paddock to plate. There's nothing in the legislation that says that these companies have to keep their milk here in Australia. Van Diemen's Land are exporting two planeloads of milk a week to China, getting \$9 a litre for their milk. There's nothing to say that we have to force them to keep the food here in Australia. It's all about food security. That is why it is important that we look at the future of this nation and its food security.

I thank the Labor Party for supporting me on the dairy bill in the past, and I thank the Greens for their support for the dairy industry. They get it. It is the coalition who have turned their back on it, and it's been mostly the National Party who have turned their back on the farming sector and the dairy industry in Australia. They get up and say: 'But she's stolen our policies. This was our policy. It's on our wish list, but we won't do anything about it.' That's exactly it: they haven't done anything about it. Then they say, 'But we got the code of conduct up on the sugar industry.' BS! They did not. It was because I pushed the issue that we got the code of conduct up on the sugar industry. In a matter of five hours, you could get it up and have a code of conduct. Why has it taken weeks to get the code of conduct up on the dairy industry, when you know damn well you've changed it around to assist the processors? For processors, it says, 'If they come under financial strain or legislation is changed, they shouldn't lose any profits whatsoever.' Where is that in the contract for the farmers? Nowhere. There is absolutely nothing. So don't tell me you are looking after the dairy farmers. This has all been set up for McKenzie because her state, Victoria—

The PRESIDENT: Order, Senator! I remind senators to maintain the decorum of the chamber and address people by their title.

Senator HANSON: Senator McKenzie is looking after her state. She's acting as a senator for Victoria, not the Minister for Agriculture for this nation. She has been pathetic in her handling of this. She can have tantrums and throw the furniture around in her office as much as she wants to, but the fact is that this has to be dealt with. This is about the people of this nation and the dairy industry, which we need to support. She might want to back up her dairy industry, which has 64.3 per cent of the herd in Victoria as the rest of the nation goes under, so they can

export their milk to Queensland and get 87c a litre from Norco, when dairy farmers up there are lucky to get 61c a litre. Yes, they do want to see them go under in Queensland and the rest of the country, because they get more money in Victoria. So this is all about protecting her own interests; it is not about the farmers out there. She says that she never heard from any of the dairy farmers. I've had the Queensland dairy industry, representing 78 per cent of the farmers up there, saying, with the documentation, 'We want a fair farmgate price.' Also the New South Wales dairy industry said exactly the same—as did Dairy Connect. They all want it, but they won't produce it. They won't do it.

It's going to fly in the face of the National Party if they don't support this and give the dairy industry a fair farmgate price. They're the ones who are going to prove to the Australian people that they don't give a damn about our agricultural industry. It's all smoke and mirrors. Is that what you really want? It's all smoke and mirrors. Put your money where your mouth is and stand up and support them. If you're saying that that's what you're doing, then do it. Stop talking. Your actions speak louder than words. If Senator McKenzie cannot support the dairy industry bill today—if this gets up—then I'll call for her resignation as agriculture minister.

The PRESIDENT: The time for the debate has expired. Before I put the question on this motion I remind senators what the effect of this motion will be. The effect of this motion will be to not only introduce the bill, which would have happened by order of the Senate last Thursday, but also bring it on for debate and sweep away other business until 12.20 pm, unless the debate is adjourned beforehand, so it will take all of the time until 12.20 pm. If this motion is not supported by the Senate, Senator Hanson will still have the opportunity to only introduce the bill and table a second reading speech, as is the normal course of events when a bill is introduced by a non-government senator. The question is that the motion moved by Senator Hanson be agreed to.

The Senate divided. [10:30]

(The President—Senator Ryan)

Ayes36
Noes36
Majority.....0

AYES

Ayres, T
Brown, CL
Chisholm, A
Di Natale, R
Faruqi, M
Gallagher, KR
Hanson, P
Kitching, K
Lines, S
McCarthy, M
O'Neill, D
Pratt, LC
Roberts, M
Siewert, R
Steele-John, J
Urquhart, AE (teller)
Waters, LJ
Whish-Wilson, PS

Bilyk, CL
Carr, KJ
Cicccone, R
Dodson, P
Gallacher, AM
Green, N
Hanson-Young, SC
Lambie, J
McAllister, J
McKim, NJ
Polley, H
Rice, J
Sheldon, A
Smith, M
Sterle, G
Walsh, J
Watt, M
Wong, P

NOES

Abetz, E
Askew, W
Bragg, A J
Canavan, MJ
Colbeck, R
Davey, P
Fawcett, DJ
Griff, S
Hughes, H
McDonald, S
McKenzie, B
Molan, AJ
Paterson, J
Payne, MA
Reynolds, L

Antic, A
Bernardi, C
Brockman, S
Cash, MC
Cormann, M
Duniam, J
Fierravanti-Wells, C
Henderson, SM
Hume, J
McGrath, J
McMahon, S
O'Sullivan, MA
Patrick, RL
Rennick, G
Ruston, A

NOES

Ryan, SM
Seselja, Z
Stoker, AJ

Scarr, P
Smith, DA (teller)
Van, D

PAIRS

Farrell, D
Keneally, KK

Birmingham, SJ
Chandler, C

Question negatived.

The PRESIDENT: As I have said, there is the option for Senator Hanson to introduce the bill pursuant to the order last Thursday without it being further debated. Senator Hanson.

BILLS**Saving Australian Dairy Bill 2019****First Reading**

Senator HANSON (Queensland) (10:33): I move:

That the following bill be introduced: A Bill for an Act to ensure the viability of Australia's dairy industry, and for related purposes.

Question agreed to

Senator HANSON: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator HANSON (Queensland) (10:33): I move:

That this bill be now read a second time.

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

Leave granted.

Senator HANSON: I table an explanatory memorandum and seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The speech read as follows—

SAVING AUSTRALIAN DAIRY BILL 2019

The Liberal National party government might be willing to give up on the dairy industry, but I am not going to do that. The main purpose of Saving Australian Dairy Bill 2019 is to introduce three measures to ensure a viable dairy industry in Australia for generations to come.

Firstly the Bill calls for a minimum farm-gate price to be set for milk, by milk region. The second purpose of the Bill is to introduce a mandatory code to replace the current voluntary Food and Grocery Code of Conduct and to widen the scope of that Code to include the dairy supply chain. The third purpose is to make a referral to the Productivity Commission in respect of divestment powers.

This Bill replaces the Protecting Australian Dairy Bill 2019, which the government voted against on the 11th of November, despite having no alternative proposal to save the Australian dairy industry.

The government, now in its third term sits safely on the sidelines as dairy farmers take their chances with larger and more powerful foreign-owned multinational milk processors. The result is that 500 family owned dairy farms have gone out of business in the past twelve months leaving just 5200 to battle with large corporate multinational milk processors, such as Fonterra, Saputo, Parmalat and Lion.

Australians need to know that New Zealand milk processor Fonterra (trading as New Zealand Milk Australasia) reported sales in Australia of close to \$7.5 billion in the period 2013 to 2017, but paid not a single dollar in income tax. When Australian dairy farmers cannot make any money year on year they exit the industry, but foreign owned dairy giants in the same situation stay in business and just keep on growing their revenues.

The Australian government has comprehensively failed every Australian, because it will not deal with tax avoidance by multinational businesses. In my view we should not make an exception for the largest exporter of dairy products in the world.

The fact that New Zealand owned Fonterra can manipulate the Australian dairy market to advantage its farmers in New Zealand should be of concern to the government, but they don't care.

Fonterra pays New Zealand dairy farmers a *regulated* farm-gate price which is often more than Australian dairy farmers receive, despite the fact New Zealand has lower costs of production. Regulation has helped New Zealand double its milk production since 2000 while in Australia the lack of regulation has seen milk production go backwards, with production falling 30% since 2000. This Bill provides a minimum level of regulation based on the New Zealand model.

industry, because productive dairy cows are being sent to the meat packers daily and In the period 2013 to 2017 the other major milk processors also paid a pitiful amount of tax. Canadian owned Saputo earned close to 12 billion dollars over four tax years and paid a pitiful 20 million dollars in tax. The story is the same for the French owned Parmalat and Japanese owned Lion Pty Ltd.

I don't understand how the government can allow these foreign owned multinationals to pay next to nothing in income tax and at the same time destroy our dairy industry.

In response to those who say a minimum farm gate price could lead to a reduction in dairy exports, I say that there will be no exports unless we can stem the decline of the dairy industry. The suggestion that the Australian Competition and Consumer Commission (ACCC) would set the minimum farm gate price at a level which would support the most inefficient farmer in a milk region misunderstands the purpose of the legislation.

The Bill does not involve a subsidy by the government paid by the taxpayer. The intention of the Bill is to increase prices paid to farmers, which will be paid by consumers.

The proposition that the Bill would offend the World Trade Organisation's (WTO) Agricultural Agreement rules depends on whether we can expand our dairy industry to the point where world prices fall as a direct result. Time will tell but it seems highly unlikely given our milk production has fallen and demand in the world is rising.

New Zealand is the largest exporter of dairy products in the world contributing 19.3% of world exports in 2018. They have similar legislation to this Bill and no one has yet taken New Zealand to the WTO for a breach of the non-tariff rules.

The Minister for Agriculture has repeatedly said no-one wants a base or minimum farm-gate price set for milk as proposed in my legislation. I suggest the Minister read the story on the front page of the Australian Financial Review on Tuesday 26 November in which Nationals MP Barnaby Joyce called for a floor price for the farm-gate or retail price for milk as a condition for the sale of Lion Dairy and Drinks to a Chinese company which is also seeking to buy Bellamy's Organic Foods (known for their range of baby foods and powdered baby milk).

The writing is on the wall for the dairy industry in Australia. Either the Liberal National government permits the destruction of the dairy industry with the result they create the opportunity for foreign ownership at bargain prices or we keep viable dairy farms, owned by Australians. Australians, who live here, pay taxes in the good years, keep rural towns viable and supply Australians with fresh milk and dairy products.

Fresh milk export trials to China have opened a new export market for the industry over the past five years. Chinese-owned Tasmanian processor Van Diemen's Land Company has started exporting fresh milk from Hobart to Ningbo reportedly filling two Qantas Jumbo jets a week with fresh milk.

If the Bill is supported then we can retain the experience and knowledge of dairy farmers and give hope to current and future dairy farmers. We don't have much time to save the dairy

dairy farmers are leaving the land.

The Liberal National government wants to solve every issue economically, and will not balance that consideration with the ongoing need for food security and the social issues which follow when farmers go out of business, and the rural towns that depend on them and support them go too.

There is a deep sorrow in the bush at the failure of government to respond to their issues in a meaningful way. I am sick of hearing Ministers say they know others are 'doing it tough' when they don't act in a way that makes people know that they mean what they say.

I commend this Bill to the Senate, because it is a sound and sensible piece of legislation based on the evidence of what works and what does not in the dairy industry around the world. It is possibly the last chance to save the dairy industry in Australia.

The PRESIDENT: Pursuant to order agreed last Thursday, 28 November, debate on this bill is adjourned until the next day of sitting.

Public Governance, Performance and Accountability Amendment (Waiver of Debt and Act of Grace Payments) Bill 2019

First Reading

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (10:34): 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 GALLAGHER: 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 GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (10:35): 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 GALLAGHER: I table an explanatory memorandum and seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The speech read as follows—

PUBLIC GOVERNANCE, PERFORMANCE AND ACCOUNTABILITY AMENDMENT (WAIVER OF DEBT AND ACT OF GRACE PAYMENTS) BILL 2019

This bill amends the *Public Governance, Performance and Accountability Act 2013* to require the Department of Finance to publish details relating to waivers of debt and act of grace payments in its annual report.

The *Public Governance, Performance and Accountability Act 2013* provides the Minister for Finance with the power to waive debts owed to non-corporate Commonwealth entities, such as the Australian Tax office and Centrelink (Services Australia). This means that these debts are no longer owing to the Commonwealth and cannot be recovered.

Waivers of debt for amounts up to \$100,000 have been delegated to officials in the Department of Finance, with amounts of \$100,000 and above requiring Ministerial approval.

These waivers of debt are not publicly reported, and there is no requirement for there to be any publication of details such as how many debt waivers have been made, and the amount of debt that has been waived.

The *Public Governance, Performance and Accountability Act 2013* also provides the Minister for Finance the power to make payments to a person if they consider it appropriate to do so because of special circumstances.

While 'special circumstances' are not strictly defined, these can include situations where a non-corporate Commonwealth entity has taken action, or failed to take action, and this has caused an unintended and inequitable result for someone.

Like waivers of debt, these act of grace payments are not publicly reported, and there is no requirement for there to be any publication of details such as how many act of grace payments have been made, and the amount provided through these payments.

In the interests of government accountability and transparency, rectifying this lack of publication is a small, but important step.

This bill will require the Department of Finance to provide information in its annual report on the number of debt waivers granted in the financial year that the annual report covers, as well as the total amount of the debt waived.

It will also require the Department of Finance to provide information in its annual report on the number of act of grace payments made in the financial year that the annual report covers, as well as the total amount provided through these payments.

It does not, and will not, require the publication of any personal or sensitive information about any individual or organisation who received a debt waiver or act of grace payment.

This bill strikes a good balance between transparency of government operations and protecting the privacy of individuals and organisations.

It is an important step in ensuring that governments remain open and accountable to the Parliament, and to the Australian public.

The PRESIDENT: Pursuant to order agreed last Thursday 28 November, debate on this bill will be adjourned until the next day of sitting.

National Consumer Credit Protection Amendment (Small Amount Credit Contract and Consumer Lease Reforms) Bill 2019 (No. 2)

First Reading

Senator GRIFF (South Australia) (10:35): I, and also on behalf of Senator McAllister, move:

That the following bill be introduced: A Bill for an Act to amend the National Consumer Credit Protection Act 2009, and for related purposes.

Question agreed to.

Senator GRIFF: 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 GRIFF (South Australia) (10:36): 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 GRIFF: I table an explanatory memorandum and seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The speech read as follows—

NATIONAL CONSUMER CREDIT PROTECTION AMENDMENT (SMALL AMOUNT CREDIT CONTRACT AND CONSUMER LEASE REFORMS) BILL 2019

This Bill amends the regulatory framework for Small Amount Credit Contracts (SACCs) (commonly known as payday loans) and consumer leases (known as rent-to-buy schemes).

It amends the *National Consumer Credit Protection Act 2009* (NCCP Act) and replicates, word for word, the government's exposure draft legislation, which was released in October 2017 but has not progressed further.

The amendments proposed in this Bill improve consumer protections for those who use payday loans and consumer leases. Consistent with the government's exposure draft legislation, this Bill will introduce a cap on the total payments that can be made under a consumer lease and requires SACCs to have equal repayments and equal payment intervals.

The Bill removes the ability for SACC providers to charge monthly fees in respect of the residual term of a loan, where a consumer fully repays the loan early, and would prevent lessors and credit assistance providers from undertaking door-to-door selling of consumer leases at residential homes, which is predatory behaviour.

The Bill will introduce broad anti-avoidance protections to prevent SACC loan and consumer lease providers from circumventing the rules and protections contained in the NCCP Act and the code.

These protections respond to one of the recommendations in the Independent Review of SACC laws, initiated by the government in 2015. This recommendation was again highlighted in the 2019 Senate Economics References Committee inquiry into *Credit and financial products targeted at Australians at risk of financial hardship*. The report made a number of recommendations for tighter regulation of the non-bank lending sector, including that the law be amended to clamp down on attempts to disguise the nature of existing credit products and capture new and emerging credit-like products.

Furthermore, the Bill contains strengthened penalties with the aim of increasing the incentive for SACC providers and lessors to comply with the law.

The Stop the Debt Trap Alliance's report entitled *The Debt Trap*, released in November this year, reported that the number of loans and consumer leases taken out each year continues to rise, particularly among women. Worryingly, almost half of these borrowers are single mothers. The number of easy-access online loans has also rapidly increased over the last ten years. By the end of 2019, it is expected that over 85% of payday loans will have originated online.

The federal government has dropped the ball on these important reforms.

However, these reforms have not been progressed since 2017 and we have been given It initiated a statutory review of the existing laws in 2015 and pledged to enact most of the recommendations. In 2016, it undertook significant consultation and, in October 2017, the government released its exposure draft. The only step left was to introduce a bill to make the sensible reforms a reality and ensure vulnerable consumers are afforded appropriate levels of consumer protection while continuing to access SACCs and leases.

However, these reforms have not been progressed since 2017 and we have been given no satisfactory explanation as to why.

The people paying for this reluctance to act are the most vulnerable in our society — people who are struggling financially, whose desperation makes them ripe for financial exploitation and who cannot afford to tumble into a worsening financial predicament.

Time is of the essence and we urgently need to progress these reforms and protect vulnerable Australians.

The PRESIDENT: Pursuant to order agreed last Thursday 28 November, debate on this bill will be adjourned until the next day of sitting.

MOTIONS

Climate Change

Senator WONG (South Australia—Leader of the Opposition in the Senate) (10:36): I seek leave to move general business of notice of motion No. 314 standing in my name for today, relating to the Carbon Pollution Reduction Scheme.

Leave not granted.

Senator WONG: Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent Senator Wong moving a motion relating to the conduct of the business of the Senate, namely a motion to provide that general business notice of motion No. 314 be called on immediately and be considered until 12.20 pm.

Let me say: it has been 10 lost years on climate since the Liberals, the Nationals and the Greens formed an unholy alliance against effective climate action. Contrary to what they tell us thereabout, the Liberals have delivered higher power prices and the Greens have delivered higher emissions. Partisan pointscoreing has been prioritised over fundamental policy change. That the Libs do this is disappointing, but obvious; Labor is their main opponent. But what is not well understood is that the Greens political party also see Labor as their political opponent, and their policy approach on climate reflects this.

The fact is: Labor's record as a party of progressive reform and a party of action on climate presents a political problem for the Greens. Unlike Greens political parties in other countries, which try and find a constructive role alongside mainstream social democratic parties, the Australian Greens simply want to attack Labor's electoral support and gain their electoral support from progressive voters by attacking the ALP on climate change. This was on display when they voted with the coalition to defeat Labor's CPRS 10 years ago, and we saw it again at this year's federal election when they promoted the anti-Adani caravan as an opportunistic tactic to boost their Queensland Senate vote. They got their Queensland senator back, but they also got Scott Morrison. The question for the Greens is whether they place a higher political priority on winning votes by tearing down Labor or whether they're prepared to support action on climate change. We need to learn from this experience.

We worked hard to achieve bipartisan consensus on climate legislation 10 years ago. The Liberals punished Malcolm Turnbull for putting the national interest ahead of short-term political interest and replaced him, and consensus evaporated overnight. But let's remember two brave women: Judith Troeth and Sue Boyce, Liberal senators who crossed the floor on 2 December 2009 in the national interest, firm in their support for action on climate change. If the far Green senators had voted with Labor, the carbon price would have passed the parliament and we would have had a transformational climate policy. The Greens' decision has had disastrous and long-lasting consequences for Australia's ability to respond effectively to climate change. Our annual emissions are projected to climb to 540 million tonnes by 2020 and to keep rising to 563 million tonnes by 2030. By voting to defeat the CPRS, the Greens political party voted against cumulative additional reductions of Australia's emissions by 218 million tonnes over the last decade—218 million tonnes over the last decade! As a result of this trajectory, we will see emissions rising until at least 2030.

The rationale the Greens gave for voting against the CPRS was that its targets were inadequate and that transitional assistance for emissions-intensive industries was too generous. But just two years later they voted for the Clean Energy Future package, which had the same emissions targets for 2020 and more assistance for the emissions-intensive industries. The clean energy package provided more transitional assistance than the CPRS for the coal-fired power generators—I'm unsurprised they don't want to hear this—for the steel industry and for the coalmining sector. So why did the Greens support legislation that was browner? The only explanation is that their political calculations changed.

Labor doesn't seek to avoid responsibility for our part in what we have seen over the last 10 years. We were on the right side of the debate, but we know we made mistakes, one so significant it destroyed a Prime Minister. The coalition decided to politically weaponise climate change rather than engage in responsible policymaking, and that has come at great cost to Australia—for example, we have a dysfunctional energy market as a consequence. These realities will come home to roost for Scott Morrison.

We, as a country, must pursue action on climate even though it has come at a great price, politically, over the past decade. That is Labor's commitment. It is time for all members and senators and all parties to put aside their short-term political interests and work together in the national interest. It is still my hope that we can realise how hard reform is and learn that we cannot keep making this issue a pitched battle. We must find common ground. We cannot make it an either-jobs-or-environment choice, because it isn't. The people who follow us in this place will not thank us for the time we have wasted, and they will condemn us if we continue to neglect the future they inherit.

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (10:42): The government will be voting against the suspension because the Senate unanimously determined—at Labor's initiative—that this morning we should be debating the Productivity Commission Amendment (Addressing Inequality) Bill 2017. This is the bill that we are meant to be debating this morning. It wasn't us who listed this, because we respect the fact that non-government senators determine what is debated in private senators' time. However, what the Labor Party is now proposing is to vary the business. That is precisely the basis for why we voted against the previous motion. It is only fair to all senators who've prepared themselves for this debate on the Productivity Commission Amendment (Addressing Inequality) Bill 2017 that this be the bill that is dealt with.

Let's not pretend that this has got anything to do with Labor wanting to pursue more effective action on climate change. This is all about Labor wanting to beat up on the Greens. This is all about a tiff between the Labor Party and the Greens—and I see Senator Di Natale nodding. This is just the latest political stunt by the Labor Party. How do we know this? It's because the Labor Party has already been successful in having precisely the same topic as the topic of this motion listed for debate later today as part of the MPI. Labor are clearly so embarrassed by their Productivity Commission Amendment (Addressing Inequality) Bill 2017 that they're desperately trying to avoid debate on it. If they had any commitment to what they've asked the Senate to list for debate this morning, they would have proceeded with it.

Clearly, Labor is no longer concerned about rising inequality. That was the sort of thing that Shorten was trying to deceive the Australian people about in the lead-up to the last election. Now, under Mr Albanese, they're no longer concerned about rising inequality, so they no longer want to pursue this particular piece of legislation. They're prepared to prioritise a political stunt, trying to flesh out a tiff between Labor and the Greens, ahead of dealing with what, last week, they were telling us was an important piece of legislation.

When it comes to climate change, our government is absolutely committed to effective action on climate change. We are committed to effective action on climate change in a way that is economically responsible, and we absolutely stand by our decision 10 years ago to vote against Labor's Carbon Pollution Reduction Scheme—so called, because it would not have helped reduce global emissions; it would have just shifted Australian emissions into other parts of the world where, for the same level of economic output, emissions would have been higher. So the world would have been worse off, the global environment would have been worse off and Australian jobseekers would have been worse off. So Australians would have been asked to make a sacrifice for no impact on global emissions at all. In fact, arguably, emissions would have been higher, because we would have made it harder, for example, to produce LNG here in Australia, and, of course, for every tonne of emissions from Australia producing LNG, we are able to displace five to nine tonnes of emissions in China and the same level in other economies around our region. We would have made it harder for Australia to help reduce global emissions, because we would have made it harder for ourselves to attract investment in expanded LNG production and exports into those countries. We would have made it harder for ourselves to keep the aluminium industry here in Australia, which is environmentally more efficient than those aluminium businesses in the other parts of the world. That would have led to higher emissions than would have been the case for the same level of economic output here in Australia.

There were many flaws with Labor's Carbon Pollution Reduction Scheme. The Greens at the time were quite right in joining the Liberal and National parties in voting that disastrous piece of legislation down. But let's just be very clear: this is a debate for later today during the MPI. This is not a debate we should be having during private senators' time, given Labor advised the Senate on Thursday—and indeed the Senate unanimously agreed in the placing of business—that it wished to place on the agenda for this morning the Productivity Commission Amendment (Addressing Inequality) Bill 2017. That is the bill that we're ready to debate here and now, and that is the debate that we should be getting on with instead of having one Labor stunt after another.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (10:46): When Anthony Albanese was elected Leader of the Labor Party, he said he was interested in fighting Tories. Well, he's given up on fighting Tories; he's now fighting the Greens. We've got the Liberals, a climate-denying, climate sceptic party that's in bed with the coal, oil and gas industries, and what are the Labor Party doing? Turning their attention to the Greens. We had half the country on fire last week. We have had the east coast burning. We have had people losing their homes. We have had horrific loss of life. Do you know what the response was from the Labor Party? Again, they joined the Liberal Party: 'Now's not the time to talk about climate change.' Well, the first time since those fires that the Labor Party has decided to talk about climate change is not to attack the government; it's to attack the Greens.

Melinda and Dean have a property that was destroyed. They've got leftover items from their northern New South Wales home. They've got a piece of burnt corrugated iron out the front. Do you know what it says? It says,

'Mr Morrison, your climate crisis destroyed my home'. What's the response of the Labor Party? 'It's the Greens' fault.' Well, how about, rather than looking to the past, you look to the present and actually decide what you want to do now? The Australian people don't give two hoots about a fight that happened 10 years ago. Why don't you go back to the Dismissal, for God's sake? Let's go back to the ALP-DLP split! Things would have been different if the ALP and DLP hadn't split! People care about what happens now. What they want to know is what you stand for.

If you are so desperate to have a carbon price introduced, let's get together and work on one. Let me remind you that we were the only party that took a carbon price to the last election. You are so desperate to talk about a policy that would have put a price on carbon. Well, let's work together and put one in. Let's do what the Australian people want us to do: let's price carbon so we can phase out coal and get on track to addressing the climate crisis that faces us. But, no, you're not interested in doing this; you're interested in a distraction. You're interested in whitewashing the legacy of Australia's first female Prime Minister. In 2010, after we defeated a terrible piece of public policy, we got what was described by the International Energy Agency as 'template legislation'. We got a price on carbon, the Clean Energy Finance Corporation and the establishment of the Australian Renewable Energy Agency. We got all of those things in place working constructively with Australia's first female Prime Minister and working constructively with the crossbench. We introduced legislation that, for the first time, brought down pollution. We had pollution come down, we had investment and we had model climate policy. And you want to talk about the past? Well, if the Labor Party hadn't torn itself apart with the Rudd-Gillard-Rudd fiasco, maybe Tony Abbott wouldn't have been effective in turning down that carbon price. Maybe we would still have a carbon price if you had your shit together and you actually worked cooperatively—

The PRESIDENT: Order, Senator Di Natale!

Senator DI NATALE: I withdraw. The question is this: what do we do from this point on? In the lead-up to the last election, I reached out to then opposition leader Bill Shorten. We met privately, and I said clearly and explicitly, 'We want to work together to get climate policy back on track.' Well, what did we hear? Crickets—we got crickets in return. I've met with Anthony Albanese and said to him: 'It's about time you focused your attention on the Liberals. We want to work together, and let us get climate policy back on track.' And what do we see? We reach out to the Leader of the Opposition and say: 'Let's work together on climate policy; let's recognise who the real enemy of climate change is in this place. It's the coal-hugging Liberals. It's the Liberal Party who are more interested in doing the bidding of their big corporate donors.' And what does the Leader of the Opposition do? He attacks the Greens. I say to Anthony Albanese, 'Remember, you're supposed to be here to fight the Tories not the Greens.' We have said we're prepared to work with you. How about you work with us?

The PRESIDENT: Order! Order! For the notice of the chamber, I'm going to go to the member of the ALP who moved the motion. I'll call for one more government speaker. And then, as the movers of the motion, I'll give a member of the opposition a third opportunity to speak, if they rise. It will be Senator McAllister and then Senator Canavan.

Senator McALLISTER (New South Wales) (10:52): This is a motion that asks this chamber to reflect on the performance of this parliament in managing energy policy and climate policy over the last decade. And it's not surprising that, once again, speakers from the coalition and speakers from the Greens combine to shut this down. They combine to say, 'Oh no, we don't want to talk about this.' And I wouldn't want to talk about it either, because the history is shameful. Ten years later—10 years after we had a chance to put in place a lasting, comprehensive, whole-of-economy approach to deal with both energy and emissions—energy policy is in a shambles. Emissions are going up and the government's own data shows that there is no sign of those emissions coming down. Prices are going up. Families are feeling it. And every day of delay means that the businesses which ought to be investing in new capability, in new energy infrastructure and in clean energy infrastructure that will provide good, secure jobs for Australian workers aren't investing, because there is no policy in place. And it is to the eternal shame of those sitting opposite that they've been unable to deliver this over the last six years.

It's not terribly surprising, in their case, because climate is the thing that continues to divide. They cannot reach an agreement. Only this weekend Malcolm Turnbull was out talking to the faithful, urging them to ignore Scott Morrison's advice that they all be quiet Australians, urging them to speak up and urging members of the Liberal Party to stand up for their values in relation to climate action. But I don't see that happening. I don't see this being resolved because this is the issue that divides the coalition party room. This is the issue that they can't fix, and this is why energy prices will continue to remain too high and our emissions will continue to go up and up: because they are a shambles.

But why don't the Greens party want to talk about this? The Greens party have never wanted to talk about this. The Labor Party are quite happy to talk about the things that go wrong. We have an open conference. Everyone can rock up and everyone can see it on television. When we do a review of our election performance, we put it in

the public domain because we believe in openness. We think democracy thrives on openness: not so the Greens. I challenge everybody in this place to name one occasion—just one occasion—when a member of the Greens political party has admitted they were wrong. I ask you to really rack your brains and think about whether those smug, self-entitled individuals down there have ever conceded they were wrong about a single thing. They certainly aren't conceding today that they missed the opportunity 10 years ago. In fact, they double down on it. They double down on it despite the fact, as Senator Wong pointed out, they were willing to vote for essentially the same set of arrangements just a couple of years later.

And why is it that the Greens pursue the strategies that they do? It's not pure. They are a political party. This is a group of people who used a whiteboard to strategise their spontaneous walkout on Senator Hanson. This is a group of people engaged in a kind of political game playing that is unparalleled in this place. And what do they want when it comes to environmental issues? What do they want when it comes to climate issues? They want these issues to remain hot and unresolved because that's the way that they can attack the Labor Party. It's best for them if Labor doesn't land solutions to these challenges. It's not good for the environment, it's not good for Australian households and it's not good for Australian business, but it is good for the electoral prospects of the Greens.

A more self-interested, shameless group of people promoting their own interests over the national interests I have never seen. This chamber is subjected to vitriol from that end of the chamber repeatedly, day after day after day. Senator Di Natale stands up here and asks us, 'Why don't you attack the Liberal Party?' I'll tell you why: because just every now and then, after 20 years of daily attacks on the one progressive party capable of legislating real change on climate, we return fire. We need to learn the lessons from the past. It is not enough to say, 'That's all in the past. Can we just all play nicely and get on with the future?' Some measure of reflection— (*Time expired*)

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (10:57): I am a little bit torn on this motion. Part of me would love to spend the next few hours debating this issue. Part of me thinks: let's spend the whole week debating this motion, because this motion fundamentally defines the difference between our two political positions in this place. On that side, there is not a problem in this country that the Labor Party do not think can be fixed through a tax. That is their principle. Every time an Australian hears the mention of the words 'carbon price', they must always remember that what the Labor Party are proposing—and, certainly, continue to propose—is a tax on the Australian people. When it comes to the problem of house prices in this country, the Labor Party propose a tax on those who want to invest in housing through negative gearing. When it comes to a budget problem that the Labor Party have because they want to spend so much money and because they want to keep spending money, they propose a tax on older Australians—a retiree tax. And when it comes to the problem that it might be a bit too hot outside, once again the Labor Party support a tax to try and fix it. That is the fundamental difference between our two sides. We don't think taxes solve problems; we think they create more problems than they solve, and the Australia people agree with us.

In saying all that, I don't think we should debate this motion for two hours in this place because the time to debate something in the Senate that happened 10 years ago was 10 years ago. That was the time to debate this. We had a long debate on this 10 years ago. I think it was one of the longest debates in the history of this place. Why do we need to rekindle this 10 years later? This government is not focused on events that happened 10 years ago; this government is focused on what we should do for the next 10 years for the Australian people. And the fact that the Labor Party have come into this place in the final week of parliament, when we have four days left to do things in 2019 for the Australian people, and, instead of wanting to talk about the next 10 years, they want to talk about something that happened 10 years ago just shows the bankruptcy of the modern Labor Party movement. They have no plans for the next 10 years. They don't know what they're going to do post their unexpected loss in May this year.

This just shows all Australians, leading into Christmas, that the Labor Party are all over the shop right now. What they're doing by coming in here and debating something from 10 years ago is showing that their obsession with what they call a carbon price—their obsession with a carbon tax—is like an old unrequited love from years gone by. They always return to it. It's like a high school sweetheart: they might have romances with other people but the Labor Party always return to a carbon tax and a carbon price. They always come back to it. They cannot get over this obsession with imposing taxes on Australians' electricity bills.

I heard Senator Wong earlier say there was apparently some unholy alliance between the Liberals, the Nationals and the Greens on this vote 10 years ago. She forgot to mention there was another participant in that alliance, the Australian people. The Australian people have clearly voted against a carbon price for the last 10 years. The Labor Party have taken a carbon tax or a carbon price to every election over the last 10 years and have been defeated every time. Sorry, I forgot: the Labor Party actually took to the 2010 election a policy of no carbon

taxes. Remember that? It was, 'No tax on carbon; no price on carbon under a government I lead', and that is the only one where they got a sort of half victory.

The Australian people are on the side of those in this chamber who don't want to impose a higher tax on the electricity prices that people pay. They don't support it for their own reasons, of course—we on this side believe that people should be helped with living costs, not have taxes imposed on them—but also they don't support it because higher electricity prices—a price on carbon, a carbon tax—put thousands of jobs in Australia at risk. The fundamental problem for the modern Labor Party is in their name. They no longer represent labour. They no longer represent the worker. They no longer stand up for jobs. Every time a test comes for them to stand up for coalmining jobs, to stand up for manufacturing jobs or to stand up for forestry worker jobs in Victoria right now they go missing. They go absolutely missing and depart the field. So for those Australians who want to have work, a strong manufacturing industry and jobs in well-paying industries like the mining sector there's only one choice now, because the Labor Party, despite their name, no longer stand up for them, no longer fight for them and will always sell their jobs out to the Greens. The reason we're having this debate is that the Labor Party are losing votes to the Greens. They have to have their preferences. They always sell out the working industries of this country.

Senator KITCHING (Victoria) (11:02): It is outrageous that today, the 10th anniversary of the Greens voting with the Liberals to block any meaningful action on climate change, a decision that has led to complete policy inaction in this area and the record high power prices we see today, the government would try to stop this debate. As we come to the end of the parliamentary year, today marks the day 10 years ago that the Senate voted down the Labor government's Carbon Pollution Reduction Scheme bills. Let me briefly recall what happened at that time for the benefit of those too young to remember those events and also for our friends at the end of the chamber, who perhaps have chosen to forget.

When Labor came to office in 2007 it pledged to take effective action against harmful climate change. The Prime Minister, Kevin Rudd, called a climate summit, at which he described climate change as 'the great moral challenge of our generation'. Labor's problem was that we did not have a majority in this Senate, not even with the support of the Greens—and one might have thought they could be counted on with these bills. So, in that parliament, any legislation tackling climate change had to have bipartisan support. That should not have been too difficult, since every leader of the Liberal Party up to that point had accepted the reality of climate change and the need for Australia to take action against it. John Howard, Dr Brendan Nelson, Malcolm Turnbull—they all accepted those two facts. Even so, it took two years of negotiation for Senator Wong, the then Minister for Climate Change and Water, and her opposition counterpart, Ian Macfarlane, to reach agreement on legislation to put a price on carbon. That legislation embodied the best scientific advice of that time, which was that the best way for Australia to fight climate change was to put in place a market mechanism—those opposite say they are the party of the market; they were not in that instance—that created incentives for businesses and households to reduce the use of carbon fuels and thus reduce greenhouse gas emissions.

Let's go to Dr Martin Parkinson's recent comments, in the last couple of days, on this point. Only a few days ago, Dr Parkinson reminded us that the last decade of policy turmoil could have been avoided and that, 'Had only the Greens decided not to lay down with the Liberal Party in a marriage of cynical convenience, Australians would today be enjoying lower power prices.' He said that, in fact, 'electricity prices for households have risen 45 per cent over this time and 60 per cent for manufacturers'. Dr Parkinson has directly linked this with the Senate's decision to block the scheme at that time. Unfortunately, I won't have time to go into the government's total inaction on that, because I actually want to come back to our friends at the end of the chamber. Dr Bob Brown, the then Leader of the Greens, announced at that time that the Greens would oppose the bills. In defending their position, the Greens put forward two arguments. The first was that the bills did not go far enough and the second was that Labor had not tried to negotiate better bills with the Greens. That was their complaint. That was what Dr Brown complained about. They fell for the political trap of allowing the perfect to be the enemy of the good. Why? Because they are a party of all care and no responsibility. That is the problem with the Greens.

I want to turn to a bit of political theory—particularly, Jean-Pierre Faye's book *Le Siècle des ideologies*. In that very interesting book, which I would recommend that people read, he describes the 'horseshoe theory'. In political science, the horseshoe theory asserts that the far Left and the far Right, rather than being at opposite and opposing ends of a linear political continuum, closely resemble one another and, in fact, are not at the opposite ends of a horseshoe but they are close together. I do recommend his book. It is quite interesting and probably quite relevant to the current situation in the British election, because it also goes into why the far Right and the far Left are anti-Semitic. It is actually a very interesting book.

I have pages and pages on the Greens and their litany of problems and how they are in fact are a party of all care and no responsibility, but that will all have to wait for another day. (*Time expired*)

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

The Senate divided. [11:12]

(The President—Hon. Scott Ryan)

Ayes35
Noes37
Majority.....2

AYES

Ayres, T
Brown, CL
Chisholm, A
Di Natale, R
Faruqi, M
Gallagher, KR
Hanson, P
Kitching, K
McAllister, J
McKim, NJ
Polley, H
Rice, J
Sheldon, A
Smith, M
Sterle, G
Walsh, J
Watt, M
Wong, P

Bilyk, CL
Carr, KJ
Ciccione, R (teller)
Dodson, P
Gallagher, AM
Green, N
Hanson-Young, SC
Lines, S
McCarthy, M
O'Neill, D
Pratt, LC
Roberts, M
Siewert, R
Steele-John, J
Urquhart, AE
Waters, LJ
Whish-Wilson, PS

NOES

Abetz, E
Askew, W
Birmingham, SJ
Brockman, S
Cash, MC
Cormann, M
Duniam, J
Fierravanti-Wells, C
Henderson, SM
Hume, J
McDonald, S
McKenzie, B
Molan, AJ
Patrick, RL
Rennick, G
Ruston, A
Scarr, P
Smith, DA (teller)
Van, D

Antic, A
Bernardi, C
Bragg, A J
Canavan, MJ
Colbeck, R
Davey, P
Fawcett, DJ
Griff, S
Hughes, H
Lambie, J
McGrath, J
McMahon, S
O'Sullivan, MA
Payne, MA
Reynolds, L
Ryan, SM
Seselja, Z
Stoker, AJ

PAIRS

Farrell, D
Keneally, KK

Paterson, J
Chandler, C

Question negated.

BILLS

Productivity Commission Amendment (Addressing Inequality) Bill 2017

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator McALLISTER (New South Wales) (11:15): I rise to speak on the Productivity Commission Amendment (Addressing Inequality) Bill 2017. I note that this is not the first time that I've introduced this bill into

this chamber and, indeed, I encourage senators to consider the debate that took place on the last occasion that this bill was introduced, because it was a quite fruitful debate and one I think worthy of this chamber.

This bill seeks to place inequality firmly on the agenda of our country's most influential economic policy institution, the Productivity Commission, and it comes at a time when inequality in Australia is at a record high and when global leaders have been warning that inequality threatens the global economy. The Productivity Commission, as everybody understands, is tasked with providing research and policy advice on industry, industry development and productivity, and its scope is broad; it encompasses both specific industries and the productivity performance of the economy as a whole. It has significant influence, and most people could easily identify economic debates over the last 30 years where the commission's intervention has been decisive. It hasn't always been to people's liking, but it is a very influential institution.

We can no longer afford to allow this advice to be developed insensible to the significance of economic inequality. The commission actually has quite a long list of things that it is required to consider, and it's worth reviewing. In the performance of its functions, the commission must have regard to the need to improve the overall economic performance of the economy through higher productivity in the public and the private sectors. It should have regard to reducing regulation of industry, including regulation by the states, territories and local government, where that is consistent with the social and economic goals of the Commonwealth government. It's supposed to encourage the development and growth of Australian industries that are efficient in their use of resources, enterprising, innovative and internationally competitive. It's tasked with facilitating adjustment to structural changes in the economy and the avoidance of social and economic hardships arising from those changes. It's supposed to recognise the interests of industries, employees, consumers and the community likely to be affected by measures proposed by the commission. It's tasked with increasing employment in regional areas. It's tasked with promoting regional development. It's supposed to recognise the progress made by Australia's trading partners in reducing both tariff and non-tariff barriers, to ensure that industry develops in a way that is ecologically sustainable and also to ensure that Australia meets its international obligations and commitments.

That's a big long list, and it's a good list. I don't object to anything on that list. But it is a problem that one of the key things, one of the key public debates of the last decade, is not mentioned, and that is whether the distribution of wealth and income in contemporary Australia is fair and whether it is economically efficient. We can't afford to starve our government of credible, focused research on inequality. The Productivity Commission is, in fact, well-placed to apply substantial resources to generating this kind of analysis, and the bill would require the commission to do that. It would ask them to table an inequality report every five years, and it suggests that this report would be aligned with the *Intergenerational Report*. So, at the same time as we receive an important piece of policy advice as a parliament and as a public about how we are dealing with generational changes and the ageing population, we would also receive a report about how we are going with equality and inequality. Doing that would bring, I assert, valuable analysis to a debate that in fact is already raging.

This weekend, *The Australian* republished an article originally published in *The Economist*, and it's a very interesting article. It observes—I think uncontroversially—that, during the debate over the last few years, a growing consensus has emerged that, over the last four or five decades, the income of the top one per cent of income earners has soared relative to the rest of the population; middle incomes have stagnated; wages have remained broadly stagnant—that's certainly true in the Australian case—and the ability of the wealthy to invest their income in assets which have in turn appreciated in value and generated additional sources of income for those wealthy individuals; is exacerbating these concerns. *The Economist* doesn't actually reproduce these assertions uncritically. In fact, they go through each of those points and they reproduce arguments that are being made by economists around the world to contest those points. I don't agree with all of the information that's in that article. And I imagine that, later on in the debate, there'll be senators from the other side of the chamber who stand up and approvingly cite the rebuttals that are printed in *The Australian*. It's a good piece of writing. It's good to have a debate about these things. But wouldn't it be helpful if the Productivity Commission—one of the premier economic institutions in this country, a public sector institution tasked with supporting the parliament, the government and the Australian people to make good decisions about the future—regularly engaged with that debate. That would be useful, and that, indeed, is the purpose of this bill.

There are political reasons to tackle inequality, to tangle with it and get a grip on what it means. I think there is a credible argument that a sense of being left behind—a sense of being shut out of the economic benefits of our system—is leading to populism here and overseas. Regularly we hear employers say: 'Couldn't we just get back to evidence based policy? Couldn't we just make it all sensible like it used to be in the good old days in the eighties and nineties?' I hear that from business groups, but I think the reason that it is so difficult to engage in a conversation about reform is that there is not fundamental agreement about whether or not the economic arrangements as presently structured are fair. It gives rise to extremist voices—and I point to that general area of

the crossbenches in the chamber—who promise all sorts of magic beans and all sorts of solutions to a disaffected community who feel that they are being left behind. That's not good for our politics, because those arguments and those promises are broadly fraudulent. They can't be delivered, and, if they could be, they wouldn't deliver the benefits that are promised. But it doesn't let everybody else off the hook. This parliament needs to engage with questions of inequality and questions of fairness.

Over the last 12 to 18 months the Reserve Bank has been very consistent. At one point the governor called on workers to demand higher wages. This week we saw the government trying to remove the capacity of workers to demand higher wages through their unions through an extreme industrial relations bill that, happily, was defeated in this place. But the Reserve Bank thinks that we need higher wages. The Reserve Bank has repeatedly pointed to this as a problem in Australia's economy, a reason for the sluggish performance overall of the economy and a challenge to the retail sector, which recently has posted one of its worst results in terms of retail performance in the last couple of decades. The Business Council has helpfully written that, rather than being allowed to pool in certain cities or among certain citizens, the business community must ensure that the benefits are felt by all. That's the right approach, and I am heartened by that sentiment.

We can't forget that inequality is present, is important and is also not new. It was important before Brexit. It was important before Trump. It affected ordinary people's lives long before it affected our political system. It threatened families' security and stability before it threatened access to global markets. We shouldn't have to look to shock election results to find an imperative to address inequality, because the imperative to address inequality lies in basic fairness. It lies in supporting those families working harder for less, those families sandwiched between one generation who fear they may never be able to afford to buy a house and another generation who fear they will never be able to afford to retire. It's important that we deal with these challenges.

Australians, I think, like to think that we are removed from some of the challenges and some of the inequalities that we observe in other comparable countries like the United States and the United Kingdom. In some ways, we are. Income and asset concentration in Australia is a fraction of what it is in the United States. Thanks to an activist Labor government, the GFC did not hit us as hard as it did other countries, and that is in part because we entered the GFC with less inequality than other countries. During the 2000s, Australia's middle incomes grew strongly, unlike other countries in the OECD that experienced slow growth or falling middle incomes. As I mentioned, the Labor intervention—the stimulus—made at the beginning of the GFC prevented widespread joblessness and the inequality that came with that. We should be proud as a country of that intervention.

But none of this has insulated us from the broader trends that have been at play since the 1980s. And it's not just the result of high-income earners being able to negotiate better pay packages. These things reflect broader changes in the way our shared prosperity is divided. During the 1990s, wages decoupled from productivity growth, and this is the challenge that the Reserve Bank has been pointing to. How do we bring these things back together? Even though Australian workers are more efficient and productive than ever, we are not being rewarded for it in wages. The labour share of national income in Australia has dropped from 75 per cent in the 1970s to just 53 per cent in 2016. To be very clear, it means that investment pays better than work, at least if you can afford to invest. These dynamics weigh on our social structure and on our economy.

There are some people who sort of say: 'Well, so what? We ought to be focused on prosperity, not inequality.' This is to make a fundamental error about how our economy works. The dichotomy between prosperity and fairness is false. More equal societies grow more quickly. This is not just wishful thinking; it is the considered view of hard-headed economists in like the IMF, the World Bank and the Bank of England. On a microeconomic level, inequality creates barriers to people starting a business, going to university or participating fully in the economy. It also impacts on growth. Increasing the pay of low- and average-income earners boosts growth more than increasing returns to the well-off does. Households in these categories spend more of their extra income stimulating the economy. The OECD estimated that income inequality between 1985 and 2005 reduced economic growth amongst its member states by almost five per cent. Whatever excuses there might once have been for ignoring economic equality have dropped away. All the signs demand action: economics, political pragmatism and basic fairness.

This bill doesn't solve inequality. We need concerted action. We need access to education, we need to strengthen workplace rights, we need to make our tax system fairer and our welfare system fairer, and this bill doesn't do those things. It's a modest bill, but it establishes a first step to build the policy infrastructure to take those steps. It seeks to use the public service institutions that we have, the expertise that we have, to look at inequality and properly address it.

We have a proud tradition in Australia of innovative policy mechanisms to deliver on public policy. Medicare remains an extraordinary achievement. Globally, our superannuation system is much admired. Today we need to retool our institutions to address some of the challenges of our times. The growing disparity in wealth and income

is surely one of them. The Productivity Commission is an institution that can help us with this challenge, and I commend this bill. This bill will make sure that the Productivity Commission is alive to one of the most significant moral and social imperatives of today: economic inequality.

Senator BRAGG (New South Wales) (11:30): I want to talk today about the Productivity Commission Amendment (Addressing Inequality) Bill 2017, which purports to stand for inequality, and I want to preface all my comments this morning with our contrasting views of how this can be achieved. We are very much of the view that we, as Australians, should always be striving to grow the pie, to create more opportunities for every Australian, rather than trying to divvy up or slice up an existing pie or potentially a smaller pie. Where we stand today on inequality is fairly clear. The Gini coefficient and also the HILDA data show that over the last couple of decades inequality has been fairly stable in this nation. In fact, on some indications, it has actually reduced over the past few years.

When I talk about no policies for growth, what I really mean is a smaller overall pie, fewer opportunities for Australians to have a good life. Now, the first place I think we should start on this little journey is with Labor's tax policies. In the last election Labor's two centrepiece policies were a new housing tax, which was proposed to create more houses, if you can believe that logic for more than a millisecond, and the now infamous retirees tax. The Master Builders Association commissioned some economic research into the housing tax, which showed it would have resulted in 42,000 fewer homes across Australia, 32,000 fewer jobs, \$11 billion less in building activity and overall, frankly, a weaker economy.

The managing director of SQM Research, Louis Christopher, also looked into this absurd housing tax. He said: In short, if Labor's Negative Gearing policy is legislated in its current form, we expect a rise in rental yields which will occur through a combination of ... falling dwelling prices and, eventually, a rise in rents.

Basically, what you would have seen were higher rents. Higher rents will often result in more and more difficulties for lower-income Australians, who have a smaller buffer in which to pay that higher rent. SQM expected that if the housing tax policy had been legislated by a Labor government, there would have been higher rents of between seven and 12 per cent over the 2020 to 2022 period, and in New South Wales it would have been 10 per cent higher rents in Sydney. So there would have been higher rents from that tax, which was proposed to create more houses, which is just hilarious.

Labor's other primary tax was a tax on retirees, basically an unfair and retrospective tax that would have hit 900,000 people with changes to dividend imputation, which could never have been foreseen. Labor, during the election, said that people were 'overinvested in Australian shares', which is basically saying that people shouldn't invest in Australian companies. This tax, the retiree tax, was designed by the industry super funds to create more market share for these funds at the expense of other types of superannuation funds. There's a fund called Australian Super, which during the election campaign said the imputation changes would have 'no material impact on net investment returns'. So the whole of the superannuation sector would have had significant changes but, of course, not the industry super funds—which is just fascinating, isn't it? Former leader Bill Shorten said last week: We misread the mood about franking credits. In hindsight there were a lot of people who felt vulnerable.

And rightly so. Because the franking credits policy, or the retiree tax, would actually have affected a lot of quite vulnerable people, people who would have scrimped and saved for their retirement only to see this retrospective and unfair tax come into place.

Then we go on to industrial relations, which we spent a lot of last week discussing. Labor can't even support laws which would have upheld the integrity of large parts of the economy. Labor, frankly, have given a green light to the CFMMEU—which has already seen fines of over \$16 million have no impact on this union—which has no regard to the law and which basically treats these court fines like speeding tickets. There's another union called the NUW, which has spent \$650,000 of members' money on botox, tattoos, cruises, divorce lawyers and weight-loss surgery. So that's all good, apparently. But, of course, unions occupy a privileged position in this nation, where they have a monopoly on representation of workers. What we're saying is, like any other organisation, they should follow the law. The law is, obviously, far too weak.

If you want to talk about banks, that's good: we'll talk about banks. The banks have had a royal commission, they've had a bank levy, and we've put in place the BEAR regime—so, basically, you'll see longer jail sentences and steeper financial penalties for banks, compared to the ensuring integrity bill. If you can't even do the right thing by workers, and if you can't do the thing by the people of Australia, who expect good governance in all institutions, whether it be a bank or a union, then you can't really say that you're seriously concerned about inequality. Why on earth would people want to invest in some of these sectors? If you're a small business in the construction sector, where you're seeing a 30 per cent premium because of the lawlessness of the CFMMEU and other unions, why on earth would you be investing in that sector?

That takes us through industrial relations. Of course, in this area we are interested in an ideology-free discussion, because we're not owned by anyone. That's why the Attorney-General and Minister for Industrial Relations has today put out an issues paper looking at, again, where we can improve things—in this case today, how we can actually work together and how workers and business owners can work together. That is because we're interested in collaboration and in doing the right thing by all Australians. We're not owned by anyone. We're not actually controlled by vested interests.

Then we go on to Labor's trade policies, where Labor failed to do a large trade deal in office. They inherited the China FTA, they inherited the Japan FTA, and they couldn't do these deals because the unions said no. They said: 'No, you can't do those trade deals. We're not interested in more work, we're not interested in more investment; we're just interested in running an isolationist, closed-shop economy.' Labor had six years and they failed to do those two trade deals. Within 14 months of coming to office, we have been able to do trade deals with China, Japan and Korea, because we're not hung up on ideological concerns—like the Labor party is—about investor-state dispute settlement. The Department of Foreign Affairs said that Labor's trade policy at the last election would:

risk undermining a key element of our comprehensive strategic partnership and delaying the benefits of (the trade deal) to Australian farmers and businesses.

Our record is expanding the coverage of trade agreements from 26 per cent to 70 per cent, and we want to get to 90 per cent. In the last two weeks we've signed a new trade deal, known as the RCEP deal, and just last week the Senate passed new trade agreements with Indonesia, Peru and Hong Kong. So, while we're always looking to expand markets and to expand opportunities for Australian businesses to export into these markets, thereby creating new work, the Labor Party's record has been absolutely dismal. Everywhere you look, you see a smaller and smaller market with fewer and fewer opportunities for Australian workers.

Then we go to small business, where we have put in place practical measures to improve the opportunities for small business. In the area of government procurement, the Commonwealth now pays invoices within 30 days. But we want to do still better in this space. At the BCA dinner a few weeks ago, the PM said:

A recent example is our commitment to pay invoices to small businesses that use e-invoicing, not 20 days, within 5 business days, 5 business days. That's where we are going now ... Cash flow is king for any business – particularly small business – so this is an enormous incentive for small businesses to switch to e-invoicing.

We're also looking to award more small businesses with government contracts, and under our government, under the stewardship of Senator Cormann, the total value of Commonwealth contracts awarded to SMEs has gone from \$12 billion in 2017-18 to \$16 billion in 2018-19, which is a 29 per cent increase.

Overall, we're always trying to grow the pie. The Labor Party wants to talk about inequality, but a smaller pie which is cut up without being grown will always be a more unequal and less prosperous nation. That's why we've always been committed to tax cuts for small businesses and people—giving people back more of their money—and completing trade deals, like we have with a whole slew of nations. This has been a golden era in creating new exports for Australian companies. And we're also committed to better governance. We think that every organisation, be it a bank or a union, should be working for its constituents. We're not owned by anyone. Certainly we're not owned by unions or banks, unlike our opponents. We do think that the only way to grow the pie and to reduce inequality is to show a commitment to less tax, less regulation, ultimately a better market for Australian exporters, more trade and more investment. We're committed to the private economy doing well and creating more and more opportunities for small businesses and workers.

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:42): I rise to speak on the Productivity Commission Amendment (Addressing Inequality) Bill 2017. This bill is a relatively short bill on a very important issue. It will require the Productivity Commission to:

... undertake research on inequality and its effects on the Australian economy and community, and report to the Minister ...

Another amendment in a different section is to:

... mitigate the negative effects of inequality on the Australian economy and the Australian community.

It talks about tabling the report, but it also talks about the contents of the inequality report, which I think goes to the heart of this extremely important issue. It says:

An inequality report is to assess:

- (a) economic inequality in Australia's regions and cities; and
- (b) the effects of economic inequality on:
 - (i) intergenerational mobility; and
 - (ii) access to social, economic, educational and other opportunities for members of the Australian community; and

- (iii) social, economic, educational and other outcomes for members of the Australian community; and
- (iv) the performance of the Australian economy; and
- (c) the extent to which current Government policies affect economic inequality.

It's really important that we get this sort of information because we continue to have these arguments in the public sphere about whether inequality has increased or decreased. The fact is that we have very significant inequality in this country. The last time we had this debate—and we heard it raised again this morning—there was the issue around the Gini coefficient. You can take the Gini coefficient at two points in time and say, 'Oh, look, it's the same.' The fact is—and I mentioned this in my contribution during the last parliament when this bill was introduced—the way that the Gini coefficient is quoted in the debates on inequality at the moment misses the impact of the global financial crisis and the efforts that were taken in this country to ensure that we avoided the worst impacts of the global financial crisis.

But I want to go back to the very important issues that the report would be required to talk about. First, let's look at inequality in Australia's regions and cities. We know that inequality has a significant impact in the regions. There are a number of people on low incomes living in the regions. Some actually go to the regions because rents, supposedly, are cheaper. But rents are going up in some of these locations and the cost of living is much higher. These sorts of issues are extremely important.

I particularly want to go to the impacts of inequality. I have been chairing the inquiry into Newstart, youth allowance and other payments. So far, we have held hearings in seven different places around Australia. We have been in regional centres, as well. What I want to touch on is the lived experience that we're hearing about from people living on low incomes, in this instance Newstart and youth allowance. In the first instance, we've heard about the impact on families, and particularly on children. They talk about children being kept away from school on some days because their parents can't afford to send lunch. They talk about children not being able to participate in school activities, which we know are a very important part of the education process—not being able to go on school camps, for example. We hear about children who cannot engage in social activities, such as going to a child's birthday party, because they can't afford to pay for a present for the child to take. We hear about children not being able to host birthday parties. If you can't put food on the table under normal circumstances, how can you pay for a party for your child's school friends? These things are impacting on children's education.

We all know that even public schools now are requiring payment of fees. In most cases, they say these are voluntary, but even not being able to pay voluntary fees has been impacting on the family. It has an impact on the way they feel about themselves and it can stigmatise people. I've also heard of children being excluded from certain activities because their parents haven't paid their so-called voluntary fees. That all has an impact on how the child grows up. I would argue that if they're missing out on some of those foundational requirements for their education, it also has a significant impact on intergenerational inequality, let alone their not being able to enter either university or our vastly underfunded and, I would very strongly argue, undermined TAFE system. So, growing inequality in this country is severely impacting on education.

On the subject of people's capacity to participate in social activities, one of the issues that people spoke about a lot in giving us their lived experience with trying to exist on low incomes is the isolation that people feel. Research is clearly showing the devastating impact of isolation on a person's wellbeing. People are unable to participate in a variety of social activities and they talked also about being stuck at home because they can't run a car. In a lot of cases they can't afford it, particularly if it breaks down—that's it. Very often, they can't afford bus fares.

Then we come to the issue of the impact of inequality on somebody's health and wellbeing. What we heard from people talking of their lived experience is that you can forget about any dental treatment, because the public waiting lists are so long and they simply can't afford to go to the dentist. We know of the impact that poor dental health outcomes have on people's health, to begin with. We also know that if their teeth go unattended it can have an impact on their sense of wellbeing. Also, quite frankly, it can impact on their capacity to find work, particularly if they are unhealthy as a result of their lack of dental treatment.

We also have heard of people not being able to afford their medications. This is a really, really significant issue. We heard of people having to choose between being able to eat and use their insulin, for example. So people are making a choice between whether they eat, or skip a meal or a number of meals, in order to be able to afford their medications. We heard of parents choosing to ensure their children got their medication and not themselves. This, of course, plays into people's health. It becomes a barrier to good health, a barrier to employment and has a significant impact on their wellbeing.

We also heard about the impact of the fact that people are missing meals. There is such a thing as 'nutritional poverty'. In other words, people are buying calorie-dense, often unhealthy, food because it actually fills your

stomach and it means you're not going hungry and your kids aren't going hungry. This is a very significant issue and it is a growing issue—and I will come to the issues around Foodbank in a moment.

There is also the issue—and people have spoken about it—of access to affordable housing and the fact that housing is more and more difficult for people. I think there is a lack of understanding by the government about the impact of unaffordable housing and the fact that people are spending a very high proportion of their very low income on rent, and the impact that has on the other issues I have just mentioned such as their children's ability to participate in school and social activities—that is, for people to be able to afford health.

The growing digital divide and digital poverty is also a huge issue. For example, the government is shifting—and wants to shift even more—it's mutual obligations under the compliance program to digital. So people have to have a computer or have access to the internet so that they can participate in the employment process to try and find work and also to meet their mutual obligations. So if you can't afford the internet, if you can't afford a mobile phone, a tablet or a laptop, it is yet another barrier to employment. It is yet another area where you can then be subject to the compliance framework. Again, it is all part of the inequality in this country which then plays out very strongly into intergenerational mobility.

We are hearing more and more about intergenerational poverty. It is created by wealth inequality and income inequality. We need the Productivity Commission to look at those issues. One of the areas that is included in this bill, which is very important, is the extent to which current government policies affect economic inequality. That is particularly important because government keeps denying that its policies are having a direct impact on equality in this country. You only have to look at the government's flat refusal to increase Newstart and youth allowance. The impacts that I've just described are people's lived experience—homelessness as a direct result of not being able to keep a roof over your head because Newstart isn't high enough. There is a direct impact—the increasing demand on Foodbank, for example. We heard during Anti-Poverty Week of the increase in poverty in this country and the role that payments such as Newstart and youth allowance play in that increase in poverty. But that's not the only flaw in the government's approach—for example, the disability support pension. I've got to say, the previous government also played a role in the situation we're seeing at the moment, which is an increasing number of people being denied access to the disability support pension, when they really should be on that pension. They are now struggling to survive with a disability, with a vulnerability, on Newstart. Again, yet another barrier to employment, and it's increasing inequality.

While people would argue that this bill is not about lifting people out of inequality and addressing inequality, I'd argue that it would strongly assist with that, because it would point out what the current impact of inequality is. It would start trying to properly measure the degree of inequality and also specifically look at what role government policy is playing to worsen that. One would think that they would then look at that information and want to do something about it. For example, let's look at Newstart and what the government could do to address inequality by addressing Newstart. That would be of significant assistance in addressing inequality in this country.

I remind the chamber of some of the basics about poverty. Of all Australians living below the poverty line, 53 per cent relied on social security as their main source of income, hence the importance of these payments. This shows that our current rates of income support payments are keeping people below the poverty line. There are currently over 700,000 children living in poverty. The *Foodbank hunger report 2019* found that the number of people seeking food relief has increased by 22 per cent over the last 12 months. It also found that 42 per cent of people experience food insecurity because they are living on a low income or pension. The Anglicare *Jobs availability snapshot 2019* highlighted that it is taking people, on average, five years to find work.

Newstart is not a transition plan. It is not a transition payment anymore, because, over the last 25 years, guess what? The world has changed. Australia has changed. There are fewer jobs available. It's not so easy to find another job if you fall out of employment. Over 40 per cent of people that are on Newstart have a partial capacity to work. Those things do not suit well a system that is based on the concept of 'it is a transition payment' when, on average, people are on Newstart for 156 weeks. That is not transition in anybody's imagination.

We've seen the number of sick or disabled people on Newstart skyrocket over the past few years. We now have over 300,000 people on Newstart who are sick or disabled. As I said earlier, people are being forced to choose, literally, between eating and taking their medication. They will space that out and prioritise their children. If you look at the replacement rate, Newstart is the second-lowest unemployment payment in the OECD. We have obligations internationally under the Sustainable Development Goals. The first goal is to end poverty in all its forms everywhere. This sets a target for all nations to halve the proportion of people and children living in poverty by 2030 according to national definitions—of course, that would be better if we had a definition of 'poverty'.

This is an important bill. I'm not pretending that it would solve the issues of inequality. I'm not pretending that it instantly solve the massive wealth inequality issues we have or the massive income inequality issues we have in

this country. But it would certainly help us to force the government to look at which government policies are driving or helping to drive inequality and which policies could help to address inequality in this country. It would help end this constant toing and froing about whether inequality is growing or not in this country and help us to focus on the things that matter in terms of addressing inequality in this country. The Greens will be supporting this bill.

Senator SHELDON (New South Wales) (11:59): I rise with a great deal of pleasure to support the Productivity Commission Amendment (Addressing Inequality) Bill 2017. It seems absolutely practical to turn around and make sure that we've got a system that is tested, properly reviewed and researched to look at what's happening with inequality within our society. This is a significant and important piece of looking to make sure that the policies and strategies being implemented by government and civil society are performing in the direction that we want. We want to raise the entire community. We want to raise the standard of the community.

I listened with great interest to some comments from the other side of the chamber a bit earlier in this debate. Somehow, the ensuring integrity bill not going through is hampering equality. I find it amazing to hear suggestions that paying wages and superannuation is somehow a detriment, when the cost of building is 30 per cent higher, as alleged by the MBA, and, at the same time, the MBA and the intent of this ensuring integrity bill are actually hampering the voice of working people to stand up and argue for better conditions across a whole range of industries. I find it also of great interest when the suggestion is put, again from the other side of the chamber, that we need to expand the pie and create a larger pie. That's something that I'm sure many of us in this chamber would agree with. But how about we start looking at the fact that \$6 billion has been stolen in wage theft from the construction industry? What contribution is that having to inequality? I would say it's substantial. What about the 2.2 million people on visas working in this country, the vast majority of whom are getting paid substantially less than they're legally entitled to? What about the migrant task force dealing with the inequality for migrant workers that has a whole series of recommendations that the government has yet to implement? What if we start putting a system in the Productivity Commission which has to start rating the government's performance? Our job in this chamber should be to grow equality and the performance of the economy.

I looked with great interest at the government's suggestion on how we deal with inequality. It is really intriguing. What the government has decided to do with inequality—and there are many examples over the last seven years of their term, as inequality continues to grow—is not support weekend penalty rates on numerous occasions. What the government did about inequality was not support—on numerous occasions—having an inquiry into the banking industry, which was hampering the economy growing. What's really quite amazing is that, regarding how we deal with inequality in more modern times—I'm talking about now—the government has turned around and decided that we need to review modern awards. We know that's all a code for turning around and taking away people's rights, for taking away their wages and taking away the sorts of incomes that actually deal with the issue of inequality. They're not suggesting—nowhere in the media are they suggesting—that we should say that wages should be increased under the modern award system in any substantive way to deal with the issues of inequality. Also, they want to look at unfair dismissal laws and protections. We also know that's code for 'how do we wipe out people's protections?' When you argue for equality, having dismissal protections means that people can't be victimised or are less likely to be victimised. People have more opportunity to turn around and have a voice. That is the quiet Australians, but what the government are really saying when they talk about the 'quiet Australians' is that they want to 'quieten Australians'. They want to silence Australians.

You've only got to see the sorts of results that are happening in our society now because of inequality. A very important address by Chris Bowen at the Macquarie University Economics of Health, Inequality and Behaviour conference held on 11 November looked at: 'Is inequality our biggest health risk?'

At that conference there was a focus on the importance of the social determinants of health in policy design. We know from recent work of Professor Philip Clarke and Guido Erreygers that the average life expectancy gap between the bottom 20 per cent of population and the top 20 per cent in socioeconomic terms is six years in Australia. Wealthy people live six years longer than poor people.

In 2007, Professor Clarke and Professor Andrew Leigh, in the lower House, presented a paper that further reported on the widening gap of inequality, and it is not reducing. The latest Australian Bureau of Statistics data in 2018 said death rates for residents, for example, in Rooty Hill in Western Sydney were nine people per thousand. This is three times more than the death rate for advantaged areas in Sydney like Crows Nest. Analysis of some ABS data by Macquarie University's Professor Nick Parr shows a 14.5 per cent reduction in death rates for the most advantaged 10 per cent of Sydney areas over the last six years. This is triple the average improvement in the most disadvantaged suburbs. One of Western Sydney University's professors for urban planning, Nicky Morrison, recently said:

Where you live shapes how easy it is to buy healthy food, use active transport and make social connections. The concentration of food deserts is particularly pronounced within Sydney's western suburbs, which compounds the problem of lower socio-economic groups eating poorer diets leading to associated health problems.

And while we know food deserts aren't the sole key driver, we know that this, in conjunction with conditionality of income, hours of employment and many other factors prone to those in the western suburbs increase nutrition inequality and lead to those residents being sicker and dying sooner. We also know that people in rural and remote areas of Australia are 13 per cent more likely to be inactive. They're 50 per cent more likely to drink at risky levels, and they're 69 per cent more likely to smoke. And those people are 40 per cent more likely to wait 24 hours for an urgent GP appointment. All these factors lead to a gap in life expectancy between the city and the bush which is, at its worst, 15 years.

Productivity is dramatically affected when so many Australians' poor health because of their wealth, or more accurately lack of wealth, is impacting on their lives. The amendment required the Productivity Commission to consider the importance of mitigating negative impacts of inequality on the Australian economy in the Australian community.

A recent study by authors Craig MacMillan, lecturer in economics at Macquarie University; Daehoon Nahm, senior lecturer of the department of economics at Macquarie University; and Michael Dobbie reported on 20 March 2018 said:

Over recent decades in Australia union membership has fallen from 40% of the workforce in 1990 to 15% in 2016 and so unions might seem less relevant in making a difference to what we earn. But our research finds that union members do earn higher wages per hour than non-union members.

It starts all coming together, doesn't it, about the ensuring integrity bill taking away the hand of representational rights of unions, democracy, voice of working people and the government's plan to turn around and go after awards. But the authors go on to say:

This is because union members have more experience with their current employer, in their occupation and in the labour market generally, than non-union members.

The study used data from the Household Income and Labour Dynamics in Australia, HILDA, Survey from 2001 to 2013. From a sample of 80,000 workers, it showed that male union members earned 12 per cent more per hour than non-union workers and that female union members earned 80 per cent more per hour than female non-union workers. They explored the pay differences and how they could be explained between the two groups, and they went on to say:

In economics, the more knowledge and skills a worker has, the higher productivity and wages they'll have.

That's the presumption, but they went on to say:

However formal education didn't seem to factor in as a decider of differences in wages between unionists and non-unionists in the study. Rather, these findings suggest that when unions negotiate collective agreements for members they are concerned about employment security, as well as wages and this is a deciding factor.

It also went on to say that the majority of union agreements also had particular workplace training requirements in them, which added to productivity:

This data found there were training initiatives in 80% of union negotiated agreements, compared to 52% of non-union agreements.

This goes clearly to the argument that if the government were actually thinking about what is in the interests of productivity and what is in the interests of dealing with issues of inequality then they'd not only be studying it and requiring the Productivity Commission to report on it but implementing policies that brought the question of inequality into the very fine detail of the opportunities to turn around and deal with that inequality. Of course, the government, as they say, are doing the opposite.

One of the important things in this Productivity Commission recommendation is to produce a report every five years on the state of inequality in Australia and its effects. This is part of a larger debate in the world about the measures and impacts of inequality. The World Bank, the Reserve Bank and the IMF—those three radical institutions; well, not so radical, but they are maybe having a radical thought for some on the opposite side—talk about stagnant wages and the fact that wage income is not increasing being a substantial downward pressure on the economy, that there is a need for capacity for people to turn around and earn more. You do that by people having a voice. You do that by what had been considered for many decades as obligatory in civil society in this country: the involvement of government, employers and worker representatives. But we find this government, rather, drowning out the voices of the World Bank, the Reserve Bank and the IMF by saying, 'How do we put more impediments into that voice realising wage increases?'

How do we actually deal with the inequality question? They have failed to turn around and look at the most fundamental ways of making sure that workers are properly dealt with. We've had 2.2 million temporary visas, with many of those workers having their wages thieved—being underpaid and exploited—and what was the answer from the government? Over a short period of time they've substantially increased the amount of temporary visas which have come into the country. We're part of the larger debate in the world about these measures and impacts of inequality—what is measured and what matters. How you measure inequality matters greatly. The Productivity Commission's work often sets the national agenda. Its research informs government opinion and the national narrative around issues of importance. Currently, we're not taking inequality into account. The commission is leaving out a significant piece of the puzzle.

The report from the three academics I mentioned earlier looked at these fundamental questions about better performance, higher training, higher skills, higher wages and more job security that are prevalent in union agreements in comparison with non-union agreements and where agreements don't exist. They came to the fundamental conclusion that not only is being in a union good for equality but, if you look at these other reports and recommendations, it's also good for the entire economy. Equality and the economy benefit from proper productivity and proper wages being paid. They benefit from the fact that we can have a better system for making sure that workers get paid an appropriate income and have appropriate job security. It means the Productivity Commission can actually road-test by research the decisions and policies that are made both within civil society and, incredibly importantly, by government—people within this chamber and the House.

Wealth inequality in Australia creates a host of policy problems. It affects our health. It affects educational outcomes. It affects happiness and satisfaction in work and life. It also affects economic management, reducing consumption and demand for goods, adversely affecting economic growth. The OECD, in its figures from 1980-2010, predicted that there would be a 5.5 per cent lack of economic growth across the world because of this inequality question. These are significant impacts on the livelihood, the fairness and the capacity of people to look after their families. As previously raised, Newstart is another area of inequality where the government again has sat on its hands. It doesn't have a policy of turning around and actually dealing with inequality—in actual fact, let's keep growing the pie!

Growing the pie without equality, without measuring it, doesn't grow the pie in any substantive way if inequality hasn't been dealt with. If you can't look at the inequality questions that we have presently within the community, if you can't look at it in the abstract, research based, figurative way carried out by the Productivity Commission rather than just concentrating on all the other intangibles then you are not dealing with the fundamental question about what our obligation is in driving for a better society within Australia. It raises serious questions about any suggestion that this bill should not be supported. It raises serious questions about accountability. It raises serious questions of transparency. It raises serious questions about the government's policies. It raises serious questions about the policies the government is presently pursuing.

In much of the debate on the ensuring integrity bill many senators spoke about the effect of that bill on stripping away workers' rights—an opportunity to talk about a particular instance with armoured car drivers and inequality, and the consequences of driving conditions down and driving well-paid union jobs into unsafe, non-paid union jobs. I can also touch on the bus industry, the virtues of equality of power and what the consequences of that bill would be. Workers who had been working in buses under assault from individuals in the community put bans on areas, which would have been illegal now under this act and would be reason to deregister a union. One example was in Western Sydney. A bus driver of some 15 years, a grandfather, was driving his bus up a hill with a large number of passengers on his bus—by all accounts, a happy, jovial fellow, well respected by his local community, well respected by his fellow bus drivers—and he looked up to see a barrel of fuel, set alight, roll down the hill on to the bus. One of his colleagues, only months later, had a star picket thrown through the bus window as he was driving the bus, not only putting his life at risk but all those passengers, those young kids who were going to school. I'm proud to say that the union put bans on those areas until it got a proper response from the community, the politicians and the police that it had been calling for for a very long time. That would be illegal under the bill that was being proposed. The unions would have been deregistered over that. Union officials would be terminated from their positions because they had the audacity to stand up and say: 'We need a solution. We need a solution now.' They aren't make-believe examples; they're real-life examples of why laws have to be appropriate. This country is sleepwalking into a crisis of inequality. I reject the new normal, and it's only the new normal if we let it be.

Debate interrupted.

DOCUMENTS

Charity Fundraising in the 21st Century: Select Committee

Order for the Production of Documents

Senator SESELJA (Australian Capital Territory—Assistant Minister for Finance, Charities and Electoral Matters) (12:20): I table my response to part (a) of the order. I refer to the letter I've just tabled in the Senate in response to the order for the production of documents outlining why the government is not in a position to table a response to the report at this time.

The Senate Select Committee on Charity Fundraising in the 21st Century report recommended that the government respond to the ACNC review and work with state and territory governments alongside the charity sector to harmonise fundraising laws. The government is finalising its response to the ACNC review and the Senate select committee report. The government has consulted widely with the sector throughout the process and is still consulting with stakeholders on the review's recommendations. We are committed to ensuring we get the response right and put in place the best legal framework for the sector. The government intends to deliver a response to the ACNC review and the Senate select committee report in the first half of next year.

Senator BILYK (Tasmania) (12:21): I move:

That the Senate take note of the response of the minister.

There is nothing in that minister's weak, quite pathetic explanation that excuses the government's delay in fixing charity fundraising law or their delay in responding to the Senate inquiry. An explanation from a minister that basically amounts to, 'We'll get to it when we can,' is barely an explanation at all. Senator Seselja and all his colleagues on that side of the chamber should be very embarrassed. It has now been more than 18 months since the Australian Charities and Not-for-profits Commission legislation review was handed to the government. Eighteen months! What do they do on that side of the chamber? Eighteen months and they're still not able to give us a response.

When the ACNC review was released, the minister at the time, Minister Sukkar, was quick off the blocks to announce that the government would be working to harmonise charity law. That was a few weeks before the Liberal leadership spill. Shortly after the spill, Senator Seselja became the assistant minister for charities—the sixth charities minister in six years—and unfortunately he's been missing in action the whole time on fixing charity fundraising law. In an interview in September with *Pro Bono News*, Senator Seselja said that the government's response to the ACNC review would be released, 'If not later on this year, then certainly early next year.' Well, how early is 'early'? Does the minister's vague response, vague spin, mean the sector could end up waiting almost two years for the ACNC review to see the response? And if the government remains committed to harmonising charity fundraising law, when can we expect them to actually start discussing it with their state and territory counterparts, or introducing legislation?

Are those opposite really waiting for a fourth term before addressing this issue? It has been more than nine months since I tabled the report of the Senate Select Committee on Charity Fundraising in the 21st Century as chair of the committee. The committee unanimously recommended that the Australian government work with states and territories to achieve a national, harmonised fundraising law within two years. This recommendation was not only supported by Labor, Greens and United Australia Party senators, it was supported by the Liberals' Senators Abetz and Stoker.

While government responses to committee reports are frequently late, a six-month-overdue response to a report with only two—two!—recommendations is inexcusable. In fact, it's lazy and it's incompetent. Not only have the government failed to respond to the Senate inquiry report, they have failed to take any meaningful action on this important issue. And it's astounding that this government have even ignored the call for action from their own senators. I note the minister couldn't even be bothered to stay in to listen to the debate about it. That's how much he cares about it.

The DEPUTY PRESIDENT: Senator Bilyk, it's not appropriate to reflect on whether ministers—or indeed any senators—are in or out of the chamber.

Senator BILYK: I withdraw. It might have been nice if the minister had stayed to listen to the debate.

Charities fundraising online have to register with seven different states and territories to comply—seven different sets of charity regulations. These state and territory laws are mostly a product of a time when fundraising primarily involved going from door to door, rattling a tin. In one state there is even a law on the statute book that bans fundraising by collecting money using a tin attached to a pole because collectors once used them to tap on the windows of carriages. That's how out of date some of the charity laws are in this country. It's a great example of how many of our charity fundraising laws are for a bygone era. Fixing this problem does require one thing:

national leadership. In the 21st century, when so much charity fundraising is done online, it makes sense to have a single, focused, national set of regulations governing fundraising. But it appears pretty difficult to make those opposite understand this reality and act on it when we have an analog government, as I said the other day, operating in a digital age.

In the meantime, charities labour under a mountain of paperwork, and the contributions of their donors are eroded by this bureaucratic nightmare. Charities themselves are reporting that, without harmonised fundraising laws, they are spending at least \$15 million a year on unnecessary paperwork. That figure comes from a Deloitte Access Economics report. The figure is even higher if you include other not-for-profits, and some of the witnesses whose gave evidence to the Senate inquiry believe this figure to be a gross underestimate. This is a colossal waste of money which charities should be able to direct to their charitable causes.

Instead of fixing this problem, the Morrison government are letting down Australian charities and charitable donors. Despite their stated commitment to take action on bringing Australia's fundraising laws into the 21st century, I have seen nothing from the government to demonstrate that they have any intention of progressing this important reform. In August this year, they missed a really important opportunity, the latest meeting of the Consumer Affairs Forum, held in Queenstown, New Zealand. This forum, a meeting of Commonwealth, state, territory and New Zealand consumer affairs ministers, would have been the perfect opportunity to discuss steps towards harmonising charity fundraising laws, but the issue was not even on the agenda, which shows what the government thinks of charities. The minister's sorry excuse of an explanation does not address the question of why the government has failed to give Australian charities the support they need.

Labor has already done much of the heavy lifting by establishing the ACNC, but since those opposite came to power progress has ground to a halt. As if the government's lack of action on fundraising reform isn't bad enough, this government has spent the last six years waging war on Australian charities. As I said earlier, they've had six ministers responsible for charities in six years. Shortly after coming to office they tried to abolish the ACNC, despite its establishment being recommended by more than a dozen reviews and having the overwhelming support of the charities and not-for-profit sector. Had they succeeded, it would have set back action on harmonising charity fundraising laws by years, or probably decades. Ironically, the legislation to abolish the ACNC was contained in one of the government's omnibus repeal bills which was supposedly designed to reduce red tape. Well, the charities wouldn't have been able to reduce their red tape.

When the government failed to get that legislation through parliament, they appointed a charity critic as the head of the organisation. Then we had attempts by the government to introduce legislation to gag charities and to prevent them from advocating on social and environmental causes. As much as Mr Morrison likes quiet Australians, it appears he prefers silent Australians, but charities won't be silenced. This action prompted two open letters from the charities and not-for-profit sector to the Prime Minister. In one of those letters, the signatories wrote:

The proposed Bills conflate advocacy for good policy with political campaigning for elections. They impose severe criminal penalties on expression and access to information that is central to public debate and accountability in a democratic society. The changes will stop charities, community organizations and not-for-profits from speaking out about issues that are of great importance to the Australian community.

The Morrison government's continued assault on the most trusted sector in Australia is completely outrageous. With the government demonstrating over and over again their contempt for charities, it's no wonder they're dragging their feet on fundraising law reform and keeping charities in the dark. Following his excuse for an explanation to this parliament, I invite Senator Seselja to come back into this place and provide genuine answers to the following questions: when will the Morrison government respond to the report of the Senate Select Committee on Charity Fundraising in the 21st Century—on what date? What is the time frame to finally fix fundraising, and why has it taken them so long? To what degree will their plan include harmonisation of existing state and territory laws, and to what degree will it involve the expansion of the Australian Consumer Law? When is the minister going to negotiate these changes with the states and territories?

It's time for Senator Seselja and the Morrison government to come clean, outline their plan for reform and commit to fundraising law reform as a matter of urgency. Charities and not-for-profits are crying out for action, and every month that this government drags its feet is costing the sector over \$1 million in unnecessary red tape. We will not accept any more excuses or delays, and neither will Australians, charities and not-for-profits. As I said, the Morrison government's been dragging its feet for way too long on charity fundraising law reform. It's been more than 18 months since the five-year review of the Australian Charities and Not-for-profits Commission was delivered to government and more than nine months since the Senate Select Committee on Charity Fundraising in the 21st Century tabled its report. (*Time expired*).

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:31): I rise to take note of the minister's response to the order for the production of documents and the quite frankly minimal and poor response we got from the government. This is an area that has been in need of reform for a very long time, and we all know that the government has been dragging its feet for a very long time. As Senator Bilyk pointed out, they have steadfastly tried, first, to not support the ACNC and then to constantly undermine the ACNC. They are trying to get rid of it and, I would argue, trying to hinder the very important work that it does.

The minister's response was that the government is still considering and consulting with stakeholders on the report's recommendations. They've had 18 months. I would also argue that many of their recommendations would not have been new to the government. These have been on the agenda for a very long time. They then say that the government is finalising its response to the ACNC legislative review and, as part of this process, has consulted closely with the sector on a variety of issues including fundraising. Fundraising has been on the sector's agenda for an extremely long time. How much longer does the government need to consult, when the sector has pretty strong views about it? That is why I find their response to the two recommendations disappointing. The first recommendation from the committee says:

The committee recommends that the Australian government urgently provide a public response to the recommendations made in the review panel's report, *Strengthening for Purpose: Australian Charities and Not-for-profits Commission Legislation Review*.

That's what the government says they're still consulting about, when they've had the report for 18 months. They're consulting on many points which there is strong consensus on through the sector and which they could progress. Fair enough—maybe there are some tricky bits in it; start working on the other bits. The other recommendation, which I'm particularly concerned about, states:

The committee recommends the Australian Government commit to working with state and territory governments and the not-for-profit sector to develop a consistent national model for regulating not-for-profit and charitable fundraising activities within a time limit of two years.

They're clearly not going to make that time limit. Charities and the not-for-profit sector have been working on this for an exceedingly long time. When I used to work in the not-for-profit sector—in the charity sector—we were trying to get reform in this area for a very, very long time. And there's been a lot of work done within the sector, which is why they want to make sure that the Australian Consumer Law framework is actually used for this purpose. For some reason, the government has been relentlessly opposing that approach. One must ask why they have been opposing it so relentlessly. It virtually implies that getting the states and territories on board with reforms to fundraising and harmonisation across the country are intractable problems. Yet the sector is doing a lot of work on it, because they know it is costing them \$15 million. I would argue that that is a conservative estimate of how much it is costing. Perhaps the government wants the sector to be using the \$15 million, which they could be using on their work. They are wasting that money on administration, because the government won't get its act together and address the issue.

One of the key reasons we need this addressed now is that we're no longer in the 'string on a can' approach. We're no longer in the horse and buggy approach. We're in the digital age and what is very clear in the evidence we've got during the inquiry is that in the digital age people are—surprise, surprise—raising funds online and are therefore having to comply with up to seven or eight different sets of state and territory laws in Australia. So—and I hate to say this—it is highly likely that a number of charities and not-for-profits are probably breaking state and territory laws, or, as we heard during the inquiry, having to turn down donations because they don't meet the requirements. And if they don't know which state or territory a donation came from, they're in deep doo-doo.

This issue is very important for our not-for-profit and charitable sector, which is why they have put so much time into this for so many years. What does the government say? 'Oh, we're still consulting.' The sector has been consulted and consulted and consulted. They told you very clearly what they need. The ACNC review has told you very clearly what is needed, but you need to consult some more? How about listening to the sector. How about making sure that you are committed to action. We talked about the need for government leadership, but we also need a government commitment to fixing this issue and recognising that it is now seriously holding back our charity and not-for-profit sector.

The ACNC legislative review, which the government has so far taken 18 months to respond to, found that the most appropriate way to reform fundraising laws is in fact through the Australian consumer law framework. The sector is also saying this. Are you continuing to consult, just because you haven't got the answer you want? Is that why? Is it because you don't want to do it? Is that why you've been resisting for so long and not addressing these really important issues?

The sector does invaluable work. Very often, we try to put a value on the amount of work that they do, but, quite frankly, it is invaluable. Without this sector, we wouldn't function as a civil society. Civil society is

absolutely critical to the community, to the work of this place and to supporting everything across the community, whether it is sports groups, food relief groups, emergency relief groups or advocacy organisations. We in this place all know that civil society are the leaders, and they are quite clearly the leaders when it comes to changing our fundraising laws, because they've been saying it over and over again. They said it even before we had the much stronger move to the digital space, and that's where a lot of fundraising goes on. Is the government really this slow in being able to respond to what is quickly becoming an urgent situation? Do they really not see that this is hampering the community sector? Is it perhaps that they don't mind the fact that it is happening, because they are certainly trying a lot of other blockages under the wheels of the community sector. They've undermined the ACNC and tried to attack their role of advocacy. There are gag clauses still operating. They've failed to address the ERO issue. There are lots of things that this government is doing to frustrate the role of the community sector. Harmonising our fundraising laws is an essential part of supporting the community and the not-for-profit sector in this country, which they've failed to do. The government need to look at these recommendations. They need to urgently respond to these recommendations. They've had long enough, and they're certainly not going to meet the time frames that were articulated in this committee report. I urge the government to respond in a meaningful manner and actually commit to harmonising our fundraising laws, and that requires their leadership. So they should also commit to taking a leadership role on this issue.

Senator SHELDON (New South Wales) (12:40): Just today we've had a debate about inequality, and one of the things that's particularly important in dealing with inequality is the charitable sector. We've seen growing inequality. We've seen more people needing the services of charity. And what's the government's response? They've failed to deliver. I'll put it this way: in the first 12 months after this report came out there was an election, so that was 12 months when they were too lazy, and in the last six months it has come down to incompetence. This is \$15 million that could be spent on supporting our communities. And that's the minimum, saying nothing of the time, effort, resources and frustration of the charity sector, which puts valuable effort into its fight to bring inequality to heel. This government has failed to deliver. It's leaving the community in the dark. Who would have known that the issue of charity fundraising would be so controversial in the inner workings of the government for it to be unable to respond in the most simple of ways to a review.

Over 18 months ago, the government received the Australian charities and not-for-profits commission legislative review, a review with over 30 recommendations that would have seen a harmonising of charity fundraising, giving the sector certainty and assurance for the future. It's not like the government hasn't had warning that the issue needs to be dealt with. There have been many discussions. There have been many representations. There have been many consultations. It's clear what needs to be done. But the first thing that has to be done is that the government needs to act.

My colleague Senator Bilyk chaired the Senate Select Committee on Charity Fundraising in the 21st Century, a committee that provided the bipartisan and unanimous recommendations that the federal government implement and achieve a national harmonised fundraising law within two years. These recommendations were supported by the Liberal members of the committee: Senators Abetz and Stoker. That committee's work was finished more than nine months ago and the government hasn't responded to that committee either.

This sector needs an overhaul and regulation going forward. It's interesting that, when the government look at red tape, they often look at red tape when it's somebody's rights—that is, when it's something you have to take off them because it's getting in the way. But on this occasion this is red tape that can actually release the opportunity for charities to go out into our communities and spend those resources on lifting our community. That's red tape the government doesn't want to act on. When you've got red tape that takes away people's rights, they act quickly; when you've got red tape that can actually lift the community, they act slowly. And that goes to the heart of what has made this government tick these last seven years.

Clearly, they went to the last election without any idea of having a policy about what they were going to do. We've just heard that we're now going to have to wait approximately another nine months. Isn't this just absolutely incredible? The government is dealing with red tape—the red tape champions. When it comes to rights, we know what they champion: taking them away! We've seen this in the government's announcements in a number of other areas, such as modern awards and unfair dismissal protections. But they're also slow in dealing with other issues of red tape and in actually putting laws and regulations in to protect people—certainly, people in workplaces and the Migrant Workers' Taskforce; it still hasn't been acted upon. Senator Bilyk raised a series of questions.

The current scheme is out of date and a throwback to the time before the internet. It is out of date; it needs an overhaul! It's obvious. Why is the government so intent on making the work of charities more difficult? The government didn't actually come in here and give an explanation of their incompetence, they just said what they weren't going to do and how long it might take. This is absolutely appalling. It's appalling and it's incompetent. It's lazy and it's inefficient.

Senator Bilyk mentioned previously that there is a cost to the government's failure to act. Research by Deloitte Access Economics found that charities are spending upwards of \$15 million a year, as I mentioned, in attempting to comply with seven sets of regulations. And some suggest this figure is on the lower end of what those unharmonised regulations are costing. As I said, \$15 million in charitable funds are not going to good causes because of the government's failure.

But the government's failure to deliver a response to the review isn't the only instance of neglect by this government with regard to charities. They've had six ministers for the charities in six years. Now that's heart and soul, isn't it? Doesn't that really go to the heart and soul of what makes this government tick? It's the pass that keeps being passed. You'd think you'd find somebody in six ministers who would actually say: 'I'm going to make sure that this works. I'm going to make sure I deliver for our communities.' You'd think you'd find somebody with the passion and the drive to do that, wouldn't you? And yet we're still waiting for responses.

The government has been dragging its feet way too long in fundraising reform. Organisations have been forced to deal with outdated fundraising laws that have varied from state to state, and this is not just a number on a page; it means that real people are getting less help. Right now there are charities supporting communities devastated by drought and bushfires, and who are helping out families who are struggling to get by. They have less to work with because Scott Morrison and his charities ministers are dragging their feet. I can think of a pile of people who would say, 'I want to be a minister.' I hope that there are actually some people on the other side who want to be a minister—people who want to pull their finger out and make some changes. I would be congratulating them if they actually got off their backsides and started doing something that makes a difference for these charities and that makes a difference for all of our community. But, no, they're not clamouring to get on board and do something; they just can't wait to get off board. They can't wait to jump ship to something else, because this is just not a priority for this government.

The Senate committee fundraising report recommended that parliament reform this over two years ago, as I said. Fundraising reform advocates want a nationally consistent, fit-for-purpose charitable fundraising regime created by repealing the state and ACT legislation. It requires the government to start acting on inequality. It requires the government to start acting on what the charities have called for. It requires the government to look at the ACNC review, to harmonise charity laws and to harmonise fundraising—to give the capacity to the community to go out and make that difference that so many of them are making.

It must be horrific, if you're sitting there in a charity and waiting 18 months now—it will be two years on the timing the minister has just given us—saying: 'This government just doesn't care. I'm out there slogging away, as a charity worker, to make a difference.' You're seeing mums and dads in difficult situations. You're seeing people in horrific circumstances. I certainly wouldn't suggest that anybody in this House doesn't have a commitment in one form or another—I would question whether it is sufficient—for the victims of the bushfires. But commitment is more than just a hollow group of words. Commitment is more than just a press statement. Commitment is more than just turning around and biding your time—

Senator Bilyk: And more than just delays.

Senator SHELDON: And it's more than just delays and delays and delays and delays. It is action, and there's a need to have action taken in the charity sector. There is a need to give charities the opportunity to turn around and do more of the good work that they are delivering so well across our communities across the country. In my home state of New South Wales, I know the difficulties and challenges with many of the bushfires now. I've recently been up to Nabitac and seen some of the horrific circumstances that people have found themselves in, and the daily challenge they face of having to go to safe zones. The government needs to act and it needs to act now.

Senator WALSH (Victoria) (12:51): I also rise to take note of Minister Seselja's response to this order for the production of documents. May I say what a disappointment that response was—to wait this long for the response that, 'We're still consulting on it.' Charities around the country and the people who rely on them will be understandably disappointed, because they really can't wait any longer for a solution to this issue. They may wonder, and we all may wonder: does this government do any heavy lifting on anything that comes before it? It sure doesn't look like it. Today, we can add fundraising law to a long list of other issues that they have, apparently, absolutely no plan for and that they are stalling on and won't get moving on. This is just one of many of those issues. They have no plan for our faltering economy, no plan to address climate change, no plan to tackle flat wage growth, no plan to address rising bills and out of control energy prices, and the list goes on.

In fact, in that context, the work that charities and nonprofits do is all the more important. It is extremely important work, and they deserve more from this government, because when people do fall on tough times it is often charities and nonprofits that are there to lend a hand. I'm thinking of charities like Foodbank. Foodbank is an amazing charity that helps feed Australians who are suffering from food insecurity. That is an issue that is all too

common in our country today. Today there are one in five Australians who were experiencing food insecurity in the last year. It is really distressing to report that about a quarter of those are children. Foodbank is just one of the charities that really needs action from this government to reform fundraising laws. This is a charity that distributes food and groceries to over 2,400 charity partners to help feed food-insecure Australians. Without them, many of these people would just have to go hungry.

It's a problem that's not going away, because even though Foodbank already provides relief to 815,000 Australians every month, they've seen a massive rise in the number of people seeking food relief in the past 12 months. This is a charity that's on the frontline which is dealing with this absolutely pressing national issue, and they are doing so much to support Australians who are experiencing hunger. What they rely on, of course, to be able to do this incredibly important work—to operate and provide this support—is the generosity of the Australians who donate. I am sure that all of those people who make donations to this organisation would want their money to be used as efficiently as possible. They would want their money to go to actually feeding people who are hungry. They would want their money to go to as many people as directly as possible. So we have to wonder how many extra mouths charities like Foodbank could feed if they didn't have to spend time and money on the administration associated with fundraising laws that really belong well in the previous century and not this one.

As we know, according to the sector itself, Australian charities are losing at least \$15 million a year on these unnecessary compliance costs that are caused by the overlapping of the different funding laws we have in every state and in the ACT as well. These laws might have made sense before the invention of the internet when fundraisers were still essentially going door to door. But now, in this century, when most fundraising happens online, these laws are absolutely outdated, and the compliance work associated with them is costing our charities who do this work that is so important at least \$1.25 million each month. Again, that money could be going towards furthering the social, environmental and other causes that the donors intended their money to go to and not to these unnecessary administration and compliance costs.

To us on this side of the chamber, given how long the government has taken to respond to this and given the response we got from Minister Seselja—that he is still just consulting—it really seems like this government doesn't care about the compliance costs, the red tape, that charities and the not-for-profit sector are facing. Since the report was tabled by the committee earlier this year, charities have wasted over \$10 million on these annual costs. Again I think the public, particularly those who donate to those good causes, would be absolutely shocked and extremely disappointed in the government's attitude. I am pretty sure that no-one donates to a charity thinking how great it would be if that money gets lost in red tape, gets lost in those costs just don't need to be there.

But these costs are just part of the problem, and perhaps we shouldn't be too surprised that it's taken the government so long to respond to this particular issue and this particular committee report. We know that this government move pretty slowly and they don't like scrutiny. We have seen repeated examples of this recently. They don't like it when charities speak out and advocate on their areas of concern. It really doesn't matter who you are in Australia today—a journalist, a trade union or a charity—if you are speaking out against something that the government is doing, if you're advocating against the government, it wants to shut you up.

The government doesn't seem to care when charities like Foodbank are feeding food-insecure Australians—of course it wants them to do that—but if they advocate and speak out about why so many Australians are actually facing food insecurity the government becomes pretty unhappy. It's now been 18 months since the Australian Charities and Not-for-profits Commission legislation review and there has been no response and no action from this government. Maybe the problem they are facing is that they are just so busy focusing on the other important issues that are facing our country today. Perhaps that's why they haven't yet responded to this legislation review. Perhaps that's why they're not taking the time to respond to this committee report. Well, unfortunately, we know it is not the case that their response on this is so slow because they are taking so much action in other parts of the economy and in other parts of society—because while they've been ignoring these calls for important reforms around charity fundraising laws they've been ignoring lots of other pressing issues as well. They've been ignoring the state of our faltering economy. They've been ignoring record low wage growth. They've been ignoring the rising cost of living. They've been ignoring rampant wage theft. We know that in recent weeks they've been ignoring the criminal activity of the major banks. They've been ignoring the falling living standards of Australians. They've been ignoring the record high levels of underemployment. Basically, if it might take some focus to fix it, then this government is probably ignoring it. Instead of taking action on all of those things and important matters like the one that is in front of us now, they've been focusing on a few other things in an effort to distract us from the things that really matter. We've seen that in recent weeks too, with attacking workers' right to organise being a big focus of this government.

Like with so many pressing issues in our country right now, it is really time that the government stopped sitting on its hands on this issue and did some work to support the charity and not-for-profit sector. The ACNC report and the committee report, which was endorsed widely, made it clear what the recommendations are regarding unifying national fundraising law and the urgent need to fix it. You are the government. This is your job. It's time you got on and fixed it. *(Time expired)*

Senator O'NEILL (New South Wales) (13:01): I concur by echoing: yes, we sadly have the Liberal and National parties as our government. It is their job to fix it, and they well and truly should have fixed it. In fact, they've been talking about doing good things for the charities sector for a very long time. Even before they came into government, I can remember attending a number of inquiries as a member of the other place, when I was the member for Robertson, about what was going on in the charities sector. That was in 2011 or 2012, but here we are in 2019, six ministers in six years into the third term of this government, and they still aren't doing the job that they need to do for ordinary Australians. People who want to help fellow Australians, who want to support charities, are sadly suffering under the misguided perception that this government will look after charities, that they will do their job and that they will do the correct thing and make sure that charities can get as many of those dollars that Australians are generous enough to donate to the causes that those charities are supporting. Sadly, what we've got is a government with not just this minister but the five ministers who preceded him who are missing in action.

The reason we're having this debate today is that Senator Bilyk, from Tasmania, who ably led the inquiry into what was going on around the Australian Charities and Not-for-profit's Commission and made a series of recommendations, shared it. She was supported ably in that job by Senator Rachel Siewert as the deputy chair. I note that another Tasmanian, Senator Abetz, was on that, as well as Senator Burston, who is no longer with us; Senator David Smith; and Senator Amanda Stoker. They were all on it. There were two recommendations. They were pretty clear. They said the government needs to get on with it:

... the Australian government urgently provide a public response to the recommendations made in the review panel's report, *Strengthening for Purpose: Australian Charities and Not-for-profits Commission Legislation Review*.

I don't know what 'urgent' means to this government. Clearly not the same thing that it means to ordinary Australians who have been donating in the period of time since this report came out, with millions of Australians donating to support people struggling in the drought and millions of Australians putting funds in to support people who are being impacted by the fires in this country. Nine months was not enough time for this government to get on and do the job that needed to be done. Shame on this government and shame on the government's minister, their representative in this field, Senator Seselja, for failing to produce documents and a sufficient explanation of why this important and urgent matter has been so overlooked.

The cost of not doing this was documented by our colleague in the other place Mr Andrew Leigh. He has made it very clear that the evidence found by Senator Bilyk shows that fundraising charities face a paperwork burden every year of around \$15 million. I don't know about you. Maybe some people have so much money that \$15 million doesn't sound big to them but it sounds like a pretty big number to me. To those people across this country who are the beneficiaries of the investment that we make in their welfare, not just through our tax dollars but by personal commitment to supporting charities, this government owes so much more than it has given—so much more. All they had to do was show up and do their day job, respond to the good work of committees like this and bring in legislation that would mean that \$15 million more donated by Australians would be in the pockets of those who need it or in the services provision for those who need it. But do you think we have seen that legislation? No, no, they're in here trying to bust unions. They are in here making sure to vote against Senator Hanson again today so she can't get a dairy inquiry up. The National Party voted against it. I suppose she is doing their job, so you might understand it. This is what is going on with this government: anything—anything—that might get them a headline, anything that will satisfy their ideological lust to hurt the most vulnerable is what they are advancing, not sensible legislation like that which has been recommended by the Senate Community Affairs Legislation Committee.

Let me tell you a little bit about some of the work that I have seen our charitable institutions doing. I really want to give a plug to the Salvation Army, one of the most trusted institutions in this country. For families who have somebody in their family they love who is facing addiction, I don't know any other organisation that has given so many people so much hope by the provision of drug rehabilitation services. That is money that should be going into those charities. Just in this period of time, \$15 million has not been provided for service provision to those families facing Christmas who know that someone they love needs that service. Well, \$15 million isn't there because this government didn't show up to do its work.

In addition to that, I am a product of Catholic education, very proudly. I remember fundraising in my own classrooms. I can remember back to year 3 and bringing in little 2c coins as donations to help charities,

particularly St Vincent de Paul. And I want to give a shout out to the great leadership being offered to Catholic social services by former senator Ursula Stephens, who is now leading Catholic Care nationally. Right across this country in the closing weeks of term, there will be young kids, who will be bringing in pocket money, who will be going home and raiding their pantries and bringing in goods to put together baskets for St Vincent de Paul through the Mini Vinnies program to give food and presents to families who might not be looking down the barrel of a great Christmas. That's happening in our Catholic schools and, indeed, in lots and lots of schools. Most schools across the country will be doing their bit to support the charity that they believe in by giving of themselves, giving from their families to those in their community around them who need just a little bit of help right now. That \$15 million of investment that could be going to people is just being soaked up in the sort of red tape that all my colleagues have spoken about.

I remember hearing in those original hearings 'report once, use often'. What we've got is charities reporting in every state and jurisdiction around the country multiple times, trying to keep up with all the different laws across the states. All this government has to do is read the report and make a national set of laws. There are a couple of ways they could do that. We don't really care which method they use, but take the problem away from the people who can't fix it. Only the government can fix this problem. They've got a recipe to do it but they don't care enough to act. This is not a priority for them. It is a priority for you and me, it is a priority for ordinary Australians but it is not a priority for this arrogant, out-of-touch and stubborn government that is more committed to an ideological battle in this place than to serving the Australian people who—I still find it difficult to understand—gave them the authority of governance again. The reality is there are great challenges facing Australians this Christmas.

Recently when I was out in Wagga Wagga, I went to an institution that is significantly supported by St Vincent de Paul in that community. I saw something I never thought I'd see in this country, and it's heartbreaking. I walked in and there was a basket filled with bread. That basket was emptied by people who came in off the street to get bread because they hadn't had any food at all over the weekend, for themselves or their children. In the time that I went behind the front desk and met with volunteers, who were giving their services to that charity to help look after people in their community, that bread basket had been completely emptied and refilled. That is happening in our country because of insecure wages, insecure work, a failure in managing the economy and a failure to support charities in doing the job that they have to do to catch the people who are falling off the edge of our society because this government is too arrogant to do its day job. It is a disgrace, and it shames me to think that that's what I saw this year in our country, in Wagga Wagga, where the Deputy Prime Minister is supposed to be helping that community. That is happening in every community across this country—people who've worked for 35 years losing their jobs, put on Newstart that they can't live on, unable to see the benefit of Christmas. This government is hard-hearted; it lacks care, it lacks due diligence and it lacks the capacity to do its job. It's a great disgrace to this nation. (*Time expired*)

Senator GREEN (Queensland) (13:11): What a very sad state of affairs we find ourselves in here today in the Senate, having to bring to the Senate's attention the very real lack of action by this government to do its job when it comes to regulating and supporting our fabulous charities all across the country. I am very concerned about the lack of response to this select committee report on charities, and I do believe that it is characteristic of a systematic problem of this government to get in there and do the hard work, to respond to the recommendations of reviews that are made by select committees, by organisations and by government authorities and to put in the hard work to do the reform that is needed to help Australians.

The charities that we are talking about today do hard work in our community. They help people all around Australia. Where I am from in Far North Queensland, everybody would know that we have particularly incredible charities, and people are working tirelessly to do the hard work to help Australians. Some of them that come to mind straight off the bat are the fantastic organisations that have been pulling together to bring attention to suicide prevention in Far North Queensland. Those organisations that do that hard work do it because our community has lost people too early and too soon, and they need our help. The government's lack of action in this area is heartless. It is another example of the government not putting in the hard work to provide the regulatory reform needed to help charities like those in Far North Queensland.

This select committee report is not the first time that this charity law has been considered. We know that there have been six reviews and six ministers but no action in this area. That is really an astounding number, and you wonder how many ministers it's going to take before someone actually rolls up their sleeves and does the hard work that people in our community are out there doing. The government's failure to respond to these recommendations—I will say one of the recommendations actually just referred back to another report and other recommendations because the government hadn't responded to those! Obviously the report I'm talking about is the ACNC report, and that started in 2017. Those recommendations have been available to the government for 18 months. There are 30 recommendations in that report, and the select committee report actually drew a few of those

recommendations out to draw the attention of the government to those recommendations that are their responsibility.

Ultimately, I just want to read from one of those recommendations: 'A single national scheme for charities and not-for-profits to be developed.' That's a simple recommendation. Yes, some hard work is needed to get there. But this recommendation has been on the books for 18 months and now has been part of a select committee report, with the hard work that senators in this place have done to go through and look at the reviews that have been done and, again, to make those same recommendations. And yet when we've asked the minister to come in here to respond to an order for production of documents, he can't do it. He can't provide the government's response to these recommendations.

We really have to start to wonder what this government has been doing for those 18 months. What have those ministers who were responsible for this area been doing instead of responding to this information? When I heard the words 'recommendations', 'report' and 'no response', I have to say that it reminded me of so many other circumstances which we're in at the moment—particularly with the ACCC report into insurance. I'll take a moment to talk about this report, because it shows that this government are systematically not responding to recommendations that are made by the select committees or government authorities which have gone in and done the reviews, putting in the hard time. They've spent taxpayer dollars, I imagine, to get the information that the government need to implement good policy, but the government are not interested in it. They won't even respond to it. The ACCC report has been available and it has 28 recommendations for government to respond to. The government haven't responded to a single one of them. I asked the government in estimates, 'When are you going to respond?' The answer was, 'In due course'.

Insurance prices are going up and up in North Queensland. We have the situation where the archdiocese in Townsville is considering not insuring its properties, and it won't be able to provide the services it provides because of insurance costs. This is another regulatory burden on good charities and people doing good, hard work. But this government think it's too hard; that it's just too hard even to respond. I would like to see the government come in here and respond to all of these recommendations from these reports—the ACCC report on insurance, particularly, and also the report about charities. But the government are not interested in transparency and accountability. We know that. We know they're not interested in talking about what they're doing with their time.

Two very good examples of that come to mind. I don't know when we will ever see the drought envoy's report tabled in parliament. Actually, we know we won't because it was provided by text message! So we know that we won't get those reports tabled in parliament. That's because the government don't care about transparency and accountability. We just found out the other day from answers provided to questions in estimates that the reef envoy's report won't be tabled in parliament. So this parliament will never find out what work has been done there. We also know, in terms of the order for production of documents, that the government have had a really hard time responding to those in this chamber. Senator Keneally, in particular, has had to put in a lot of orders for the production of documents and has had to get the support of this chamber—the support of the Senate. When the Senate asks for documents to be provided, that is something that this government should listen to and adhere to. It's not something that they can just whisk away, like a fly! It's not something that they can just consider to be an optional maybe. Orders for the production of documents from the Senate are a serious business, and this government don't want to respond to them.

This government have failed to provide responses to reports of recommendations systematically. Hard work has gone into those reports, but they're not willing to do the hard work to implement those policies. I certainly want to make sure that I put on the record my very strong support for the charities in Far North Queensland that have done the hard work, that have provided submissions to these inquiries, have gone out and lobbied government to do their job and have been on the ground, providing services to our constituents. Senator O'Neill referred to some of the fantastic organisations in her neck of the woods. In Far North Queensland, the Salvation Army is one that provides such an incredible number of services and support to people in our community. I want to particularly mention their financial counselling services; their services around domestic violence support; and their services for refugees who are coming to our country, giving them the support that they need in our community. These organisations could do so much more work if it weren't for the red tape, the doubling of regulation and the lack of a national scheme. The lack of action from this government is stopping charities from doing the hard work in our community when we know that they can do so much more.

What a very sad state of affairs that we have to come into the Senate and demand that documents be provided to help our charities. What does that say about this government? It says that they are heartless, it says that they don't care about transparency and accountability, and it says they're not willing to do the hard work. What are they willing to put the hard work in on? We know that last week they spent a lot of time putting hard work in on

bashing unions—bashing organisations that go out there and help young workers fight wage theft. You really have to look at who this government takes on to understand who it doesn't support—

The ACTING DEPUTY PRESIDENT (Senator Brockman): Senator Green, please resume your seat. The time for this debate has expired. The question is that the Senate take note of the minister's answer.

Question agreed to.

BILLS

Migration Amendment (Repairing Medical Transfers) Bill 2019

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator KENEALLY (New South Wales—Deputy Leader of the Opposition in the Senate) (13:21): I rise to speak on the Migration Amendment (Repairing Medical Transfers) Bill 2019. I say from the outset that the name of this bill is a fallacy. There is nothing to repair when it comes to the medical transfers of sick people from regional processing countries to Australia. The name of this bill, like so many pieces of legislation from this visionless government in the post-truth era, is untruthful, misleading and misdirected. I will speak to those matters shortly.

Last week I received an email from an Australian doctor. His name is Dr Chris Jones. He is a doctor who worked on Nauru in August last year, only 16 months ago. Let's remember Dr Jones was working on Nauru only six months before the law, now known as 'medevac', came into existence. Having worked an earlier stint on Nauru, Dr Jones kept a diary during his second stint—a diary I have now read. It shines a light on the conditions he was working in and the pressures he faced, including from officials of the Australian Border Force and the Department of Home Affairs, as well as on the lengths that Dr Jones had to go to in securing medical transfers for patients.

On 18 August last year, after less than two weeks on Nauru, he wrote about his experience: 'It is like being witness to people dying on a palliative care ward—slowly fading away, physically and emotionally. The only difference here is they do not have the dignity of palliative care.' The diary records a teleconference update Dr Jones had with an orthopaedic surgeon who had operated on a child to remove metalwork from their left forearm. He wrote: 'The operation went really well, but the surgeon could only remove one of the two plates due to a 12-month delay in the procedure. The remaining plate had become embedded in bone and attempting to remove it would do more damage. The call didn't go well, with the family distraught, venting their anger and frustration against the surgeon.'

This diary sheds light on how doctors, contracted by Australia and being paid with Australian taxpayer dollars, were being disregarded by departmental bureaucrats. Let's reflect on that for a moment. Doctors—the people we all trust when we're sick, where we're unwell, when we're struggling mentally—were being ignored by people with no medical qualifications. How did we get here? How did we in Australia end up in this position?

In June 2015, the secretary of the then Department of Immigration and Border Protection issued a directive to the staff of the then Australian Customs and Border Protection Service. It said:

Unless there are compelling medical reasons, supported by second opinions, to do with life and death situations, or situations involving the risk of life time injury or disability, transfers to Australia should be avoided as a general rule and should in any event become increasingly rare.

I repeat: a general rule that providing medical treatment to people should become increasingly rare in any event. That was over four years ago. It was before the Australian Border Force came into existence on 1 July 2015. It was before Minister Dutton was handed his custom-made Department of Home Affairs. It was before prime ministers Morrison and Turnbull; Tony Abbott at this time was still Prime Minister. And it was only the beginning of the medical transfer process for sick people and asylum seekers and refugees in Australia's care on Nauru and PNG being frustrated by the current government.

Minutes from internal meetings at the then Department of Immigration and Border Protection in 2016 revealed this directive effectively stopped medical transfers to Australia. The documents released under freedom-of-information laws described the impact of this measure as 'significant'. There was a 92 per cent drop in medical transfers. Transfers dropped from close to 550 in 2014-15 to approximately 50 in 2015-16. That's a drop of 550 to just 50 in one year. In those same minutes from the Department of Immigration and Border Protection, they admitted that they and the government had in fact created a problem. Quote:

Despite the work done to reduce the instance of transfer to Australia for medical care, the cases we continue to see are unique and complex (physical health, mental health and child protection all combined) and there exists a high likelihood that they will become the subject of legal proceedings.

The alarm bells were sounding back in 2016, and what did the Minister for Home Affairs do? Nothing. Just like with many of his ministerial responsibilities, Mr Dutton did nothing.

In fact, the secretary of the department doubled down in April 2016 and issued another directive. It stated:

... the aim should be to avoid to the maximum extent possible such transference to Australia ... This instruction is to be overridden only if and when there is a reasonable apprehension that inaction would result in an immediate threat to life, or the occasioning of permanent debilitating injury.

On Manus Island, broader PNG and Nauru, requests for medical transfer by hardworking, honest and committed doctors started being ignored. People without medical knowledge were deciding if sick people received any treatment or not. Over time the problem grew, and medical transfers were denied time and time again. People's physical injuries were left to worsen, often to the stage where people were facing lifelong disabilities. Children were denied transfers because they didn't want to be separated from their parents, quite understandably. Women were denied the opportunity to have their reproductive health seen to. Mental health across the greater cohort of Manus, and later border PNG and Nauru, diminished terribly. It is because of all these circumstances that Labor and the crossbench moved to put provisions in place—medevac—to fix the issues this third-term Liberal-National government created all on its own.

For those who aren't familiar with medevac, I want to explain how the process works, particularly because the government has been loose with the truth about these important provisions. Under medevac, two treating doctors can recommend a transfer to the Secretary of the Department of Home Affairs. The request is then considered by the Minister for Home Affairs. The minister can deny on national security grounds as defined within the ASIO Act or if they have concerns on serious character grounds as defined in the Migration Act. The decision does not get reviewed and cannot be overturned. If the minister denies on national security or character grounds, that request for transfer is rejected.

The minister can also deny a transfer on health grounds if they think the treatment can be provided in PNG or Nauru, including via telemedicine or by flying a specialist to the patient. If the minister denies it on health grounds, it goes to the Independent Health Advice Panel, or IHAP, for review. The IHAP includes the Commonwealth Chief Medical Officer, the Home Affairs chief medical officer, doctors from Australia's peak medical bodies, including the Australian Medical Association and the royal colleges. All of these doctors are appointed by the minister. The panel is able to review cases on medical grounds only. If they believe a medical transfer is necessary, they can require the transfer to happen. At the end of the day, the government or government appointed doctors control who comes to Australia under medevac, and that is why Labor supports medevac. Medevac allows sick people to get the medical care they need and ensures that the minister or doctors appointed by the minister control these transfers.

On 4 July 2019, the bill now before the Senate was referred to the Legal and Constitutional Affairs Legislation Committee for inquiry, which reported on 18 October 2019. Like all legislation referred to committees, the government agreed to this bill being sent to an inquiry, along with the timing of the inquiry. The Minister for Home Affairs has described this important inquiry process as 'a tactic' and a way of 'delaying the bill'. He ignores the fact that the government agreed to the reporting time line for the bill and could have changed it, if they wanted to. I want to thank my fellow senators for their involvement in the committee's inquiry, as well as Senator Lambie's commitment that she wanted that important process to be followed before the legislation was debated in the Senate.

The Senate inquiry highlighted the evidence that medevac should not be repealed. Don't take my word for it. By the government's own admission—in the report that the government senators agreed to—it states:

The majority of the evidence to the inquiry argued that the medical transfer provisions enacted in March 2019 should not be repealed...

Of the submissions made to the inquiry, only one submission recommended that medevac be repealed. Whose was the one submission? Who supports the repeal of medevac? Surprise surprise, it is Minister Dutton's own department, the Department of Home Affairs—the people who wrote this bill on behalf of the government. All other stakeholders said that medevac should not be repealed.

Despite this wait, the government dominated committee only made one recommendation: that the Senate pass this bill. Labor senators, Greens senators and Centre Alliance senators all made dissenting reports. They actually listened to the evidence presented at the inquiry, and all three parties made separate recommendations to oppose this bill. In the past week, my crossbench colleagues and I accepted a petition of 51,000 Australians who are in

support of medevac. A letter from over 5,040 doctors in support of these provisions was also delivered to this place last week. And a newly released Guardian Essential poll shows that 62 per cent of Australians support medevac. The evidence continues to grow, despite the Morrison government's brazen, desperate and dishonest attempts to discredit medevac.

We saw the beginnings of this when an authorised disclosure of sensitive national security advice was made to *The Australian* newspaper—a leak that occurred for blatant political gain. Former head of ASIO Duncan Lewis described that leak as 'seriously damaging', adding 'it undermines all that we, ASIO, stand for'. When it comes to leaks, I have been appalled at the number of times the front pages of newspapers have been splashed with the personal medical records of vulnerable people. Can you imagine having your medical history, your most private details being leaked to the media for political gain? And yet this is exactly what has occurred under the Morrison government and under Minister Peter Dutton and his Department of Home Affairs. We have seen the names, the backgrounds, the ages and the ethnicities of asylum seekers and refugees published in papers. And let's not forget, these are people who—in the majority of cases—have fled persecution and have been found to be owed refugee protection. We've seen their medical conditions misconstrued and exploited for political gain. These people have had their photos published, the treatment they have undergone shared and their information exploited by the government without their permission. How would Minister Dutton feel if he woke up one morning to see his personal medical details on the front page of a national newspaper? An investigation would be launched within minutes. But when it comes to the private medical details of vulnerable people in Nauru or PNG who need medical transfers, there is clearly a different standard by this government.

And it doesn't take a genius to work out the origins of these leaks. To those people who have had their personal medical details shared in this fashion, I am sorry. It is clear that the government has been loose with the truth when it comes to medevac. They have falsely claimed that two doctors from Nimbin or doctors on Skype could approve transfers. They have claimed that Australians would be kicked off waiting lists at hospitals. They have even claimed Australia's border protection will fall apart—something that has not happened in the 10 months since these laws came into existence earlier this year.

Senate Estimates confirmed that the Morrison government has transferred 982 people to Australia outside of the medevac process. I note that the majority of these transfers were before the Department of Home Affairs issued their 2015 directive to stop transfers to Australia. This compares to some 160 transfers under medevac. The government has been blatantly—and I dare say purposely—misleading when it comes to matters of medevac. I have spoken at length in this place about the mistruths that the Minister for Home Affairs, the immigration minister and the Prime Minister have spread, and continue to spread, about medevac.

Here are the facts you won't hear the government say about medevac. All medevac transfers to Australia are done with Mr Dutton's permission or the permission of doctors that the minister has appointed. Minister Dutton has extensive powers to refuse a medevac transfer on national security and character grounds with no appeal. He has used these powers before and he can use them again. If a person doesn't require medical treatment the independent health advice panel would deny the transfer. All medevac transferees must be detained in immigration detention by law, unless Minister Dutton approves their release from detention in Australia. This is in fact designed to keep the Australian community safe. Medevac transfers are for a temporary purpose and Minister Dutton has the ability to return a transferee to a regional processing centre at any time. These are the facts.

The system is working as it was designed to do. No amount of protest or outlandish claims from the Minister for Home Affairs or the Prime Minister have proven otherwise. Despite the government's claims, this debate has nothing to do with border protection. Let's not forget that offshore processing was always intended to be exactly as its name suggests—processing. Instead, under this third-term Liberal-National government, it has become indefinite detention. The architecture of border protection includes boat turnbacks where safe to do so, offshore processing and regional resettlement—all of which Labor strongly supports. It works cohesively. It works well. All of those aspects are of equal importance. Former Prime Minister Kevin Rudd and Minister Morrison in his former role as immigration minister both put in place policies to stop people risking their lives crossing one of the most perilous oceans on leaky boats. However, since the member for Dickson, Mr Dutton, became the Minister for Immigration and Border Protection in 2014 he has failed, as in so many other areas of policy, to do his job. He has failed to deliver on third-country resettlement options such as the New Zealand offer, which has been on the table since 2013. Since 2013 this government has had the option to take up the New Zealand offer to move refugees from Manus and Nauru to New Zealand and it has failed to do so.

Ever since Mr Dutton became the minister responsible, he has left refugees to languish in indefinite detention. They are now in their seventh year in PNG and Nauru. This languishing is the reason why the mental and physical health of asylum seekers and refugees have diminished so profoundly. It is why medevac was needed and required—to ensure people who are sick receive the medical attention they require. Denying people medical care

is un-Australian. It is inhumane. It is uncompassionate. If any member of this Senate were sick, we would see a doctor. If any member of our family were sick, we would send them to a doctor. Vulnerable people who are in Australia's care who have already suffered significant trauma in their lives should not be forced to the brink of death to receive the medical treatment that they require. These decisions should never have been left in the hands of people without any medical training let alone concentrated in them. Labor strongly supports medevac. Medevac is working as intended. These laws should not be repealed.

I want to finish where I started, with Dr Chris Jones' diary of his time on Nauru. On 17 August he wrote: 'Does it really take the possibility of sudden death to persuade our government of the right thing to do?' Labor opposes this repeal bill for that very reason. I implore the crossbench to oppose this bill.

Senator McKIM (Tasmania) (13:41): I rise to speak on the Migration Amendment (Repairing Medical Transfers) Bill 2019. Well, this shouldn't actually be a contentious debate. In fact, we shouldn't even be debating this bill in this parliament because, at its heart, you can distil this legislation down to a fundamental and extremely simple question: do you think sick people should get the treatment that medical professionals say they need? If you answer yes to that question, you will join the Greens in opposing this legislation, because we believe when people are sick, they should get the medical treatment that doctors and medical professionals say they need. But if you are going to support this legislation as we know every single member of the LNP and both members of Pauline Hanson's One Nation party will do then you are basically saying that you do not believe that desperately ill people should get the medical treatment that doctors say that they need. That is the distillation of the question before us today.

The Greens, who, along with former senator Tim Storer, were co-sponsors of the legislation that became known as the medevac bill, will strongly oppose this attempt by the government to repeal that legislation. This bill is called the Migration Amendment (Repairing Medical Transfers) Bill 2019 but it doesn't repair medical transfers at all. Repairing medical transfers was what the medevac legislation did, co-sponsored by the Australian Greens. And we had to repair the medical transfer regime because, under the old way of doing things, people were dying as a result of not getting the medical treatment they needed. The medevac legislation has saved lives. It has delivered people the health care that they have so desperately needed and that they had previously been deliberately deprived of by mendacious ministers and bureaucrats, who were acting in political interest and self-interest rather than in accordance with human rights law, with humanitarian principles and with the principles of the medical profession. The government's refusal—and we have seen this on multiple occasions—to transfer sick people from Manus Island or Nauru here to Australia under previous arrangements caused death, mental anguish and untold suffering amongst innocent people who had done no wrong, who had committed no crime, who had stretched out a hand to ask our country for help, and in return had been imprisoned. Some of them remain in Port Moresby or on Nauru and are pretty close to clocking up seven years in indefinite offshore detention.

This repeal bill shows that the government is prepared to put what it believes are its political imperatives ahead of other people's genuine medical needs. The government has made a crass calculation that some lives are worth sacrificing—some human lives are worth sacrificing for broader political outcomes. They have made that crass calculation despite their legal and moral obligations. This calculation should be intolerable in a liberal democracy like Australia's. Fundamentally, decisions about medical care should be made by medical experts, not by politicians and not by bureaucrats.

When I speak about things that happened on Manus Island, I want to place on the record that I'm doing so based on numerous sources, including the findings of the inquest of the Coroners Court of Queensland into the death of Hamid Khazaei, which I will go into in more detail later in my speech. But I'm also relying on personal experience, because unlike any member of the LNP who is going to vote for this legislation in the Senate, unlike any member of Pauline Hanson's One Nation party, I've been to Manus Island. In fact, I've been to Manus Island five times, which of course means I know an awful lot more about what's happened on Manus Island than any of the people who are going to get up when the vote comes on—whenever that might be—and vote for this legislation. It is based on personal experience. I was there in the Lombrum detention centre, in November 2017, when the Australian government ordered that the food be cut off, the drinking water be cut off, the electricity be cut off and all medical supports be cut off from over 600 vulnerable people. I saw the human impact. I lived a very small part of the humanitarian calamity that those orders caused amongst so many people who had already suffered far too much and for far too long.

Before the medevac regime came in place, 12 people died, either in offshore detention on Manus Island or Nauru or here in Australia after being transferred, too late, because mendacious politicians and bureaucrats got in the way of medical transfers. I'm going to read the names of the people who died. On 17 February 2014, Reza Barati was murdered on Manus Island. On 22 June 2014, Sayed Ibrahim Hussein died on Nauru. On 5 September 2014, Hamid Khazaei died in Australia after he was not transferred in a timely way when he was dying on Manus

Island and in Port Moresby. On 29 April 2016, Omid Masoumali died on Nauru. On 18 May 2016, Rakib Khan died on Nauru. On 2 August 2016, Kamil Hussain died on Manus Island. On 24 December 2016, Faysal Ishak Ahmed died on Manus Island. On 7 August 2017, Hamed Shamshiripour died on Manus Island. On 2 October 2017, Rajeev Rajendran died on Manus Island. On 2 November 2017, Jahingir died on Nauru. On 22 May 2018, Salim Kyawning died on Manus Island. And on 15 June 2018, Fariborz Karami died on Nauru. These people died away from their families, their mothers, their fathers, their brothers, their sisters and, in some cases, their children. They died alone, without those supports near them, because of actions taken by the Australian government.

One of those cases, the death of Hamid Khazaei, is extremely instructive when you think about this legislation. I'm relying on the findings by the Coroners Court of Queensland, of Mr Terry Ryan, the state coroner. These findings were delivered on 30 July last year. I will place on the record in the Senate some of Mr Ryan's conclusions. Firstly, he said:

Mr Khazaei's death was preventable. Consistent with the evidence of the expert witnesses who assisted the court in this matter I—

that is, the coroner—

am satisfied that if Mr Khazaei's clinical deterioration was recognized and responded to in a timely way at the MIRPC clinic, and he was evacuated to Australia within 24 hours of developing severe sepsis, he would have survived.

But he wasn't evacuated to Australia in a timely way, was he? No, he wasn't. Why wasn't he evacuated to Australia in a timely way? It was because the mendacious bureaucrats and politicians and the system they created prevented that from happening. There's blood on people's hands here. The blood is on the hands of the LNP. And the blood will be on the hands of One Nation if they vote to support this legislation.

I will read further findings from Mr Ryan's report:

- no antibiotic was available at the MIRPC clinic to safely and effectively treat the range of infections commonly found in a tropical setting ...
- there was no recording system in place at the MIRPC clinic to comprehensively track and review Mr Khazaei's deteriorating clinical observations;
- there was a failure to recognise Mr Khazaei's clinical deterioration at the MIRPC clinic;
- Mr Khazaei should have been intubated and aggressively resuscitated while at the MIRPC clinic and prior to his transfer by air to Port Moresby;

... The clinicians who received Mr Khazaei at the PIH on that day—

that is, the day he was transferred to Port Moresby—

did not have the necessary clinical skills to deal with his presentation. The significant delay in responding to his critical care needs at the PIH led to cardiac arrest after which Mr Khazaei's condition became irretrievable.

He should have been transferred to Australia straight from Manus Island, but he wasn't. His death, as Mr Ryan found, was entirely preventable. Mr Ryan also found that the health care that Mr Khazaei received on Manus Island was not commensurate with the care he would have received in a remote clinic on Cape York, which was the benchmark applied in this matter. Similarly, the health care he received from the Pacific International Hospital in Port Moresby was not adequate.

Mr Ryan said he accepted Dr Little's evidence that if Mr Khazaei had been transferred directly from Manus Island to Cairns after Dr Muis's initial transfer request, he was likely to have survived. The coroner accepted the submission on behalf of the family that there was an obligation on the part of senior clinicians within IHMS and International SOS, who were aware that Mr Khazaei's transfer was being delayed, to proactively contact the clinicians who were left to manage his care within the limited resources available on Manus Island. He found that the fact that there were no further communications to or from the clinicians on Manus Island represented a systemic failure.

And I've left the kicker until the end. This is Mr Terry Ryan, the State Coroner of Queensland, who said in the final sentence of his summary of recommendations:

Decisions about medical transfers should be based on clinical considerations.

There is not much more that needs to be added, is there? 'Decisions about medical transfers should be based on clinical considerations.'

I wonder: Senator Cormann is going to vote for this legislation; if he got sick would he go to see a doctor or would he go to see the immigration minister or someone inside Home Affairs? Minister Cash is going to vote for this legislation; if she got sick, would she go to see a doctor or would she go to see the immigration minister or someone inside Home Affairs? If the Prime Minister got sick, would he go to see a doctor or would he go to see the immigration minister? We all know the answer to those questions. Whether it be Senator Cormann, Senator

Cash or the Prime Minister, if they fell ill they'd go to see a doctor. They wouldn't go to see the immigration minister, because they know that the immigration minister is not competent to make medical decisions. No, they'd go to a doctor. But can you imagine the hue and cry if, having been to see a doctor, Senator Cormann, or Senator Cash or the Prime Minister were then prevented from complying with their doctor's directions by the immigration minister? You wouldn't hear the end of it in this place. But that's exactly the regime they want to go back to now.

I've witnessed personally the humanitarian calamity of offshore detention. I've held crying men, sick men, on Manus Island, who were begging for the treatment and the help that they needed but were prevented from receiving because of the acts of this Liberal-National Party government—this mendacious government that wants to wind back the medevac provisions that put the clinical treatment of people in offshore detention into the hands of the people which it should be in: the hands of doctors and medical professionals. This is the medevac legislation which took those decisions out of the hands which they should never have been in: the hands of Minister Dutton and the mendacious bureaucrats who crafted this appalling, terrible offshore detention and medical transfer regime.

We will not support the repeal of the medevac provisions. Anybody who does support the repeal of medevac can expect to have blood on their hands—more blood than they've already got on their bloody, bloody hands—because doctors should make these decisions, not politicians and bureaucrats.

The PRESIDENT: Order, Senator McKim. You will be in continuation upon the resumption of the debate. It being 2 pm, I call Senator Gallagher.

QUESTIONS WITHOUT NOTICE

Prime Minister

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (14:00): My question is to the Minister representing the Prime Minister, Senator Cormann. I refer to Prime Minister Morrison's call to the New South Wales police commissioner about the criminal investigation into the Minister for Energy and Emissions Reduction. A spokesman for Attorney-General Christian Porter has confirmed that he was in the room during the call. Why did it take five days to make that fact public, and why did Prime Minister Morrison fail to advise the House that the Attorney-General was present for the phone call when he made a statement to the House five days earlier?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:00): The questions that get answered are the questions that are asked. I might just throw back: why did Labor not volunteer that it was a partisan, politically motivated letter from the shadow Attorney-General that was the single thing that initiated this whole process? Why did Labor not fess up immediately that this was nothing more than a partisan, politically motivated witch-hunt by the shadow Attorney-General, many of which he has pursued in the past, all of them unsuccessful? He is indeed a serial letter writer, a serial pest and usually unsuccessful.

The PRESIDENT: Senator Gallagher, a supplementary question?

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (14:01): Journalist for *The Australian* Ms Niki Savva first revealed that Attorney-General Porter was in the room for the call when on *Insiders* yesterday. She said, 'I'm told that the Attorney-General, Christian Porter, sat in on that call while it was happening.' Who briefed Ms Savva? Did any member of the Prime Minister's office brief Ms Savva? If yes, why?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:01): The question that I'm being asked now is: who has briefed a journalist? Who has briefed a journalist! Let me tell you, I don't know who briefs journalists; I really don't. I leave it to you to make those inquiries.

The PRESIDENT: Senator Gallagher, a final supplementary question?

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (14:02): On *Insiders*, Ms Savva said:

Porter, as the first law officer of the land ... should have grabbed the phone out of his hand and said, 'Don't do this, it's not a good idea'.

Did the Prime Minister seek any advice from the Attorney-General about the appropriateness of his call to the New South Wales police commissioner?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:02): It won't surprise you to hear me say that I disagree with Ms Savva. The phone call by the Prime Minister was entirely appropriate. He

advised the House of Representatives that that's what he would do after he was first asked the question by the Leader of the Opposition. He did what he said he would do—

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

Senator Wong: Direct relevance. The minister has answered neither the first nor the second question. The question is whether or not the Prime Minister, who this minister is representing—

Government senators interjecting—

Senator Wong: Maybe you should deal with the—

The PRESIDENT: Order! Can I hear the point of order, please.

Senator Wong: I don't even have my glasses on, so I can't see who I'm responding to! The question is whether or not the Prime Minister sought any advice from the Attorney-General about the appropriateness of the call. I hope the minister, given he has dodged the first two questions, might actually answer this one.

The PRESIDENT: I'm not going to deal with points of order on previous questions, because that is not in order. It is not in order to raise points of order to answers to previous questions. The minister is entitled to challenge an assertion in the question, in this case a quotation, and be directly relevant. I call on the minister to continue.

Senator CORMANN: Thank you very much, Mr President. Of course, the Labor Party are clearly embarrassed, because, after they kept this key fact secret, they were absolutely exposed for the partisan, politically motivated process that this whole thing is by the revelation that it was the shadow Attorney-General—

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

Senator Wong: How is discussion of the opposition directly relevant to whether the Prime Minister sought advice, Mr President? I'm interested.

The PRESIDENT: As I've said before, I'm not going to pull up ministers—directly relevant is not possible to police on every single sentence. The minister is entitled to challenge the assertion, quotation or otherwise of a preamble in any question.

Senator Wong interjecting—

The PRESIDENT: Senator Wong, if I could finish before I take another point of order.

Senator Wong interjecting—

The PRESIDENT: Can I finish this and then, please, by all means, come to me. What I will ask the minister to do is to turn to either the quotation used, which I believed he was in order in addressing or challenging before, or the question asked at the end of that preamble. As I said, glancing comments around other matters are appropriate, because one couldn't police—

Senator Wong interjecting—

The PRESIDENT: He was in the middle of a sentence, Senator Wong. I'm not going to pull up ministers in the middle of a single sentence.

Senator Wong interjecting—

The PRESIDENT: Senator Wong, I'll take the interjection then, but, quite frankly, the previous question, which you did raise a point of order to, referred to 'why', and I think the minister was in order in using those words in answering why the government did not do something. I don't think I can rule that is not directly relevant. There is a time to debate this after question time, and that's the appropriate forum for it.

Senator CORMANN: Mr President, Senator Wong can be as touchy as she likes. The truth is, and the reason the Prime Minister was forced to act the way he did was, because the shadow Attorney-General was the one who initiated a process in a partisan politically motivated way and, of course, being asked about it by the Leader of the Opposition in the House of Representatives—

Senator Wong interjecting—

The PRESIDENT: Sorry, I was trying to deal with the order of questions I was being informed of by whips.

Senator Wong: A point of order on direct relevance—and everybody can see what he's doing—it is not directly relevant to be talking endlessly about the opposition, as obsessed as he might be. Did the Prime Minister seek advice from the Attorney-General about the appropriateness of the call?

The PRESIDENT: On this matter, unlike the previous two questions—on the point of order, Senator Cormann?

Senator CORMANN: The supplementary question that was asked actually made an assertion about the appropriateness or otherwise of putting a quote to me, and the only way I can answer that question in a way that is directly relevant to the question asked is by putting it into the context of the way this process was initiated. That is why I submit to you, Mr President, that my answer is 100 per cent directly relevant.

The PRESIDENT: On the point of order, my apologies, I was receiving advice from senators about the order of questions during that sentence, which I occasionally do during question time. I ruled previously the minister was entitled when asked a question which started with 'why'—that's a very wide-ranging question. On this particular matter, I don't consider the opposition's policies to be directly relevant, but, as I said, I'm not going to pull up a minister in the middle of a glancing sentence. There are nine seconds remaining to answer, and I call the minister to continue.

Senator CORMANN: Thank you very much, Mr President. The only reason why the Prime Minister was forced to make these inquiries was because the Leader of the Opposition asked a question in the House of Representatives without revealing the fact that it had been initiated— (*Time expired*)

National Security

Senator McGRATH (Queensland—Deputy Government Whip in the Senate) (14:07): My question is to the Minister representing the Minister for Home Affairs, Senator Cash. Can the minister please update the Senate on how the government is addressing real issues of importance to Australians, including through its work talking about the scourge of people smuggling in our region?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:07): I thank Senator McGrath for the question. The Australian government's first priority will always be to keep Australia and Australians safe. On this side of the chamber we understand that a fundamental responsibility of the Commonwealth government is the security of our nation and its people. It is a result of the strong policies that have been implemented by the coalition government that the people smugglers' business model has been comprehensively destroyed. This has only occurred because we have stood firm. We have stared down the people smugglers. But not only have we stared down the people smugglers, we have stared down attempts by those opposite, of course, and attempts by the Australian Greens to water down border protection policy in this country.

When we were first elected to office, we put in place policies that the Labor Party and the Australian Greens said would never work. Not only did they say they would never work, they were fundamentally opposed to them. We have turned back the boats when they have tried to illegally come to Australia. That is a policy that has worked. It is also something that those on the other side said was impossible to do. We have introduced temporary protection visas, something those opposite still oppose. We are clear in our policy stance: anybody who attempts to come here illegally will never be settled in Australia. As a result of these tough-but-fair policies, we have ensured that the Commonwealth government—the coalition government—has taken back control of border security in Australia, unlike the former Labor government, who outsourced this important policy to the people smugglers.

The PRESIDENT: Senator McGrath, a supplementary question?

Senator McGRATH (Queensland—Deputy Government Whip in the Senate) (14:10): Why is smashing the people smugglers' trade at the core of the government's strategy to secure our borders and keep Australia safe?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:10): What we know is that when you outsource border protection policy to the people smugglers, you are admitting that you have lost control of Australia's borders. Stopping the people smugglers is important not just in relation to border integrity but also to avoid the chaos that we saw under the former Labor government. Let us not forget the disastrous results of the former Labor government's outsourcing of border protection policy to the people smugglers. We saw 50,000 people arrive here illegally on over 800 boats. In fact, at one stage they were issuing a press release on a boat arrival per day. There were 1,200 deaths at sea that we know of, 17 detention centres were opened and over 8,000 children were detained when Labor were last in government. And, of course, there is the now \$16 billion blowout in costs as a result of their disastrous policy failure. (*Time expired*)

The PRESIDENT: Senator McGrath, a final supplementary question?

Senator McGRATH (Queensland—Deputy Government Whip in the Senate) (14:11): What has the government already achieved in disrupting the people smugglers' trade and what are the current risks that threaten to undermine Australia's strong border protection policies?

Senator CASH (Western Australia—Minister for Employment, Skills, Small and Family Business) (14:11): As Senator Molan knows well, the coalition government has ended the chaos under Labor's border protection policy by using Operation Sovereign Borders. That's why I refer to Senator Molan. Turn back boats where it's safe

to do so, offshore processing and temporary protection visas—we are proud of our policy and the results under Operation Sovereign Borders. There have been zero deaths at sea. We have closed 17 detention centres. We have removed all of the children from detention. We have gotten all of the children off Manus and Nauru. We have increased the humanitarian program to 18,750, and we've also provided a generous humanitarian response to the Syrian crisis through the intake of an additional 12,000 Syrian refugees. All of this will be at risk if you ever elect a Labor government. *(Time expired)*

Prime Minister

Senator McALLISTER (New South Wales) (14:12): My question is to the Minister representing the Attorney-General, Senator Payne. I refer to Prime Minister Morrison's call to the New South Wales police commissioner about the criminal investigation into the Minister For Energy and Emissions Reduction. A spokesman for Attorney-General Christian Porter has confirmed that he was in the room for the call. Were any notes taken of the phone call? If yes, will the minister undertake to table a copy in the Senate?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:13): The Attorney-General was present during the call, and I am unaware of whether any notes were taken or not.

The PRESIDENT: Senator McAllister, a supplementary question?

Senator McALLISTER (New South Wales) (14:13): Did the Attorney-General or his office seek any advice about the appropriateness of the Prime Minister's call to the New South Wales commissioner of police? Did the Attorney-General give any advice to the Prime Minister as to the appropriateness of his phone call?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:13): I'll take Senator McAllister's question on notice.

The PRESIDENT: Senator McAllister, a final supplementary question?

Senator McALLISTER (New South Wales) (14:13): Can the minister explain how the Attorney-General judged that it was appropriate for the Prime Minister to call the New South Wales police commissioner about a criminal investigation into one of his own cabinet ministers?

Senator PAYNE (New South Wales—Minister for Foreign Affairs and Minister for Women) (14:14): Given I took Senator McAllister's preceding question on notice, I will also take that question on notice. However, I would note that, as the Leader of the Government in the Senate, the Minister for Finance, has made absolutely clear, what those opposite continue to leave out of their questions and their assertions is that this matter is a result of a piece of correspondence from a shadow minister in the opposition to pursue this matter, and they clearly neglect to include that in any of their assertions.

National Security

Senator MOLAN (New South Wales) (14:14): My question is to the Minister for Defence, Senator Reynolds. Can the minister update the Senate on how the government is addressing real issues of importance, including strengthening Australia's response to the threat of foreign interference?

Senator REYNOLDS (Western Australia—Minister for Defence) (14:15): I thank Senator Molan for that question and for his deep and abiding commitment to our nation's security. The No. 1 priority for this Morrison government is to keep all Australians safe and secure. As our security intelligence agencies have made abundantly clear, the threat to Australia from foreign interference has never been greater. This is why the government is further strengthening Australia's response to foreign interference. We are committing \$87.8 million to establishing a new task force, designed to disrupt and also to deter anyone from attempting to undermine Australian sovereign national interests. Working to the—

Opposition senators interjecting—

Senator REYNOLDS: Those opposite here actually understand that this is important. Working to the National Counter Foreign Interference Coordinator, the task force will be led by a senior ASIO officer and will include experts from across Australia's national intelligence community, including the AFP, AUSTRAC, the Australian Signals Directorate, the Australian Geospatial-Intelligence Organisation and the Office of National Intelligence, who will also support the task force. This task force will boost the ability of our intelligence and law enforcement agencies to discover, track and disrupt foreign interference in Australia. It will deepen our understanding of what we know are sophisticated disinformation activities happening across the world, particularly against democratic processes and also elections.

This new Counter Foreign Interference Taskforce highlights the Morrison government's commitment to stepping up our nation's security. It also demonstrates our commitment to take stronger action to deter acts of foreign interference, to defend against them when they occur and to ensure that our laws are upheld.

The PRESIDENT: Senator Molan, a supplementary question?

Senator MOLAN (New South Wales) (14:17): Can the minister outline how the Defence intelligence agencies are supporting this effort to keep Australians safe?

Senator REYNOLDS (Western Australia—Minister for Defence) (14:17): Today's establishment of a Counter Foreign Interference Taskforce represents a joined-up, whole-of-intelligence-community effort. This task force brings together a package of intelligence capabilities, including many from within the Defence portfolio. This is in order to drive the effective and integrated operational response to this invidious challenge to our nation's interests. The Australian Geospatial-Intelligence Organisation in the Department of Defence collects and analyses imagery from data so that we can better understand the threats we face, including from foreign interference. This new package will allow AGO to provide greater, dedicated support to the new Counter Foreign Interference Taskforce. And to complement that, the Australian Signals Directorate will also be doing work in support of countering foreign interference. ASD will establish a new team to focus specifically on targets that seek to undermine and disrupt Australia's national interests.

The PRESIDENT: Senator Molan, a final supplementary question?

Senator MOLAN (New South Wales) (14:18): Can the minister update the Senate on what other measures the government has taken to combat the threat of foreign interference?

Senator REYNOLDS (Western Australia—Minister for Defence) (14:18): The Morrison government has taken significant steps to strengthen Australia's capacity to defend against foreign interference. The establishment today of a Counter Foreign Interference Taskforce is the next step in responding to this growing and evolving threat. In 2018 this government introduced legislation to create new criminal offences and to establish greater transparency around foreign interference in our nation. We also implemented electoral funding and disclosure reforms in respect of foreign political donations. Today's announcement of \$87.8 million builds on the \$38.8 million of measures this government has already invested since 2018-19 to counter foreign interference. These measures include the establishment of a Foreign Interference Threat Assessment Centre in ASIO.

In conclusion, the Morrison government is constantly monitoring and reviewing these threats facing Australia, so that our agencies have the right tools at their disposal to keep us free of foreign interference.

Climate Change

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:19): My question is to the Leader of the Government in the Senate, Senator Cormann, representing the Prime Minister. Minister, last week Australia's emissions data was released and it showed that pollution from coal, oil and gas is at record-high levels, and the only reduction that is coming is coming from livestock that has been slaughtered because of a climate driven drought. The carbon price was developed—you might remember the first female Prime Minister of Australia, Prime Minister Gillard. Remember working constructively with the Greens, working constructively with the crossbench—

Opposition senators interjecting—

The PRESIDENT: Order! Order on my left! Senator Di Natale, please resume your seat. We'll stop the clock.

Opposition senators interjecting—

The PRESIDENT: Order on my left! We will waste time for non-government parties, if I can't continue question time. Senator Di Natale, please continue.

Senator DI NATALE: As I was saying, the carbon price was developed by the Gillard government with the Greens and the crossbench. That remarkable piece of public policy drove down emissions across the economy, with economic growth higher than you are presiding over today, Minister. So, Minister, why is the Liberal Party on a unity ticket with the Labor Party in refusing to introduce a price on carbon?

Honourable senators interjecting—

The PRESIDENT: Order! I will call the minister when there is order.

Honourable senators interjecting—

The PRESIDENT: It is an uncommon situation for interjections to be flowing vertically through the table rather than horizontally, I might say. I will call the minister to answer when I can hear him. Senator Cormann.

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:21): Let me say right upfront that I reject the final premise of the question. First of all, I don't share Senator Di Natale's optimism about a unity ticket between the coalition and the Labor Party when it comes to doing the right thing by the environment in a way that is economically responsible. The second point I would make is that, 10 years ago today, the Greens

had a rare moment of insight when they decided to back our position, which is to protect the environment in a way that is economically responsible. The only party that has been consistent all the way through is actually the Liberal-National party. We have been consistent all the way through, over the last 10 years. We have consistently said we support effective action on climate change in a way that is economically responsible.

From Labor, we had the Carbon Pollution Reduction Scheme. Then we had the promise: 'There will be no carbon tax under the government I lead.' Remember that? Then, of course, we got the carbon tax. We had the Greens supporting our position against the CPRS and then we had them supporting the carbon tax that was never meant to come, which was, of course, a great deceit against the Australian people. Let me tell you: we will continue to act consistently and in the best interests of the Australian people by meeting and exceeding our emissions reduction targets that were agreed to in Kyoto and, indeed, by implementing our plan to meet our emissions reduction targets agreed to in Paris. We will not be sending jobs and emissions overseas where, for the same level of economic outputs, emissions will actually be higher. It absolutely makes no sense to impose sacrifices on the Australian people that actually would make the situation worse when it comes to global emissions. Shifting the problem from Australia to other parts of the world where emissions will be higher for the same level of economic output might make sense in the minds of the Greens today, though it didn't 10 years ago. It doesn't make any sense at all to senators on the Liberal-National side.

The PRESIDENT: Senator Di Natale, a supplementary question?

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:23): Pollution has been steadily rising since that wonderful carbon price that the Greens and Labor worked on constructively together was repealed. Right now we're on track for three degrees of warming—three degrees! And your own department says that emissions are going to rise out to 2030 because you've got no policy. Isn't the truth that the reason the government—and, indeed, the opposition—don't support a carbon price is that it's bad for your coal, oil and gas donors?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:24): I completely reject the proposition that we don't have a policy. I'm enjoying this lovers' tiff, I've got to say. We've got this lovers' tiff between Labor and the Greens going on, and they can't stop.

Honourable senators interjecting—

Senator CORMANN: If anybody is interested in the answer, I'm just happy—

Honourable senators interjecting—

Senator CORMANN: Get a room.

Senator Wong interjecting—

The PRESIDENT: Order, Senator Wong.

Senator Wong: I'm just making the point.

The PRESIDENT: There are other opportunities to make points.

Senator CORMANN: In rejecting the assertion underpinning Senator Di Natale's question, let me say again that the only party in this place that, all the way through the last 10 years, has had a consistent policy position is the coalition. It's the Liberal and National parties that have consistently stood up for the public interest, consistently stood up for environmental protection in a way that is economically responsible.

The PRESIDENT: Senator Di Natale, a final supplementary question?

Senator DI NATALE (Victoria—Leader of the Australian Greens) (14:25): What do Melinda and Dean think of your policy? Melinda and Dean are outside. They've got the remains of their home on the front lawn of Parliament House, and they said:

Morrison, your climate crisis destroyed my home.

That's what they think of your climate policy. Why don't you listen to them, not your coal, oil and gas donors, and do what John Howard did in response to the Port Arthur massacre: reach across the aisle, reach across to the opposition and the crossbench and work on a policy that will bring down emissions?

Senator CORMANN (Western Australia—Minister for Finance, Leader of the Government in Senate, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:25): I repeat again: Australia is actually on track to exceed our emissions reduction targets by 2020, agreed to in Kyoto, and we are committed and have a plan to meet our emissions reduction targets agreed to in Paris. We are taking action on climate change in a way that is economically responsible as we believe is our responsibility and as the Australian people endorsed at successive elections.

Minister for Energy and Emissions Reduction

Senator POLLEY (Tasmania) (14:26): My question is to the Minister representing the Minister for Energy and Emissions Reduction, Senator Birmingham. The Prime Minister and the minister have both repeatedly promised this parliament that they would cooperate fully with the New South Wales police investigation into the minister's use of a fraudulent document. Has the minister directed his department to fully cooperate with the New South Wales police investigation? Has his department provided all relevant data, data logs and metadata it holds in relation to the internet use of the minister and his office to the New South Wales police?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:26): I thank the senator for her question. The government's commitment to cooperate in relation to the investigation around those documents is firm, and it extends to departmental agencies, as it does to government ministers and their staff. In terms of any requests for information that may have been provided, I'm not aware that any have been received from the New South Wales police. If any have, I will update the Senate.

The PRESIDENT: Senator Polley, a supplementary question?

Senator POLLEY (Tasmania) (14:27): I refer to the reports that Strike Force Garrad, established by the New South Wales police Crime Command's Financial Crimes Squad, is travelling to Canberra this week to interview Minister Taylor and his staff. Has the minister or anyone in his office spoken to the New South Wales police?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:27): Once again, I'm not aware of any such discussions taking place. If there are, I will update the Senate.

The PRESIDENT: Senator Polley, a final supplementary question?

Senator POLLEY (Tasmania) (14:28): Has the minister been asked by the New South Wales police to submit to an interview? If so, when will that interview take place?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:28): If Senator Polley is listening, I refer her to the answer to the first supplementary. It's the same answer.

Murray-Darling Basin

Senator ROBERTS (Queensland) (14:28): My question is to the Minister for Agriculture, Senator McKenzie. Minister, farmers are here en masse and want answers to these questions they gave my office: the major storage dams of the lower Murray-Darling Basin are currently holding about 7,500 gigalitres of water, which is 7.5 trillion litres, yet farmers along the Basin in New South Wales and Victoria are receiving zero allocation for general security water. I'll say it again: these farmers can visit their water in their dams. They can watch water flow past their properties on the way to irrigate forests. They just can't have any. Minister, will you release 1,000 gigalitres, just 13 per cent of the water in storage, to the states for general security water so our farmers can grow food and fibre for Australia and the world?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:29): I might answer this in my capacity as representing the minister for water, Minister Littleproud. The two million Australians who live and work throughout the Murray-Darling Basin system are actually providing food and fibre not just to our entire country but to the world. It is a hub of clean, green, safe, sustainable food production. It is also—in Shepparton, through the Goulburn Valley, in my home state of Victoria, and in other areas, particularly in New South Wales—the hub of food manufacturing. There are tens of thousands of Australians in these communities, on farm and off farm, who rely on water to be able to ensure they can continue to do what they have been doing for decades—and, in many cases, generations.

We know that these communities are under pressure. I was one of the first people in this place coming back from the election to be talking about the heartache, when you are a farmer in drought, of seeing water flow right past your front gate to water an environmental asset far, far away. It is heartbreaking. These farmers have had to come to parliament, and that's why we have been making changes since we came to parliament—

The PRESIDENT: Senator Hanson, a point of order?

Senator Hanson: Mr President, with just over 30 seconds left, the minister is not answering the question. Will they release 1,000 gigalitres of water to the farming sector? She has not even touched on that part of the question. Waffling isn't enough.

The PRESIDENT: Can I go to the point of direct relevance. I again ask senators not to simply restate a preferred part of the question but to bring the point of order to that of direct relevance. Can I remind the senator

what direct relevance means in contrast to what relevance used to mean. It used to mean, to quote a ruling of President Baker, that if, for example, a question concerned the state of the economy, the minister's answer is relevant if it refers to the state of the economy. President Beahan said relevance means relevance to the subject matter of the question. The Senate changed the standing orders to require answers to be directly relevant. In my view, to be directly relevant means that an answer must directly refer to or address, including challenging, material or assertions contained in a question or any preamble—that is, it is a narrower test than simply dealing with the same subject matter. It shouldn't deal with the motives of people asking questions unless those motives are assigned in the question itself and, therefore, it would be in order for a minister to challenge those. I just want to remind senators of that because direct relevance is a narrower test than relevance, which was the old subject matter. Minister, Senator Hanson highlighted part of her question. I can't direct you how to answer a question, as long as you are directly relevant to part of the question. And it was a lengthy question in this case, with a preamble, Senator Hanson. So I will listen carefully to the minister and ask her to continue.

Senator McKENZIE: I took the question to mean that we need more water in basin communities who are suffering from drought and near-zero allocations in some states and very low allocations in others. In these conditions what water there is for the environment is being used cautiously to minimise irreversible damage. At the beginning of August the Commonwealth Environmental Water Holder commenced the delivery of the southern spring flow targeting environmental outcomes. I think it's useful to note that the Water Act does not allow water set aside for the environment to be given to farmers either as a loan or as a gift.

The PRESIDENT: Senator Roberts, a supplementary question?

Senator ROBERTS (Queensland) (14:33): Thank you, Mr President. Minister, if this water is too important to give to farmers for food and fibre for Australians and the world, can you tell this place what that water is reserved for? If farmers are not going to get that 7.5 gigalitres, that 7.5 trillion litres, who is?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:33): This is one of the tragedies of this situation. Going to Senator Pratt's point: without water from the skies, it is very hard to create new water in the system. We are building water infrastructure. We are the side of politics that actually put a halt to buybacks, that sought to get any more efficiencies out of this system through investing in on-farm infrastructure. If the other team had been elected, they'd be getting their cheque book right now and walking on farms taking water. We refused to do that. It was we who capped it. It was we who put in the socioeconomic criteria so that you cannot remove one more gigalitre from these communities. We know, because we live in these communities, the reprehensible damage that removing one more gigalitre from the Murray-Darling Basin communities will actually do to not just farmers' productive capacity but also their own local communities' sustainability.

The PRESIDENT: Senator Roberts, a final supplementary question?

Senator ROBERTS (Queensland) (14:34): Minister, an agriculture minister who fails to help agriculture, whether on her own account or that of her party, is, by any definition, a failure. Will you resign?

An incident having occurred in the gallery—

The PRESIDENT: Order! Order in the galleries. Please remove that gentleman, attendants. That's utterly inappropriate behaviour. I will not tolerate interjections from the galleries. It is impolite to other citizens who are also here.

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:35): No, Senator Roberts, I won't be resigning. It is actually our side of government that backs agriculture and mining communities throughout regional Australia to deliver for them. Your party seeks to stop free trade agreements which have led to—

An incident having occurred in the gallery—

The PRESIDENT: Sorry, Senator McKenzie. Is someone up there in the gallery going to have the courage to own up? Are you going to have the courage to own up or are you going to hide? Please remove the gentleman. It is not appropriate. He is utterly inappropriate. It is completely disrespectful to your fellow citizens to behave that way. Senator McKenzie, please continue.

Senator McKENZIE: Thank you very much, Mr President. It is our side of politics, myself included, that backs accessing more markets for our farmers, who export 70 per cent of what they grow. One in five Australians owes their job to our status as a trading nation, so we back free trade rather than close ourselves off to markets of the world. We are the side of politics that put \$22 million on the table at the election to support Australian dairy farmers, not just through a mandatory code of conduct to ensure that the very unique and challenged dairy

industry regions in this country come together and support a mandatory code of conduct to stop the egregious behaviour of milk processors against farmers— (*Time expired*)

Murray-Darling Basin

Senator DAVEY (New South Wales—The Nationals Whip in the Senate) (14:37): My question is to the Minister for Agriculture. I myself am a senator who lives in the regions, in an area where we are on zero per cent allocation, and who understands exactly how hard and how frustrating it is for our people. Can you explain to the chamber what the Liberals and Nationals in government are doing to take practical steps during this drought, including how we are making water available to farmers to support livestock and breeding herds, in order to improve recovery when the drought breaks?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:37): Thank you, Senator Davey. You know better than anyone in this place, as an irrigator yourself, just how hard it is out there at the moment. The Nationals and Liberals in government are acting to help drought affected farmers to ensure access to water to grow fodder and to help farmers elsewhere suffering from drought to keep their breeding stock alive and protect the years they've invested in developing their genetics.

As part of our government's last round of support for drought affected farmers, Commonwealth and South Australian governments have struck a deal to secure 100 gegalitres of water so that farmers can grow fodder, silage and pasture at a discounted rate. By ramping up production, the South Australian government has agreed to sell up to 100 gegalitres of water allocations from the metropolitan account drawn from the River Murray to drought affected farmers. This means that water provided to farmers under the Water for Fodder program will be completely replaced by water produced by the Adelaide Desalination Plant. That is great for farmers up and down the river. It will mean an extra 120,000 tonnes more feed will be available than if we'd not worked with the South Australian government to deliver this program.

As a condition of applying for the program, irrigators will need to agree that they will not on-sell the water and will only grow fodder and pasture with the water they receive. Applicants will be required to provide evidence that they've grown the fodder where they said they would. At \$100 a megalitre, this water is incredibly heavily discounted. Farmers can apply from the second week of December, and water will start to flow before Christmas. This water must be used to produce fodder or pasture. Farmers can buy water in up to 50-megalitre lots, with a maximum purchase of 100 megalitres.

The Water for Fodder program will make a meaningful difference for farmers in need and will help improve fodder production for drought affected stock throughout the country. For those who decided to agist their breeding stock in areas less affected by the drought, there's \$1 billion worth of loans available to them and small businesses, interest- and repayment-free for at least two years.

The PRESIDENT: Senator Davey, a supplementary question?

Senator DAVEY (New South Wales—The Nationals Whip in the Senate) (14:39): Can you update the Senate on the government's achievements in supporting our farmers, including this Water for Fodder program, which is providing real water to farmers at discounted rates for the production of fodder?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:39): Thank you very much, Senator Davey. The Liberal and Nationals government supports farmers and rural communities to build resilience and preparedness for drought. Our drought strategy comes in three parts: immediate support for those affected, support for regional communities, and building for long-term resilience. We're making immediate support available through the farm household allowance; additional financial counselling services; drought community support programs; mental health and wellbeing programs; interest-free concessional loans, which can see farm businesses save up to \$150,000 in interest and repayments alone; and generous tax measures. Our three-point plan will help make sure our rural industries get through and recover from this drought so that they can make the most of our growing global market access and our strong reputation as a trader.

The Water and Fodder program is one example of the direct support we are providing for our farmers. It will also not reduce the security of water supply in South Australia, so it's a win for farmers up and down the basin.

Opposition senators interjecting—

The PRESIDENT: Order, Senator McKenzie. Please resume your seat. Order on my left!

Senator Cormann: On a point of order: Mr President, interjections are always disorderly. The level of interjection coming from the Labor Party is completely and utterly unacceptable. In fact, it's bordering on bullying.

Opposition senators interjecting—

The PRESIDENT: Order on my left!

Opposition senators interjecting—

The PRESIDENT: Order! If I'm making a ruling, be quiet! Where we've had interjections from the gallery it is particularly unhelpful for senators to be encouraging or otherwise acknowledging that, for the dignity of the chamber and all senators as well as for our fellow citizens here watching this. Senator Davey, a final supplementary question?

Senator DAVEY (New South Wales—The Nationals Whip in the Senate) (14:41): Can the minister inform the Senate when the Water for Fodder program will be open? More importantly: other than the idea of taking a bulk water volume from our bulk water resources which are owned by someone and undermining the property right of water, which farmers have fought so hard for, are there any alternative approaches to get water to our farmers?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:42): The Water for Fodder program guidelines were released yesterday, which will enable our farmers to access 50 megs of water at the heavily discounted price of \$100 a meg. Of the 100 gegalitres now available in the Murray-Darling Basin, there will be 40 gegalitres of water available under the program in round 1 for use in this water year, 2019-20. Applications for this real water open on 9 December this year.

Farmers will be able to apply for 50 megalitres of water in each allocation account they hold. When you hold more than two allocation accounts, you can submit a maximum of two applications. We'll then make 60 gegalitres available in round 2 for use in the next water year, which is 2020-21. Farmers will be able to apply for the second instalment of the program in April next year. This is a new and innovative approach to making new and additional water available in the basin during times of drought. It has never been done before. It highlights what's possible when basin states work together. It's part of us ensuring that our breeding herd is sustained.

Dairy Industry

Senator GREEN (Queensland) (14:43): My question is to Minister for Agriculture, Senator McKenzie. I refer the minister to her letter that she wrote to Senator Hanson on 16 October 2019 about when the dairy code of conduct would commence. Can the minister confirm that she made a commitment to Senator Hanson that she is planning to implement the dairy code of conduct by December this year? When will the dairy code of conduct actually come into effect?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:43): Thank you very much for your question, Senator. It's great to hear the Labor Party concerned about ensuring the sustainability of the dairy industry here in Australia—5,200 dairy farmers, who we have stood with from day one. It was our government that set up the ACCC inquiry on the back of the clawbacks that Murray Goulburn and Fonterra instigated. It was us that got the ACCC to do a very detailed inquiry into the industry. It is that inquiry's recommendations to implement a draft mandatory code that we're actually delivering. We took that policy to the federal election, along with \$22 million worth of other support for our dairy farmers. We didn't put in a floor price to the people—

The PRESIDENT: Senator Wong on a point of order?

Senator Wong: I'm conscious of the lengthy ruling you gave us earlier on direct relevance, but whilst there were two preceding paragraphs, the question was, 'When will the code come into effect?' We'd ask the minister to be directly relevant to that.

The PRESIDENT: On the point of order, I have allowed, when I have made rulings on direct relevance, for ministers to provide some context, but I remind the minister of the question. There were two questions there, plus the reference, and you've reminded the minister of the second bit, but I remind the minister of that.

Senator McKENZIE: I don't need any reminding. We're keen to get that mandatory draft code of conduct that we promised at the election in place as soon as possible. To that end, we have consulted on an exposure draft with the dairy industry over the past four weeks. We are keen on making sure we restore the bargaining power to dairy farmers when they are in contract negotiations with processors.

The mandatory code of conduct, everyone in this chamber will be rapt to hear, is on track to be in place by 1 January 2020. Rather than a watered-down code, this code will improve contractual arrangements between dairy farmers and their processors, help rebalance the bargaining power and improve the transparency of transactions. The code was a key recommendation, as I said, of the ACCC report. We had done consultations prior to the federal election; we've consulted on the exposure draft post-election. We are now working with the industry to ensure that this is a code that actually delivers for each of the eight very unique dairy industries. As I've said, what works in WA or Queensland, won't work in Tasmania. *(Time expired)*

The PRESIDENT: Senator Green, a supplementary question?

Senator GREEN (Queensland) (14:46): I refer the minister to reports that Senator McDonald has written to Coles and Woolworths chief executives, as well as major milk processors, urging them to sign up to the proposed code of conduct and commit to paying fairer milk prices immediately. Are the minister's own backbenchers now simply bypassing her because they know how ineffective the minister actually is?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:47): Thank you very much for the question. It gives me an opportunity to talk about the great work of Senator McDonald in supporting dairy farmers, not just in Queensland but right around the country. This is in the face of Labor's failed policy perspective that is supported by Senator Hanson against the wishes of the majority of dairy farmers, and that's for a floor price, which would actually decimate dairies' ability to bargain and receive a fair price.

What we're interested in on this side of the parliament is a fair price for our dairy farmers, not a floor price. That's exactly what Susan McDonald is championing. And it's exactly right. The supermarkets have to be held to account. You can't walk out into the public sphere and say, 'The drought's going to drive up meat prices; the drought's going to drive up horticulture costs for consumers,' and then fail to enter into negotiations with processors that would see the impact of the drought, of high water and high fodder costs, on our dairy farmers. Actually, you say that consumers are going to have to pay more for their milk— *(Time expired)*

The PRESIDENT: Senator Green, a final supplementary question?

Senator GREEN (Queensland) (14:48): Can the minister confirm that the dairy code of conduct does not cover major supermarkets, such as Coles and Woolworths? Did Senator McDonald seek advice from the minister prior to writing to Coles and Woolworths executives, as well as major milk processors?

Senator Canavan: There's a supply chain. You have no idea.

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:48): Yes; I was just going to say we'll walk you through the supply chain. When it comes to getting a bottle of milk on the shelves of supermarkets in this country, the farmer produces the milk, the processor comes and picks it up, pays a price for that, processes it and then has a relationship with the retailer. It is that particular relationship, between the processor and the retailer, that is governed by the Food and Grocery Code of Conduct. What we are seeking to do is actually implement a code—a mandatory code, not a voluntary one—that will govern the relationship between the producer and the processor, because it is a relationship that is mired in a lack of transparency, that sees farmers paid different prices around the country and played off against each other. We're seeking to have a code that will deliver a fair price from the processors to producer. We also want supermarkets to step up and pay the processor a fair price for their milk.

Infrastructure

Senator HUGHES (New South Wales) (14:49): My question is to the Minister representing the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, Senator Canavan. Can the minister outline how the Liberal-National government is addressing real issues of importance for Australians, including record investment in infrastructure, and how this will better connect our cities and regions, particularly in my home state of New South Wales?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (14:50): I thank Senator Hughes for her question and I recognise her strong passion to support infrastructure in New South Wales and especially in regional New South Wales. We are getting on with the job of investing in nation-building infrastructure in this country, which helps to boost jobs, cut travel times, make for safer roads and also unlock the enormous potential we have in our nation's regions. We are investing a record amount of more than \$100 billion in infrastructure over the next 10 years, as I said in this place last week. The 130-odd projects we're investing in across Australia will support 85,000 jobs. That is more jobs than people who have come to watch the second cricket test match between Australia and Pakistan, in Adelaide, in the first three days. There's a lot of jobs in that. Also, I am sure Senator Colbeck can confirm that it is more people than the number who turned up to watch our politicians versus the press cricket match yesterday in Canberra!

Across New South Wales, we are investing \$5.6 billion in the Pacific Highway, saving up to 2½ hours on that journey. That is going to support 2,800 direct jobs and 8,400 indirect jobs. We are investing in the WestConnex program in Sydney, which will save 40 minutes for people coming from Western Sydney into the city. That's a huge saving for those who have to put up with that commute. There are 10,000 jobs in that project alone. We're also supporting Western Sydney Airport, a real nation-building project for our country and a second major airport for Sydney. It is a \$5.3 billion dollar project, with 11,000 direct jobs and, more than that, there will be 13,000 ongoing jobs in that project. All of these projects help to support jobs in our economy, directly in their

construction, and, almost more importantly, they unlock our nation's potential over the long term to create even more jobs and stronger industries.

The PRESIDENT: Senator Hughes, a supplementary question?

Senator HUGHES (New South Wales) (14:52): Can the minister outline the government's achievements in infrastructure and the benefit of bringing forward these investments?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (14:52): We are not only investing record amounts in infrastructure but we have been working hard to look at ways of bringing forward those investments in order to support our economy and get those enormous benefits I've described out to the Australian people as soon as possible. Obviously, we've had to work with state and territory governments to bring these projects forward, because all of them are done in coordination with state and territory governments. It was great news that last month the Prime Minister and Deputy Prime Minister announced that in New South Wales alone more than \$500 million of road investments would be brought forward. They include \$185 million on the Toowoomba to Seymour road upgrade, most of which goes through New South Wales; a \$200 million investment in the Newell Highway, which is a really important project because, by bringing jobs to those depressed areas, it helps to support communities that are affected by one of the worst droughts in our nation's history; and \$145 million on the Princes Highway as well. All of these bring-forwards will mean jobs coming to the Australian economy and to a town near you, as soon as possible. We are working hard to deliver those jobs.

The PRESIDENT: Senator Hughes, a final supplementary question?

Senator HUGHES (New South Wales) (14:53): How will these investments boost the economy of my home state of New South Wales?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (14:53): With that question, I might go through some of the specifics. I've mentioned in general terms the total number of jobs—a football stadium worth of jobs—but let's go to specific projects. The Coffs Harbour bypass is a \$1.2 billion project that will support 600 direct jobs and 1,800 indirect jobs and will save the people of that region up to 12 minutes on their commute. The NorthConnex project, a nearly \$3 billion project, is under construction right now and is supporting nearly 9,000 direct and indirect jobs. Again, it will save 15 minutes for people on that journey. The Western Sydney Infrastructure Plan is a \$3 billion project that is under construction now. It will support 4,000 direct and indirect jobs. It's going to future-proof our economy and create even more jobs in the future. The Moorebank Intermodal Terminal will create another 1,300 indirect jobs and will enhance freight routes in our country. The Nowra Bridge is a \$310 million project that will create 300 direct jobs and provide a three-minute time saving. I am not going to have time to go through the whole list, but there are thousands of jobs being created by the fact we have— *(Time expired)*

Murray-Darling Basin

Senator HANSON-YOUNG (South Australia) (14:54): My question is to the Minister representing the Minister for Water Resources, Senator McKenzie. Minister, in response to the numerous scandals, water theft, corruption and mismanagement that have plagued the Murray-Darling Basin Plan, the water minister appointed Mick Keelty as the Murray-Darling Basin Inspector-General. This was more than four months ago yet we still have no statutory powers for him to investigate. When will the government put the legislation on the table so he can actually get on with his job, and what powers will he actually have?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:55): Thank you, Senator Hanson-Young, for your ongoing interest in the basin. In terms of the appointment of Mr Keelty to the role of Inspector-General, my advice is that I expect the proposed legislation to create the role will be introduced into parliament in the autumn 2020 sitting. The Department of Agriculture has commenced discussions with the basin states on the drafting of the legislation. The interim inspector-general has been out talking with stakeholders and the communities. States have raised concerns about the scope of powers of the inspector-general, and Minister Littleproud is eager to ensure that the powers of the inspector-general will provide basin communities with sufficient confidence in water management in the basin.

The PRESIDENT: Senator Hanson-Young, a supplementary question?

Senator HANSON-YOUNG (South Australia) (14:56): I thank the minister for her answer. Autumn 2020 is a hell of a long time off, considering that this inspector-general was meant to get on the job four months ago. Is it because there are members of the government—like, perhaps, Mr Joyce and Mr Taylor—who don't know and don't want the inspector-general to find things out?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:56): Senator Hanson-Young, I reject the underlying premise of your question. In August this year, our government announced the establishment of the Inspector-General of Murray-Darling Basin Water Resources as an independent statutory position holding all Commonwealth and state water agencies to account on their Basin Plan commitments and the laws governing water use. The basin ministers unanimously endorsed the new position, and the interim inspector-general has been out and about in basin communities, listening to them and working with them since his appointment. To suggest that nothing's happening, because the legislation hasn't gone through the parliament, is really misrepresenting how seriously the government takes this and how seriously Mr Keelty takes his role. The inspector-general will be able to refer issues to the relevant authorities to ensure that the laws governing water use are followed, including investigations into allegations of water theft. He'll work with communities across the entire basin, with support staff in regional areas in the northern and southern basins. *(Time expired)*

The PRESIDENT: Senator Hanson-Young, a final supplementary question?

Senator HANSON-YOUNG (South Australia) (14:57): Minister, there are thousands of people out the front of Parliament House today, many of them calling for a royal commission. Will the inspector-general be given the powers of a royal commission, or will you do the right thing and organise one to happen, so we can get to the bottom of all this muck?

Senator McKENZIE (Victoria—Minister for Agriculture and Leader of the Nationals in the Senate) (14:58): The government supports the action being taken against serious, illegal or fraudulent behaviour across the Murray-Darling Basin. As these are state basin legal matters, it's not appropriate for us to necessarily comment on specifics. But, in terms of the inspector-general, he will establish a process for the receipt and assessment of allegations of noncompliance with the Water Act, the Basin Plan and water resource plans. He will refer instances of alleged noncompliance to appropriate authorities, noting that the basin state and territory governments have primary responsibilities for implementing and enforcing compliance in their areas, and he will engage with the community about the Basin Plan implementation and associated water reforms. So Mr Keelty is getting about his business. He's looking into these allegations. He's going to be setting up processes and he'll be working with communities to make sure they can have confidence in the Basin Plan and its rollout.

Minister for Energy and Emissions Reduction

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:59): My question is to the Minister representing the Minister for Energy and Emissions Reduction, Senator Birmingham. I refer to his statement on 24 July 2019 that Mr Taylor 'has always declared his interests'. Does the minister stand by that statement?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (14:59): To the best of my knowledge, Mr Taylor has declared his interests as required by both the House of Representatives and the Prime Minister's ministerial code of conduct.

The PRESIDENT: Senator Wong, a supplementary question?

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:59): Can the minister explain why he told the Senate that Minister Taylor has always declared his interests when Minister Taylor has failed to declare his partnerships share in GFA F1 Pty Ltd for over five years?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (15:00): I'm not aware of the issue that Senator Wong refers to. I will look into that. I don't take these matters at face value in the Senate chamber, but, if there is further information to update the Senate with, I'll bring it back to the chamber.

The PRESIDENT: Senator Wong, a final supplementary question?

Senator WONG (South Australia—Leader of the Opposition in the Senate) (15:00): Can the minister confirm that Mr Taylor has failed to disclose to the parliament a previous shareholding and directorship in JRAT International Pty Ltd, a shareholding in Jam Land Pty Ltd, despite that company being subject to investigation by his own department for allegedly poisoning critically endangered grasslands, and now a shareholding held by his partnership?

Senator BIRMINGHAM (South Australia—Minister for Trade, Tourism and Investment and Deputy Leader of the Government in the Senate) (15:00): No, I do not take Senator Wong's assertions at face value there. Senator Wong has included in her statements matters that have been clearly dealt with already in relation to subsidiary entities or companies of other bodies. In relation to the issue that was raised in the first supplementary question, as I've indicated, if there's further information, I will come back to the chamber.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Dairy Industry

Senator WATT (Queensland—Deputy Opposition Whip in the Senate) (15:01): I move:

That the Senate take note of the answer given by the Minister for Agriculture (Senator McKenzie) to a question without notice asked by Senator Green today.

It's the last week of parliament, and what do you know? It's another bad week for the National Party. Over the course of these last six months, since the last federal election, we've had the National Party, the junior partner in the government, who should have been triumphant after their victory in May, just gradually go down in this spiral with issue after issue after issue concerning their actual base in rural and regional Australia, particularly when it comes to farmers and farming communities. We've seen it on the drought. We've seen, over the course of estimates and other proceedings, it exposed—that all of the work that the National Party claims to be performing in the interests of farmers and farming communities to provide money to combat the drought is all just built on massive fibs and misrepresentations. We've seen it on the dairy as well, and of course we see it in the ongoing leadership rumblings, usually surrounding Senator Canavan and other Queensland Nationals.

We've seen it again today with a series of questions asked by Senator Green of Minister McKenzie about the government's extremely poor performance on the dairy code of conduct. As we have said here on a number of occasions, if you can't get the National Party to care about dairy farmers in Queensland, in Victoria, in New South Wales and in other states, what can you get the National Party to do? They are letting down their core voters, their core constituents in the form of dairy farmers and farming communities generally. What we've exposed over the last few months—and I recognise the efforts of Senator Hanson and Senator Roberts on this matter as well—is that the National Party has profoundly let down dairy farmers across Australia. They've finally made promises, under sufferance, to introduce a dairy code of conduct, but we're still waiting. We're into the final week of this parliamentary sitting, and there is still no sign of this dairy code of conduct. You look under every rock, looking for the National Party's dairy code of conduct, and it's still missing. And, yet again, we see here today, that there's no sign of this code of conduct being delivered any time soon to save the dairy farmers that the National Party says they exist to represent.

The minister was given every opportunity today by Senator Green to tell us when this dairy code of conduct would actually come into effect, and, yet again, there are no answers, no promises and no time line. Dairy farmers, who are fast going to the wall, will have to just sit back and wait for this National Party to get its act together and come through on this dairy code of conduct.

In fact, things have got so bad that one of the National Party's own senators, Senator McDonald, has had to take matters into her own hands by writing to Coles' and Woolworths' chief executives, as well as to major milk processors, urging them to sign up to the proposed code of conduct and commit to paying fairer milk prices immediately. Senator McDonald wouldn't have to do that if Minister McKenzie were actually just doing her job and getting this dairy code of conduct provided and out there into the public. But because Minister McKenzie is unable to do this and has had to go and do deals with Senator Hanson to try to stave off leadership challenges in her own ranks, Senator McDonald has had to take matters into her own hands.

The extraordinary situation we saw here in question time today was that irrigators from the Murray-Darling Basin, who had travelled here, ended up walking out on the National Party agriculture minister. I don't think anyone has seen farming communities walk out, literally, during question time on answers from a National Party agriculture minister. That shows you the level of difficulty this minister and the National Party in general are faced with. What this goes to more generally is an incredible split that we see opening up day by day within the National Party. The body language that was on display by all of the National Party senators here today was something to be beheld. We had the National Party's own deputy leader, the agriculture minister, on her feet and trying to defend herself from the accusations that she hadn't done her job on the Murray-Darling Basin or on the dairy code of conduct. The level of misery on the faces of National Party senators was something to behold.

Of course, chief among them was Senator Canavan. We know that Senator Canavan and the other Queensland National senators and members of parliament cannot wait to get rid of Senator McKenzie out of the deputy leader spot, because they want it for one of their own. They want it for the Queensland National Party. They have never accepted Senator McKenzie, and I predict that, before the week is out, we are going to hear more about leadership rumblings in the National Party. (*Time expired*)

Senator ABETZ (Tasmania) (15:06): If there was a look of misery on the faces of National Party senators, I would imagine it is because they have to look at Labor senators during question time, and that would be quite understandable!

What the National Party senators are confronted with is a suggestion by the Labor Party that they are somehow concerned about dairy issues and drought. Yet, bar one question, every single question was not about government but gutter. It was dredging the gutter in relation to an issue that is being investigated by the New South Wales police for only one reason, that the serial letter writer, Mark Dreyfus, the shadow attorney, has yet again written a vexatious, vacuous and venal letter to a police authority, seeking to have an investigation into somebody in the coalition. And what have all those letters turned to?

The DEPUTY PRESIDENT: Senator Abetz, please resume your seat. Senator Wong?

Senator Wong: I'm sorry, Deputy President, but I think the motion moved was in relation to answers given to Senator Green's question.

The DEPUTY PRESIDENT: I remind senators that this is a broad-ranging debate. I am listening carefully, and I'm sure Senator Abetz will address the specifics of the taking note.

Senator ABETZ: Madam Deputy President, actions speak so much louder than words. Senator Watt pretended that the Australian Labor Party were concerned about drought and dairy, yet their actions in this question time belied that by virtue of the fact that each and every single question, bar one, was addressed to the issue of Mr Dreyfus's vacuous, venal and nasty letter to the police. They then suggested that there is now a criminal investigation into Minister Taylor. That's wrong—it is an investigation in response to Mr Dreyfus's letter and, given past performance in relation to Mr Dreyfus's letters, we will see a lot of taxpayer money being spent on an investigation into that, rather than into crime and corruption in New South Wales and elsewhere. And what's going to be the result? A big fat duck egg—zero, nil, nothing, zilch! That is what always happens with the letters that come out of Mr Dreyfus's office.

And so let the public be very much reminded that, whilst I'm sure Senator Watt will post up on social media his little five-minute speech as an indication of the Labor Party's concern on dairy and drought, the simple fact is that it's not part and parcel of their *modus operandi* because it is not about the government that they have a concern: their attraction is to the gutter and the trawling of the issue to which I have referred.

Let's make no mistake: dairy farmers are doing it tough. They have done it tough in the past and they will do it tough again in the future. I am sure that, with the assistance of good policy, there will be a better and brighter future for the dairy sector. If you are to have a code of conduct, if you want some government interference or assistance or help, what would you seek to do? Would you just say 'Canberra knows all the answers' or would you actually go about consulting? Wouldn't that be a good idea! And, what's more, that's exactly what Senator McKenzie has done. If Senator McKenzie had come into this place and said, 'I've got a code. Here it is. End of story,' who would have been the first people to criticise her for lack of consultation? It would have been the Australian Labor Party, with a little note for social media to say the minister has not consulted.

This is the typical display you get from an opposition that has resigned itself to opposition because it is unable to present good, positive policy platforms for the people of Australia to consider. They will trawl the gutter and then pretend they are interested in an issue and say, 'What has the minister done? We will say the exact opposite.' If that minister was consulting, they would say she should have acted. If that minister had acted, the argument from those opposite would have been that she should have consulted. It is one of these no-win situations. I have no doubt that the Australian farming community—in particular, the Australian dairy farming community—understand that in the Australian Labor Party they do not have a friend. Indeed, they have somebody who has never sought to look after the rural sector. We on the coalition side make no apology for consulting and seeking to support the vital dairy industry of this nation.

Senator GREEN (Queensland) (15:12): As the senators opposite congratulate themselves on doing anything and everything to talk about something other than their complete failure for the dairy farmers, I am going to talk about what has happened in this chamber today, and that is an outpouring of anger by dairy farmers. It is clear that dairy farmers and farmers across the country are angry. We on this side understand that anger. These are tough times for farmers all across the country. We know that there are really tough times ahead. If the drought continues and farmers continue to suffer from the drought, things are going to get even tougher. I have met with representatives of dairy farmers in Queensland. There is a very big collection of dairy farmers up in the tablelands in Far North Queensland close to where I live in Cairns.

Senator Rennick interjecting—

Senator GREEN: Is 45 a small number for you, Senator Rennick? I think one dairy farmer is good enough for me to stand up and represent them. Are 45 farmers not enough for you to get up and tell the minister that she should do her job? I will stand here and defend every single one of those farmers—whether it is 45, 55 or 450—because they are people who deserve the respect of this chamber instead of getting swatted away by the Minister for Agriculture when we put questions to her about what she's doing. It is obvious that farmers are angry because

they are being ignored by this government. The Nationals have let down dairy farmers. They have voted in this chamber against motions to make sure that legislation is discussed, that we have the debate here, that we get some processes moving. But they don't want to do that because they're protecting the Minister for Agriculture.

Today when I asked the Minister for Agriculture questions about this code of conduct and what is going to be happening, we got cynical answers and lecturing and condescension from Senator McKenzie in trying to tell the Labor Party about the supply chain. Well, I can tell you this: farmers do not need any more cynical, condescending lectures from the government. What they want to see is action.

It is surprising that we have seen a letter from Senator McDonald sent to supermarkets about this issue. Senators opposite want to pretend this isn't something that should be focused on, but I can tell you that Senator McDonald would not have had to send that letter if Senator McKenzie were doing her job. Why does George Christensen have a campaign petition on insurance on his website? Because the government is refusing to do its job. When there are members of the National Party and other backbenchers out there, campaigning against the government, you really have to wonder who is listening to who. This is symptomatic of a complete breakdown of this government representing the constituencies that matter to those members opposite.

I am deeply concerned that we are not going to see the action that dairy farmers need to prevent the closure of their dairy farms. This has been a very hot topic in Far North Queensland, where I live. I do lament the frustrations of dairy farmers and the people who have written in to *The Cairns Post* about this. There has certainly been a lot of anger and a lot of debate about this. It is frustrating. The member for Leichhardt wrote a letter to the editor on this issue, and I want to share a response that was received from a member of that community. Jerry from Tolga says, 'For the dairy industry, he has never done anything positive.' That's what he said about the member for Leichhardt. He said:

Why didn't Warren host a meeting with Tableland dairy farmers prior to July 1, 1999, when his LNP colleagues under then Prime Minister John Howard, deregulated the dairy industry.

Senator Rennick interjecting—

Senator GREEN: No good talking it out there, other people. Can you guarantee a resurrection of dairy in the Tablelands to 300-plus farmers through your so-called unwavering support? We are waiting for that miracle to happen, not fairy tales.

Senator Rennick interjecting—

The DEPUTY PRESIDENT: Senator Rennick, you have constantly interjected. Interjections are disorderly. I would ask you to discontinue that, please.

Senator DAVEY (New South Wales—The Nationals Whip in the Senate) (15:17): Let's make no mistake: the farmers who are here and outside protesting today are not here protesting just about dairy. They are protesting about the Murray-Darling Basin Plan, which was drafted and developed by the Labor Party. When you talk to the farmers, they will say there was a decided lack of consultation in developing the Basin Plan. They're also protesting about the impact of buybacks. Buybacks were a Labor Party policy which our government has capped. That's what those farmers out there are protesting about. Let's not conflate the two issues.

We know we are consulting on the mandatory dairy code of conduct. We were asked to consult. We did consultations in the drafting phase. We released the exposure draft and we consulted again. We are collating the feedback because no-one wants a poorly drafted policy—that can be much worse than no policy at all. We are making sure we get this policy right, based on our consultations and based on feedback from the industry. Senator Green says she's consulted with Queensland dairy farmers. Congratulations to her. But Senator McKenzie, the agriculture minister, is the Minister for Agriculture across the whole of Australia, not just for Queensland dairy farmers. Make no mistake: there is not wide-reaching support for a floor price, which is the Labor Party policy. They are working with Senator Hanson to ensure they get their policy put through. We will not accept that. We listen to the broader industry.

I have feedback from the New South Wales Farmers Federation dairy committee just today, which says they support investigation into a regional floor price and they support the current Senate inquiry that is underway because that gives them the opportunity to participate in the process. They have concerns on the model as proposed by Senator Hanson and they believe it needs further investigation. That is what we on this side are doing, and we are working with industry to make sure that we get the mandatory code of conduct as recommended by the ACCC in place, right and operational as quickly as possible.

So for the Labor Party to say that we have turned our backs on dairy farmers is completely offensive and completely incorrect. We on this side are the ones sitting at the table with the dairy farmers from across all states to find out exactly what they want, to address their concerns in our mandatory code of conduct, to get the mandatory code of conduct in place and then to further discuss with them how we can support their industry going

forward, including by looking at divestiture powers for supermarkets to see if that's required, if that will provide a better and more competitive marketplace, so that our farmers get paid appropriate prices for their produce. Let me make it clear: it was not consumers who demanded \$1-a-litre milk; it was the big retailers who decided that consumers would want \$1-a-litre milk. It was the big retailers who undermined the value of our high-quality agricultural produce and that's where we need to address our attention.

In the next year, we in the National Party will be making sure that we have a thorough look at our retailers, their market powers and, if action needs to be taken to make it a better and fairer operating environment for our producers as well as our processors and the retailers, then we will take that action. We do support our agricultural industries, all of them—our beef producers, our dairy producers and our croppers—and that's why we've got the Water for Fodder program out today, to get some water out there so that farmers can produce fodder, because this drought is ongoing. This drought is crippling across the board. We want to stand with our farmers, support our farmers and do what we can to not undermine property rights, and that will be the right decision for agriculture. *(Time expired)*

Senator STERLE (Western Australia) (15:22): You know, I've been here a long time. We get passionate about issues and challenges in this nation. But it does us, as legislators of this fine nation, no decency or good to hear senators interjecting all the time through taking note, when we're talking about one of the greatest challenges we're facing. For the poor people sitting in the chamber and those who may have been listening and tuning in, I am absolutely embarrassed by the comments being thrown across the chamber at each other by senators, who couldn't keep their mouths shut for longer than 10 seconds to try to interject and belittle other senators. The senator accused has left the chamber. It is probably the best thing that he has done in his short-term—

The DEPUTY PRESIDENT (15:23): Senator Sterle, It's not appropriate to refer to senators whether or not they're present.

Senator STERLE: Senator Rennick is not here so I won't refer to Senator Rennick.

The DEPUTY PRESIDENT: Senator Sterle—

Senator STERLE: Do you want me to withdraw that?

The DEPUTY PRESIDENT: I just called it to your attention.

Senator STERLE: I will not apologise for being embarrassed. I haven't even met the farmers—I don't know if they were irrigators or dairy farmers; I have no idea—but you could see the anger in the people in the gallery. And what did we have here? The Minister for Agriculture was on her feet; she had been asked a question from Senator Davey. The people in the gallery stormed out. They all left while all of you over there were trying to defend or whatever, let's not forget. For those in the gallery, may I remind the government: you have been in government seven years. This issue just hasn't popped up in the last couple of sitting weeks. These issues, these challenges, have been here many, many times.

Senator Davey, I know you're trying your best to defend your part of the world, as you may do, but you don't realise how silly and how condescending you sounded when you had a go at Senator Green because she quoted that Senator McDonald had written about Queensland dairy farmers. Your response was—I can't quite remember your exact words, because I was shaking my head so hard it nearly fell off—that the minister has to look after all farmers, not just Queensland. I think Senator McDonald has the right to look after her farmers and have her concerns, the same as Senator Hanson had the right to protect and defend and represent her farmers—the dairy farmers who are the same as Senator McDonald's. And I'm very, very well aware of the bullying tactics from the top of the supply chain. I think Lion is one that we've invited, as well as Coles and Woolworths—and, I think, Aldi—to come here next week and have a chat to us. That is because, I'm told, Scenic Rim dairy farmers are actually getting their feet nailed to the floor now, because, they are being forced, and bullied, into signing contracts on 9 December, which is only about four or five days away, that will lock them in—I believe; don't quote me—to 69 cents a litre. I said to Senator McDonald: can't they just tell them, 'Stop, we don't want to sign it while we're waiting for the mandatory code that eventually is going to get here one day, we're told'? And do you know what the answer was, Senator Davey? Because, if they do, they lose their bonuses and they're down to 50 cents a litre. As someone who has had to fight for years in my work life to get my rates when I was a self-employed truck driver, I know the power of negotiation from the top down.

How condescending and disgraceful the behaviour has been here today! Politicians think they know everything; sadly, they don't. But they could say at times, when they listen to the Australian people, 'Well, I was going to do this, but, you know what? Maybe I'm not the gatekeeper of all intelligence. Maybe I haven't got it right. Maybe I should consult further.' If people are angry enough to come down here—and, with all due respect to Canberra, which is a lovely place to visit, I think farmers have got better things to do and would rather be somewhere else—the least we can do is have the decency to sit down with them. We are not the be-all and the end-all, and we don't

have the fix-all. We don't have the magic bullet, but I've got to tell you, from what I'm hearing here, we could be doing a hell of a lot more as a nation. We're very good at collecting taxes and we're very good at having photographs taken when we cut a ribbon and open another piece of infrastructure that's been around for 30 years, but if you dare to come to us with a really serious problem such as people being driven off the land—and I don't know how many dairy farmers we're losing. I'm told that it's one a day in Queensland. Is throwing insults and barbs at other senators across the side of the table the best that senators on that side can do? Seriously? Do we pride ourselves on going into the last week of our sitting year thinking we have done the Australian people a major justice by defending very poor legislation and by defending statements that are now a year old? *(Time expired)*

Question agreed to.

Murray-Darling Basin

Senator HANSON-YOUNG (South Australia) (15:27): I move:

That the Senate take note of the answer given by the Minister for Agriculture (Senator McKenzie) to a question without notice asked by Senator Hanson-Young today.

I asked questions in relation to the fiasco that is unfolding throughout the Murray-Darling Basin. We know that the Murray-Darling Basin has been plagued by scandal after scandal, incidents of water theft, corruption, mismanagement and maladministration. And, of course, the government knows that these things are becoming more and more palpable and that they have to act, which is why, in August this year—some four months ago—the water minister announced that Mr Mick Keelty would act as the inspector-general for the Murray-Darling Basin to investigate these issues. We all welcomed that, yet what have we seen? Nothing. We know that the inspector-general is carrying out a number of meetings, but he has no powers to act. There is no legislation to give the inspector-general the powers and the terms of reference for him to do his job. What this shows is that it is all lip-service from this government when it comes to the people living along the Murray-Darling Basin—those communities that are relying on the river—and of course, those downstream, who desperately need to make sure this river is managed fairly, properly and sustainably. Where are the investigation powers to ensure that the inspector-general can get in there and sort out what is going on? Where are the referrals from the inspector-general to a national corruption body, a corruption watchdog or an integrity commission? These are the things that the government promised would happen, yet we have none of them. There are no statutory powers for the inspector-general, so he's got no ability to do his job, and there is still no anticorruption body to which he could even refer issues of corruption and maladministration.

Many, many people from diverse stretches of the Murray-Darling Basin—smaller farmers and irrigators, those who live in the communities that rely on a healthy river and, of course, those who are in the lower ends of the system who are struggling in what is a mismanaged river system—are calling out for a royal commission because we can't trust the government to clean up its own act, to clean up the act of the states who have been behaving badly and to make sure that this is all done in a transparent manner. We can't trust the government. We can't even trust it to put in place an inspector-general with the powers to get the job done.

While the government thought that all it needed to do was make an announcement—put out a press release—and give somebody a title and that would be okay, we are not fooled. We are not fooled at all. The government is up crap creek without a plan for managing the Murray-Darling Basin. It's got no idea what it's doing and it's got no ability to deal with the corruption, maladministration and water theft issues that have happened. What we have now, in the midst of a drying climate, is more and more people with their backs against the wall. Just outside, on the front lawns of Parliament House, is gathered well over a thousand people who are demanding that the government take serious action on the Murray-Darling Basin. They are sick of the lip service and sick of the broken promises. At the very least, this government should have put in place some powers for the fellow they want and said, 'We'll clean up the place for him to be able to get on and do it.' Yet today we had the minister saying in response to my questions that we'll have to wait until at least Autumn next year. So by the time this has been put in place we might be looking at 12 months down the line from the first announcement. That shows that the government is not taking at all seriously the plight of river communities and the very serious concern of those watching who are concerned about the sustainability of the river system.

Let me point out that this isn't about farmers versus the environment. This is about those who act corruptly and those who are making a motza out of running this system badly versus everybody else. It's corporations versus community versus river communities versus the environment. *(Time expired)*

Question agreed to.

PETITIONS

Religious Freedom

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

To the Honourable President and members of the Senate in Parliament assembled, I, Senator the Honourable Concetta Fierravanti-Wells, Liberal Senator for New South Wales and your petitioners ask that the Senate pass a *Religious Freedom Act* that contains not only a protection against religious discrimination, but also contains general protections for religious believers which includes provisions that ensure:

- Everyone shall have the right to freedom of speech, thought, conscience and religion including freedom to have or to adopt a religion or belief of one's choice, and freedom, either individually or in community with others and in public or private, to manifest one's religion or belief in worship, observance, practice and teaching;
- No one shall be subject to coercion which would impair his or her freedom to have or to adopt a religion or belief of his or her choice;
- Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others;
- Parents or legal guardians may ensure the religious and moral education of their children in conformity with their own convictions;
- All arms of government must act consistently with the Religious Freedom Act; and
- All laws must be applied consistently with the principles contained in the Act.

by **Senator Fierravanti-Wells** (10,000 citizens)

Petition received.

Senator FIERRAVANTI-WELLS (New South Wales) (15:33): I seek leave to make a one-minute statement in relation to the petition.

Leave not granted.

NOTICES

Presentation

Senators Watt, McCarthy, Green, Dodson and Chisholm: To move on the next day of sitting:

That the Senate—

(a) Records its deep regret at the death, on 27 November 2019, of Sam Watson, a proud member of the Munnenjarl and Biri Gubba Juru tribal nations, with blood ties to the Yuggera, Kalkadoon and Noonuccal peoples and one of Queensland's most significant Indigenous leaders.

(b) Recognises the lifelong activism, leadership and advocacy for social justice and the rights of his people.

(c) Places on record its appreciation of the long and tireless contribution Sam Watson Snr made to the advancement of the rights of Indigenous Australians.

(d) Offer our condolences to his wife Cathy, his children Nicole Watson and Sam Wagan Watson and the many Australians whose lives he has touched. We are all the poorer for his passing.

Senator Ruston: To move on the next day of sitting:

That on Wednesday, 4 December 2019, consideration of the business before the Senate be interrupted at approximately 5 pm, but not so as to interrupt a senator speaking, to enable senators to make valedictory statements relating to Senator Bernardi.

Senator McGrath: To move on the next day of sitting:

That the Senate:

(a) Notes that, for the first time since 1952, the ABC will not have a live radio broadcast of the Olympic Games; and

(b) Expresses disappointment that the ABC has indicated that it will not reverse its decision not to broadcast the 2020 Olympic Games in Tokyo.

Senator Siewert: To move on the next day of sitting:

That the Senate -

(a) notes that:

(i) the Government continued with the draconian robodebt program long after the harrowing evidence of the Senate inquiry in 2017 and the recommendation that it be put on hold while issues of procedural fairness were dealt with and long after the major flaws with the income averaging process were identified,

(ii) despite the announcement of the changes to income averaging via leaked emails the silence by the Minister on the way forward is once again leaving people worried and anxious,

(iii) the Government needs to be transparent about the new review process so that people know what is going on,

(iv) it will take extensive resources to identify and compensate the thousands of people who have been caught up in the robodebt scheme and who have paid debts that were incorrectly calculated,

(b) calls on the Government to:

(i) stop trying to evade responsibility for their systemic targeting of people on income support through income averaging and robodebt; and

(ii) address the reduced revenue raising as a result of the new process, the cost to review income averaging cases of the robodebt program, including the projected number of people who may be eligible for compensation and/or a refund, as well as the staffing required to investigate these cases in the 2019-20 MYEFO.

Senator Hanson-Young: To move on the next day of sitting:

That there be laid on the table by the Minister representing the Minister for Industry, Science and Technology, by 9:30 am on Thursday 5 December 2019:

(a) all correspondence between the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) and Equinor on its request for Equinor to modify and resubmit its environmental plan in relation to the Stromlo-1 Exploration Drilling Program;

(b) all correspondence between NOPSEMA and Equinor in relation to the notice issued by NOPSEMA on 8 November 2019 requesting further information about matters relating to consultation, source control, oil-spill risk and matters under Part 3 of the Environment Protection and Biodiversity Conservation Act 1999; and

(c) all correspondence between NOPSEMA and Equinor, up to 2 December 2019, in relation to the Stromlo-1 Exploration Drilling Program since the issuing of the notice on 8 November 2019.

Senators Keneally, Gallagher, McAllister, O'Neill, Sheldon and Ayres: To move on the next day of sitting:

That the Senate:

(a) Notes that:

(i) the Department of Home Affairs employs over 240 dedicated and hardworking Australians to process visa applications in New South Wales and the Australian Capital Territory,

(ii) this is crucial work that ensures the integrity of our visa processing system and is the cornerstone of our sovereignty as a nation,

(iii) the Federal Government's plan to privatise Australia's visa system threatens the livelihoods of over 240 Australians and their families in New South Wales and the Australian Capital Territory, and

(iv) the Federal Government's plan to privatise Australia's visa system threatens the livelihoods of over 240 Australians and their families in New South Wales and the Australian Capital Territory, and

(b) condemns the Federal Government for auctioning Australian jobs off to the highest bidder, and for undermining the integrity of our visa processing system and our nation's sovereignty; and

(c) calls on the Federal Government to guarantee the protection of these 242 jobs in New South Wales and the Australian Capital Territory, and the 2000 jobs across Australia, which will be lost under the Morrison Government if they persist with their efforts to privatise Australia's visa system.

Senators Patrick, Lambie, Bernardi, Hanson, Griff and Roberts: To move on the next day of sitting:

That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 26 November 2020:

Australia's relationship with the People's Republic of China.

Senator Pratt to move on the next day of sitting:

(1) That there be laid on the table by the Minister representing the Minister for Energy and Emissions Reduction, by no later than 3.30 pm on 4 December 2019, the following documents:

(a) the copy of the City of Sydney annual report 2017-18 the Minister for Energy and Emissions Reduction (Mr Taylor) claims was downloaded directly from the City of Sydney website in September 2019; and

(b) any documents that support the Minister's claim.

(2) That the Senate requires the Minister representing the Minister for Energy and Emissions Reduction to attend the Senate at 9.30 am on Thursday, 5 December 2019 to provide an explanation, of no more than 20 minutes, of the government's response to paragraph (1).

(3) That following the Minister's explanation, or in the event the Minister fails to provide an explanation, any senator may move to take note of the response required by paragraph (2).

(4) That any motion under paragraph (3) may be debated for no longer than 60 minutes, shall have precedence over all business until determined, and senators may speak to the motion for not more than 10 minutes.

Senator Faruqi to move on the next day of sitting:

That the Senate:

(a) Notes that:

(i) The Federal Government has announced \$10 million in Special Circumstances Funding to drought affected schools, but has specifically excluded public schools from receiving this funding.

(ii) More than 80 per cent of students in rural and remote areas are enrolled in public schools and they are also deeply impacted by the drought.

(b) Calls on the Federal Government to establish a fund for government schools facing hardship as a result of ongoing drought conditions.

Senator Waters to move on the next sitting day:

That the Senate:

(a) notes that:

(i) on 1 December 2019, the Federal Government submitted the State Party Report on the state of conservation report of the Great Barrier Reef (the Reef) World Heritage Area,

(ii) the State Party Report responds to the World Heritage Committee Decision in 2015, requesting the Government to outline how the Reef's Outstanding Universal Value is being protected to avert a World Heritage In Danger listing,

(iii) the State Party Report recognises that mass coral bleaching events in 2016 and 2017, tropical cyclones, flooding, and crown-of-thorns starfish have impacted the Outstanding Universal Value of the Reef since 2015,

(iv) the Great Barrier Reef outlook report 2019 found that the long-term outlook for the Reef's ecosystem has deteriorated from poor to very poor, and climate change and land-based run-off remain the key threats,

(v) the State Party Report states that the Government is 'actively managing the pressures over which we have direct control through investment and regulation based on the best available science',

(vi) United Nations scientific reports have confirmed that if global temperature rises by 1.5°C, 90% of coral in the Reef will be lost and 100% of coral will be lost at 2.0°C,

(vii) the Government has established a Senate inquiry questioning the water science informing regulation of land-based run-off into the Reef,

(viii) Government representatives have advocated for the removal of climate change threats as a consideration for World Heritage In Danger listing decisions, and

(ix) fossil fuel companies have donated nearly \$5 million to the Liberals, Nationals and Labor parties over the past four years; and

(b) calls on the Federal Government to:

(i) implement a climate policy to limit global warming to 1.5°C to protect the Great Barrier Reef,

(ii) manage the key pressures over which it has control by revoking all federal approvals for the Adani Carmichael mine and not approve any new coal in Australia, and

(iii) ban corporate donations to political parties from the fossil fuel industry, an industry which financially benefits from this Federal Government's lack of action on climate change.

Senator Sterle: To move on the next day of sitting:

(1) That the Senate notes the hardship and financial difficulty being faced by dairy farmers in many parts of the country;

(2) That there be laid on the table by the Minister for Agriculture, by no later than 11.45 am on Thursday 5 December 2019, a legislative instrument giving legal effect to a dairy code, and if the instrument has not been tabled prior to the appointed time, the minister be called on to table the instrument before petitions are called on that day;

(3) That if the legislative instrument required by paragraph (2) is not tabled, the Senate requires the Minister for Agriculture to attend the Senate at 3.30 pm on Thursday 5 December 2019 to provide an explanation, of no more than 20 minutes, of the Government's response to paragraph (2);

(4) That following the Minister's explanation, or in the event the Minister fails to provide an explanation, any senator may move to take note of the response required by paragraph (3);

(5) That any motion under paragraph (4) may be debated for no longer than 60 minutes, shall have precedence over all business until determined, and senators may speak to the motion for not more than 10 minutes.

Postponement

The Clerk: Postponement notifications have been lodged in respect of the following:

Business of the Senate notice of motion no. 72 standing in the name of Senator Kitching, proposing the establishment of a select committee on integrity, postponed till 5 February 2020.

General business notice of motion no. 296 standing in the name of Leader of the Australian Greens (Senator Di Natale), proposing the establishment of a select committee on impacts of climate change on everyday Australians, postponed till 3 December 2019.

Business of the Senate notice of motion no. 1 standing in the name of Senator Whish-Wilson, proposing a reference to the Economics References Committee, postponed till 4 December 2019.

COMMITTEES

Community Affairs References Committee

Reporting Date

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

Community Affairs References Committee—Current barriers to patient access to medicinal cannabis in Australia—from 12 February 2020 to 26 February 2020.

The DEPUTY PRESIDENT (15:35): Does any senator wish to have the question put? No? I shall now proceed to the discovery of formal business.

PARLIAMENTARY ZONE

Approval of Works

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:36): At the request of Senator Colbeck, I move:

That, in accordance with section 5 of the *Parliament Act 1974*, the Senate approves the following proposals by the National Capital Authority for capital works within the Parliamentary Zone:

- (a) National Gallery of Australia Foreshore Public Domain upgrade; and
- (b) the Sir John Gorton commemorative sculpture.

Question agreed to.

BILLS

Crimes Legislation Amendment (Combatting Corporate Crime) Bill 2019

Agriculture Legislation Amendment (Streamlining Administration) Bill 2019

Wine Australia Amendment (Label Directory) Bill 2019

First Reading

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:37): I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the *Notice Paper*. I move:

That the following bills be introduced:

A Bill for an Act to amend legislation relating to the criminal law and law enforcement, and for related purposes. *Crimes Legislation Amendment (Combatting Corporate Crime) Bill 2019*.

A Bill for an Act to amend laws relating to biosecurity and imported food to provide for streamlined administration through automated decision-making, and for related purposes. *Agriculture Legislation Amendment (Streamlining Administration) Bill 2019*.

A Bill for an Act to amend the *Wine Australia Act 2013*, and for related purposes. *Wine Australia Amendment (Label Directory) Bill 2019*.

Question agreed to.

Senator DUNIAM: I present the bills and move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:38): I table the explanatory memoranda relating to the bills and I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

CRIMES LEGISLATION AMENDMENT (COMBATTING CORPORATE CRIME) BILL 2019

The Crimes Legislation Amendment (Combating Corporate Crime) Bill 2019 will amend the *Criminal Code* and the *Director of Public Prosecutions Act 1983* to enhance the tools available to law enforcement and prosecutors to tackle corporate crime.

Corporate crime is estimated to cost Australia billions of dollars every year. It hurts business, our international reputation and our economic wellbeing.

In particular, the harm caused by misconduct was laid bare in the landmark Royal Commission into the Banking, Superannuation and Financial Services Industry. This has shown us that we must continuously review and strengthen our enforcement frameworks to ensure early detection and strong deterrence of corporate wrongdoing.

The opaque and sophisticated nature of corporate crime can make it difficult to identify and easy to conceal through complicated structures and transactions. Investigations into corporate misconduct can be hampered by the need to process large amounts of complex data, including evidence that may be held overseas. Court proceedings can be protracted, expensive, and involve well-resourced corporate defendants.

The measures in the Bill seek to address these challenges and remove undue impediments to the successful investigation and prosecution of foreign bribery cases.

Foreign bribery is an inherently challenging crime to investigate. The OECD has reported that, across all parties to the OECD Anti-Bribery Convention, it takes an average of 7.3 years to conclude foreign bribery cases.

Under the current foreign bribery offence, the prosecution needs to show that both the bribe and the business advantage sought were 'not legitimately due'.

This presents challenges where bribes are concealed as legitimate payments (for instance, agent fees).

To address this, the Bill replaces this requirement with the concept of 'improperly influencing' a foreign public official to better reflect the type of conduct involved in foreign bribery. The Bill also amends the definition of 'foreign public official' to also include candidates for public office.

The Bill also broadens the scope of the foreign bribery offence to capture bribery conducted to obtain a personal advantage, not just *business* or a *business* advantage. This reflects law enforcement experience that bribes can include the bestowal of personal honours, the processing of visa requests, or in relation to reducing personal tax liability.

The Bill further removes the existing requirement that, for the offence to be established, the foreign public official be influenced in the exercise of their official duties. The Bill also clarifies that the offence does not require the accused to have had a specific business or advantage in mind, and that the business or advantage can be obtained for someone else.

Most significantly, the Bill creates a new offence for corporations of failing to prevent foreign bribery, which carries a maximum penalty of either \$21 million, 10 per cent of annual turnover, or three times the benefit gained — whichever is greatest.

This measure holds companies directly liable for the foreign bribery activities of their employees, external contractors, agents and subsidiaries, unless the business can demonstrate

The United Kingdom has successfully used a similar offence to prosecute companies in several foreign bribery cases.

To support the introduction of this new offence, guidance material on what constitutes 'adequate procedures' to avoid criminal liability will be developed and published.

I am pleased that today we will also release draft guidance material for public consultation.

The draft Guidance is largely modelled on the UK Government's Guidance that accompanies the 'failure to prevent' offence under section 7 of the UK Bribery Act.

In preparing this guidance, the Government also had regard to existing guidance published by the Australian Trade Commission, the OECD and other international organisations.

This is intended to enable Australian companies that have already framed their anti-bribery policies on international guidelines to easily incorporate additional policies relevant to the Australian context.

Individuals and companies will have until the end of February next year to submit feedback and comments on the guidance. Further information about the consultation process will be provided on the Attorney-General's Department website.

The Bill will also implement a Commonwealth Deferred Prosecution Agreement (DPA) scheme.

The DPA scheme will bolster cooperation between law enforcement agencies and the business community to uncover and deal with corporate crime, and provide a new tool for holding offending corporations to account.

DPAs have been used to tackle corporate crime with significant success in both the United Kingdom and the United States.

Under the DPA scheme, the Commonwealth Director of Public Prosecutions will be able to invite corporations suspected of certain serious corporate criminal offences to negotiate an agreement to comply with a range of specified conditions. If the corporation fulfils its obligations under the DPA, it will not be prosecuted for the offences specified in the DPA.

Because the purpose of the DPA scheme is to tackle corporate crime, a DPA will only be available with respect to one or more of the serious corporate offences specified in the Bill such as foreign bribery, false accounting, dealing with proceeds of crime, money laundering and dishonest conduct offences and sanctions offences. These offences are often difficult to detect, investigate and prosecute.

Under the scheme, the Director of Public Prosecutions will have the discretion to extend a DPA to also apply to additional less serious offences that arise out of the same course of conduct, where it is appropriate to do so.

The scheme provides prosecutors with an additional option in cases where a company is actively cooperating with authorities.

A DPA will not be appropriate in all cases. The DPA scheme strikes a balance between encouraging corporations to self-report misconduct, and ensuring that a DPA does not represent a 'free pass' to corporations that have engaged in serious corporate crime.

The scheme offers corporations an opportunity to avoid some of the reputational and financial costs associated with lengthy investigation and trial processes, but will typically require a party to a DPA to admit to agreed facts, cooperate with any related investigation, pay a financial penalty and implement a compliance program.

Each DPA will be assessed and approved by a former judicial officer to ensure that the DPA is in the interests of justice and that its terms are fair, reasonable and proportionate.

The DPA scheme is a new and innovative approach to combatting corporate crime, and it is important to ensure that stakeholders understand the benefits of the scheme and can inform how it works in practice. As such, the Government will release guidance on the DPA scheme once these provisions are enacted, this guidance will incorporate input and feedback received from public consultations.

Finally, the Bill also makes technical amendments to update the definitions of dishonesty under the Criminal Code to ensure these are aligned with the test endorsed by the High Court in *Peters v The Queen* (1998).

The amendments in the Bill will strengthen Australia's implementation and enforcement of the OECD *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions* and the United Nations *Convention against Corruption*. At the completion of Australia's Foreign Bribery Phase 4 evaluation in 2017, the OECD noted the major steps Australia had taken in enforcement. Introduction of this Bill will further enhance our enforcement efforts under the Anti-Bribery Convention.

The Government has taken significant steps in recent years to strengthen Australia's response to preventing, detecting and prosecuting foreign bribery and other forms of corporate crime.

In this year's Budget, the Government announced funding of \$25.9 million over four years for the Australian Federal Police to strengthen its approach to countering and responding to foreign bribery.

This follows an additional \$51.5 million allocated in November 2018 to the Commonwealth Director of Public Prosecutions and the Federal Court of Australia to enable further prosecutions of corporate crime following the Financial Services Royal Commission.

The Government also introduced measures in the *Enhancing Whistleblower Protections Act 2019* to encourage stronger corporate compliance and strengthen protections for corporate sector whistleblowers who come forward to report on corporate corruption.

In April this year, the Government commissioned the Australian Law Reform Commission to undertake a comprehensive review of Australia's corporate criminal responsibility regime. It is essential that our laws are effective in holding corporations to account for criminal misconduct by their employees and agents.

The Combatting Corporate Crime Bill further demonstrates that the Government is committed to tackling corporate offending, and to protecting Australia from the corrosive effects of corporate crime.

AGRICULTURE LEGISLATION AMENDMENT (STREAMLINING ADMINISTRATION) BILL 2019

Australia's world-class biosecurity framework has ensured that our \$60 billion agricultural industry, local communities and natural environment are protected from the incursion of pests and diseases.

The Agriculture Legislation Amendment (Streamlining Administration) Bill 2019 will assist the efficiency and effectiveness of our biosecurity system, by authorising automated decision making for decisions made by biosecurity officers under the *Biosecurity Act 2015* and authorised officers under the *Imported Food Control Act 1992*. This approach will support deregulation and improve the effectiveness of the biosecurity framework and imported food system.

Australia's biosecurity framework plays a critical role in reducing risk of incursions by pests and diseases. The Department of Agriculture currently processes on average 45,000 commercial cargo referrals and an increasing value of imported foods each month. Australia is currently operating in the peak season for the Brown Marmorated Stink Bug, or BMSB, which entails considerable administrative and manual effort by biosecurity staff and stakeholders, to prevent an incursion of this potentially devastating pest.

The Department is also dedicating intensive resources to prevent African Swine Fever Virus, or ASFV, from entering Australian borders. ASFV poses a significant biosecurity threat to

Australia as it is a highly contagious disease that spreads rapidly through domestic and wild pigs, killing up to 80 per cent of the pigs it infects. As of September 2019, ASFV had reached the shores of our near neighbour East Timor. Other high risk pests include the Khapra beetle and the continued threat posed by foot and mouth disease.

If we do not provide Australia's biosecurity framework with all possible tools to prevent the entry of such high risk pests and diseases, Australia's agricultural industry and world-leading reputation for biosecurity may be irreparably damaged.

This Bill clarifies the legislative basis for the Government to issue directions to importers and brokers arranging the entry of goods and imported food into Australia, through the use of computerised decision-making. Such automated decision making will enable the Government to maximise resources addressing critical risks, and ensure current and planned decision tools can be implemented as efficiently as possible, with minimal impacts on importers.

The Bill will provide the Secretary the power to determine, by legislative instrument, the types of decisions a computer program may make on behalf of a biosecurity officer or an authorised officer. This will allow the Government to adapt to developments in technology and account for future iterations of automated decision making systems. In this, the Bill will provide a platform for immediate and ongoing improvement in regulatory decision-making.

To take into account technical difficulties that may be experienced by computer systems, the Bill also enables a biosecurity officer or an authorised officer to substitute automated decisions where appropriate.

As the government enters the peak pre-Christmas season for cargo referred for inspection, including the increased inspection for ASFV and BMSB, optimising our operational efficiencies is critical. The operational environment of high volumes of goods and people entering Australia, and the potential for negative impact on Australia's agriculture, environment and economy if biosecurity risk or food safety is not effectively identified and managed, mean that it is necessary to provide automated decision-making. The Bill is therefore critical for Australia's biosecurity framework to operate efficiently and effectively for the health and safety of all Australians.

WINE AUSTRALIA AMENDMENT (LABEL DIRECTORY) BILL 2019

Australia is well regarded for our top quality agricultural produce, fine food and wine which makes our exports highly valued by consumers overseas. For wine, the good name of our wine brands is particularly important for showcasing the range of wines we have on offer and building trust with consumers.

Australia is the sixth largest wine producer in the world, and the fifth largest wine exporter. We currently export two thirds of Australian wine produced, adding \$2.89 billion to the economy per year. This growth brings enormous benefits to Australian winemaking and growing regions, but it also brings with it the risk that some may seek to unfairly profit off the reputation of others and undermine the integrity of the sector as a whole.

Our robust wine export controls ensure consumers can be confident that they will not only be getting a safe and quality product, but that what the bottle says they are going to get, is what they're getting.

With the Wine Australia Amendment (Label Directory) Bill 2019 we are adding one more tool to Wine Australia's export controls toolkit. The Bill allows Wine Australia to establish the Wine Export Label Directory, a public-facing online database of all Australian wine labels for export.

The Australian wine industry asked for a Label Directory to strengthen the wine export regulatory system administered by Wine Australia to prevent the export of copycat labelled wines, and we are delivering it. While Wine Australia's role does not extend to protection of intellectual property rights, this Bill will better facilitate wine brand owners to protect their own interests.

With our steady growing, high volume and high value wine exports it is no longer a simple case of walking into a liquor store or visiting a key distributor or retailer overseas to ensure copycat labels haven't entered the market. The Label Directory is a simple, modern equivalent.

The Label Directory will allow brand owners to search the database to easily see whether other labels may be seeking to trade off of their intellectual property so they can undertake appropriate civil action against copycat exporters through the Australian legal system. While it is up to them to sort out whether copyright infringement has occurred, we are sending a clear message that trying to take advantage of the reputation of Australian brands is not on.

The Bill will also enable Wine Australia to take into account the behaviour of wine exporters using the Label Directory, in administering licences to export grape products. So when exporters are trying to take advantage of the good name of Australian brands, or are using untruthful or non-compliant labels, Wine Australia can suspend or cancel their licence to export.

The continuing success of Australian wine exports depends on the maintenance of our internationally recognised reputation for quality and integrity that is supported by Wine Australia's regulatory activities. The establishment of the Label Directory by this Bill will better equip Wine Australia to respond to the risks that come with growth in reputation and value overseas, and enable the Australian wine industry to more easily protect themselves.

Debate adjourned.

Ordered that the bills be listed on the *Notice Paper* as separate orders of the day.

MOTIONS

Islamophobia

Senator FARUQI (New South Wales) (15:39): I, and also on behalf of Senators Di Natale and O'Neill, move: That the Senate—

(a) notes with deep concern the findings of the:

(i) Charles Sturt University's report *Islamophobia in Australia 2019*, which shows:

(A) between 2016 and 2017, 349 incidents of anti-Muslim racism reported to the Islamophobia register,

(B) severe attacks requiring hospitalisation more than doubled from 2% to 5%,

(C) most incidents of racism towards Muslims involve the targeting of women – 72% of the victims of Islamophobia were women, and almost all were wearing a hijab or scarf at the time of the incident,

(D) attacks in public areas have become more common, with harassment of Muslims in public areas in the presence of security officers and CCTV jumping by 30%,

(E) the second most common place for harassment was schools and universities, with incident reports outlining racist slurs from other students, teachers, principals and sports coaches, and

(F) insults targeting Muslims' religious appearance and religion were the highest at 67% of all reported incidents, and

(ii) *All Together Now 2019* study which analysed 281 media pieces from the most popular newspapers and television shows over a 12-month period, which show:

(A) racialised identities most often discussed negatively in media included Muslim Australians, Aboriginal and Torres Strait Islanders and African Australians,

(B) Muslim Australians were the most frequently targeted, with 63 of the 281 pieces discussing Muslims specifically,

(C) Muslim women are most often targeted by negatively racialised social commentary, with perpetrators primarily being mainstream newspapers, and

(D) social commentators expressed racist views in both overt and covert ways, such as dog-whistling, decontextualisation and irony;

(b) denounces Islamophobia in all its forms;

(c) condemns Islamophobia in public debate and in the media; and

(d) calls on the Federal Government to show leadership at the national level to stop the spread of Islamophobia.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:39): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The government opposes Islamophobia in all its forms and over the past six months has taken concrete action to address it. Notably, the Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019 introduced world-leading protections intended to address the weaponisation of social media as a tool for hate, and our religious discrimination bill will make discrimination against Muslims based on their religious belief unlawful for the first time in both New South Wales and South Australia. There is more to be done but not just at the federal level. All governments should be acting to prevent Islamophobia, and we welcome opportunities to work in partnership across jurisdictions.

Question agreed to.

Australian Bushfires

Senator DEAN SMITH (Western Australia—Government Whip in the Senate) (15:40): I, and on behalf of Senators Brockman and Watt, move:

That the Senate—

(a) notes the devastation recent bushfires have inflicted on communities across New South Wales and Queensland;

(b) commends the NSW Rural Fire Service, Fire and Rescue NSW, the Queensland Rural Fire Service and Queensland Fire and Emergency Services for their professionalism and dedication to protecting life and property in their communities; and

(c) acknowledges the 103 Western Australian Department of Fire and Emergency Services and Department of Biodiversity, Conservation and Attractions specialist personnel who were deployed to New South Wales and Queensland to assist in a variety of incident management roles, including aerial suppression, ground support, planning, logistics and operations.

Question agreed to.

World AIDS Day

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (15:41): At the request of Senators Pratt, Dean Smith and Di Natale, I move:

That the Senate—

(a) notes that:

(i) 1 December 2019 is World AIDS Day, an annual day to acknowledge those we have lost to AIDS-related conditions and those who are living with HIV,

(ii) the theme for World AIDS Day 2019 is 'Every Journey Counts',

(iii) stigma associated with HIV acts as a barrier to treatment and prevention,

(iv) action, as outlined for implementation in the Eighth National HIV Strategy, is needed to address rising HIV transmission among First Nations, trans and gender diverse people, and other emerging high-risk population groups,

(v) while there has been a decrease in new transmissions, gay and bisexual men continue to bear the burden of Australia's HIV epidemic, and ongoing health education and awareness among this population group is needed,

(vi) ongoing bipartisan political action and leadership is required to meet our national target of ending HIV transmission in Australia, and

(vii) the priority areas for action in the Eighth National HIV Strategy include:

- (A) education and prevention,
- (B) testing, treatment and management,
- (C) equitable access to and coordination of care,
- (D) workforce,
- (E) addressing stigma and creating an enabling environment, and
- (F) data, surveillance, research and evaluation; and

(b) recognises and acknowledges:

- (i) the journey that people have made through their diagnosis, treatment and experiences of living with HIV,
- (ii) the tremendous efforts of peer educators, healthcare professionals, researchers and scientists in developing treatment and prevention regimes that have improved the lives of people living with HIV, and prevented a generalised epidemic in Australia, and
- (iii) the tireless community advocates, civil society organisations and support groups that actively tackle stigma associated with HIV.

Question agreed to.

Housing Affordability

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:42): I, and also on behalf of Senator Faruqi, move:

That the Senate—

(a) notes that the November 2019 Rental Affordability Index Report found that:

- (i) a single person on Newstart needs to pay over 77% of their income on rent to live in any capital city area,
- (ii) 43% of low-income households are currently in housing stress, compared to 35% in 2008,
- (iii) rents for a single person on Newstart are severely to extremely unaffordable across all states, in both metropolitan and regional areas, and
- (iv) rental stress pushes single people on Newstart to the outer fringes of our cities making it harder to access employment and training; and

(b) calls on the Federal Government to:

- (i) immediately increase Newstart and Youth Allowance to allow people in our community to have dignity of choice, and
- (ii) immediately address housing stress experienced by people on low incomes across Australia.

Question agreed to.

Workplace Safety

Senator WATERS (Queensland) (15:42): I move:

That the Senate—

(a) notes that:

- (i) on 25 November 2019, Mr Brad Duxbury was tragically killed at the Carborough Downs mine site at Coppabella, Queensland,
- (ii) Mr Duxbury's death is the fifth fatality on a Queensland mine site in the past 12 months,
- (iii) there have also been more than 100 confirmed cases of mine-dust-related diseases in Queensland, and
- (iv) nationally, Safe Work Australia's report, *Work-related Traumatic Injury Fatalities*, states that 9 mine fatalities were recorded in 2018; and

(b) calls on the Federal Government to:

- (i) recognise that people have the right to a safe workplace free from occupational hazards,
- (ii) implement the recommendations contained in the report of the Education and Employment References Committee, tabled on 17 October 2018, on its inquiry into industrial deaths in Australia entitled, *They never came home – The framework surrounding the prevention, investigation and prosecution of industrial deaths in Australia*, and
- (iii) work with Safe Work Australia and all state and territory governments to implement a nationally-consistent industrial manslaughter offence into the model workplace health and safety laws.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:43): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The government believes that everyone who goes to work should return home safely to their family each and every day. The Commonwealth is working with states and territories to explore how the preventative focus of existing workplace health and safety laws can be strengthened to prevent injuries and, more importantly, deaths in the workplace. State and Commonwealth ministers will soon meet to consider all recommendations from the 2018 review of the model laws, including the recommendations to introduce a specific industrial manslaughter offence. To ensure consistency and harmonisation, this is the appropriate forum to determine any changes to the model workplace health and safety laws and not this motion today in the Senate.

Question agreed to.

Animal Welfare

Senator FARUQI (New South Wales) (15:44): I move:

That the Senate—

(a) notes that:

(i) fires have ravaged Australia before the start of summer with more than 1,650,000 hectares of land, including koala habitat, burned in New South Wales,

(ii) between 350 and 1000 koalas have been found dead so far on the North and Mid-North coast of New South Wales, and

(iii) koalas are listed as a vulnerable species under the *Environmental Protection and Biodiversity Act 1999*; and

(b) calls on the Commonwealth Government to more effectively plan for koala and animal welfare in natural disaster responses.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:44): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: Protecting life, property and the environment are key goals in emergency and disaster management planning. Within Australia, primary responsibility for prevention, preparation and responding to and recovering from these events rests with the states. Planning across all phases requires us to accept a shared-responsibility approach, and the Commonwealth government supports the jurisdictions, wherever possible, to achieve the best outcomes across all stages, including animal welfare.

Question agreed to.

DOCUMENTS

Environment

Order for the Production of Documents

Senator DI NATALE (Victoria—Leader of the Australian Greens) (15:45): I move:

That the Senate orders that there be laid on the table by the Minister representing the Minister for Energy and Emissions Reductions, on 4 December 2019, the corporate emissions and energy data of Amazon Corporate Services Pty Ltd for 2017-18, which was requested to be withheld under section 25 of the *National Greenhouse and Energy Reporting Act 2007*.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:45): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: In line with section 25 of the act, on 22 November, the Clean Energy Regulator decided against Amazon's application for data to be withheld from publication. Information that is sought through this motion is now publicly available.

Question agreed to.

MOTIONS

Economy

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (15:46): At the request of Senator Ayres, I move:

That the Senate—

(a) notes that:

- (i) each year the Harvard University Growth Lab produces the world Atlas of Economic Complexity,
 - (ii) the Atlas of Economic Complexity tracks an Economic Complexity Index (ECI) for 133 countries which analyses each country's growth prospects where the diversity and complexity of existing capabilities is a strong indicator of future growth prospects,
 - (iii) since 2011, Australia's relative ECI ranking has fallen from 79 to 93, driven principally by a lack of diversification of exports,
 - (iv) since 2011, among 133 countries, Australia has suffered the third largest decline in its relative ECI ranking, better than Armenia and Zimbabwe but worse than Cuba, Zambia and Venezuela, and
 - (v) on the basis of Australia's lack of diverse and complex industrial production at scale, particularly in its traded goods sector and reflected in its ECI, the Harvard Growth Lab and the Center for International Development forecast that Australia's future economic growth will be a mere 2.17% a year for the next decade, which is in the bottom quintile of world growth forecasts; and
- (b) calls on the Federal Government to turn its attention to focussing Australia's industry support policy settings on increasing the complexity, diversity and value-adding capabilities of the Australian economy, with a particular emphasis on complex product exports high up the value chain.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:46): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The Harvard Atlas of Economic Complexity's deficiency is that it completely omits Australia's complex services exports. Services are 73 per cent of Australia's economy. They comprised 21 per cent of exports in 2018-19 and about double that on a value-added basis. Key contributors were complex fields, such as education, telecommunications and financial services.

The government's industry policy settings are already focused on the value-adding capabilities of the economy, with the record investments in our science and research agencies, an increased focus on building our advanced manufacturing sector and policies to strengthen our advantages in emerging technologies, including block chain and AI.

Question agreed to.

Department of Home Affairs

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (15:47): At the request of Senators Lines, Sterle, Dodson and Pratt, I move:

That the Senate—

(a) notes that:

- (i) the Department of Home Affairs employs over 135 dedicated and hardworking Western Australians to process visa applications,
 - (ii) this is crucial work that ensures the integrity of our visa processing system and is the cornerstone of our sovereignty as a nation,
 - (iii) the Federal Government's plan to privatise Australia's visa system threatens the livelihoods of over 135 Western Australians and their families, and
 - (iv) privatising Australia's visa system will lead to increased costs of visas, greater risks of worker exploitation, data security breaches and will make protecting national security more difficult;
- (b) condemns the Federal Government for auctioning Australian jobs off to the highest bidder, and for undermining the integrity of our visa processing system and our nation's sovereignty; and
- (c) calls on the Federal Government to guarantee the protection of these 136 jobs in Western Australia, and the 2000 jobs across Australia, which will be lost under the Morrison Government if they persist with their efforts to privatise Australia's visa system.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:47): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: In addition to this motion, there is another motion almost identical on the *Notice Paper* for today, and this statement will apply to both of them, as it has with previous motions of this nature. The government is not privatising visa decision-making. The Department of Home Affairs is conducting a tender process for a new workflow tool that will support digital visa applications and decision-making. This modernisation process is necessary due to the continued exponential growth in visa applications. These reforms

are needed to reduce processing times and to support high-quality visa decision-making. This will ensure we can effectively manage national security threats at the border and support key export industries, like tourism.

The provider of the workflow tool will have no role whatsoever in visa decision-making, and this process is not being driven by a desire to reduce departmental staffing or to cut costs. Claims that this process will lead to wholesale job losses and office closures are simply false.

Question agreed to.

Work Health and Safety

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (15:49): At the request of Senators Watt, Green and Chisholm, I move:

That the Senate—

(a) notes that:

(i) in the past 18 months, there have been seven workplace deaths in the mining sector in Queensland,

(ii) every worker has the right to a safe work environment, and

(iii) the Queensland Government is taking action on industrial manslaughter laws to cover acts and omissions involving negligence in the mining sector;

(b) offers our condolences to the Australians who have lost loved ones and workmates who should have come home safely from work; and

(c) supports the Queensland Government's action to expand industrial manslaughter laws to protect the safety of workers in the mining sector.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:49): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The government believes that everyone who goes to work should return home safely to their family each day. The Commonwealth is working with the states and territories to explore how the preventive focus of existing workplace health and safety laws can be strengthened to prevent injury and, importantly, deaths in the workplace.

State and Commonwealth ministers will soon meet to consider all recommendations from the 2018 review of model laws, including the recommendation for a specific offence relating to industrial manslaughter, to ensure consistency and harmonisation. That is the appropriate forum to determine any changes to these laws, and not this motion today in the Senate.

Question agreed to.

West Papua

Senator DI NATALE (Victoria—Leader of the Australian Greens) (15:50): I ask that general business notice of motion No. 312 standing in my name for today, relating to West Papua, be taken as a formal motion.

The DEPUTY PRESIDENT: Is there any objection to this motion being taken as formal? There is an objection, Senator Di Natale.

Senator DI NATALE: In lieu of suspending, I seek leave to make a one-minute statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DI NATALE: Again the Senate is denying the people of Australia an opportunity to hear about the atrocious human rights abuses that are being perpetrated in West Papua. Yesterday, 1 December, was West Papuan flag day. If you're in West Papua, you can't actually raise the Morning Star flag without risking prison. Since August, we've seen an unprecedented crackdown in West Papua, with more than 50 people killed and 22 charged with treason. These people aren't criminals; they're prisoners of conscience. In West Papua, if you were to fly the Morning Star flag—this is the Morning Star flag—

The DEPUTY PRESIDENT: Senator Di Natale, it's not appropriate to hold up props.

Senator DI NATALE: You could be locked up indefinitely and charged with treason for flying the Morning Star West Papuan flag. It's well time that Australia takes a stand against this slow-motion genocide, calls for UN and foreign journalists to be let into West Papua and ensures that we request access to visit West Papuan prisoners of conscience.

Racism

Senator DI NATALE (Victoria—Leader of the Australian Greens) (15:52): I move:

That the Senate—

(a) notes with deep concern that:

(i) the 2019 report on anti-Semitism in Australia, published by the Executive Council of Australian Jewry, found a 30% year-on-year increase in reported incidents of anti-Semitic verbal abuse, harassment and intimidation,

(ii) the rise in anti-Semitic and Nazi sentiment is seen even more clearly online, especially on sites used by the far-right, white supremacists, Nazis and other racists, and

(iii) racism, more broadly, is on the rise in Australia, being fed by irresponsible sections of the media and extremist politics; and

(b) urges the Australian Government to introduce an Australian Charter of Rights, recognising that we are the only western democracy that does not protect the basic rights and freedoms of its people in either legislation or the Constitution.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (15:52): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The government deplores all forms of anti-Semitism, including from the far right and the far left, as demonstrated by our support of motion No. 279 from Senators Griff and O'Neill. This government has been a global leader in addressing anti-Semitic content online through its legislation on abhorrent violent material, which was effective recently in preventing the use of social media platforms to amplify the anti-Semitic attacks on synagogues in Germany. Preventing anti-Semitic discrimination is exactly the reason the government is working towards introducing a religious discrimination bill.

However, part (b) of this motion calls for a bill of rights. The proposal has been publicly debated and—for good reasons, including the diminishing democratic decision-making and politicisation of the judiciary—was roundly rejected in that public debate. It is not supported by the government because it's not the best way to protect rights in Australia.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (15:53): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator GALLAGHER: Labor agrees with the first part of this motion, condemning anti-Semitism and all forms of racism. When we were last in office we established a set of policies called Australia's Human Rights Framework. The Parliamentary Joint Committee on Human Rights was established by statute, charged with the responsibility to scrutinise legislation for compliance with human rights standards as set out in the human rights treaty to which Australia is a party. In addition, Labor mandated that all new legislation introduced to the parliament be accompanied by a statement of compatibility with human rights. These important measures remain in place today. I would ask, when this motion is put, that the question be split so that we can consider part (a) and part (b) separately.

The DEPUTY PRESIDENT: Senator Gallagher has asked for the question to be split. The first part of the question is that part (a) be agreed to.

Question agreed to.

The DEPUTY PRESIDENT: I advise senators that we're dealing with general business notice of motion No. 285 which, at the request of Senator Gallagher, has been divided into part (a) and part (b). We are now dealing with part (b). The question is that general business notice of motion No. 285, standing in the name of Senator Di Natale, part (b) be agreed to.

The Senate divided. [15:58]

(The Deputy President—Senator Lines)

Ayes9
Noes42
Majority.....33

AYES

Di Natale, R
Hanson-Young, SC
Rice, J
Steele-John, J
Whish-Wilson, PS

Faruqi, M
McKim, NJ
Siewert, R (teller)
Waters, LJ

NOES

Abetz, E
 Askew, W
 Bernardi, C
 Brockman, S
 Cash, MC
 Ciccone, R
 Davey, P
 Fawcett, DJ
 Gallacher, AM
 Green, N
 Hughes, H
 Lines, S
 McCarthy, M
 McKenzie, B
 Molan, AJ
 Paterson, J
 Rennick, G
 Scarr, P
 Smith, M
 Urquhart, AE (teller)
 Walsh, J

Antic, A
 Ayres, T
 Bragg, A J
 Carr, KJ
 Chandler, C
 Colbeck, R
 Duniam, J
 Fierravanti-Wells, C
 Gallagher, KR
 Henderson, SM
 Lambie, J
 McAllister, J
 McDonald, S
 McMahon, S
 O'Sullivan, MA
 Pratt, LC
 Ruston, A
 Smith, DA
 Stoker, AJ
 Van, D
 Watt, M

Question negatived.

Great Australian Bight: Oil Exploration

Senator HANSON-YOUNG (South Australia) (16:02): I move:

That the Senate—

(a) notes that:

(i) Norwegian oil giant, Equinor, plans to drill for oil in the pristine ocean environment of the Great Australian Bight,

(ii) the majority of Australians oppose the plan, recognising that there is no safe way to drill for oil in the remote, rough seas of the Bight and it is not worth the environmental or economic risks, and three out of four South Australians stated in an Advertiser survey, released on 22 November 2019, they would not support it even if it would drive down their fuel prices,

(iii) on 23 November 2019, a National Day of Action was held to Fight for the Bight, which saw more than 10,000 people attend more than 50 events across the country from Exmouth, Western Australia, to Townsville, Queensland, and on some of Australia's most iconic beaches, including Bondi, Manly, Bells Beach, Byron Bay, Margaret River and Currumbin, and

(iv) according to the most recent polling from The Australia Institute, Australians want to see the Great Australian Bight protected, and more than four in five South Australians (84%) support World Heritage protection for the Bight; and

(b) calls on the Federal Government to:

(i) back the calls of the majority of Australians and tell Equinor that they are not welcome here, and

(ii) protect the Great Australian Bight by listing it as a World Heritage site.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (16:02): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: Australia needs new petroleum developments to ensure energy security, bring down prices and support Australian jobs. Offshore exploration for oil and gas has been undertaken safely for decades. The Australian government has recognised that the GAB and its environs, along with all of our offshore areas, deserve protection through appropriate regulation by a world-class regulator in NOPSEMA. A successful development in the bight would employ 1,361 workers in South Australia during construction and support nearly 700 jobs when operating, vital for a state struggling to attract new jobs. A poll by the antidevelopment and anti-fossil-fuel Australia Institute is not a true indication of public views on oil and gas exploration.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (16:03): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator GALLAGHER: Labor opposes this motion. Australia's oil and gas exploration sector is made possible by the investment and expertise of global companies. Labor supports a stable foreign investment

framework in our resources sector. The plan by Equinor to explore for gas in the Great Australian Bight is being evaluated by NOPSEMA, and the Senate should respect the independent decision-making process of the regulator.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 283, standing in the name of Senator Hanson-Young, be agreed to.

The Senate divided. [16:05]

(The Deputy President—Senator Lines)

Ayes9
Noes43
Majority.....34

AYES

Di Natale, R
Hanson-Young, SC
Rice, J
Steele-John, J
Whish-Wilson, PS

Faruqi, M
McKim, NJ
Siewert, R (teller)
Waters, LJ

NOES

Abetz, E
Askew, W
Bernardi, C
Bragg, A J
Carr, KJ
Chandler, C
Colbeck, R
Fawcett, DJ
Gallagher, AM
Green, N
Hughes, H
Lines, S
McCarthy, M
McKenzie, B
Molan, AJ
Paterson, J
Rennick, G
Scarr, P
Smith, M
Stoker, AJ
Van, D
Watt, M

Antic, A
Ayres, T
Bilyk, CL
Brockman, S
Cash, MC
Ciccone, R
Duniam, J
Fierravanti-Wells, C
Gallagher, KR
Henderson, SM
Lambie, J
McAllister, J
McDonald, S
McMahon, S
O'Sullivan, MA
Pratt, LC
Ruston, A
Smith, DA
Sterle, G
Urquhart, AE (teller)
Walsh, J

Question negatived.

Seismic Testing

Senator FARUQI (New South Wales) (16:08): I move:

That the Senate—

(a) notes that:

(i) Asset Energy and their project partners are planning to conduct further seismic testing for gas off the coast of Newcastle and the Central Coast in New South Wales,

(ii) the Environmental Plan for the seismic testing is currently being developed and, once submitted, the community will have only 28 days to respond to the regulator, and

(iii) the community is concerned that the Environmental Plan may be lodged with the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) during the holiday period, limiting opportunities for genuine community consultation and feedback; and

(b) calls on NOPSEMA to:

(i) ensure that if any Environmental Plan is exhibited for community consultation during December 2019 or January 2020, that the community consultation period is extended to at least 60 days, and

(ii) conduct extensive public hearings in the affected communities of the Central Coast, Northern Beaches and Newcastle, and to advertise the hearings extensively in local media.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (16:08): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator GALLAGHER: Labor will not be supporting this motion. We do support rigorous safety and environmental assessments that consider whether impacts and risks are acceptable on the basis of independent, scientific advice. We also believe that science and consultation, including from the community, should be at the heart of NOPSEMA's decision-making processes. However, Labor does not agree that the Senate should be directing the independent regulator in its assessment processes. This can undermine the independence of the regulator. We supported the Senate inquiry into seismic testing because we understand there are concerns from the community about seismic testing. We do not shy away from asking tough questions to ensure confidence and that the assessment processes are robust and independent of any undue influence.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 297, standing in the name of Senator Faruqi, be agreed to.

The Senate divided. [16:11]

(The Deputy President—Senator Lines)

Ayes9
Noes44
Majority.....35

AYES

Di Natale, R
Hanson-Young, SC
Rice, J
Steele-John, J
Whish-Wilson, PS

Faruqi, M
McKim, NJ
Siewert, R (teller)
Waters, LJ

NOES

Abetz, E
Askew, W
Bernardi, C
Bragg, A J
Canavan, MJ
Cash, MC
Ciccone, R
Duniam, J
Fierravanti-Wells, C
Gallagher, KR
Henderson, SM
Lambie, J
McAllister, J
McDonald, S
McMahon, S
O'Sullivan, MA
Pratt, LC
Ruston, A
Smith, DA
Sterle, G
Urquhart, AE (teller)
Walsh, J

Antic, A
Ayres, T
Bilyk, CL
Brockman, S
Carr, KJ
Chandler, C
Colbeck, R
Fawcett, DJ
Gallacher, AM
Green, N
Hughes, H
Lines, S
McCarthy, M
McKenzie, B
Molan, AJ
Paterson, J
Rennick, G
Scarr, P
Smith, M
Stoker, AJ
Van, D
Watt, M

Question negatived.

Mining

Senator WATERS (Queensland) (16:14): I move:

That the Senate—

(a) notes that:

(i) in August 2019, the Institute of Energy Economics and Financial Analysis (IEEFA) released a briefing note concluding that the Adani Group would receive over \$4.4 billion in public subsidies from the Australian and Queensland Governments over the 30-year project life of the Carmichael thermal coal mine, including:

(A) a royalties holiday deal with the Queensland government, the details of which are due to be announced by 30 November 2019,

(B) fuel tax credits, which IEEFA estimates equate to \$2.4 billion over the 30-year life of the project,

(C) billions of litres of water, and

(D) various corporate tax breaks, and

(ii) the IEEFA conclude that the Adani Carmichael thermal coal mine project would not open nor survive without billions of dollars in subsidies; and

(b) calls on the Federal Government to:

(i) recognise that the Adani Carmichael mine would not be viable without significant taxpayer support, and

(ii) withdraw its subsidised support of the project.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (16:14): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The Adani Carmichael mine does not receive government subsidies. It has met all of its state and Commonwealth approvals and will create around 1,500 direct jobs and almost 7,000 supporting jobs. The mining industry employed more than 54,000 people last year and pays more than \$6 billion annually in royalties, enabling new investment in roads, hospitals and schools. The coal industry is providing jobs in communities across rural and regional Australia.

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (16:15): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator GALLAGHER: Labor won't be supporting the Greens motion and does not accept the assertions in the wording of the motion. When the Queensland government announced the Resources Regional Development Framework in 2017 it was made clear that, when royalties are deferred under a Royalty Deferral and Repayment Agreement, they have to be repaid in full with interest and with security of payment in place. The precedent for a Royalty Deferral and Repayment Agreement was set in August this year, when New Century concluded an RDRA for its zinc mine in the north-west minerals province. The Queensland government and Adani mutually agreed to extend the target date for conclusion of a Royalty Deferral and Repayment Agreement for Adani's Carmichael mine in the Galilee Basin. Talks are continuing beyond the previously agreed time frame of 30 November. Adani has advised that the commencement of construction of the Carmichael mine is not dependent on the finalisation of the Resources Regional Development Framework negotiation.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 315, standing in the name of Senator Waters, be agreed to.

The Senate divided. [16:17]

(The Deputy President—Senator Lines)

Ayes9
Noes44
Majority.....35

AYES

Di Natale, R
Hanson-Young, SC
Rice, J
Steele-John, J
Whish-Wilson, PS

Faruqi, M
McKim, NJ
Siewert, R (teller)
Waters, LJ

NOES

Abetz, E
Askew, W
Bernardi, C
Bragg, A J
Canavan, MJ
Cash, MC
Cicccone, R
Duniam, J
Fierravanti-Wells, C

Antic, A
Ayres, T
Bilyk, CL
Brockman, S
Carr, KJ
Chandler, C
Colbeck, R
Fawcett, DJ
Gallacher, AM

NOES

Gallagher, KR
Henderson, SM
Lambie, J
McAllister, J
McDonald, S
McMahon, S
O'Sullivan, MA
Pratt, LC
Ruston, A
Smith, DA
Sterle, G
Urquhart, AE (teller)
Walsh, J

Green, N
Hughes, H
Lines, S
McCarthy, M
McKenzie, B
Molan, AJ
Paterson, J
Rennick, G
Scarr, P
Smith, M
Stoker, AJ
Van, D
Watt, M

Question negated.

Department of Home Affairs

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (16:20): At the request of Senators Kitching, Ciccone, Carr and Walsh, I move:

That the Senate—

(a) notes that:

- (i) the Department of Home Affairs employs over 125 dedicated and hardworking Victorians to process visa applications,
- (ii) this is crucial work that ensures the integrity of our visa processing system and is the cornerstone of our sovereignty as a nation,
- (iii) the Federal Government's plan to privatise Australia's visa system threatens the livelihoods of over 125 Victorians and their families, and
- (iv) privatising Australia's visa system will lead to increased costs of visas, greater risks of worker exploitation, data security breaches and will make protecting national security more difficult;

(b) condemns the Federal Government for auctioning Australian jobs off to the highest bidder, and for undermining the integrity of our visa processing system and our nation's sovereignty; and

(c) calls on the Federal Government to guarantee the protection of these 128 jobs in Victoria, and the 2000 jobs across Australia, which will be lost under the Morrison Government if they persist with their efforts to privatise Australia's visa system.

Question agreed to.

DOCUMENTS

Prime Minister

Order for the Production of Documents

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (16:21): At the request of Senator Wong, I move:

(1) That the Senate requires the Minister representing the Prime Minister to attend the Senate at 12 noon on 3 December 2019 to table the following documents:

- (a) a transcript of the phone call between the Prime Minister and the Commissioner of the New South Wales Police Force that took place on Tuesday, 26 November 2019;
- (b) any notes taken by the Prime Minister, by his office or by officials during the call;
- (c) any briefings prepared for the Prime Minister by his Department or office, for the purposes of the phone call; and
- (d) any advice provided to the Prime Minister about the appropriateness of making the call.

(2) That following presentation of the documents, or in the event the Minister fails to table the documents, at 12 noon on 3 December 2019, any senator may move to take note of the response to paragraph (1).

(3) That any motion under paragraph (2) may be debated for no longer than 60 minutes, shall have precedence over all business until determined, and senators may speak to the motion for not more than 10 minutes.

The PRESIDENT: The question is that general business notice of motion No. 304, standing in the name of Senator Wong, be agreed to.

The Senate divided. [16:25]

(The Deputy President—Senator Lines)

Ayes31
 Noes30
 Majority.....1

AYES

Ayres, T
 Brown, CL
 Chisholm, A
 Di Natale, R
 Farrell, D
 Gallacher, AM
 Green, N
 Hanson-Young, SC
 McAllister, J
 McKim, NJ
 Rice, J
 Smith, M
 Sterle, G
 Walsh, J
 Watt, M
 Wong, P

Bilyk, CL
 Carr, KJ
 Ciccone, R
 Dodson, P
 Faruqi, M
 Gallagher, KR
 Griff, S
 Lambie, J
 McCarthy, M
 Pratt, LC
 Siewert, R
 Steele-John, J
 Urquhart, AE (teller)
 Waters, LJ
 Whish-Wilson, PS

NOES

Abetz, E
 Askew, W
 Birmingham, SJ
 Brockman, S
 Cash, MC
 Colbeck, R
 Fawcett, DJ
 Henderson, SM
 Hume, J
 McKenzie, B
 Molan, AJ
 Paterson, J
 Reynolds, L
 Scarr, P
 Stoker, AJ

Antic, A
 Bernardi, C
 Bragg, A J
 Canavan, MJ
 Chandler, C
 Duniam, J
 Fierravanti-Wells, C
 Hughes, H
 McDonald, S
 McMahon, S
 O'Sullivan, MA
 Rennick, G
 Ruston, A
 Smith, DA (teller)
 Van, D

PAIRS

Keneally, KK
 Kitching, K
 O'Neill, D
 Polley, H
 Sheldon, A

Payne, MA
 Seselja, Z
 McGrath, J
 Cormann, M
 Davey, P

Question agreed to.

MOTIONS

Climate Change

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (16:28): At the request of Senator Wong, I move:

That the Senate—

(a) notes that:

(i) 2 December 2019 marks ten years since the Senate failed to pass legislation for a comprehensive economy-wide climate change policy, the Rudd Labor Government's Carbon Pollution Reduction Scheme (CPRS),

(ii) implementation of the CPRS would have resulted in Australia's greenhouse gas emissions being between 27 and 81 million tonnes lower in 2020 than currently projected, would have delivered additional cumulative abatement of between 63 and 218 million tonnes over the last 10 years, and would have placed Australian emissions on a sustained and long-term downward trajectory,

(iii) in addition to Labor senators, the CPRS bills were supported by Liberal Senators Boyce and Troeth,

(iv) despite the constructive negotiations engaged in by Mr Turnbull and Mr Macfarlane, the Liberals and the Nationals opposed the bills under the leadership of Mr Abbott, and

(v) the Australian Greens joined with the Liberals and the Nationals, and also opposed the CPRS, guaranteeing its defeat;
 (b) recognises the decision by the Liberals, the Nationals and the Australian Greens to join together to oppose the CPRS precipitated:

(i) a breakdown in consensus on policy in Australia to address the challenges of climate change, and

(ii) a decade of policy instability preventing necessary investment in energy infrastructure leading to increases in energy prices and increased emissions; and

(c) calls on all parties to end the political opportunism and work together to agree an enduring solution to the challenges of climate change.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (16:29): I seek leave to move amendments to general business notice of motion No. 314.

Leave not granted.

Senator DUNIAM (Tasmania—Assistant Minister for Forestry and Fisheries and Assistant Minister for Regional Tourism) (16:29): I seek leave to make a very short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DUNIAM: The Liberal and National government is proud to have opposed Labor's great big new tax on everything. The fact that Labor is still mourning their failed attempt to drive up the cost of living for Australians is telling about their future policies. While the opposition focus on their past, the government is delivering real and practical action to reduce emissions.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (16:29): I seek leave to make a one-minute statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DI NATALE: Again the Labor Party is denying leave to move an amendment to a motion. Let's remember what this motion is about. We're in a climate emergency here, and, rather than attacking the government, the Labor Party are spending their time attacking the Greens. If the Labor Party are so gutted about the fact that a price on carbon wasn't passed in 2009, despite the fact we got a better price in 2010, why won't they agree to one now? Why won't they agree to work with the Greens on passing a price on carbon now? While you rule out a price on carbon—

Honourable senators interjecting—

The DEPUTY PRESIDENT: Order! I remind senators it is disorderly to interject, and more disorderly when no-one is in their correct seat.

Senator DI NATALE: If the Labor Party were serious, they'd support a price on carbon. They don't, which makes it very, very obvious what this is. This is a cynical tactic to distract from the fact that the Labor Party has no policy other than to support coal and to see emissions increase in this country.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (16:31): I seek leave to make a short statement.

Leave not granted.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 314, standing in the name of Senator Wong, be agreed to.

The Senate divided. [16:36]

(The Deputy President—Senator Lines)

Ayes20
 Noes38
 Majority.....18

AYES

Ayres, T
 Brown, CL
 Chisholm, A
 Dodson, P
 Gallacher, AM
 Green, N
 McCarthy, M
 Smith, M
 Urquhart, AE (teller)
 Watt, M

Bilyk, CL
 Carr, KJ
 Ciccone, R
 Farrell, D
 Gallagher, KR
 McAllister, J
 Pratt, LC
 Sterle, G
 Walsh, J
 Wong, P

NOES

Antic, A
 Birmingham, SJ
 Brockman, S
 Cash, MC
 Colbeck, R
 Duniam, J
 Fawcett, DJ
 Hanson-Young, SC
 Hughes, H
 McDonald, S
 McKenzie, B
 McMahon, S
 O'Sullivan, MA
 Rennick, G
 Rice, J
 Scarr, P
 Smith, DA (teller)
 Stoker, AJ
 Waters, LJ

Askew, W
 Bragg, A J
 Canavan, MJ
 Chandler, C
 Di Natale, R
 Faruqi, M
 Fierravanti-Wells, C
 Henderson, SM
 Hume, J
 McGrath, J
 McKim, NJ
 Molan, AJ
 Paterson, J
 Reynolds, L
 Ruston, A
 Siewert, R
 Steele-John, J
 Van, D
 Whish-Wilson, PS

Question negatived.

MATTERS OF URGENCY

Climate Change

The ACTING DEPUTY PRESIDENT (Senator Sterle) (16:39): I inform the Senate that, at 8.30 am today, 14 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 an urgency motion has been received from Senator McCarthy relating to the Carbon Pollution Reduction Scheme and climate change policy:

Pursuant to standing order 75, I propose that the following matter of urgency be submitted to the Senate for discussion:

That the Senate:

(1) notes:

(a) Monday 2 December 2019 marks ten years since the Senate failed to pass legislation for a comprehensive economy wide climate change policy, the Rudd Labor government's Carbon Pollution Reduction Scheme (CPRS);

(b) that implementation of the CPRS would have resulted in Australia's greenhouse gas emissions being between 27 and 81 million tonnes lower in 2020 than currently projected, would have delivered additional cumulative abatement of between 63 and 218 million tonnes over the last 10 years, and would have placed Australian emissions on a sustained and long term downward trajectory;

(c) in addition to Labor senators, the Carbon Pollution Reduction Scheme bills were supported by Liberal senators Sue Boyce and Judith Troeth;

(d) despite the constructive negotiations engaged in by Mr Malcolm Turnbull and Mr Ian Macfarlane, the Liberals and Nationals opposed the bills under the leadership of Mr Tony Abbott;

(e) the Australian Greens joined with the Liberals and Nationals and also opposed the Carbon Pollution Reduction Scheme, guaranteeing its defeat;

(2) recognises the decision by the Liberals and Nationals and the Australian Greens to join together and oppose the Carbon Pollution Reduction Scheme precipitated:

(a) a breakdown in consensus on policy in Australia to address the challenges of climate change;

(b) a decade of policy instability preventing necessary investment in energy infrastructure leading to increases in energy prices and increased emissions; and

(3) calls on all parties to end the political opportunism and work together to agree an enduring solution to the challenges of climate change.

Is the proposal supported?

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

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

Senator McCARTHY (Northern Territory—Deputy Opposition Whip in the Senate) (16:39): I move:

That the Senate:

(1) notes:

(a) Monday 2 December 2019 marks ten years since the Senate failed to pass legislation for a comprehensive economy wide climate change policy, the Rudd Labor government's Carbon Pollution Reduction Scheme (CPRS);

(b) that implementation of the CPRS would have resulted in Australia's greenhouse gas emissions being between 27 and 81 million tonnes lower in 2020 than currently projected, would have delivered additional cumulative abatement of between 63 and 218 million tonnes over the last 10 years, and would have placed Australian emissions on a sustained and long term downward trajectory;

(c) in addition to Labor senators, the Carbon Pollution Reduction Scheme bills were supported by Liberal senators Sue Boyce and Judith Troeth;

(d) despite the constructive negotiations engaged in by Mr Malcolm Turnbull and Mr Ian Macfarlane, the Liberals and Nationals opposed the bills under the leadership of Mr Tony Abbott;

(e) the Australian Greens joined with the Liberals and Nationals and also opposed the Carbon Pollution Reduction Scheme, guaranteeing its defeat;

(2) recognises the decision by the Liberals and Nationals and the Australian Greens to join together and oppose the Carbon Pollution Reduction Scheme precipitated:

(a) a breakdown in consensus on policy in Australia to address the challenges of climate change;

(b) a decade of policy instability preventing necessary investment in energy infrastructure leading to increases in energy prices and increased emissions; and

(3) calls on all parties to end the political opportunism and work together to agree an enduring solution to the challenges of climate change.

This week marks 10 years since the coalition and the Greens voted down Labor's Carbon Pollution Reduction Scheme, and where do we find ourselves? Emissions are still going up, power prices are going up and the promises of the CPRS, which were lower emissions, better jobs for Australians and lower power prices have not been delivered. The implementation of the CPRS would have resulted in Australia's greenhouse gas emissions being between 27 and 81 million tonnes lower in 2020 than currently projected. The CPRS was supported by Liberal senators Sue Boyce and Judith Troeth. As printed in *The Guardian* today, my colleague Pat Conroy, the shadow minister assisting for climate change, gave a speech at the ANU. He is right when he said:

The Coalition and the Greens bear a heavy responsibility for the fact that, a decade later, Australia still does not have an effective policy to tackle climate change by reducing emissions.

The Greens' decision to side with the Liberal and National parties to defeat Labor's CPRS in the Senate in 2009 was a massive error of political judgement with far-reaching consequences. We are facing a climate change emergency in this country, and this is undisputed. There is widespread agreement among experts about the risk posed by climate change and about the policy responses needed to reduce Australia's carbon emissions at the lowest cost to our economy, and yet there is now a breakdown in consensus on climate-change policy in Australia.

In the Northern Territory, Darwin already has an average of 22.2 days per year over 35 degrees Celsius, up from 5.6 days a century ago. Without rapid cuts to greenhouse pollution, in 2030 Darwin is likely to have 132 days—that is, four months—over 35 degrees Celsius per year and 275 days, or eight months, over 35 degrees Celsius each year in 2070. We have a rich ecosystem of plants, animals and sea life in the Territory carefully cared for by First Nations rangers. First Nations people have been looking after this land over nearly 60,000 years.

I want to talk about my community in the Gulf country for the Yanyuwa, Garawa, Marra and Gurdanji peoples. The mangroves around the seabeds of the Yanyuwa sea lands are dying. Each time we go out on the water with the rangers, even when I took my family out there and when I took a group of school students out there, the dramatic change in just a few months and certainly over the last 12 months really frightens us. It certainly frightens the elders because we haven't seen anything like it. When I speak to some of the old people about what's going on there, there are lots of thoughts but we are really fearful for country. Urgency really is needed in many of our places but I speak particularly in this instance about the Anyuwar seabed and mangrove country.

Traditional owner Patsy Evans visited the site in the Gulf of Carpentaria recently as well and said: 'This is bad, worse, unbelievable. I can't even believe what is happening here.' She said she wanted policymakers to see how climate change was affecting the land near the Limmen river area, 750 kilometres south of Darwin. She said that we should go out and see what's happening, be aware, look at it and don't make decisions where you are. Here I am passing on her call—

Honourable senators interjecting—

The ACTING DEPUTY PRESIDENT: Senator McCarthy, excuse me, just resume your seat. Senators, I would urge to at least show some decency when Senator McCarthy is talking about her mob and the traditional owners of this land.

Senator McCARTHY: When Patsy Evans was out there in the Limmen Bight area, she talked about that area of land and of her concern. She says, 'Go out and see what's happening.' She's talking to everybody, saying: 'Go out and see what's happening. Be aware, and look at it. Don't make decisions where you are.' That urgency that she feels, and other traditional owners feel—not just in the gulf region but right around the Arnhem Land coastline across to the west, they are seeing the changes and are raising these very same things, especially the rangers who are working on country. So I'm certainly passing on the call of Patsy Evans: find out what's happening in remote Australia and see how climate change is having an impact, not just down here in the south. We have seen tremendous examples, which are just frightening, for people in the south. But please, make sure you're checking out what's going on in northern Australia.

Mangroves are a vital ecosystem. They are nurseries for the mud crab, barramundi and prawn fisheries—or they once were, where it was really abundant. But, sadly, in the Gulf of Carpentaria, the once vibrant mangrove forests consist mainly of dead trees and dusty earth. It is truly unbelievable. The few live seedlings coming through are exposed and vulnerable to damage from the fallen dead trees. And that means no bush tucker for people who may live many kilometres from the local stores—but just because they want to go out there and look after country. Ms Evans also said that through the mangroves you get a lot of bush tucker, mud mussels and shells. But they're all dead, and it makes her feel really sad. Well, she's not alone with that. It's something that all the communities are talking about.

In Darwin Harbour there's a small island called Bare Sand Island, or Ngulbitjik; it's shaped like a teardrop. Here Australian flatback turtles have chosen their natural breeding ground. And the waters around Bare Sand Island support significant numbers of foraging green and hawksbill turtles. While the island provides an ideal habitat for breeding, with only a few jabirus and some weedy plants posing a threat to the species, still only one in 2,500 hatchling turtles is expected to survive to adulthood. Both species are vulnerable to extinction under Australian classification. Global warming poses serious threats to sea turtle populations, since sex determination and hatching success are dependent on the nest temperature.

Young and old people are feeling the stress of climate change inaction from this government. According to a national survey of young Australians by Mission Australia into young people, the number of people who said the environment was a key national issue has more than tripled, from 9.2 per cent to 34.2 per cent in just one year. In the Northern Territory, it's gone from 10.3 per cent to 27.3 point per cent, and this is causing great stress to our youth. According to a 2010 report, 'Impact of climate change on the Northern Territory', if current emission rates continue, climate change is predicted to cost Australian households roughly \$20,000 per year, and that's not including the impact of extreme weather events.

Industry such as cattle exports will be affected, and also tourism. The NT's cattle exports are projected to decline by 19.5 per cent by 2030, and that's all due to climate change—19.5 per cent. In Kakadu National Park, on the land of the Mirarr people there, 80 per cent of Kakadu's beautiful freshwater wetlands are predicted to be destroyed in the next 50 years. The low flood plain makes it vulnerable to even a minimal sea level rise. In Central Australia, outdoor tourism during summer is already becoming hazardous. It's just too hot—simply too hot.

We are facing a climate emergency in this country, and there is a breakdown in consensus on climate change policy in Australia. People are waiting for action on climate change. The people across Australia—especially when we see students and so many people come together calling on legislators, wherever we may be—are calling on all of us and saying: 'Please act—please. Look after country.' It's a call that's echoed by First Nations people when they look at country and see the dramatic changes, see the different flood levels just in the Katherine region, the Arnhem region and across to the west. When you hear the old people talk about changes in weather patterns you know this mob have seen things that are unexplainable in terms of some of the areas, but we know that it is a climate emergency out there.

Senator FAWCETT (South Australia) (16:50): I too rise to address this matter of public urgency that's been brought forward. I'm glad that Senator McCarthy did talk about the mental health impacts, because one of the concerns that I do have—and this is regardless of whether or not one believes in human caused climate change or that the climate has changed for other reasons—is the impact of some of the dialogue on young people, some who have written to my office, some who I have seen interviewed, some who appear in various reports, who are suffering high degrees of anxiety because of the nature of the language and wording that is used, which sometimes is quite inappropriate for children of their age.

One of the concerns I have with the whole climate change debate—and I speak here about the validity of science as someone who has a science degree and has worked in an engineering environment for most of my life—is if you take the time to not just read the political summaries from the IPCC but actually dig down to the underlying scientific reports what you find is that, in the vast majority of cases, the scientists do their job. They highlight the fact that there are a range of variables, and for some variables they're not quite sure about their impact. They look at the modelling and they give various degrees of confidence in the modelling. They give various outcomes depending upon which variables you accept, which you don't and how you vary the impact of those. And sometimes the impacts that may come out would be very small, but they say a different set of assumptions and combinations might make them very large. That is science at work: observation, measurement and appropriate reporting. But the summaries are often going to the extreme to try and capture a headline or to drive action. We see that reflected in some of the actions of the people who superglue themselves to roads—and all the rest of it—trying to get the attention, but the flow-on effect for young people, particularly primary school aged students, who aren't equipped at their age to distinguish between rhetoric or advertising or a scare campaign or fact, is that some of these kids are suffering significant anxiety. I encourage people on all sides of this debate to choose their words carefully for the audience that they are dealing with. And for young people to be having nightmares about an impending apocalypse and end of the world, essentially in their lifetime, I think is irresponsible on the behalf of the people who are putting that information in front of them.

Senator McKim interjecting—

Senator FAWCETT: Senator McKim scoffs on the other side of the room, and I'm not saying you shouldn't talk about it if you believe that climate change is caused by man and Australia taking action on its 1.3 per cent will have an impact, by all means, argue for that, but argue with the policymakers, argue in public forums, but don't put it on the shoulders and in the minds of young children is what I'm saying, because it does cause harm. They are not the policymakers. They are not the people who are leading industry or environmental movements—

Senator McKim: They are the generation that is going to have to suck it up because of your inaction.

The ACTING DEPUTY PRESIDENT (Senator Sterle): Order!

Senator FAWCETT: So there we have, yet again, the kind of action and the kinds of words that actually cause the problem. It's interesting that, with the bushfires that are currently occurring, it is the Greens who resort to that sort of language. And I quote here from an editorial in *The Australian* in November this year:

Aside from the deaths and suffering wrought by the disaster, it was the callous, cynical politicking of climate change activists, especially Greens MP Adam Bandt, party leader Richard Di Natale and West Australian senator Jordon Steele-John, that has left a bitter aftertaste. Their blaming Scott Morrison and his team for the loss of lives dragged politics to a repulsive low. It is time for a dose of icy water.

Climate change did not cause the fires. Drought and even deadlier blazes have been part of Australian life for more than a century. Climate change, many scientists argue, intensifies the dangers. But even if Australians eliminated all of the nation's greenhouse gases (about 1.3 per cent of the global total) and pandered to extremists who wanted meat consumption, grazing and flying reduced markedly, virtually nothing would be achieved. Mitigation must be global. And global emissions are rising, significantly.

My point is well made here in the chamber today by the Greens, who continue with this kind of hyperbole and extreme language that is doing harm to young people, regardless of your view on this debate.

Today we come to the motion moved by Senator McCarthy about carbon pricing. One of the comments that has frequently been made is that we'd all be better off if that carbon pricing scheme had gone through. Bearing in mind that affordability of power is one of the critical things for Australian families, Australian small businesses and, particularly, Australia's manufacturing industries—where energy intensity coupled with high prices mean that many of these industries, the workers who support them and the supply chains that support them are at risk with high prices—I quote from a report from the Parliamentary Library into energy market challenges. Again, the Parliamentary Library is not a partisan body; it is an independent group of researchers, who say:

Between July 2012 and June 2014 there was a period of relative stability and declining wholesale electricity prices in the NEM as a result of the repeal of the carbon price arrangements.

So what we see is that pricing carbon drives up price. There are a whole range of other factors that come to bear. Certainly, instability in the market and driving out base-load providers who can't amortise their costs, because of the spot prices that can be achieved by renewables—heavily subsidised by the taxpayer, I might add—contribute to rising prices, but so, clearly, do carbon prices.

One of the final things I want to highlight is paragraph (3) of Senator McCarthy's MPU, in which she:

... calls on all parties to end the political opportunism and work together to agree an enduring solution to the challenges of climate change.

I was very pleased to see that Mr Joel Fitzgibbon MP, who I regard as a friend in this place, gave an address in which he refers to lesson 5 for Labor. He says:

... Labor needs to reach a sensible settlement on climate change. How many times are we going to let it kill us? Indeed, how many Leaders do we want to lose to it?

Australia is responsible for around 1.3 percent of global emissions, nothing we can do alone can have a meaningful impact. But act we must ... as a wealthy nation...

Further on, he says:

But what would be the outcome if Labor offered a political and policy settlement to make 28 percent the target by 2030? The focus would then be all about actual outcomes, and the Government would finally be held to account and forced to act.

A political settlement would also restore investment confidence and for the first time in six years, we could have some downward pressure on energy prices.

He then goes on to say:

Based on recent history, 28 percent would be a meaningful achievement, certainly a better outcome than the one Labor's last climate policy is now achieving.

The good thing that I can report to Mr Fitzgibbon is that, according to the ANU and scientists Professor Andrew Blakers and Dr Matthew Stocks, a study they've produced indicates that Australia is, in fact, on track to meet those targets here in Australia, which is good news. I welcome also Mr Fitzgibbon's support for states like Victoria to end their ban on fracking, because we need various suppliers of energy in order to mitigate the high costs and uncertainty around dispatchable power.

So, in response, not only does the coalition have firm targets that have been set but we're taking meaningful measures to actually reach the targets, to make sure that dispatchable energy is available when Australians need it and to drive down the cost of electricity through a range of sensible measures in both dispatchable power and renewables—in which, as the ANU said, we're seeing investment at record levels—as well as bringing in measures to firm up or stabilise that power supply. *(Time expired)*

Senator McKIM (Tasmania) (17:00): Well, here we are: the planet is burning and the science is telling us that we have 10 years to radically reduce our carbon equivalent emissions, or humanity and nature will collectively face a calamity. And what does Labor do? They come into this place with a carefully orchestrated campaign and attack the Greens. We have a government made up of climate deniers and we have the Greens in this place, focused on the government and holding them to account for their lack of climate action, but what does the Labor Party do? They come into this place and run a carefully orchestrated attack on the Greens.

This is ancient history and it is revisionist history. It's so long ago that half of the current mining lobby was actually still in the ALP caucus at the time. That's how long ago this was. This attack by Labor on the Greens, while the Greens focus on the government and on holding the government to account for their calamitous climate policies, is nothing more than a fig leaf to cover up for Labor's love affair with coal.

And why does Labor love coal? Because they take the millions of dollars in donations from the big polluting corporations. The hypocrisy of Labor's attack! Seriously! If they think a price on carbon is such a good thing, why won't they join us to vote for one today? Why won't they take a price on carbon to the next election? This owes far more to them trying to cover up for their love affair with coal. It says a lot more about them, I might add, than it does about the Australian Greens.

Bipartisanship on climate can't mean starting up friends of resources groups with climate deniers, like Mr Craig Kelly MP. But that's exactly what the Labor Party is doing. I have to say that there are far too many in the press gallery, in the media in this place, who are buying Labor's spin. They're buying Labor's spin because it suits their predetermined narrative on centrism. I say to those many, many journalists in this place who are calling for centrism on climate policy that there is no centrism on climate science, there is just the climate science. There is no centrism on climate physics or climate chemistry, there is just the climate chemistry and the climate physics. And if you're not with the science, and in this place that is everyone bar the nine Australian Greens senators, then you're against the science. You are either acting on the basis of climate science or you're acting in denial of the climate science. And to those people in the press gallery: you're either writing in favour of those of us who are sticking up for the climate science in this place or you're writing in denial of the science.

So I say to those people in the media—and there are far too many of them—that this is not a time for centrism. This is not a time for meekly going into the night. This is the time to stand up and fight against every single person in this place who is not acting in accordance with climate science and who is not setting policy in accordance with climate science, and that is everyone bar the Australian Greens. *(Time expired)*

Senator AYRES (New South Wales) (17:04): I want to respond to two of the previous contributions before I get started. First of all, I listened to Senator McKim squeaking away down the end there for four whole minutes.

I'm not surprised that he booked himself for just four minutes to try to defend the position of the Greens political party. The reality for Senator McKim's vacuous call for bipartisanship and determination to forget the Greens' political failure 10 years ago is that we'll never sign up to a bipartisan position with you lot. We will never do it because you're incapable of understanding where working people are. Your job as you see it is lecturing to ordinary people, pompously bloviating away like the bunch of windbags that you are with resolution after pointless resolution in here and no action out in the community. I'll tell you what, when you come to this place—

Senator McKim interjecting—

Senator AYRES: Well, you can go around in circles back in your office like a blowfly. Keep it up!

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Senator McKim, Order. Senator Ayres, address your comments through the chair.

Senator AYRES: I listened carefully to Senator Fawcett's contribution and his concern about the impact of this debate upon young people. I tell you what: if you're worried about the impact of this debate upon young people, you've got to concern yourself, in my view, with three things. Firstly, you've got to be serious about the science of climate change. There is no room for equivocation. There is no room for denialism. With the greatest respect to Senator Fawcett, arguing about the ins and outs of what assumptions may underlie a particular report takes the country nowhere. The overwhelming bulk of evidence says one thing: climate change has been induced by increasing emissions over time and it's dangerous for the future of the planet. Secondly, there is a point about making sure our language is precise. It should be precise, but it shouldn't be dishonest and it shouldn't try and hide the truth from young people.

The third component is making sure that we're taking action. That's where the Morrison government has failed. That's where the Turnbull government failed. That's where the Abbott government failed. The point of the resolution is that the culpability lies down there with the Greens just as much as with the government. The culpability lies with the Greens political party as much as it does with the Liberal and National parties and the climate deniers. While they say the things that people who are worried about the climate need to hear, they should be judged by their actions.

In truth, with that vote on the CPRS in 2009 something broke in Australian politics. The Rudd government had a mandate for the Carbon Pollution Reduction Scheme. I know this; I worked in regional Australia around the Carbon Pollution Reduction Scheme. I worked with blue-collar workers and manufacturers, and there was universal support amongst industry for a scheme that gave them certainty. Since then, we have had a descent into chaos. We've had a lost decade on emissions. The report released today shows that, if the CPRS had been endorsed and had become government policy, emissions in Australia would've been on a downward trajectory since 2009. Four hundred and fifty-nine million tonnes would've been emitted this year, instead of 540 million tonnes. That's 81 million tonnes less emissions in 2019. In the decade 2010 to 2020, there would have been just less than 220 million tonnes emitted by Australian emitters, and that would've been a significant achievement itself. It would've been a more profound achievement to have emissions going down, not up, and a more profound achievement to have a downward trajectory, not the ongoing increase in Australian emissions that characterises our economy. We've had a lost decade of investment. Australia should have been a winner in the global race for jobs in the renewable sector. Between 2000 and 2010, there were queues of investors in the Australian economy queuing up in solar, in wind, in solar thermal—in all of the energy efficiency measures. That's billions of dollars worth of potential investment that has evaporated in the decade 2010 to 2020.

We now have a government that has no energy plan. Jobs have gone and potential jobs have gone missing. We've had a lost decade on global leadership. Australia has gone from being a leader in global climate change discussions, setting an example and leading the way on jobs, to being a pariah, a laughing-stock in international forums. In our region, the Pacific step up is hollow indeed if we don't get right action on climate change. Australia has been left isolated, vulnerable and less safe in the Pacific because of the failure to act on climate change. In the industries that I come from, the manufacturing industries, we've had a lost decade. We've had decreases in jobs, energy policy uncertainty and investment evaporating. Opportunities have gone. The auto industry in Australia, which had a bright future with green cars, low-emissions vehicles and 40,000 jobs, is gone, goaded offshore by this government. We've no energy policy. Renewable energy jobs are disappearing out the window.

The Greens political party don't really understand at a deep level what it is that they did. They are more obsessed with student style politics than with what the business of this place actually should be about. For the Greens political party, politics is all about what they think, not about listening to working people. It's all about what they believe, not what they can achieve. It's all about the slogans—the 'we did it' memes—not about long-term reform.

The CPRS was bad for Australia and bad for Australians. It's left the country with higher emissions and higher power prices. It's damaged Australia's standing. It's cost us hundreds of thousands of jobs. It's cost us billions of dollars worth of investment. But the vote was good for the Greens political party. It was an achievement for them. A political failure for the country is a political achievement for the Greens political party. It's big at the dinner party table—it allows them to continue to posture—but it is a disaster for the country and it is a disaster for people who care about climate change. It's a bit like the cavalcade to Queensland that they recently executed: smug, vacuous and self-focused.

What has happened to the Greens political party? I remember Ian Cohen, who was actually a substantial figure in the environment movement, who had actually done a few things before he got to the New South Wales parliament. I vividly remember him on a surfboard riding the bow wave of US ships as they entered Sydney Harbour. He was actually committed to the cause of peace and the environment. You won't find anybody like Ian Cohen on the Greens political party benches now. It's just former student politicians: smug, self-focused, bloviating, completely and blissfully unaware and uncaring of the consequences of what they do. For Australia and for the world, the failure of the Greens political party on the CPRS, their incapacity to put the country and the environment first, has had very real consequences for Australia, for our climate and for developing consensus. They are just as much to blame as the government is for the political failure. If you're worried about the kids who are out in the streets, marching about climate change, then you've got to respect the science, treat them with respect and actually do something about making sure that the government is pointed in the right direction and doing something about climate change. You don't see kids in Denmark, in Germany, even in the United Kingdom with the same levels of anxiety as they have in Australia. It's because the government isn't acting and because these guys in the Greens have aided and abetted that political failure all the way.

Senator McMAHON (Northern Territory) (17:14): I thank Senator McCarthy for this motion. She is my colleague from the Northern Territory. I respect her immensely and we agree on quite a few topics. But in this instance she is wrong. As a new senator, I came to this place with high expectations of the people I would be working with. I am pleased to say that my National Party and Liberal Party colleagues have all been very welcoming and supportive. I feel privileged to be able to say that my experiences with many of you across the floor have been no less rewarding. But I am confounded by repeated iterations of bills that seek to promote an agenda for a cause that has already been acknowledged by this government.

We do not virtue signal, glue ourselves to infrastructure or produce fake tears on television. That sort of behaviour is reserved for those of you who do not have any policies and who instead rely on hollow symbolism. Instead this coalition government is taking real and meaningful action to reduce our impact on the environment. We are getting on with the job because that is how you get things done. There is nothing productive in drawing people's attention to your misuse of terms like climate emergency. This coalition government has in place strong targets as part of coordinated global action to reduce our emissions by 2030. These targets will see a reduction of 50 per cent in emissions per capita and a 65 per cent reduction in the emissions of our economy. These targets are well considered and they are designed to be achieved without destroying our economy and without flinching at ridiculous claims of climate change that have zero basis in either fact or science.

Longer term targets are not a substitute for real action. That's why we are developing a national hydrogen strategy. We are already investing \$140 million, including \$50 million for the \$496 million hydrogen energy supply pilot project in the Latrobe Valley, \$5.7 million for the power to gas trial in New South Wales and \$22 million for 16 hydrogen research and development grants—real action. We are also investing across the research, development and deployment spectrum to reduce emissions, including \$50 million to identify and develop biofuels and lithium. Real action that delivers real results—that is how this coalition government operates.

To date, our track record is an enviable one. We are meeting or exceeding our targets. Indeed, we are on track to overachieve on our 2020 target by 367 million tonnes of carbon. For perspective, you need to consider that this represents a turnaround of 1.1 billion tonnes on the position we inherited from Labor in 2013. Those across the floor would surely agree that this is an incredible achievement—and we did it without the carbon tax. For further perspective, you must also consider that the total emissions from industry in Australia barely amount to one per cent of world emissions. Our footprint is incredibly small, it's minuscule; but we continue to tackle the problem, and we tackle it in earnest because we choose to and because we believe we should. Our policies are successful policies. We know this because not only are we meeting or exceeding targets; we are also seeing record levels of investment in renewables, more than double the per capita investment of the UK, Germany or France. In my home of the Northern Territory, investing in a \$20 billion solar farm in Tennant Creek has recently been talked about—and we can be so magnanimous with this energy that we are going to generate that we are actually going to run an extension cord to Singapore so that they can use it. Recently, during a trip to Alice Springs, I was speaking with people on solar energy in Alice Springs. Alice is a solar city, so much so that people that are putting solar

installations on their houses now are being restricted in how much energy they can feed into the grid because there is so much solar in the centre of Australia.

Details of our achievement of record levels of investment were confirmed in the report from the Australian National University. This report confirms that Australia has spent 11 times the global average on renewable power. We're hardly ignoring the problem. We have a clear plan to meet and beat our 2030 target through our fully funded Climate Solutions Package, which has mapped out to the last tonne how we will meet our targets. We are doing this while all the while supporting farmers, businesses and Indigenous communities. We're helping them reduce the amount of greenhouse gases, and doing it through the Climate Solutions Fund. We're bringing new electricity generation products online, such as Snowy 2.0 and the Battery of the Nation. We are supporting households and businesses to improve energy efficiency and lower their power bills.

Just last week, we saw new data released that shows that emissions per person and the emissions intensity of the economy continue to fall and are at their lowest levels in nearly three decades. Emissions for the year to June 2019 are down 0.1 per cent. Once again, we did this without a carbon tax. We don't take these actions because someone stands in front of cars in Brisbane, or because there was a caravan of people that travelled from Tasmania to Queensland, or because some people waved signs and banged on bongos outside of Parliament House. We are motivated to do what is right. When this coalition government wants to see action, we take action.

The same cannot be said of those across the floor. In the brief time I have been in this place, I have witnessed the Greens senators engage in what can only be described as a campaign of obstruction, with a constant stream of nonsensical motions, divisions and inane commentary. I must congratulate them on recently achieving a new low standard that most certainly surpasses all their previous efforts to demonstrate supreme absurdity and egocentricity. Across vast areas of New South Wales and Queensland massive bushfires destroyed vast quantities of natural flora and fauna, properties, businesses, pets, livestock and, terrifyingly, human lives. Normal Australians would pull together and work towards helping those in need at times such as this. Senators for the Australian Greens instead chose that moment to harangue the hardworking people who are fighting the fires and to berate people suffering the loss of their livelihoods, the loss of all their belongings and worse. They accused us of being arsonists. Arsonists are people who deliberately light fires, fully with the understanding that it will cause destruction, devastation and death. That is a depraved, sociopathic way to refer to your colleagues in this place, and also trivialises the very real crime of arson.

Recently Professor Andy Pitman at the ARC Climate Centre repeated his statement regarding the perceived causal links between climate change and bushfires. There is no link—nil, zero, none—between the perceived climate emergency and these bushfires. The Greens will undoubtedly reference an opposing view, and they're entitled to do so. I also note an absence of temerity in their convictions as they collectively dodge, evade and hide from the offers Senator Roberts has extended to debate on the subject. Cowering from your own convictions is not what Aussies do. (*Time expired*)

Senator RICE (Victoria) (17:24): 'To err on the side of danger is a stupid thing to do.' Those were the words of Professor Will Steffen when commenting on the paper he and other leading scientists have just had released in *Nature* about our climate emergency. He continued, 'Our reaction time has to be fast, and to decarbonise by 2050 we have to really move now.' So, why are we faffing about and debating the failure of the severely flawed 'continue polluting regardless' scheme from 10 years ago? It was bad legislation then and it would be bad legislation now. It allowed for unlimited dodgy international permits and we would now be paying out billions of dollars to the big polluters as we realised we needed to increase the scale of ambition from what was anticipated in that legislation then.

What we need now is for the Labor Party, the Liberal Party and the National Party to join with the Greens in acknowledging the scale of the action that is needed to tackle our climate emergency. People want us to work together. Whether it's the student strikers, the scientists, the workers or the firefighters, they want us to work together. They do not want to see partisan attacks by Labor on the Greens. If Labor is determined to look backwards, it could actually look back to the successful policies that were introduced by the Gillard government, in alliance with the Greens, and commit to reintroducing a price on carbon. The price on carbon introduced during the time of the Gillard government was extremely successful in reducing our carbon pollution.

Looking forward from here at the reality that we face now, the scary reality we face now, is most important. We are calling on Labor and the government to join with us in taking the action that is necessary to tackle our climate emergency, and that is to rapidly end the mining, burning and export of coal, gas and oil. Anything else just does not cut it. Anything else is selling out the Australian community. It's putting us in danger, as well as the global community. Anything else than a rapid shift away from coal, gas and oil is condemning us to a future of extreme fires, to the creeping cancer of sea level rise, to ongoing drought, to crop failures, to the death of the Great Barrier Reef and to seeing far too much of our precious wildlife hurtling towards extinction.

It's not too late to turn this around. We can still act and we can still have hope, but we have to act now. The time for faffing around and being too clever by half, with attacks on the Greens, is well and truly over. The time to have action on our climate emergency is now. *(Time expired)*

Senator GREEN (Queensland) (17:27): I want to begin today by acknowledging something that Senator Rice said, which is that we do need to work together on this issue. It's interesting to hear a member of the Greens political party say that, because that is not what they have tried to do on this issue. That is why today we are talking about the 10-year anniversary of the defeat in the Senate of the CPRS. We need to make sure that people know that working together was something that the Greens political party was not interested in doing 10 years ago, and it's something they're not interested in doing here today.

Honourable senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Order!

Senator GREEN: On one side of the chamber, we've got climate change deniers at war with science and firefighters. We can see from the interjections from the senators at this end of the chamber that they don't like to be reminded of what they did 10 years ago. They would rather put a fancy slogan on a T-shirt and head out there and point their finger at people in regional Queensland and tell them what they should be doing with their future. Well, I'm not going to cop that, because I stand here representing every single Queenslander, and that means people in every single part of regional Queensland. That's an uncomfortable thing for the Greens party to understand, because they want to slice and dice and divide our community.

The urgency motion should be a wake-up call to the government and the Greens, a reminder that their fight against Labor, the determination to stay in government on one side or to stay relevant, is hurting working Australians. By voting against the CPRS, the Greens voted against a mechanism that would put Australia's emissions on a downward trajectory beyond 2020. Instead, as a result of their actions, we are now on a trajectory that will see emissions rising until at least 2030, according to government projections. And whilst the Greens supported Labor's Clean Energy Future package two years later, the political damage was done, and we haven't recovered in this country from that debate.

A decade of policy instability has prevailed, preventing necessary investment in energy infrastructure and leading to increases in energy prices and increased emissions. More broadly, Australia's lack of action on climate change has had real economic impact for our communities—often, the members of our communities who can afford it the least. The living standards of Australians are going down, and emissions and electricity prices are going up. I want to talk about these economic impacts because they are something that people in this place forget to talk about.

We have seen higher electricity prices all across the country. Again, the attempt to rectify this situation by the government resulted in the undoing of Malcolm Turnbull for the second time. This is not a comfortable policy area for the government, because they are bitterly divided. And we have seen higher insurance costs all across the country, and there is a particular warning that, if the climate change risks are not addressed, then we will see the number of uninsurable addresses in Australia double by the turn of the century. People will be uninsurable, and some of them are already uninsurable in parts of North Queensland. Insurance companies want mitigation funding to resolve this, because they recognise that climate change is having an economic impact on people in regional Queensland.

We have seen uncertainty for the manufacturing industry. I know that the Minister for Resources and Northern Australia likes to talk about the manufacturing industry, and how the government's policies are helping the manufacturing industry, but the truth is, when you go to talk to the people working in the manufacturing industry in Far North Queensland, that the lack of a national energy policy is hampering new investment in technology for reduced emissions and for business growth. The government wants to talk about jobs and supporting industry, but how many jobs are the government putting at risk by not putting an energy policy in place?

The other economic impacts of course are the potential and current impacts on the Great Barrier Reef. The Great Barrier Reef is an economic powerhouse, contributing more than \$5.6 billion each year to the Australian economy, and providing around 70,000 jobs. That's a huge number of jobs, and we know that the outlook for the reef was downgraded this year.

I make no apologies for taking on the government, and I make no apologies for taking on the Greens on this issue. The Greens political party promoted the anti-Adani caravan as an opportunistic tactic to boost their Senate vote in Queensland. We have wonderful spokespeople in regional Queensland on these issues, and instead of listening to them and instead of giving them a voice, both parties are trying to drown them out. They want to continue to divide the community and, 10 years later, what do we have to show for it? *(Time expired)*

Senator DEAN SMITH (Western Australia—Government Whip in the Senate) (17:32): Kevin Rudd may well have said that climate change is the greatest moral hazard to affect our politics. I'd like to say that climate change has been the great political schism that has divided and confounded those on the Centre Left and the far Left of Australian politics for exactly that same period.

What we have seen this afternoon, and what we saw in greater clarity this morning, is the real consequence and the real lessons learned from Labor's election review, published just a short time ago. What we can see is the Left of Australian politics grappling with some pretty important issues. One of those issues is what priority they give to employment opportunities in this country. In particular, what priority will they give to employment opportunities in regional parts of our country? And nothing demonstrates that more than Labor's failure in Queensland—not just its failure at the federal election but its historic failure in the general election. Labor secured very, very few senators and Labor got its lowest vote in Queensland on record. This is a demonstration that, for Labor, aided and abetted by the Greens—and I'll come to that in a moment—this issue of climate change is causing them no end of grief. Why would they come into this chamber to talk about an anniversary that highlights the division on the Left of Australian politics? Why would they do that, unless it was some part of their existential grieving and learning?

What we've seen today is Labor pitted against the Greens. If the Greens were really interested in acting with the moral authority they talk about in this chamber and they talk about outside, they would abandon their blind faith in Labor, stop preferencing them at every election, go out there and say to Australian voters: 'You know what? We're actually not in bed with the Labor Party, so we would like you to choose who you might give your preferences to.' Walk out there, Senator Whish-Wilson, Senator Siewert, Senator Faruqi, with a split how-to-vote card. Why don't you put 'vote for the Liberals, vote for jobs' on one side? Why wouldn't you put 'vote for Labor' on the other?

What we've seen today is not the end of a debate but the beginning of a debate. Mark my words, 2020 will be marked by more conflict, more gut wrenching and more policy wrenching between the Labor Party and the Australian Greens. I don't know about Senator Canavan and I can't speak for Senator Brockman. I'm not going to get in your way. But Australians have made their priorities crystal clear—that is, they put current and future employment opportunities very high on their agenda.

In the debate on the motion of Senator McCarthy this afternoon, there has been lots of talk about what may or may not have happened and then there's this call for bipartisanship. The first point I would make is that if that was a call for everybody, it should be tripartisanship, not bipartisanship, because there are two parties of government—ourselves and a party that sort of joins with Labor in securing its legislative agenda more often than not. But in order to achieve a bipartisanship or a tripartisanship commitment, it requires a couple of key fundamentals—that is, you have to have a common view about the principles and you have to have a common view about what it is you're working towards or what it is that you're seeking to protect.

The coalition's position is very clear. Firstly, we put a high value on current and future employment opportunities, not just for today's Australians but also for future generations of Australians. Secondly, we put a high value on credible standards that we can take into the international community to meet or exceed our international obligations. We put a very high price on evidence and not just on emotion. When we think about what the coalition's attitude is to climate change, it's believable, it's credible and it's consistent. In the last general election, we saw Australians make a very clear choice. They trust believability, they trust credibility and they trust consistency. The coalition's record is characterised by strong targets. It has an enviable record that— (*Time expired*)

Senator WHISH-WILSON (Tasmania) (17:38): This is a Labor motion, an attack on the Greens, on a policy debate that is nearly 10 years old. I want to remind Labor senators in here that this has been brought forward on the first day of the last week of the year, the last chance we have in this parliament to hold this government to account. May I remind Labor senators that this year they lost an unlosable election, an unlosable election that was supposed to be a climate election. The message today, for anyone who cares about acting on climate and climate breakdown, was out the front of Parliament House this morning. It said: 'Morrison, your climate crisis destroyed my home.' That was from Belinda and Dean from the Northern Rivers, with a few scraps of their burnt-out home, standing in front of this building, saying, 'Do something about this crisis.' Their message was: 'We want all politicians to listen, cooperate and listen to the science.' What do they get from the Labor Party? Bickering over a 10-year-old policy failure.

This is a political strategy by the Labor Party. It's all about the Labor Party. It is a huge distraction, a deliberate distraction from the fact that they have no policy on climate. You cannot support coal and you cannot support oil and gas in a time of climate emergency and have a climate policy. It's all about the Labor Party trying to peel votes off the Greens. In fact, I suspect it's not just about the Labor Party; it's about one particular Labor senator in this chamber: Penny Wong.

The ACTING DEPUTY PRESIDENT: Order. Refer to the senator by their appropriate title.

Senator WHISH-WILSON: Senator Penny Wong: that's what this is about. This chamber shouldn't be used as a personal vanity project for any senator. This is a time of climate emergency, and the millions of Australians out there who voted for Labor and the Greens because they wanted action on climate are going to be bitterly disappointed with this strategy from Labor. Labor have had no mojo at all in the debate since the election, and this is what they bring to the Australian people in the last week of the parliament before we go into a summer of more marine heat waves, more loss of our fisheries and our marine ecosystems and, unfortunately, a higher risk of more bushfires. And we found out today from the Climate Council that, yes, we've had the driest spring on record. We now have the worst drought on record, and this is what we get from the Labor Party: they're playing cheap, petty politics when Australians want us to get on with the job, join forces and fight for climate action.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): The time for the discussion has expired.

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

The Senate divided. [17:45]

(The President—Senator Ryan)

Ayes21
Noes41
Majority.....20

AYES

Ayres, T
Brown, CL
Chisholm, A
Dodson, P
Gallacher, AM
Green, N
Lines, S
Polley, H
Smith, M
Urquhart, AE
Watt, M

Bilyk, CL
Carr, KJ
Ciccone, R (teller)
Farrell, D
Gallagher, KR
Keneally, KK
McAllister, J
Pratt, LC
Sterle, G
Walsh, J

NOES

Abetz, E
Askew, W
Birmingham, SJ
Canavan, MJ
Chandler, C
Davey, P
Duniam, J
Fawcett, DJ
Hanson-Young, SC
Hughes, H
Lambie, J
McGrath, J
McKim, NJ
Molan, AJ
Payne, MA
Reynolds, L
Roberts, M
Scarr, P
Smith, DA (teller)
Stoker, AJ
Whish-Wilson, PS

Antic, A
Bernardi, C
Brockman, S
Cash, MC
Colbeck, R
Di Natale, R
Faruqi, M
Fierravanti-Wells, C
Henderson, SM
Hume, J
McDonald, S
McKenzie, B
McMahon, S
Paterson, J
Rennick, G
Rice, J
Ryan, SM
Siewert, R
Steele-John, J
Waters, LJ

PAIRS

Kitching, K
McCarthy, M
O'Neill, D
Sheldon, A
Wong, P

Bragg, A J
Seselja, Z
Van, D
O'Sullivan, MA
Cormann, M

Question negatived.

COMMITTEES

Community Affairs References Committee

Government Response to Report

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:50): In respect of the government progress report in response to the recommendations of the Senate Community Affairs References Committee's report *Number of women in Australia who have had transvaginal mesh implants and related matters*, I move:

That Senate take note of the document.

I have to say I'm very pleased that the government has taken this issue extremely seriously, to the point where they've done another progress report on this particular matter. The committee made 13 recommendations, which I will go to in a moment, but I do also want to note the very significant court case and the result of that court case. It found in favour of the women affected by transvaginal mesh against Johnson & Johnson. The decision was made just a couple of weeks ago, and it affects the lives of many women who were unfortunate enough to have transvaginal mesh. This committee inquiry took evidence that was quite harrowing. In fact, it was very harrowing, because we heard how the women were left in such severe pain. They had debilitating pain—chronic pain—and many of the women who came couldn't sit for very long to give evidence, because of the impact of the mesh. The impact was that severe on them. They were very brave in sharing their experiences and in the campaign that they ran. I can't speak highly enough of the work that they did, and I sincerely congratulate the women who have had this very strong win against Johnson & Johnson about these mesh products.

I want to go very briefly to the progress report by the government. There's been progress made on a number of the recommendations. In fact, some are completed, and that's very pleasing to see. However, I do want to touch on recommendation 13. Recommendation 13 is a very important recommendation, because it goes to the support for the women who are affected by this terrible injustice. It goes to the provision of supports for women affected. For example, in the committee we called for: the provision of information and helplines for women who received transvaginal mesh, so they could contact them for advice on availability of treatments and support services, including financial support programs; specialist counselling programs; and specialist multidisciplinary teams. The progress report articulates that there has been some progress in some states. I'm aware some units—the specialist multidisciplinary units, which are particularly important—have been set up. However, they are not operating at significantly high volume and many women still can't access these services. They're not multidisciplinary. Many women are still finding it difficult to get their records. That's another part of this recommendation. I've had contact from many women who have had transvaginal mesh who have not been able to get support through these multidisciplinary teams. They're not able to access the specialised counselling program—like with so many of these programs where people need counselling, often they don't have specialised counselling. So the people they go to aren't able to offer the sort of expertise necessary for the particular issues.

We're also expecting those clinics to be operating in more areas and at a capacity that actually deals with the number of women that absolutely need this support. They are not going to have their symptoms dealt with. They are not going to be able to get their mesh removed. The issue around removal is extremely complicated, and I note that there's been some training offered from overseas doctors to specialise in that, but there's still a great deal of difficulty in being able to access those particular services.

These are women who were not believed when they first brought these issues up. They were told that it was in their head and that these products couldn't possibly be causing this degree of pain. Now that this is recognised, each of the states and territories needs to be putting in significant resources so that these multidisciplinary units are a reality, that they are working efficiently and effectively, and that no woman who needs and wants treatment and asks for it should be left not being able to access that treatment.

Senator PRATT (Western Australia) (17:55): I also rise to take note of the progress report on the Australian government's response to the recommendations of the Senate Community Affairs References Committee report into the number of women in Australia who have had transvaginal mesh implants and related matters. This was an extremely significant inquiry, and I want to thank the senator from Victoria, who has left this place, who put this inquiry forward to good effect, because there was a real need for a support base for political action for women who had suffered injuries as a result of transvaginal and other forms of mesh.

It's good to see, as Senator Siewert said, that the government has in large part accepted the recommendations from this report. However, their response highlights that there is indeed more work to be done. I note, for example, that there's a need for a specific register of these devices, and the government hasn't wholly committed to that. They said they support it in principle but that they needed to make sure it was implementable. I cannot overemphasise how important it is to have a clear and transparent register for these devices.

Senator Siewert acknowledged that there has been a significant court case and many women will be eligible for compensation for the pain and suffering and injury that has been caused through these devices as supplied by Johnson & Johnson. But the issue is that many women don't know which company supplied their devices, in large part, because of the poor record keeping of both hospitals and doctors. So in many cases they don't know what mesh was used and inserted in the surgeries that they had, which makes repair and further surgery even more difficult in assessing the damage that has been done to their bodies.

It's worth noting that it's extremely difficult in terms of trying to support women who've had these devices and who have had adverse outcomes, because they don't show up adequately in ultrasounds and MRIs. There has to be particular specialist procedures in order to really get a handle on how and where the damage has been caused. In fact, those who promoted the devices simply said, 'Look, they will be just like having a healthy body again.' Women were indeed misled by the companies and doctors that promoted these devices. And, as Senator Siewert said, we heard many stories from women who went to their specialists and simply were not believed in relation to the pain and suffering that they were experiencing. So I really want to keep the pressure up on both the state and the Commonwealth governments to see these recommendations implemented in full.

It's very clear that women who have suffered adverse outcomes are not getting adequate support. State and territory governments need to continue to work with the government and the Australian Commission on Safety and Quality in Health Care to ensure that there are helplines, pain management, proper multidisciplinary support, comprehensive diagnostic and specialist pain management expertise and to ensure that surgeons are trained in the partial or full removal of this mesh where possible. There needs to be advice and practical assistance for people seeking to access their medical records. I also want to make sure that as much support as possible is given to women to access their medical records so that they can participate in any future litigation that takes place so that they can receive fair and just compensation for the significant harms that have been caused to them.

Question agreed to.

AUDITOR-GENERAL'S REPORTS

Report No. 15 of 2019-20

Consideration

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (18:01): I move:

That the Senate take note of the document.

I rise to speak on the *National broadband network fixed line migration—service continuity and complaints management* report by the ANAO. We know the NBN migration for too many customers has been less than ideal. According to the audit, NBN Co has not been fixing faults on time, and it did not have adequate processes to find out the root cause of frequent complaints. The Auditor-General has recommended the company set up better monitoring processes and review its complaints process. The report said:

Entities should regularly monitor and analyse the complaints they receive in order to understand any trends or systemic issues that may be occurring ...

However, the auditor said that NBN Co did not count delays when a user missed their appointment with a technician at home, which meant it could be taking even longer to solve complaints than NBN Co was actually claiming. The ANAO said complaints that took longer than NBN Co's time lines to resolve often dragged out.

We know in practice the NBN migration for HFC has been a complete debacle. We know, for starters, NBN Co was forced to abandon the Optus HFC network altogether, despite previously trying to deny it was not fit for purpose. Mike Quigley had concluded in two weeks this network could not be used, and it took the coalition three years. We then found out that the remainder of the HFC network was having reliability problems as well. You might recall in November 2017 NBN announced a sudden halt to the rollout of the HFC network. This panicked response came a week after the Senate committee began honing in on HFC issues. Apparently this HFC technology was going to be a game changer—so game changing that the HFC rollout had to be halted because the technology was unreliable and causing dropouts. The HFC delay cost Australian taxpayers \$800 million, and the cost for the HFC rollout has blown out five years in a row. At the time, NBN Co declared there would be a six- to nine-month delay, but this was clearly not the case. We know of many areas across the country which have been delayed well beyond 12 months.

Worst still, once an area became ready for service, there were still many HFC premises within the area that were not ready to connect. For months on end, they would be delayed without any good explanation. Worse still, when making inquiries, residents would receive vague and flaky responses. In one example that was recently raised in Senate estimates, a resident in South Australia was supposed to have their HFC service first connected in February 2017. That connection then got delayed. Then in November 2017 there was a national pause in the HFC

NBN rollout, due to the reliability and dropout issues. As a result, the connection date was delayed to June 2019, despite NBN Co saying at the time the delay would be an average of six to nine months. After having placed an order with an ISP well in advance, one week prior to June 2019 the resident was advised that their NBN connection would be delayed further. This occurred despite their neighbour's home being connected to the NBN on time. They were then told that they could connect to the NBN in January 2020. Then, only a few months later, that got delayed until June 2020. Then, after several follow-ups, the NBN advised that the website was incorrect and it was actually revised to March 2020.

This individual has chased up NBN Co and their local member countless times. Not once have the responses provided any useful information about why there has been delay upon delay. Not once has there been an adequate explanation of why their neighbours can connect and this individual has to wait an extra nine months for, apparently, minor pit works. When I raised the matter with NBN executives in Senate estimates, I received a reasonable explanation. So why couldn't this type of explanation simply have been provided directly to the consumer? There was no good explanation offered by NBN Co. Several days later, after having the light shone on them, NBN attended the premises of the resident who had experienced delay after delay and got him connected. So it shouldn't be that hard.

According to the NBN weekly report, there are 325,000 premises still classified as service class 0. These consumers deserve accurate and forthright information about the reason for their delay, even if this does not speed the process up. *(Time expired)*

Question agreed to.

DOCUMENTS

Department of the Environment and Energy

Consideration

Senator PRATT (Western Australia) (18:06): I move:

That the Senate take note of the document.

I would like to speak to the Department of Environment and Energy's Quarterly Update on Australia's National Greenhouse Gas Inventory. In speaking to this report, emissions for the year to June 2019 are estimated to be down some 0.1 per cent on the previous year. For a nation that is supposed to be reducing its climate change impacts, for a country that is as energy intensive as we are, that is an abysmal failure. And it would have been even worse had it not been for the significant gains in the renewable energy sector that have made some room in those results. The increases in hydro and wind generation—and a decrease in coal and natural gas generation—have assisted this reduction of emissions in these sectors.

But what I want to highlight to the chamber today is that the other factor that has seen a reduction in emissions is truly tragic. The report says:

Strong growth in emissions from stationary energy and fugitive emissions were offset by the combination of the ongoing reduction in emissions from electricity and the effects of the drought on agriculture.

It is tragic that it took the drought across Queensland and New South Wales and the loss of some 600,000 head of cattle to give us this number. The government and those opposite carry on about meeting our climate change emissions targets. You need to have a good hard look at yourself in terms of the policies that lead to disastrous outcomes like this—and by 'policies' I mean a complete lack of leadership in the climate change base. I know you are not entirely responsible for global climate change, but the simple fact is that Australia has been missing in global leadership on these debates. We might be responsible for only a couple of per cent of the world's pollution but the rest of the world looks at the fact that we are incredibly high emitters per capita. We need to be seen globally to be pulling our weight in order to argue strongly that others should do the same. Farming communities are feeling the full effect of a changing climate. We've had no real global action on climate change that has seen global emissions come down. We can see that very much linked now to our drying climate. We want a government that's serious about energy policy and serious about climate change.

I note that the report also shows large gains in fugitive emissions, and that this is due to an increase in gas extraction and processing in Australia, particularly in my home state of WA. Gas production during this quarter increased by 10.1 per cent. But the problem is that this government has left us with no framework of accountability for driving down emissions in these sectors. Under our policies we had an overall cap that meant that when you had rises in one sector you would have been able to offset them as efficiently as possible and drive down emissions in other sectors as well. But there is no accountability under this government.

Today, as we've heard a number of times, marks 10 years since the Senate voted against the Carbon Pollution Reduction Scheme, a scheme that would have given us that accountability. Under that scheme, Australia's

emissions would have been reduced by 81 million tonnes a year. As this report shows, we're now on a trajectory that will see emissions rise until at least 2030 according to the government's own projections. So it's heartening that projects like Chevron's Gorgon are now sequestering carbon and storing it underground. While the Gorgon project began extracting gas two years ago, the capture and storage project only became operational a few months ago, and there have been no costs to the operator in that time. I understand the importance of the minerals and resources sector, but we need a government that shows leadership and accountability for these emissions. (*Time expired*)

Senator McKIM (Tasmania) (18:12): I want to speak on the same document as Senator Pratt: the Department of the Environment and Energy's *Quarterly update of Australia's national greenhouse gas inventory: June 2019*. It's really hard to escape the conclusion that climate politics in Australia is totally cooked. On one side, you've got a government that is basically having its climate change policy set by climate deniers; that effectively doesn't have a climate policy; and that is using dodgy accounting tricks to meet its woefully inadequate targets. Then, on the other side, you have the Australian Labor Party, that want to come in and rewrite history to focus on the past rather than the future; that still supports new coal, including one of the biggest coalmines in the world, when it gets up, the Adani Carmichael coalmine; that doesn't have a plan to phase out coal; and that still supports fracking for gas in the Galilee Basin and other places around Australia. Then you have One Nation, which are even more rampant climate deniers than the LNP. The real tragedy here is that you've only got one party represented in this place that's backing in the climate science, and that is the Australian Greens. That's the debate in the chamber.

But when you expand the debate outside this chamber to include the media gallery, you have significant and systemic failures by far too many members of the press in this place, and far too many senior members of the press in this place. They have this in-built desire for centrism, where they never saw a deal they didn't want done. But let me be very clear: there is no centrism in climate science. There is simply the climate science. I say to those journalists who are urging that we have more civility in the debate and that we move towards the middle on climate policy: what are you going to say to your children and grandchildren? Are you going to say, 'I wrote about how important it was for the Greens to compromise, to walk away from the climate science'?

Good luck running that argument to your children and your grandchildren.

Some in the media here are so afraid of real debates and so allergic to the contest of ideas that they will label anything that wasn't leaked to them by one of the major parties as extremism. There is no sensible centre on climate science. There is just the climate science. That is a fact. The status quo is making our planet's climate incompatible with human life. That is a scientific fact. Coal and gas companies are destroying this planet's climate. They're donating massively to both of the major parties in this place. That is a scientific fact. Those same corporations are riddled with people from the major parties who roll out of this place into cushy jobs for those big corporate polluters, and they are making a bloody killing. That is a fact. They are donating millions of dollars back to the political parties that they came from. That is influencing the major parties' climate policy. That is a fact. They hire former politicians and political staffers and then use their leverage and connections to keep the relationships friendly. That is a fact. Then you all come together at the Midwinter Ball, sponsored by the big fossil fuel polluters, yucking it up together, congratulating yourselves for giving a few thousand bucks to charity, amongst politicians and lobbyists who are helping to cook the climate.

Have a look at yourselves, major party representatives. Have a look at yourself, media gallery in this place, and get with the program. Get with the climate science. The press gallery has got to stop being a cosy club that stifles dissent and ruthlessly shuts down any criticism from outside the two major parties. That is what the press gallery needs to do if it wants to fulfil its obligation to future generations around climate policy. That so many journalists in this place are so wilfully blind to how the big corporates have bought out the major political parties on climate change is half of the problem that we're facing in this place. (*Time expired*)

Senator MARIELLE SMITH (South Australia) (18:17): I also rise to speak on the Department of the Environment and Energy's *Quarterly update of Australia's national greenhouse gas inventory: June 2019*. This update provides estimates of Australia's national inventory of greenhouse gas emissions up to the June quarter of 2019 and emissions from the National Electricity Market, up to the September quarter of 2019. It states that electricity generation is the largest source of emissions in the national inventory, accounting for 33.8 per cent of the emissions in the year to June 2019. The report also states that emissions from the National Electricity Market account for about 83 per cent of national electricity emissions. I note here that the transport sector accounted for 18.9 per cent of Australia's national inventory, which includes emissions from the direct combustion of fuels and transportation by road, rail, domestic aviation and domestic shipping.

It's very fitting that I have the opportunity to speak on this report today, because today marks a very significant anniversary in political events that have contributed to the nature and quantum of Australia's greenhouse gas emissions, which are documented in the report. As senators have heard, today is the 10-year anniversary of when

the Greens joined the Liberals and the Nationals to vote down the Rudd government's Carbon Pollution Reduction Scheme. I was 22 years old when this happened. I was one of the young people filled with hope, after that election, that finally we would see action on climate change and that finally we would see meaningful policy reform. And I was one of the young people who had their hopes shattered by the Greens, shattered by the Liberals and shattered by the Nationals, as they joined together to vote against one of the most significant policies to tackle climate change that we have ever seen in Australia at a time when the Australian government had a mandate for that change, when we had the will of the Australian people behind us, when we had an opportunity in the parliament to do something real and impactful to give young people hope and to give our planet hope. But the Greens voted against it. We don't want to let the Greens forget it today, because today marks the anniversary. It's been 10 years.

We should all remember who voted against progress that day, who voted against meaningful action on climate change, who voted against the hope of a generation and their future and who voted against the future of our children. The Greens were there; the Greens were involved, and I will not be lectured any further today by the Greens on Labor's policies on climate change because we're the only ones who have actually brought them to this place. (*Time expired*)

Question agreed to.

DOCUMENTS

Census: Gender and Sexuality Questions

Regional Jobs and Investment Packages

Pensions and Benefits

Prime Minister

Order for the Production of Documents

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (18:20): I table documents relating to the order for the production of documents concerning gender and sexuality census questions, the Regional Jobs and Investment Packages' ministerial panels, the income compliance program and the online compliance program.

I also table a response to a question taken on notice during question time on 27 November 2019, asked by the Leader of the Opposition in the Senate concerning the New South Wales police minister. I seek leave to have the responses incorporated in *Hansard*.

Leave granted.

BILLS

Health Legislation Amendment (Data-matching and Other Matters) Bill 2019

Social Security (Administration) Amendment (Income Management to Cashless Debit Card Transition) Bill 2019

Treasury Laws Amendment (Recovering Unpaid Superannuation) Bill 2019

First Reading

Bills received from the House of Representatives.

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (18:21): I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the *Notice Paper*. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (18:22): I table the revised explanatory memorandum relating to the Social Security (Administration) Amendment (Income Management to Cashless Debit Card Transition) Bill 2019. I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

Health Legislation Amendment (Data-matching and Other Matters) Bill 2019

The Health Legislation Amendment (Data-matching and Other Matters) Bill 2019 amends the National Health Act 1953, the Health Insurance Act 1973, the Privacy Act 1988, the Private Health Insurance Act 2007, the Therapeutic Goods Act 1989 and the Military Rehabilitation and Compensation Act 2004 to support the integrity of Medicare through data-matching for Medicare compliance and related purposes, while maintaining strong privacy and data protection provisions.

The overwhelming majority of healthcare providers claim Medicare Benefits Schedule (MBS), Pharmaceutical Benefits Scheme (PBS) and Child Dental Benefits appropriately.

Unfortunately, we know that a very small proportion do not.

It is entirely reasonable for Australians to expect that the government has appropriate systems in place to detect instances of Medicare non-compliance and treatment pathways proportionate to the type of non-compliance detected. This will ensure that every taxpayer dollar of our precious healthcare spend is directed to clinically necessary services for Australians.

While the Commonwealth has sophisticated detection techniques at its disposal, current legislative restrictions are impairing the effective and efficient detection of some cases of Medicare fraud and non-compliance.

Healthcare services provided through Medicare and the Department of Veterans' Affairs were funded by taxpayers to the tune of over \$36 billion in 2017-18. The integrity of these programs must be ensured so that Australians can continue to access high quality, effective health treatments. Every dollar wasted by fraud is a dollar that the government cannot invest in cutting edge new treatments, like CAR-T therapies for people with blood cancer.

The bill will permit data-matching across the MBS and PBS for Medicare compliance purposes. This will enable, for example, the identification of instances where the Commonwealth pays for a PBS medicine that is not actually supplied.

The bill also provides for data-matching between the Department of Health and the Australian Health Practitioner Regulation Agency to ensure that restrictions placed on registered healthcare providers by their professional board are adhered to in Medicare claiming.

It would also allow for therapeutic goods information to be used by the Department of Health to help ensure Medicare claims in relation to unapproved medical devices are appropriate.

Healthcare providers claiming Medicare services for general patients may also claim for services delivered to patients under Department of Veterans' Affairs programs.

The bill supports matching of data from Medicare and the Department of Veterans' Affairs to ensure that services provided under both programs are considered for the purposes of the prescribed pattern of services, where exceeding a certain number of services on a certain number of days may be considered inappropriate practice.

Data-matching with records held by the Department of Home Affairs that indicate whether a person is overseas will allow confirmation that both the healthcare provider and patient were in Australia at the time of their claimed services. Believe it or not, we have actually found instances of fraudulent Medicare billing where either the doctor or the patient for a service billed to Medicare was actually out of the country when the service was supposed to have been provided.

The bill also allows private health insurers to voluntarily share information with the Department of Health for the purposes of detecting fraud and recovering incorrect payments. The bill will not allow the government to share any patient information collected by the government with private health insurers.

While data-matching permitted by the bill will enhance my department's ability to detect Medicare fraud and non-compliance, it will not expand its existing compliance powers. Nor will it change the approach taken by the department in conducting its compliance activities which are designed to be proportionate to the type of non-compliance detected.

The department will continue to engage and consult with professional bodies and other stakeholder groups on its compliance strategies and activities, as well as provide education support resources for health professionals.

Importantly, departmental officers will continue to follow prescribed and legislated processes when undertaking Medicare compliance, with procedural fairness and review rights for health professionals retained. The bill does not support automation of the department's compliance activities and outcomes, or the raising and collection of debts.

The government acknowledges the importance of protecting an individual's privacy and the trust placed in the government by Australians to manage their health data appropriately. Protecting the privacy of an individual's health and other data is central to this bill.

As Minister for Health, I will be required to put in place governance arrangements for data-matching for Medicare compliance purposes through a legislative instrument that prescribes how information for data-matching will be handled. The legislative instrument will ensure that the use, storage, access and handling of data protects privacy.

In conclusion, I consider that this bill strikes the right balance by facilitating the important public policy objective of protecting the integrity of our taxpayer-funded health system, while enshrining strong principles to protect the privacy and security of personal health data.

I would like to extend my thanks to all of the healthcare professional groups that have engaged in the design of this bill, providing constructive input and feedback over the past 18 months. This included the Australian Medical Association, the Royal Australian College of General Practitioners and the Pharmacy Guild of Australia.

Social Security (Administration) Amendment (Income Management to Cashless Debit Card Transition) Bill 2019

Today I rise to speak on a bill that continues our commitment to improve our welfare system and deliver a real difference to the lives of all Australians.

This bill, the Social Security (Administration) Amendment (Income Management to Cashless Debit Card Transition) Bill 2019, provides for the transition of income management participants across the Northern Territory and Cape York region to the cashless debit card.

The bill also allows for the extension of the cashless debit card across all four current trial sites for an additional year until 30 June 2021.

The cashless debit card program is delivering significant benefits for the communities where it currently operates. The program has the objective of reducing immediate hardship and deprivation, reducing violence and harm, encouraging socially responsible behaviour, and reducing the likelihood that welfare recipients will remain on welfare and out of the workforce for extended periods.

The program is showing positive results.

The baseline report into the Goldfields trial site found decreases in drug and alcohol issues, decreases in crime and antisocial behaviour, improvements in child health and wellbeing, improved financial management and ongoing—and even strengthened—community support.

The bill will see welfare recipients in the Northern Territory and Cape York region transition from income management to the cashless debit card. Currently, these participants hold a BasicsCard, a card which directs welfare expenditure towards priority needs.

The government recognises that the BasicsCard, while effective, can restrict an individual's ability of choice. Currently, the BasicsCard only works in around 19,000 stores that have signed a merchant agreement with my department, the Department of Human Services.

In comparison, the cashless debit card works everywhere except when individuals try to purchase alcohol, gambling products and some gift cards, and to withdraw cash—around 900,000 stores. The cashless debit card provides income management participants with greater consumer choice and autonomy while reducing red tape for businesses.

While the government recognises the effectiveness the BasicsCard has had on the communities in which it has operated, it is time to provide income management participants in the Northern Territory and Cape York region with the opportunities that the cashless debit card brings.

The government recognises that we must continue to work in partnership with communities, stakeholders and most importantly participants to support the transition to the cashless debit card.

Therefore, this bill outlines that the transition will occur slowly over a nine-month period, from 1 April 2020. This will allow the transition to occur community by community, and the Department of Social Services, together with the Department of Human Services, will work with communities and individuals to provide support for the transition every step of the way.

We will work with communities to ensure each and every participant transitions from the BasicsCard to the cashless debit card as smoothly as possible. And we have allocated approximately \$17.5 million to support participants in the transition.

The government also recognises that this transition will affect a large number of Indigenous Australians across both the Northern Territory and the Cape York region. We will work with these Indigenous communities and individuals to ensure that resources will be available in a range of local Indigenous languages and there will be access to interpreters as required.

I thank the Senate Community Affairs Legislation Committee for its report on the bill. The committee published the report on 7 November 2019, and recommends that the bill be passed, subject to clarification of the ministerial power to vary the restriction rate of a community. The committee is satisfied that the bill and the high level of engagement undertaken by the Department of Social Services will ensure a successful transition to the cashless debit card in the Northern Territory and Cape York region.

The government acknowledges the feedback and recommendations provided by the Committee, as well as the dissenting reports published by the Labor Party and the Australian Greens.

The ministerial power to vary the restriction rate of a community in the Northern Territory. This was originally included in the bill to replicate a power that was introduced by Labor in 2010 and currently exists under income management. Hearing criticism from Labor about a power they introduced is another example of Labor's backflipping and inconsistency. In response to feedback from the Committee, the government has amended Labor's 2010 powers and reduced the scope of the ministerial power to vary the restriction rate to a maximum of 80 per cent, in line with other Cashless Debit Card sites.

In addition, the government has amended the bill to exclude age pension recipients everywhere except Cape York from becoming compulsory cashless debit card participants.

The cashless debit card is a community driven, bottom-up approach to tackling long-term welfare dependency, social harm and welfare-funded drug and alcohol abuse.

We must continue to support communities that put their hand up and drive positive change and improved outcomes for vulnerable individuals within those communities.

This bill does exactly that.

The government remains committed to the continuation of the cashless debit card to provide a strong social welfare safety net through reducing social harm in areas with high levels of welfare dependency and supporting vulnerable people, families and communities.

I commend the bill to the Senate.

Treasury Laws Amendment (Recovering Unpaid Superannuation) Bill 2019

The coalition government has introduced a new era of superannuation guarantee enforcement.

In the last parliament, the government passed a robust package of legislation to ensure employers can no longer hide from their obligations to pay employees their full superannuation entitlements. Those laws give the Australian Taxation Office the tools it needs to detect future non-compliance and punish employers appropriately, including with criminal sanctions in the most egregious cases.

New visibility into payment of superannuation guarantee combined with serious financial and legal consequences for non-compliance will all but eliminate future non-payment.

But we know that historical non-compliance has been significant. Last year the Australian Taxation Office found that, while 95 per cent of superannuation guarantee obligations are paid in full, in 2015-16, around \$2.8 billion went unpaid.

Some superannuation guarantee underpayment is malicious on the part of dodgy employers. However, some is inadvertent, or is a result of poor payment systems, often in stressed small business employers. Regardless of the motivation, in all cases, it's the employees who miss out.

Reuniting as many workers as possible with the superannuation that is rightly theirs must be the priority.

With this objective in mind, this bill introduces a one-off amnesty to employers who come forward and do the right thing by their employees by rectifying historical non-compliance with their superannuation guarantee obligations. The amnesty complements our Superannuation Guarantee Integrity reforms which we passed earlier this year.

To qualify for the amnesty, employers will have to meet two criteria: they must come forward voluntarily, without direct prompting from the Australian Taxation Office; and they will have to pay all of their employees' entitlements.

Reuniting workers with their superannuation is the priority.

We want employers to bring these underpayments out into the open and pay them off as soon as possible so that their employees can receive the super they are entitled to.

The bill offers both a carrot and a stick to encourage non-complying employers to come forward.

Importantly, the bill does not reduce employees' entitlements by one cent. Everything that an employer owes to its employees must still be paid, paid immediately, and paid in full.

Rather, the bill removes the penalties and fees paid to the Commonwealth that might otherwise apply to historical superannuation guarantee non-compliance by employers that are eligible for the amnesty.

Employers who do the right thing and come forward during the amnesty period will also be able to claim tax deductions for payments made under the amnesty, which is the same outcome as if they had paid on time.

Those are the carrots.

The stick will be reserved for employers that could come forward during the amnesty period, but choose not to do so and are subsequently caught by the Australian Taxation Office. Their failure to come forward will generally result in the imposition of a minimum 100 per cent penalty on the employer, on top of the other penalties and charges that are ordinarily associated with late payment of superannuation guarantee obligations.

Of course, throughout the amnesty period, the Australian Taxation Office will still continue its usual enforcement activity against employers for any historical non-compliance that they don't own up to voluntarily.

The laws we passed earlier this year, combined with near real-time reporting ensures that the Australian Taxation Office now has much greater visibility of when superannuation is not paid.

The amnesty period runs from 24 May 2018, to six months after the day this bill receives Royal Assent and applies to any historical superannuation guarantee debts up to and including the March quarter of 2018.

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

Debate adjourned.

Ordered that the bills be listed on the *Notice Paper* as separate orders of the day.

Defence Service Homes Amendment Bill 2019

National Disability Insurance Scheme Amendment (Streamlined Governance) Bill 2019

Returned from the House of Representatives

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

COMMITTEES

Migration Joint Committee

Membership

Message received from the House of Representatives notifying the Senate of the appointment of Mr Drum in the place of Dr Martin to the Joint Standing Committee on Migration.

Joint Select Committee on Road Safety

Appointment

The ACTING DEPUTY PRESIDENT (Senator Askew) (18:24): Messages have been received from the House of Representatives informing the Senate that the House has proposed amendments to the resolution of appointment of the Joint Select Committee on Road Safety, and requests the concurrence of the Senate with those amendments.

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia and Deputy Leader of the Nationals in the Senate) (18:24): by leave—I move:

That the Senate agrees to the amendments made by the House of Representatives.

Question agreed to.

BILLS

Education Legislation Amendment (2019 Measures No. 1) Bill 2019

Farm Household Support Amendment (Relief Measures) Bill (No. 1) 2019

Medical and Midwife Indemnity Legislation Amendment Bill 2019

National Health Amendment (Safety Net Thresholds) Bill 2019

Treasury Laws Amendment (International Tax Agreements) Bill 2019

Assent

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

Migration Amendment (Repairing Medical Transfers) Bill 2019

Second Reading

Consideration resumed of the motion:

That this bill be now read a second time.

Senator McKIM (Tasmania) (18:25): I rise to continue my speech on the Migration Amendment (Repairing Medical Transfers) Bill 2019. The medevac legislation should clearly not be repealed, because it is working exactly as it was designed to do—to ensure that people's medical treatment is actually directed by doctors, not by ministers and bureaucrats. But whatever the future of the medevac legislation, we need to bring an end to this terrible chapter in our country's history around offshore detention, where innocent people who committed no crime, who stretched out a hand to our country and asked for help, have been treated in the most reprehensible of ways. We need to do that as soon as we possibly can. We need to act to resolve the many thousands of cases of people in the offshore detention cohort, people whose futures remain uncertain, no matter the outcome of this medevac legislation. We cannot say that we have brought this dark and bloody chapter in our country's story to an end until we have a royal commission into offshore and onshore immigration detention, so that we can make sure not only that we learn the necessary lessons but that something so terrible and contrary to our country's values can never happen again. (*Time expired*)

Senator STOKER (Queensland) (18:26): The Migration Amendment (Repairing Medical Transfers) Bill 2019 is a critical piece of legislation, but not for the reasons that those opposite would have us believe. According to medevac proponents, the medevac laws were designed to address, to quote the former member for Wentworth, an urgent medical crisis in Australia's offshore detention centres. The legislation has, to quote the Greens, saved lives. In the last few months, we've seen a swell of evidence indicating that the very premise for the medevac changes—that people's lives are at stake—is a flawed one. Let's consider the evidence, because the facts are what we need to focus on in this debate—not emotional and emotive grandstanding from other senators, but the facts.

At Senate estimates last month, the head of Operation Sovereign Borders, Major General Craig Furini, updated the committee on the number of people who had been transferred to Australia under the medevac laws. Out of the 135 people brought to Australia as at the date of that hearing, only 13 of them had been to hospital at all. Only thirteen people out of the 135 regarded so grievously ill that they could not be treated in any other way but to have been brought for in-patient care in Australia. Fewer than one in 10 of those people transferred to Australia had a

serious enough illness to warrant being in hospital. Of the 13 hospitalised, nine of them were in for a period of less than seven days, and none remained in hospital at the time the evidence was given. Don't forget: all 135 of these people were ticked off by two doctors as requiring in-patient hospital care necessitating their transfer, yet fewer than one in 10 of them actually became in-patients. Five of them refused treatment once they got to Australia, including the treatment for which they were specifically referred, for conditions like dermatitis, abdominal pain, dental pain and urological disease. One individual claimed an ongoing dental condition prevented him from eating solid foods, yet when he got to Australia, suddenly he no longer required that dental treatment. A further 43 people refused an induction check, chest X-ray or pathology as part of their screening into country.

This exposes the conflict that is at the heart of the debate. Labor and the Greens stand in here and say that the medevac changes were all about, and simply about, making sure sick people get medical care when doctors say they need it. But why, then, do so few actually need hospital medical care when they get here?

Proceedings suspended from 18:30 to 19:30

Senator STOKER: We are told that these asylum seekers must come to Australia because they lack adequate medical care in offshore processing countries. So, again, let's let the evidence do the talking. In Papua New Guinea, there is one healthcare worker for every 14 people who are being kept there in offshore detention and one mental health professional for every 37 detainees. In Nauru, there is one healthcare worker for every six people and one mental health professional for every 25 detainees. These are numbers that many of my rural and regional Queensland constituents would be envious about. They could only dream of getting those kinds of ratios.

Members of the Independent Health Advice Panel, IHAP, have also provided a positive assessment of the physical facilities at Pacific International Hospital in Port Moresby. The IHAP have even found that the treatment available at the PIH was adequate for patients in many ways—not all, but many. In its first quarterly report, by way of example, it states:

The IHP was reasonably confident that acute inpatient mental health treatment can be provided at PHI—

The IHAP also notes, 'there are significant numbers of mental health workers' available in Nauru.

Those opposite want us to believe that before the medevac legislation came in the government was blocking medical transfers left and right, but that's also wrong. Data provided by the department shows that between November 2012 and 31 July 2019, 1,343 people were transferred to Australia from offshore detention for medical treatment. There was 717 people who were transferred for treatment themselves, with 626 accompanying family members. The difference though is that, before the medevac bill, the minister had a clear power to return people to offshore detention after that treatment was complete. The medevac amendments took that away.

I know some people in the chamber will say differently. I know Senator Keneally has today said to this chamber that there is a power of return, but the reality is that that is no more than a theoretical legal argument at this point in time. It's based on an interpretation of what the word 'temporary' means that hasn't been confirmed by any court and that isn't expressly provided for in the act as it currently stands. So it can't really be more than theory or speculation, as at today.

Those opposite argue that, to quote the Greens, 'Decisions about medical care should be made by medical experts, not politicians or bureaucrats.' They seem to believe that decisions as important as these are made in some kind of departmental vacuum, void of professional medical opinion until these changes were made. But, in fact, two members of the IHAP, Dr Brendan Murphy and Dr Parbodh Gogna, were assisting and advising departmental officials on medical decisions well before the medevac changes were brought through. Somewhat ironically, the passage of the medevac bill took Dr Murphy and Dr Gogna out of this process when they were appointed to the IHAP.

So the medevac laws aren't saving lives, at least in the sense that those opposite want us to believe to justify what is flawed legislation. Medevac isn't giving refugees access to medical care that they couldn't already receive in offshore processing. It isn't clearing out a bottleneck of medical transfer requests, and it's definitely not involving medical professionals in making these decisions for the first time. They were already involved. So, what is medevac doing then?

The medevac legislation is putting our strong border protection regime at risk. All of the 179 people who have been transferred to Australia to date under these medevac laws—that was the number as of Friday—still remain in this country. The medevac bill simply has no return provision for these people even when it's determined that they don't need further medical treatment. So let's be honest about its real purpose. Its real purpose is to dismantle the offshore processing regime, pushed by people whose political disposition is for open borders. There's really no other way you can cut it, not in circumstances where one in 10 of the people transferred for urgent medical care went to hospital and the other nine in 10 went, 'No, thanks,' on arrival.

Those opposite say the medevac bill doesn't provide a pathway to residency because it only applies to those who were already in offshore processing countries at the time it passed and not to future arrivals. In a factual sense, that's right, but it's not the point. If people smugglers can point to the situation here today and say to their potential customer base, 'All 175 of the people transferred to Australia can't be removed or, at the very least, haven't been removed,' then desperate and vulnerable people will scrimp and scrape whatever they can and pay to come here. And then those very people smugglers can boast a 100 per cent success rate for those people who are transferred to Australia. No doubt that's good for business. The price is the people in refugee camps far away, people without resources, people who can't afford to pay a people smuggler, often the most vulnerable women and children in the world, being denied the ability to come to Australia.

The medevac bill compromises the security of our borders. At estimates, Major General Furini stated that six medevac transferees to Australia have come here despite concerns about their security appropriateness and that two of the people approved and awaiting transfer are of character concern. The Minister for Home Affairs did not have the power to block those eight people from coming into this country. So, when people say in their contributions to this debate that the minister's still got all the powers he needs to stop unsuitable people coming to this country, those eight people are proof that this doesn't stop people about whom there are character or security concerns from coming into this country.

Last month, the Minister for Home Affairs was forced to use his ministerial powers to block a violent Iranian asylum seeker from coming to Australia with his medical transferee daughter. The father had a history of violent and criminal behaviour in Nauru and in his home country as well, including assault, importing and distributing drugs and running a prostitution ring. His daughter was assessed as needing psychological treatment in Australia, but she refused to come without her father. So, despite the father not needing medical care, despite his unsuitability, the treating doctor gave him the tick of approval to come to Australia. Just last week, we had reports of a man accused of sexually assaulting a child and assaulting his own family members in domestic violence cleared to come to Australia. The government couldn't block his transfer because he hadn't been sentenced to at least 12 months in jail, which is the threshold set out in the medevac legislation. This requirement is significantly narrower than the character test against which all other people who want to come to Australia are assessed. These are the kinds of individuals the medevac bill allows into the Australian community with no means, no mechanism and no clear provision in the act to send them back to offshore processing countries after treatment.

In real terms, the medevac bill risks restarting the boats. It's plain and simple, and here's why: Operation Sovereign Borders works because it has three equally important limbs. I like to think of them as like legs on a stool. It takes all three of them to be effective, but knock one leg off that three-legged stool and it falls. It's worth defending though because it works. Under Operation Sovereign Borders, we need all three limbs: turnbacks where it's safe to do so, offshore processing and temporary protection visas. If there's one thing that the period of the Rudd government showed it was that if you knock one of those legs off the stool, the consequences are really very serious. We on this side are proud of our record at the border. Under Operation Sovereign Borders, with all three legs of that stool, there have been zero deaths at sea—none, not a single soul lost in the dangerous act of coming to Australia in a leaky people-smuggler's boat. We have closed 17 detention centres that had to be opened because of Labor's mismanagement of this very important issue and we have removed every single one of the children from detention. Those opposite have an awful lot of front to preach to this chamber about compassion, given their record on the issue.

So let's remind ourselves what Labor's period in government meant. The only reason anyone is on Manus Island or Nauru is that Labor lost control of our borders. When they entered government in 2007, there were only four illegal maritime arrivals in detention and not one of them was a child. But without any policy forethought, Labor proceeded to unwind the successful and effective Howard government border protection measures, and the results were nothing short of disastrous. So here is a reminder for everybody about what happened under Labor's stewardship: 50,000 people arrived in this country on over 800 people-smuggler boats; 1,200 people died at sea, that we know of—it could be more. While I feel deeply sad about the 11 people itemised by Senator McKim tonight, I have to look at those 11 people with sadness but compare them to the 1,200 we lost at sea under a different policy regime.

Under Labor, 8,000 children were put in detention, 17 onshore detention centres had to be opened and two regional processing centres had to be opened. In addition to all of that, there was a \$16 billion border protection budget blowout, borne by every single Australian taxpayer. So we must never return to Labor's policies, which resulted with chaos at our border, deaths at sea and children in detention. All the rhetoric in the world about compassion stands in a very uncomfortable contrast with the record we have before us, which is not compassionate, which is not kind, which is a weak cruelty upon those most vulnerable.

Under Operation Sovereign Borders, we have taken back control of our border from the people smugglers. And we need to maintain the effectiveness of Operation Sovereign Borders by making sure that all three legs of the stool are sturdy and strong. I support zero deaths at sea. I support a higher capacity for Australia to offer refuge to those most vulnerable, those in refugee camps who can't afford to pay a people smuggler, who can't afford to make the journey by plane or boat or any number of expensive means to find themselves in a place where they can make the final payment to a smuggler to get on a boat to Australia. I support no children in Manus and Nauru. I support the ability of this government to have increased the humanitarian program to 18,750 people—more than any other government that's gone before—and that has provided a generous humanitarian response to the Syrian crisis, taking in an additional 12,000 Syrian people as refugees, all things that are only possible because of the effectiveness of Operation Sovereign Borders, things Labor could not do because they lost control.

Today there are no refugees in immigration detention offshore in the sense that might be in the public psyche. It's not like a little prison. These are people living freely in offshore protection countries within the community, able to move around freely, able to work, able to fall in love, able to get married, able to start a business. They do all of those things. There are 213 people who remain in Papua New Guinea and 258 who remain in Nauru, and, as I've mentioned, none of them are children. But the fact is that, as of Friday last week, 179 people have been transferred to Australia under the medevac laws. Only one in 10 of those, despite being signed off by two doctors, ever needed to go to hospital. None of them remain in hospital. These people, who needed so desperately critical care on the assessment of these doctors who assured us they were apolitical, spent at most less than a week in hospital. Funnily enough, none of them have gone back to offshore processing. None of them have played by the rules. Every single one of them have gone and got a court order to assure them that they won't be sent back.

I think that really does show us what it's all about. It's about dismantling the offshore processing regime. It's an ideological response for people who, in their gut, just don't like this. Part of me gets that. It's not comfortable. It's not easy. But, when I compare the real but much smaller hardship of the people in offshore detention to the 1,200 people who lost their lives at sea—a number that would be much, much higher had Operation Sovereign Borders not been implemented—for me the choice is not so hard. I'll be supporting this bill and I urge those on the crossbench to do the same. They can do it because it's what the facts support or they can do it because it's the compassionate thing, but either way it's the right thing for this country and it's the right thing for the most vulnerable people in the world.

Senator WATT (Queensland) (19:46): I rise and join with Senator Keneally, who has spoken already in this debate. I rise on behalf of Labor to say that we will be opposing the Migration Amendment (Repairing Medical Transfers) Bill 2019, in essence, for one good reason: this bill is utterly unnecessary. As I will go through in my contribution, this bill is working and it delivers on a core Australian principal, which is that, if you are sick, no matter who you are, no matter what your race and no matter what your wallet, you will get medical care. That's what medevac was about, and it remains as relevant now as it was when the bill was passed.

What does this bill that the government is now introducing seek to do? Firstly, it seeks to repeal the medevac legislation—and, of course, they were amendments made to the Home Affairs Legislation Amendment (Miscellaneous Measures) Bill, which was passed by this parliament in February 2019 and given royal assent on 1 March 2019. Secondly, this bill seeks to amend the Migration Act to extend existing powers in relation to people transferred to Australia under the medical transfer provisions, allowing for their removal from Australia or return to a regional processing country once they no longer need to be in Australia for the temporary purpose for which they were brought.

I note in passing that a number of submitters to the Senate inquiry on this bill argued that the government does maintain the power to transfer a person back to a regional processing country. Having undertaken some litigation in this area in my previous life as a lawyer, I can also say that there is no doubt that the Migration Act gives the power to the government, as it currently stands, to transfer people back to a regional processing country if those people are brought here for medical treatment. If you don't believe me, I refer you to some of the evidence to the Senate inquiry, from the Castan Centre for Human Rights Law, where the deputy director, Dr Maria O'Sullivan, stated:

Whilst there is no explicit provision governing the return of this particular cohort as a matter of technical and legal requirements, as a matter of normal statutory interpretation the general removal provisions in the Migration Act would operate in relation to this cohort.

Put another way, if someone is brought to Australia from Manus or Nauru for medical treatment, the government already has the power under the Migration Act to transfer that person back to Manus or Nauru once they have received their medical treatment. So there is no need whatsoever to amend the Migration Act, as is attempted via this bill. That's all I'll say in relation to that second aspect—the proposal to amend the Migration Act.

I want to spend the rest of my contribution on the core part of this bill and its intent to repeal the medevac legislation. Labor has always had two objectives with respect to the medical transfer of people from Manus and Nauru, and from Papua New Guinea more broadly. We put forward these two objectives when the medevac legislation was originally debated here earlier this year, and these have always been our objectives—then and to this day. Those two objectives have been, firstly, to ensure that sick people get the medical care they need. It's hard to imagine that there is a principle that is more Australian. If you're thinking about Australian values and Australian principles, it's hard to think of one that is more basic and more core to the Australian psyche than ensuring that sick people get the medical care that they need—no matter what's in their pocket, no matter who they are, no matter where they come from and no matter what their race, people get the medical care they need. I'm very proud of the fact that that is something that differentiates us from, for instance, the United States of America, where we know that accessibility to health care is very much dependent on how much you've got in your pocket. We don't stand for that in Australia. What we stand for in Australia is the right of everyone, no matter who they are, to get the health care that they need, when they need it and in the form that they need it. So that's the first of the objectives that Labor has had in relation to the medical transfer of people from Papua New Guinea and Nauru.

The second principle, which, again, we put forward when this legislation was originally debated earlier this year, and which we hold to now, is that it's important to ensure that the Minister for Home Affairs has final discretion over medical transfers on national security, public safety or character grounds. I will just say in passing that, having been a little bit involved in negotiations around the original medevac legislation earlier this year, this is something that some advocates didn't want. Some advocates were arguing that Labor should vote to give the final decision about these transfers to doctors, but it was important to Labor, as a party of government, that these matters ultimately be decisions for the minister. That's why we voted the way that we did back then, when the legislation was put through, and that's why we continue to believe that it's important that the minister has final discretion over medical transfers on national security, public safety or character grounds.

Our views on these matters have not changed. Importantly, the legislation as it currently stands—the legislation that this government now wants to repeal—does both of these things. What this legislation, as it currently stands, does is ensure that sick people get the medical care that they need and ensures that it's the minister who has the final discretion over medical transfers on national security, public safety or character grounds. That's why this legislation works. That's why this legislation is not the Armageddon that various government ministers, right up to the Prime Minister, said it would be. That's why it's working to this day and that's why Labor continues to support it. In the face of repeated false claims by Minister Dutton, the Prime Minister and other government ministers about medevac we have not yielded on this matter, because we believe that medevac is necessary and that it's working. It delivers on those two objectives that Labor put forward when the legislation was initially debated, and it continues to do so now.

Let's just dig for a little bit into how this medevac process works. I think there has been a lot said by the minister and the Prime Minister which is patently untrue about how this bill and this process work, so it's important to get the facts on the record. For the medevac process to be enlivened, two or more treating doctors for a patient in Papua New Guinea or Nauru must advise the secretary of home affairs that the patient needs to be brought to Australia for medical or psychiatric assessment or treatment. So it needs two doctors—two independent doctors—who, frankly, have more qualifications to make these decisions than anyone in this chamber or anyone in the government. Two doctors must certify to the minister that the patient needs to be transferred to Australia for medical or psychiatric assessment or treatment. And that only can occur when appropriate medical care is not available in Papua New Guinea or in Nauru. We've already had government senators—and I'm sure there'll be many more—try to argue that these are for things like toothaches and waking up in a cold sweat. That is not true. What is required is that two doctors certify that appropriate medical care is not available in Papua New Guinea or in Nauru.

Secondly, even if that does happen, the minister always retains the power to deny the transfer of an individual on national security, public safety or character grounds. This can occur if: the patient has a substantial criminal record, and the minister believes that transfer would expose the Australian community to serious risk of criminal conduct; the minister suspects that the transfer of the person to Australia would be prejudicial to security within the meaning of the ASIO Act, including because of an adverse security assessment; or ASIO advises the minister that transfer of the person to Australia may be prejudicial to security and the threat cannot be mitigated.

So all of these nonsense claims from Minister Dutton, from the Prime Minister, from other ministers and from other senators that someone can just easily come here if they're a security threat are absolutely not possible under the terms of this bill. And, frankly, it can only happen if the minister isn't doing his job. I can understand why some members of the government might have concerns that this minister might not be doing his job. He's been

shown on a number of occasions not to be able to do his job properly. Let's look at the Paladin incident. Let's look at all sorts of other things that he has overseen in his administration of this portfolio.

So if anyone from the government is getting up and saying that someone can be brought here even though they're a security threat, what they're actually doing is saying that their own minister, Minister Dutton, is not capable of exercising the powers he has in his own legislation. He has every power necessary to stop someone being transferred here if they're a security risk, if they've got a substantial criminal record and the minister believes that there's a serious risk of criminal conduct in the Australian community. And they are exactly the things that Labor insisted on in the original legislation. That's why they're there. That's why Labor continues to support them. We do think the minister should have the power to stop someone being brought here if they are a security risk—and that's what this bill does.

If the minister denies a transfer on health grounds only—if there is not a security concern but the minister believes that the health grounds given for an individual to be transferred aren't sufficient—the minister must inform the Independent Health Advice Panel as soon as practicable. Within 72 hours the panel must conduct a further clinical assessment and inform the minister that the minister's decision to deny someone a transfer on health grounds is confirmed or that the transfer has been approved. So who is this panel? There's a panel set up to review a decision of the minister if he decides to not allow someone's transfer. Again, this is not some tin-pot group of people who are part of some grand conspiracy to undermine Australia's border protection regime. This Independent Health Advice Panel includes some of Australia's most highly qualified and experienced medical practitioners. They include the Commonwealth's own Chief Medical Officer and the Surgeon General of Australian Border Force. So we've got two appointees of the government on this panel. Is the government seriously saying they don't have confidence in their own Chief Medical Officer or the Surgeon General of Australian Border Force? In addition, there's a representative of the AMA, there's a paediatric health expert and there's a representative of the Royal Australian and New Zealand College of Psychiatrists. This is a highly capable and highly qualified independent group of people, who have the ability to apply medical judgement to a particular case when the minister refuses someone's transfer.

The idea that this is some tin-pot group of people who will subvert this legislation and allow transfers to occur when they're not warranted—just have a look at the people that we're talking about here and ask yourself whether they are really going to do so, especially when two members of the panel are appointees of this very government.

Let's go to what the effect of the medevac legislation has actually been. Of course, if you believe the minister, the senators from the government or all the breathless reports that we see in some of the newspapers and leaked by members of this government, then you'd think that the sky was falling in and that it's going to fall in even further if this bill is repealed. As of 17 October 2019, 132 people have been transferred to Australia under the medevac legislation and all transfers have been explicitly approved by the Minister for Home Affairs, Mr Dutton; the minister for immigration, Mr Coleman; or by ministerially appointed doctors. That's how unnecessary these transfers were; they were approved in every single case by a government minister or by doctors appointed by those ministers.

As at 26 August 2019, the independent panel had considered 28 applications. These were people who had been recommended for transfer by doctors but who the minister had rejected. Twenty-eight of those went to the review panel, 10 were recommended for transfer and the minister's decision to refuse someone's transfer was upheld in 18 cases. So the minister's decision that individuals didn't warrant transfer was found to be correct in 18 cases, and the panel didn't let that happen. So, again, the legislation is working. It's not seeing hordes of people come to Australia, as we were warned would happen. It's not seeing doctors overturning ministers' decisions—that's not happening. In fact, as of 26 August, the panel upheld the minister's decision in 18 cases. And only one person has been rejected on security or character grounds.

So for all of these claims that Minister Dutton and the Prime Minister were making, that we'd have all these evil terrorists and criminals being brought in under the cover of darkness as a result of this medevac legislation, there has only been one person who has been rejected on security or character grounds and again, importantly, what that shows is that the legislation is working. Where there is a valid case and where someone shouldn't be brought here because of security or character concerns, they're not transferred here. The bill is working.

And that's not to mention the fact that there have been about 1,200 people transferred to Australia by the minister outside the medevac regime. So we have about 132 who were transferred here under medevac as of 17 October 2019, but there are nearly 10 times that number of people who have been transferred to Australia by the minister outside the medevac legislation. So I really don't quite understand why it is that this medevac legislation is the cause of all problems in the country, when we've actually got about 10 times the number of people being transferred here by the minister outside medevac and apparently that's not a problem. The fact is that the medevac bill is working. It is delivering the objectives that Labor always set, which were that people who need medical

care get medical care and making sure that people who are a security threat to Australia aren't allowed to be transferred here.

Of course, this is not what Minister Dutton, the Prime Minister and other ministers are saying. But I ask: how can any Australian believe a minister—Minister Dutton—who routinely manipulates, misrepresents and mischaracterises the truth for political gain? He is a minister who constantly cries wolf when it comes to border protection and the risks that are placed on Australia if this bill is repealed. Medevac is a perfect example of that.

Let's just go through a few of the quotes from Minister Dutton. In February, Minister Dutton claimed that medical transfers were going to displace Australia from hospitals. That scandalous claim was made to scare Australians who need to get hospital care, which is harder to get because of this government's own cuts to hospital funding—but that's a whole other issue. Suddenly, the minister wanted to displace blame for that, away from the government's own funding cuts, and to say that it was those nasty refugees, those nasty asylum seekers, who would be brought here if this medevac legislation were passed. Minister Dutton said:

People who need medical services are going to be displaced from those services, because if you bring hundreds and hundreds of people from Nauru and Manus down to our country, they are going to go into the health network, let's be frank about it.

I don't want to see Australians who are in waiting lines at public hospitals kicked off those waiting lines because people from Nauru and Manus are now going to access those health services.

More dog whistling from the dog whistler in chief, Mr Dutton. More scare campaigns to distract attention from the government's own funding cuts to hospitals and trying to put the blame at the feet of asylum seekers and refugees. And what do you know? Those hundreds and hundreds of people from Nauru and Manus who we were warned were going to come haven't come. There were about 132 as of a couple of weeks ago. Funnily enough, we haven't heard anything more from the government about Australians on waiting lists losing their health services because of the medevac legislation. And do you know why? Because it didn't happen and it was never going to happen.

The minister also argued that two doctors from Nimbin could force the government to bring people from Manus or Nauru to Australia. These claims are simply not true. Again, the members of the panel set up to review the minister's decisions include some of the most eminent doctors in this country and two government appointed doctors. Are they doctors from Nimbin? It's not true, it never was true and it's another untruth from Minister Dutton. He also claimed that a thousand people would flood Australia through medevac. That hasn't happened at all. And probably the biggest false claim made by the minister is that, if we had this medevac legislation, the boats would restart and our borders wouldn't be safe. That hasn't happened, it was never going to happen; it was made up as a political argument and it has been exposed as being untrue. The government can't have it both ways. They can't say on the one hand that their policies are stopping the boats and then say medevac is at risk for the boats starting. You can't actually have it both ways.

To sum up: Labor is opposing the medevac bill because all it does is guarantee a core Australian principle, which is that people, no matter who they are, no matter how wealthy they, no matter where they come from, should get good health care. That is a core Australian principle and that is what the medevac legislation does. The legislation also gives the minister power to stop any transfers which are a security concern. The bill is working and it should stay in place.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (20:07): Should people who are sick be able to access health treatment? It's a simple question. Yes or no? That is the simple proposition that goes to the heart of what the Senate is debating right now. That is the simple question at the heart of the Migration Amendment (Repairing Medical Transfers) Bill 2019. Should an innocent person who is sick and requires medical care get access to that medical care? That's what we are debating in this chamber right now. Of course, the government's focused intent on destroying the lives of people seeking asylum has reached such a bizarre crescendo that we are debating whether people should receive medical care or be forced to endure ongoing pain and suffering while a politician or a bureaucrat decides their fate. That's what we are debating. In effect, what we have now are Australia's own political prisoners. That's what these people have become.

This parliament has, over recent months, not risen to the level that many people expect of it. Yet what we had a short while ago was a positive outcome for people who are seeking asylum—the parliament coming together and achieving a small change, but a positive change nonetheless. We had the Greens, the opposition and members of the crossbench come together, put aside political differences and recognise that it's time this parliament acted with conscience. The call was loud and clear. The outcome was absolutely decisive. The parliament decided that when people are critically ill it is our duty as Australians to provide them with medical care. It is a sign of how low this debate has sunk that we should even have to ask ourselves that question; but that was the question before the parliament, and the answer that we gave the Australian people was a resounding yes.

Before the medevac laws were introduced people were forced to go to court to get the medical care they urgently needed. They had to endure court decisions at all hours of the day and night to try and secure a medical evacuation. They had to have a judgement, not by a doctor but by somebody not qualified to make that judgement, about whether that person should access medical care. It was an unfair system. It was too slow. While justice delayed is justice denied, so too health care delayed is health care denied. People who need urgent medical care need urgent medical care, not medical care that has to be given at the whim of somebody not qualified to make that decision. No-one should have to rely on the court system to get proper medical care. This is not a question for politicians or judges or bureaucrats. Most decent Australians understand that this is a decision that should be left to medically trained and qualified doctors. That's all the medevac laws do—no more and no less. They put the decision about whether someone needs medical care in the hands of health professionals who are trained and qualified to make that assessment. That's all they do. They put doctors, not politicians, at the heart of making those critical decisions.

We know that the medevac laws have worked. Rather than the fear campaign that we've seen from the likes of Minister Dutton, we've seen that people's lives have been saved because people are getting the medical care they need. You only need to look at what's happening to the refugees on Manus and Nauru to know how critical that decision was. The health systems are absolutely dire. You've got groups like the Australian Medical Association—a group of doctors; not prone to hyperbole—who described the pre-medevac process as tortuous. There were long periods of delay. It lacked appropriate oversight. Furthermore, an independent health assessment in June found that a staggering 97 per cent of people in detention and processing have been diagnosed with a health condition. A further 91 per cent were diagnosed with a mental health issue alongside those with physical health conditions—conditions like severe post-traumatic stress disorder, depression and so on. Of course, these figures exclude the people who have already taken their own lives because of the hopeless and desperate situation this government has put them in.

What lies at the heart of the government's response to these laws is that we should punish an innocent person to send a message to someone else. That is barbaric. It is shameful that in a country like Australia we have a policy based on the premise that we harm the innocent to deter others. That's not what a decent country does. So we must as a priority move all those people seeking asylum off Manus and Nauru to permanent resettlement. We have had that long-held position. We don't believe that indefinite detention is ever an appropriate response, but, in the meantime, we have the opportunity to provide people with health care when they need it, to provide life-saving treatment.

Let's remember who these people are. They are people who have broken no law and committed no crime. They are people who have come to this country fleeing war, persecution and violence, who have come seeking protection. We owe them protection, because to provide protection is a sign of strength, not weakness. We have that responsibility, yet we find ourselves in a situation where there's a very live possibility right now that, rather than treating people as people and recognising their humanity, we may repeal these very modest but effective life-saving laws.

I know the vote on this is going to be close. It's going to come down to possibly one or two votes. I want to take the opportunity to remind people in this place that they are making a very, very grave decision. The fate of innocent people hangs on the result of this vote. The lives of innocent people depend on how people vote on these medevac laws. How can we call ourselves the country of a fair go, a country that treats people like equals, if we not only turn a blind eye to their suffering but, through laws like this, actively encourage their suffering—if we prevent people from getting the care they need?

We saw a Senate report into this legislation. What's missing from that Senate report is any mention of the current intolerable situation that refugees and asylum seekers face, even after they've been transferred to Australia. This is a law that provides people with the health care that they need, but it does not provide people with the certainty they need to know they can go on and live a good and decent life. The day before the report of the Senate on this piece of legislation was released, a 32-year-old Afghan doctor, Sayed Mirwais Rohani, died in Brisbane. He was the victim of an apparent suicide. Rohani had come to Australia for medical treatment two years ago. After spending four years in detention on Manus Island, that was his fate. After his death, a former roommate posted this on Facebook: 'We shared the same pain for a long time, long enough to destroy someone's life.' Rohani's death was at least the 13th among refugees held in offshore detention on Manus or Nauru—13 deaths on our watch, on this government's watch. The lives of thirteen innocent people ended prematurely at the hands of a government too callous to recognise that our duty is to offer people the health care that they need when they need it, and to treat our fellow human beings as people. I just ask that every single senator in this place reflect on that. Reflect on the 13 lives lost; reflect on what this very modest piece of legislation is trying to achieve. Let that sit on every senator's conscience as we vote on this bill.

Senator RENNICK (Queensland) (20:18): I rise today to wholeheartedly support the Migration Amendment (Repairing Medical Transfers) Bill 2019. One Saturday evening a few years ago, I called my mother as I always have every weekend for the last 25 years. Little was I to know that this would be the last time I would do it. I mentioned to Mum that my son was looking forward to his third birthday, and Mum was confused as to who I was talking about. She then mentioned that there was a party going on up the road and she didn't know what the fuss was all about. I quickly realised she was talking about the Chinchilla Melon Festival, and that Mum didn't sound right. I got off the phone and asked my sister to call her, just to make sure I wasn't overreacting. She had the same thoughts and called an ambulance, which took her to the Chinchilla Hospital that evening. We left Brisbane the next morning at 3.30 am, arriving at Chinchilla Hospital early in the morning. Mum had been vomiting throughout the night. As I was to later find out, she had been having multiple strokes.

I wish I could say we could have gotten her an ambulance to Brisbane, 280 kilometres away. We couldn't. The best we could do was get her an ambulance to Dalby, 80 kilometres up the road, where she would have to wait for another ambulance to take her to Toowoomba, another 80 kilometres up the road, where she would have to wait again for another ambulance to get her to Brisbane. At all of these places, it was not known how long it could take to get the ambulance. Because of this, we decided to drive Mum ourselves, on the condition that she was up to it, which, of course, she said she was. The doctors gave us some blood thinners and we took off. At Jondaryan, halfway between Dalby and Toowoomba, she had another stroke, vomiting for five to 10 minutes on the side of the road. We managed to get her to emergency at St Vincent's in Toowoomba by about two in the afternoon, where we waited for about seven hours to get an ambulance to Brisbane. She arrived in Brisbane at 10.30 and had to wait another 90 minutes before seeing a doctor. All up, it took about 18 hours to get Mum to Brisbane, a road trip of around 280 kilometres.

A few weeks ago, it was reported that an asylum seeker who injected his pecker with palm oil was flown from PNG to Australia at taxpayers expense under the medevac laws. Can someone tell me why my mother, who herself was a nurse for 40 years, couldn't get an ambulance, let alone a flight to Brisbane, yet a foreigner can get a flight from PNG for self-harm? Shouldn't we be looking after Australians first? Why is it that asylum seekers, many of whom could afford to pay people smugglers thousands of dollars, get better medical treatment than people in Australia? Why is there a higher ratio of medical staff to asylum seekers than there is in many parts of Australia, especially regional Australia? It is the first duty of any responsible government to keep its citizens safe and to defend the nation's sovereignty and borders. The coalition understands this.

This government has a strong and consistent record when it comes to ensuring the integrity of our borders and in fixing Labor's disastrous failure in this area. When it comes to sound judgement, operational resilience and saving lives, it's the coalition and only the coalition that gets the job done. We stopped the boats the first time, during the Howard government, and then the current Prime Minister stopped them again as the responsible minister when we returned to government in 2013—and so on. This government, ever vigilant, continues to stop leaky boats from making the same perilous journeys that tragically claimed 1,200 lives under the weak border protection policies of the last Labor government. Any attempt to weaken our current suite of stronger border protection policies, policies that have successfully stopped the boats, should rightly be called out as careless, reckless, and potentially disastrous for the poor hapless victims of the inevitable policy fails that will come from a clueless Labor on this issue.

Our policies, including offshore processing, temporary protection visas and boat turnbacks are all critical parts of ensuring that our borders are respected and the boats stay stopped. Only the coalition truly believes that we should control our borders with a resolute, uncompromising strength of purpose. To put it plainly, and despite what they may say from time to time, Labor simply does not believe in strong borders. It's self-evident that the Leader of the Opposition doesn't believe in strong borders and it's doubtful if the Greens even believe in borders at all. You will recall that under Labor's weak border policies, policies that they branded as heartfelt and compassionate at the time, we saw 50,000 people arrive on over 800 boats, 1,200 deaths at sea, 8,000 children in detention and 17 new detention centres rushed into operation. Labor's management of our borders was in no way humane, compassionate, or anything other than an irresponsible moral crusade that quickly became a bloody disaster. Labor's border protection policies did not work. They cost over 1,000 lives, created a long-term legacy of people in offshore detention, and blew a \$16 billion hole in the federal budget. No wonder the Australian people said 'Thanks, but no thanks,' to Labor at the last election. This one horrendous failure alone should be sufficient to effectively ban Labor from government for the rest of the century. What is the coalition's record since we returned to government and established Operation Sovereign Borders, under then Minister Morrison and, since, under Minister Dutton? We have seen successful boat arrivals drop to zero and the closure of 19 immigration detention centres.

Weakness on our borders is certainly no virtue; it is a self-indulgent vice which puts lives at risk. For the 1,200 who drowned and for those who have remained in detention, true compassion would have been to do all we could to prevent them from getting on board those leaky boats in the first place. Every plank of our policy structure is necessary to provide a comprehensive deterrent to people smugglers. Make no mistake: these criminals are ruthless and they're watching. Criminal people smugglers are ready to exploit every loophole in our laws or any lapse in our resolve to get back into business. I remind fellow senators that it was our resolve in stopping the boats, taking back control of our borders and breaking the people smugglers' business model that allowed us to substantially boost our humanitarian refugee intake to be amongst the most generous in the world on a per capita basis.

Given the compelling history and the facts of these matters, and after more than five years of exceptional results, thanks to the policies and operational rigour of the coalition government and its agencies, where we didn't see any new illegal arrivals or deaths at sea, some in this place have felt the need to tinker—to remove some of the moving parts that they felt were inconsequential and served no purpose—and, in doing so, risk weakening what was working. This is precisely the risk we face today as a consequence of the passing last February of the heavily amended home affairs legislation amendment. This cynical attempt by some current and former members of this parliament to curry favour with a small but vocal community, who in the most part enjoy a life of abundance scattered across well-heeled, leafy suburbs, is a return to reckless Labor-Greens border protection policy at its very worst.

The so-called medevac bill now threatens to undermine one of the most significant planks of our border protection regime: offshore processing. Further—and, who knows, perhaps deliberately—there is no explicit return mechanism for those who have been successfully treated for illness or injury under the bill. This failure has been described by the Secretary of the Department of Home Affairs as a grievous flaw in the legislation, and rightfully so. By opening a perceived pathway into the Australian community, a sign of potential weakness has now been sent to raise the hopes of people smugglers—to once again entice desperate and misguided people to pay money and attempt to come to Australia by boat. There can be little doubt that the optics, if not the immediate consequences of the medevac bill itself, will risk breathing new life into a wicked, people-smuggling trade.

Handing effective control of our borders to activist doctors is not the abrogation of responsibility and divestiture of control that Australians expect of their government on such a critical issue. Australians voted overwhelmingly for the coalition in 2013 knowing that we would apply strong, uncompromising policies to take back control of our borders, and Australians have returned the coalition at every election since in full knowledge of those policies. Clearly, the Australian people, who we all serve, by the way, do not want to see those hard-won, highly effective policies countermanded by a few activist doctors, not to mention legions of case-hungry lawyers. The passing of the medevac bill has effectively forced the government's hand to reopen, as a cautionary measure, the Christmas Island detention centre at significant cost—a negative in anyone's mind and certainly not something the government wanted to do, after closing the same centre in 2018.

The success of our border policies is something to be proud of. History shows that this Liberal-National government closed detention centres, while Labor opened them. We removed children from detention, while Labor put them there. We saved lives, while Labor, through their policies, continued to place lives at risk. Far from saving lives, the medevac bill, which this bill aims to repair, will actually risk more lives. This is proven. It's a question no longer open to debate. The case is closed. Weaken our borders by dismantling any of the supporting structure around boat turn-backs, temporary protection visas and offshore processing—where settlement in Australia is not an available option for those who arrive illegally by boat—and you give a green light to people smugglers and, in doing so, make more deaths at sea almost certain.

Despite the proponents of the medevac bill arguing that the legislation was about helping those in urgent need of serious medical care, the head of Operation Sovereign Borders last month told Senate estimates that fewer than one in 10 of those who have been transferred have actually been hospitalised—just 13, in fact. This hardly passes the pub test when they say that the bill was only for serious medical and mental health emergencies. The highly compromised nature of the present medevac bill became clear earlier this month when there were widespread reports of an Iranian asylum seeker detained in PNG who was being sent to Australia because he botched a DIY penis enlargement, which involved injecting himself with palm oil. Bound as he is by the provisions of the previous medevac bill, the home affairs minister has been compelled to approve the transfer of this patient to Australia. This is ludicrous, and it's just one example of how this short-sighted legislation is working. It's working just as the activists, the people smugglers and the schools of circling lawyers all hoped it would. This individual, according to reports, had a long history of misconduct, with up to 50 separate incidents recorded during his time in detention. These include him being arrested for throwing boiling water over a guard and charges for punching another guard after he disrupted the detainee viewing pornography. The treatment for this man's self-inflicted

ailment could cost taxpayers as much as \$10,000. You would be hard-pressed to find a single rational person to argue that this is a worthwhile use of taxpayers' money.

This is precisely the type of dangerous, chaotic mess that Labor and the Greens attempt to pass off as compassion. It's allowing the transfer of people who fail a character test and do not qualify for entry into Australia because, among other things, they came here illegally. Morally right or in the best interests of Australia and Australians? I think not. Over 130 asylum seekers have used these laws to come to Australia. Unsurprisingly, given those who helped draft and pass the medevac bill, none of those who have been brought here under the law have so far been returned. If people want to come to Australia, they should do so legally. We should not give illegal arrivals a pathway to sneak in, because this would invariably only invite more—a lot more—with more lives put at an unacceptable risk and ultimately lost.

A significant point is that under the provisions of the medevac bill there is no mechanism to return people to offshore locations. This is, without doubt, the single biggest shortcoming in the legal framework as it stands. The bill under consideration today corrects this perverse oversight by introducing provisions to ensure that those who come to Australia for treatment are returned as soon as practical. The new provisions provide an express basis for the removal of persons brought to Australia under medical transfer provisions.

It is disappointing that, despite all the evidence, despite decades where the Australian people have consistently expressed their desire for strong borders, the Labor Party will, to a senator, vote to oppose this bill. We are coming up on two decades now where this highly emotional issue has been indulged in as an ideological experiment by progressive forces. It is shameful that Labor continues to place empty virtue-signalling to appease the left of their party and the Greens above what is right and what works. For all their talk about empathy, kindness and humanity, I put one simple proposition to Labor: actions speak louder than words. Our actions have saved thousands of lives; their words have not.

I ask those opposite to consider the 1,200 lives needlessly lost at sea and the immense grief and heartache caused. I implore them to look beyond the politics of progressive populism to fully and fairly acknowledge the greater good and to stand up for what is right. Since coming to government, this Liberal-National government has worked with tremendous resolve and self-discipline to fix Labor's appalling border security mess and ensure that the humanitarian disasters which occurred under the Rudd-Gillard-Rudd government will never be repeated.

The current medevac legislation is high risk for Australia. The irresponsible legislation that this bill aims to overturn and that Labor fully supports proves once again that after more than six years Labor still can't be trusted on border security. As sure as night follows day, Labor will always backslide on this issue. So, once again, it falls to this government, with the support of like-minded senators, to secure our borders and to ensure the dark days never return—so our sailors and border protection officers never again have to pull the lifeless bodies of little children from the sea. By some perverse logic, some may feel ideologically empowered and perhaps even morally superior in voting against this bill but ask yourselves about the consequences. Do Greens preferences really mean more to you than stopping people smuggling? I would like to believe that those opposite now realise they do not.

These issues should have been resolved years ago. I'm dismayed that government senators must stand here in a back-to-the-future moment debating the critical importance of our proven border protection policies yet again. When it comes to border protection, only with clear, unambiguous, resolute strength is there compassion. This is one of those cases where a policy that works must be defended. This bill must pass. We cannot ever go back to the tragedy of the past. I commend the bill to the Senate.

Senator POLLEY (Tasmania) (20:36): I rise to speak on the Migration Amendment (Repairing Medical Transfers) Bill 2019. It's always such a delight to follow on from Senator Rennick! His rhetoric is the same rhetoric we've heard in this place year in, year out. This bill acts to amend the Migration Act to extend existing powers in relation to persons transferred to Australia under the medical transfer provisions, allowing for their removal from Australia or return to a regional processing country once they no longer need to be in Australia for the temporary purposes for which they were brought. Those who follow this debate will be well informed and understand that refugee advocates and lawyers have argued that the current powers of return do not need classification and extend to persons transferred to Australia under the medevac legislation.

Labor has always been steadfast in our commitment to national security. That's the bottom line. You shouldn't be listening to anything that Senator Renwick has contributed to this debate because it's the same old rhetoric. I can assure you: Labor has always been steadfast in our commitment to national security. But we must not use national security as a weapon to conceal the truth or to be secretive. Labor has a commitment to two objectives with respect to the medical transfer of people from PNG and Nauru—first, to ensure sick people get the medical care that they need; and, second, to ensure the minister has final discretion over medical transfers on national

security, public safety or character grounds. They are the facts, not those which Senate Rennick has put on to the public record. We should at least be honest in this debate.

In the face of repeated false claims by Minister Dutton about medevac, Labor has not yielded. Labor has insisted that medevac is necessary and is working. Consequently, Labor's objectives have not changed. Labor has argued, if the government has legitimate proposals to improve the operation of medevac, then Minister Dutton should put forward amendments, rather than simply seek to repeal the legislation in full. Minister Dutton has not sought to amend medevac. Instead, he has reverted back to a flawed medical transfer system, which was failing to provide adequate and timely medical care to refugees and asylum seekers in regional processing countries. It has, in fact, been failing the basic requirements that sick people get the medical care that they need. If Mr Dutton focused on his portfolio responsibilities instead of harassing Senator Hanson over the bill and her vote last week, then our immigration system would work much better.

Minister Dutton is one of those people who would stop at nothing to intimidate and coerce another individual. Labor are not confused about the actions Mr Dutton has undertaken to put pressure on senators in this place, but we are very confused as to Mr Dutton's thinking and actions on this bill. I don't think we are the only ones. I'm sure many Australians are confused by Mr Dutton. In fact, he's one of those names that regularly come to the fore when I'm in my community back in my home state of Tasmania. His name comes up regularly in conversations and, I would have to say, not in a positive manner. I can assure those opposite that Labor's objectives have not changed. In the face of repeated false claims by Minister Dutton about medevac, Labor has not yielded. We have been consistent and strong in our position, and Labor have been proven right. From the outset, Labor has insisted that medevac is necessary and is working. Doctors and other medical professionals have insisted that medevac is working. Even Mr Dutton has confirmed it's working, with his refusal to transfer a person of bad character. Minister Dutton changes his mind on a daily basis and I imagine he will do so on this bill again in the future.

I also note that the Senate inquiry report into the legislation shows that medevac is working, yet we have a government that is trying to dismantle it. Go figure! Who knows what to believe is happening with this bill! Senator Lambie has said that she has been asking for something. We know that she would like to negotiate around her support for this bill. But, while the government have been quite adamant that they will not be doing any deals and there will be no concessions, I know whose word I would accept, and that is Senator Lambie's—every time—over that of this government, which is devoid of integrity.

This place and the other place are still waiting on Mr Taylor to do the honourable thing and stand aside while the New South Wales Police investigate his alleged conduct in this matter. Labor is waiting on the Prime Minister to take action—that is, if he has time between his numerous phone calls to the New South Wales police commissioner—if Mr Taylor will not. We know the Prime Minister was pretty persistent on the phone, because he rang the police commissioner no less than three times. He obviously has him on speed dial! Mr Dutton has not sought to amend medevac. Instead, he wants to revert to the flawed medical transfer system that was failing to provide adequate and timely medical care to refugees and asylum seekers in regional processing countries. The minister is failing the basic test—that sick people get the medical care that they need and deserve.

We know the record of the Abbott and Turnbull governments—and now the Morrison government—when it comes to health care in this country for Australians. Remember when Mr Abbott went to the election and said that there would be no cuts to health, no cuts to hospitals and no cuts to the ABC? We know how that turned out, don't we? We have also seen that, when the Prime Minister was the Treasurer of this country, he was so good at making cuts to hospitals. We know he cut \$1.2 billion out of the aged-care sector, and then what did he have to do? He had to call a royal commission into his own government's failings. So this government's record and that of the Abbott-Turnbull and now Morrison government, is very clear for everyone to see. They can't be trusted. They should never be trusted when it comes to Australians' health and they certainly cannot be trusted when it comes to refugees and asylum seekers; otherwise they would not try to go back to a flawed medical transfer scheme.

This issue, once again, comes down to Minister Dutton and the mismanagement and misrepresentations he makes. The mismanagement of his super department is unbelievable. How can the Australian people have faith in Minister Dutton to get the job done? Why would a government change policy when it's working and accomplishing what it was intended to do? How can the Australian people have faith in a minister to execute his duties when he routinely manipulates, misrepresents and mischaracterises the truth?

Let's talk about medevac, because on that question there is no doubt about what Minister Dutton's views are. When it comes to medevac, the Minister for Home Affairs has made several desperate and outrageous comments. In March, the Home Affairs Minister claimed medical transfers were going to displace Australians from hospitals—a claim disputed by doctors and hospitals across Australia. Minister Dutton is the minister for fear and smear. Mr Dutton said:

People who need medical services are going to be displaced from those services, because if you bring hundreds and hundreds of people from Nauru and Manus down to our country, they are going to go into the health network—

The minister argued that 'two doctors from Nimbin' could force the government to bring people from Manus and Nauru to Australia. These claims are simply not true—the minister has final discretion. He claimed that 1,000 people would flood Australia through medevac—that hasn't happened at all. Neither have his claims that people could be transferred without their consent occurred either. On *Sky News* in June, Minister Dutton said:

... people of bad character can come, are able to come and, in fact, are required to come under Labor's laws that they passed. That's the reality.

... ..

I'm saying there are some—there are some 'people of bad character' who have come to our country.

But the Australian people saw Minister Dutton stop someone of bad character coming to Australia under the laws, so that is clearly false. It's clear that the Minister for Home Affairs is loose with the truth, just like Prime Minister Morrison. The Prime Minister is willing to say and do anything to demonise people. In February, when speaking about medevac, the Prime Minister said:

Someone who's a paedophile, who's a rapist, who has committed murder—any of these other crimes—can just be moved on the say-so of a couple of doctors on Skype.

If this is the type of prime minister he wants to be, then that is his prerogative, quite clearly. If he wants to remain on that low road of politics, then that's the type of prime minister Scott Morrison will be remembered for. The Prime Minister will be remembered as a power-seeking politician, walking the low road of fear.

I wish to put a few other facts on the table, because there's so much misinformation out there, mostly promulgated by the Morrison Liberal government. As of 17 October 2019, 132 people have been transferred to Australia under medevac. Now, 132 people is not the hundreds and hundreds of people that the minister was trying to convince the Australian people was going to be the result of this law. It is quite clear that the laws have been working and that the minister has the final discretion. That has been put into practice. These are the facts around this law. The reality is, when we have refugees and asylum seekers in Nauru and Manus, they deserve to have the health care that we are responsible for providing. Every single one of those transfers has been explicitly approved by the Minister for Home Affairs, Mr Peter Dutton; the minister for immigration, Mr Peter Coleman; or by ministerial appointed doctors. They are the facts. So it doesn't matter if those on the other side of the chamber, on the government benches, want to chip in with some comments; those are the facts. Those opposite can't continue to try and spin, give mistruths and mislead the Australian people.

As of 26 August 2019, IHAP have considered 28 applications. Of those, 10 were recommended for transfer, and the minister's decision to refuse transfers was upheld in 18 cases—more evidence that the independent medical panel is working as it should. The IHAP includes some of Australia's most highly qualified and experienced medical practitioners, including the Commonwealth's Chief Medical Officer, the Surgeon General of the Australian Border Force, an AMA representative, the AMA ACT president, a paediatric health expert, the Royal Australian and New Zealand College of Psychiatrists. These are well-qualified health professionals. These are not people who are going to flaunt the law. They will make recommendations based on their medical expertise. So it is disrespectful for those opposite and for a minister to mislead and tell untruths when these experts are the ones giving their professional opinion. At every step of the way, the government or government appointed doctors control who comes to Australia through medevac. That is a fact. The notion that the minister does not control who comes to this country and the manner in which they do is, frankly, inconsistent with reality.

The other convenient truth left out of this debate is that this minister, and the previous ministers, have transferred well over 1,000 people to Australia for medical treatment. Labor is confident that the Australian people will see through the mistruths that Minister Dutton is so capable of and is consistently spreading. Labor strongly supports medevac and we are not the only ones. Other stakeholders have said medevac should not be repealed. This includes the Royal College of General Practitioners, Amnesty International, the Uniting Church, the Human Rights Law Centre, the Royal Australian and New Zealand College of Psychiatrists, the Law Council of Australia, St Vincent's Health Australia, the Asylum Seeker Resource Centre and the Australian Medical Students Association.

Under this third-term Liberal-National government, offshore processing has become indefinite detention. The architecture of border protection includes boat turnbacks where safe to do so, offshore processing and regional resettlement, all of which Labor strongly—I repeat, strongly—supports. Since the member for Dickson became the Minister for Immigration and Border Protection in 2014, he has failed, like so many other areas of policy, to do his job.

He has failed to deliver on the third country resettlement options, such as the New Zealand offer, which has been on the table since 2013. Ever since he became the minister responsible, he has left refugees to languish in indefinite detention. They are now in their seventh year in PNG and Nauru. It is why medevac was needed and required—to ensure that people who are sick receive the medical attention they require and so that they actually get the medical attention they deserve. These laws should not be repealed by the government. People who are sick should receive the medical attention that they need. It's that simple. It is very simple to make sure that these people are afforded the medical care that they need.

I leave you with one final thought. In the words of George Orwell, 'The further a society drifts from the truth, the more it will hate those who speak it.'

Senator GRIFF (South Australia) (20:55): If this government had even a small amount of humanity, this bill would never see the light of day. This Migration Amendment (Repairing Medical Transfers) Bill 2019, if enacted, will ensure further lives are damaged. There is no doubt about it. It would likely reverse the trend of no deaths in detention since the medevac bill was passed—no deaths in detention since the medevac bill was passed. Why would any government want people to suffer, and especially people who are under their care?

Centre Alliance supported the passage of the original medevac bill because medical transfers under the pre-existing regime were slow and often bogged down by legal challenges. We saw the wisdom in giving greater powers to doctors to decide whether to transfer a sick refugee or asylum seeker for appropriate medical treatment. The laws are doing their job. They complement the pre-existing transfer provisions for medical transfers, which continue to operate. No-one is being hurt. People are being helped. Only good things are coming out of the original medevac bill.

Minister Dutton has, in various ways, called the medevac laws disastrous. How are they disastrous? Where is the evidence? Medevac laws haven't restarted the boats for the simple reason that the new provisions only apply to people currently on Manus and Nauru. The laws don't apply to anyone who comes after. And, seriously, why would anyone volunteer to spend six or more years on Nauru or PNG, as many of these medevac transferees have already done? Who would want to do that? No-one in this place would.

This desperate government has had to resort to gutter tactics to make its very thin case for the repeal of these laws. It keeps leaking details to the media of people with dubious character traits who have applied for medical transfer, hoping that this somehow will sway opinion their way. We've heard much of that during the debate today. I simply don't understand why the government thinks only morally upstanding people deserve medical attention. Doctors can't, and never should, refuse treatment based on whether they like someone or not, or whether their patient has led an upstanding life or not. They treat people because they are ill or injured and need medical assistance—that's it. There's nothing else. Why is this government trying to make it a beauty contest? Why does it assume Australians are not humane and think in the same pathetic way? If we were going to decide who got to have medical treatment and who got to suffer based on their character alone, we'd just end up tossing many thousands of people into jail and not bothering with psychiatrists, psychologists or the medical treatment that they need. That's not how a humane society behaves.

A constant theme for this government is to treat refugees and asylum seekers as criminals, as people who can be locked up indefinitely, despite committing no crime, and as people who can be denied the basic rights that Australians take for granted, such as access to proper health care when they need it. I hate to have to remind the government of this, but the vast majority of the people on Manus and Nauru have been found to be genuine refugees with genuine reasons to flee their homeland. They are deserving of our help, not our vilification.

Almost all of the submissions to the inquiry into this bill support the existing medevac laws. I knew the reforms were needed, but, I admit, I was still a little shocked and saddened to hear how disturbed doctors have been when they were reviewing patient clinical notes in order to determine an application for transfer. We heard from Medical Evacuation Response Group doctors that 97 per cent of the refugees and asylum seekers on Nauru and in PNG have significant physical health issues, and 91 per cent have significant mental health issues. Much of this is due to injuries which were never treated properly in the first case and have since worsened—things like poorly treated or untreated fractures, leading to limb deformity. Dr Sara Townend told the inquiry:

As a clinician, often those clinical files are heartbreaking to read because you see the recommendations of the doctors over and over again—that this patient requires transfer to an appropriate facility for a specialist procedure or test—from 2015.

While the government has insisted that the health services on Nauru and PNG are adequate for the needs of refugees, the Independent Health Advice Panel set up through the medevac laws doesn't back this up. It too noted that the mental health facilities in Nauru are not up to the job for the high number of psychological presentations and mental health admissions, and that those on PNG cannot deal with acute psychiatric cases.

The minister would have us believe that the medevac laws would open the floodgates to scores of asylum seekers and people smugglers. No-one, absolutely no-one, wants to see any more refugee lives lost at sea. But there are no refugee boats on the horizon. Why would there be, when everyone knows that the better way to arrive here is by plane on a tourist visa and then apply for asylum? And then you can spend years offshore while the department slowly determines your case. Why would anyone risk the boat journey in those circumstances? On top of this, there are roughly 65,000 people who overstayed their visa and who are largely left alone because it is too much trouble to look for them—and certainly to boot them home. Some have overstayed by way more than 15 years, but the government doesn't put anywhere near as much effort into persecuting these people as it does for boat arrivals. The medevac laws are working as intended, without drama and without chaos, and the government needs to accept this. It needs to stop trying to further dehumanise these already traumatised people as murderers and rapists, or to dismiss them as economic refugees fleeing for a big house in the burbs rather than fleeing for their lives.

The laws are a humane and humanitarian response that ensures that the people in offshore detention can quite simply get the medical treatment they need, when they need it. It's no more and no less. If we simply accept the obvious truth that the refugees and asylum seekers on Nauru and PNG are fellow humans, deserving of compassion and humane treatment, then repealing the existing medevac laws is totally unacceptable.

Senator VAN (Victoria) (21:04): I rise to speak on the Migration Amendment (Repairing Medical Transfers) Bill 2019, also known as the medevac repeal legislation, and to express my emphatic support for the passing of this necessary bill.

As we know, in February of this year the provisions moved by the former member for Wentworth, in collusion with Labor and the Greens, established an entirely new framework for the transfer of transitory persons who are detainees from regional-processing countries to Australia solely for the purpose of providing urgent medical treatment. This law was rushed through parliament, and passed with the support of Labor and the Greens at a politically opportune time. It's worth noting that when they had this opportunity, they didn't pass laws for Australians. They didn't create new jobs or put up more funding for hospitals, education or the ABC—their favourite little pet project. The consequences of the medevac law—

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Polley): Order. Can I just remind senators that it's disorderly to interject. Senator Van, you have the call.

Senator VAN: The consequence of the medevac law has been nothing more than to dismantle the powers of the federal government to determine who comes to Australia—yes, to allow Labor to loosen Australia's border protection policies. I repeat once again: to allow Labor to loosen Australia's border protection policies.

As Minister Dutton explained in his second reading speech, there was never any need for the medevac bill. Prior to the February amendments, the government's existing powers were sufficiently abundant and responsible in meeting the genuine medical needs of offshore detainees—that is, should they require to be sent to Australia for specialist treatment or care, they got it. We on this side agree that those requiring medical treatment should be transferred to ensure they receive the medical care that they need, and this is the system that was in place before medevac existed. The existing transfer provisions worked effectively. They worked well. That is because they remained under the control of the government, providing for responsible border control and the orderly entry to and exit from this country.

The difference between the existing provisions and medevac is that now the government has significantly less powers to prevent the transfer of people with bad character. The medevac law took that control, and responsibility, out of an elected and accountable government's control and discretion, and placed it blindly into the hands of unelected and unaccountable doctors. The oddest aspect of the bill that Labor and the Greens passed is that those doctors don't even need to see the patient. They don't even need to be in the same state! Now wait: what if two doctors decide to approve the transfer simply to make a political point? Who holds them to account? Not the voters of Australia. What if a transferee commits a horrendous crime while here? Who will hold the doctors to account then? Why wasn't there judicial oversight built into their bill?

What is also important to note is that, as of mid-October, of the 135 people transferred to Australia, five refused medical treatment of some kind, including the treatment for which they were transferred in the first place; 40 have refused induction chest X-rays or blood tests on arrival; and only 10 per cent were hospitalised. As Senator Keneally herself has pointed out during her contribution to this bill, the government already continues to transfer people who require medical attention. Transferees requiring medical attention that is not available in a regional-processing country will be able to be transferred to a third country, or indeed Australia, for assessment or treatment.

What the senator does not acknowledge is that, worryingly, due to the limited nature of the character and security refusal grounds under Labor's medevac law, six people who have been brought to Australia have character and security concerns. There are currently people in PNG and Nauru who are charged with crimes against children, who are being investigated for the supply of illicit drugs or who have posted terror related information online. Under the medevac law, the government has no discretion to prevent the transfer to Australia of those individuals.

When those opposite say the medevac bill is compassionate, they would be correct in saying that this is a compassionate bill that favours people of questionable character. It is evident that medevac was never more than a pathway for Labor and the Greens to circumvent the strong but fair border control laws of the coalition government. Further, it goes to prove the point that this law was, from its inception, a political sham. Medevac was nothing more than sheer political mob rule and opportunism by Labor and the Greens. Those opposite have even acknowledged that transferees requiring medical treatment will be transferred.

The second part to this bill is vital in order to overturn the chaos and confusion created as a result of the amendment to the Migration Act 1958. The bill will rectify the act to ensure that the transferees that came out to Australia under Labor's medevac law can and will be sent back to a regional processing country once their medical treatment in Australia has been completed.

Labor's medevac law failed to provide a mechanism to return or remove transitory persons brought to Australia under section 198C of the Migration Act to a regional processing country. This is a deliberate act to undermine our secure borders. Yet under section 198B transitory persons are expected to return to a regional processing country once they no longer need to be in Australia for the purpose for which they claim. This government's bill will rectify the inconsistency to close any legal loophole allowing transferees the right to stay in Australia indefinitely. But one can only wonder if this was actually an oversight, or yet another way for Labor and the Greens to intentionally weaken Australia's border protection policies, effectively removing the ability of the government to decide who comes to, or stays in, Australia.

The purpose behind the government's repeal bill is simple. It is based on principles of good governance and ensuring the preservation of national sovereignty. It is imperative for the safety and security of all Australians that we as a government are able to determine who enters this country and whether or not individuals should remain within our borders permanently. Any law that removes the government's ultimate discretion to decide who enters and remains in Australia fundamentally undermines our strong, effective border protection policies. Strong border protection has always been a hallmark of coalition governments. Any moves to repudiate our commitment to border protection must be rectified. The Australian people have emphatically voted for the coalition's policy of strong and sovereign border control, and that is what this government will deliver.

When it comes to matters of border security, Labor cannot be trusted. Prior to the last election, it was clear to the Australian people that Labor's misguided policy on border protection and asylum seekers would be the hallmark of a Shorten-led government. It was a pre-election glimpse of what was to come. And it was overwhelmingly rejected. Unless Labor votes with this side of the chamber, it is safe to assume that any government led by the member for Grayndler would do the same. Thankfully, the voters of Australia rejected this in May.

Labor has consistently demonstrated that it cannot manage the protection of our borders. We only have to look back to the Rudd-Gillard-Rudd years to see what a catastrophic failure the government created on 'stopping the boats'. Labor's policies instead resulted in an unprecedented influx of illegal boat arrivals to our shores and over 1,200 deaths at sea. In case you need it, here is a reminder of what happened under Labor: 50,000 people arrived on over 800 boats, over 8,000 children were put into detention, 17 onshore detention centres and two regional processing centres were opened, and our border protection budget blew out by \$16 billion.

I ask the question: where is the compassion and morality in giving false hope to asylum seekers by encouraging them to embark on a dangerous or, even worse, deadly journey across treacherous seas in ramshackle, unseaworthy boats? The people-smuggling trade, which flourished under the policies of the last Labor government, resulted in numerous devastating drowning deaths at sea on journeys to Australia. This is not compassion. This is not good government. This isn't even common sense. Good government means making the tough decisions that are the right decisions.

It is in Australia's national interest that this bill be passed. We must never return to Labor's policies, which resulted in chaos at our border, deaths at sea and children in detention. Under Operation Sovereign Borders, we have taken back control of our borders from the people smugglers. We are proud of our record, which speaks in stark contrast to Labor's, because we can say that there have been zero deaths at sea, we have closed 17 detention

centres and we have removed all children from detention and taken them off Manus and Nauru. We have also increased the intake under our humanitarian program.

If Labor were serious about protecting our borders and restoring the right of the government to control who comes to Australia, medevac never would have existed in the first place. How many elections must they lose on this issue before they accept what Australians want in regard to border security? I note that we now hear Labor representatives claim that each of their policies is up for debate and revision since their May election loss. Well, here is a key opportunity for Labor to revise a crucial policy failure—namely, medevac.

Let's examine what some of those opposite, and their colleagues in the other place, have said since the election—since their change of heart in their policies, since everything is on the table. In June this year, Senator Keneally, on the ABC's *AM* program, said: 'Let's be fundamentally clear that Labor stands with the government when it comes to keeping our borders secure.' Wow! I think that bears repeating: 'Let's be fundamentally clear that Labor stands with the government when it comes to keeping our borders secure.' Given that those opposite have been advertising their change of heart, shouldn't they consider changing their position on medevac? Remember, this is a bill that was passed with Labor's support. The former member for Wentworth couldn't have done it without those opposite. It was their votes, not hers, that were critical to the passage of medevac through these chambers.

Similarly, Senator Keneally said in July, in *The Australian*, that Labor fully supports boat turnbacks. Does this mark a change of heart for her, because, in 2015, she said that she 'dislikes the option of boat turnbacks'? If Senator Keneally dislikes turnbacks, and she's had a change of heart since the election, why isn't she supporting the government's legislation here and now? The answer is simple. You can't trust Labor on borders, and you have never been able to. They openly flip-flop.

During his parliamentary career, the Leader of the Opposition has openly protested against the government's border policies, but thinks that he can show up to chat with Alan Jones and say he supports the current policies. Where is he on this? Is his heart really in it? Labor has said that all policies are up for review, but we need to examine the Leader of the Opposition's real feelings on this to understand whether Labor says what it means. At the 2015 ALP conference, the member for Grayndler, at the time the opposition leader-in-waiting, voted against boat turnbacks. Do you know why, Madam Acting Deputy President Polley? It speaks to the heart of Labor's gutlessness when it comes to standing up for our borders. Mr Albanese voted against boat turnbacks because, as he said, 'I couldn't ask someone to do something that I couldn't see myself doing.' The Leader of the Opposition, someone who himself has aspirations to one day lead our country, cannot see himself undertaking boat turnbacks. So which is it? Does he support strong borders or not?

The truth is that medevac was never about genuine concern for the medical needs of the transferees. These needs were more than adequately met under the existing system. It was about trawling for Green voters prior to an election they were desperately, hungrily, wanting to win. Medevac is about circumventing Australian law and security measures to try and get around the government's functioning and successful border control and asylum-seeker policies.

The coalition has a clear, fair and assured policy on border protection. Yes, you can call it strong, but it has a greater compassion and respect for human rights than the trumped-up, gesture politics played by our opponents. Nothing epitomises this more than the lies told by the supporters of Labor's medevac legislation. It's been demonstrated to be a scam and the mess it was always destined to be. Yet again, it's all in the name of self-aggrandising, compassion-and-human-rights-centred rhetoric, righteously proffered by Labor and the Greens. This bill is about ensuring that those who genuinely require medical treatment will be able to access it, whilst also ensuring that those of bad character are not transferred to Australia or allowed to stay here. I therefore urge the Senate to support this crucial repeal bill.

Senator GREEN (Queensland) (21:22): I rise to oppose the Migration Amendment (Repairing Medical Transfers) Bill 2019. In doing so, Labor stands with numbers of doctors, lawyers, refugee advocates, human rights groups and the United Nations in opposing the repeal of medical transfer provisions. That's the list of people this government doesn't want to listen to and doesn't want to believe: doctors, lawyers and human rights groups. The government don't really talk about the people involved in this legislation; they want to talk about it in abstract terms and use terms like 'bad character', but the truth is we are talking about people here who are in need of medical treatment. Medevac laws have the support from this broad range of people, community groups and experts because the laws are working well. The medevac laws are ensuring that sick people get the medical care that they need, and the minister has final discretion to refuse transfers on national security, public safety or character grounds.

Government senators seem to believe that they can just say something in here and it just comes true—that they can say something about a bill and its effect and it's just true. They say a lot of things in this debate that are misleading. They've sprouted many myths about this law, its effect, its legal obligations, what the effect on the minister is, how it affects people with bad character and what the government's record is on these matters. Labor believes that Australians do want strong borders. We also believe that when someone is sick and someone needs our help we will give it to them. Australians do understand the difference. It is an insult to the Australian people that this government thinks that they can't see the distinction between those two things—that the Australian people can't tell the difference between having strong borders and helping people who are desperately ill. They think that people in the community can't tell the difference, but this law that the government is trying to repeal is that distinction. The medevac laws are the distinction that Australians are seeking. Australians see the difference, and that is why Labor supported the laws in the first place and why it opposes the government's amendments now.

The other contribution that I wanted to make to the debate tonight is around the discussion about this legislation and about the impact that this government's failure to properly manage offshore detention has had on our relationship with Papua New Guinea. I travelled to Papua New Guinea earlier in the year. My constituency have an extremely close connection with PNG. The connection between Cairns and PNG is incredibly close. Some people refer to Port Moresby as a suburb of Cairns. There is also a very strong connection between the people of the Torres Strait and PNG. PNG is so close to where Queensland finishes that you can ride a dinghy from one side to the other. People joke about being able to shout from one island and be heard on the other. Boigu and Saibai islands are very close to PNG. For thousands of years there have been special customs between the people living in PNG and the people living in the Torres Strait. That is why we have a special customary border zone, which allows the movement of people for the purpose of trade. We have a special border zone between the Torres Strait and PNG where people can come and go, if they have a permit, for trade purposes. Often I am told by people in the Torres Strait that the purposes for trade are loosely defined, and we do get people who come across whose families live on one island and they on the other. There are some concerns and risks involved, particularly around health care, but this is a customary practice that has been going on for thousands of years.

When I was in PNG I visited two hospitals and a health clinic. It was pretty eye opening and heartbreaking to go to a hospital in PNG and sit on the bed next to a small boy who was unable to move from malnutrition and a mother who was sitting by his side willing him to get better. The health conditions and health care available in PNG are heartbreaking, because they do live so close. They live a small dinghy ride away from where Queensland stops, yet the health care that is available to people in PNG, with the many challenges that PNG faces, of eight million people that live in terribly difficult geographic—

Senator Ruston: Do you have any idea what you're talking about?

Senator GREEN: Have you been to PNG?

Senator Ruston interjecting—

Senator GREEN: Well, I have too and I visited a hospital.

The ACTING DEPUTY PRESIDENT (Senator Polley): Order! I remind senators that it's very disorderly to interject. Senator Green has the call.

Senator GREEN: I know, because I have visited those hospital facilities in PNG, that, sadly, there is not adequate treatment for life-threatening concerns. I know because Queensland Health treats a number of people in Cairns and the Torres Strait in hospitals for people who have been medevacked from PNG to hospitals in Cairns and the Torres Strait. The government knows that that is the case and that those health facilities are not adequate, because the government provides funding to Queensland Health to provide those health services.

It does seem strange to me that the government would be, on the one hand, telling people that there are health services in PNG for asylum seekers to access but, on the other hand, providing funding because they know that there are many people from the PNG community who come to Far North Queensland to receive health care. I am greatly concerned about the impact that this has had on our relationship with PNG in creating tension with our closest neighbour. Papua New Guinea does not have the resources or expertise to care for asylum seekers with complex health issues. That is why we have been supportive of these medevac laws, because, at the end of the day, no matter where that person is from we want to make sure that they get the appropriate health care that they need.

This government is misleading the public about the security risks posed to Australians by the current medevac laws. Right now Minister Dutton has the power to block someone coming to Australia if they pose a security risk. The minister has the power to deny entry to a patient who has a substantial criminal record if they pose a risk to the Australian community. The minister has the power to deny entry to patients if they have an adverse security assessment or if ASIO advises the minister that there would be an unmitigated threat to security. Those security

risks are already built into the legislation. And we know the laws are working, because the minister exercised those powers on 11 October this year to deny the transfer of one detainee.

Let's also be clear about the character of the men and women that this legislation applies to. The Minister for Home Affairs wants the public to be afraid of these people. He wants the public to assume that they are all of bad character, not worthy of compassion or adequate health care. But this is not true. Former Prime Minister Malcolm Turnbull defended the character of these men and women in his first phone call with the newly elected US President, Donald Trump. A leaked transcript of the call shows that he said:

We know exactly who they are. They have been on Nauru or Manus for over three years and the only reason we cannot let them into Australia is because of our commitment to not allow people to come by boat. Otherwise we would have let them in. If they had arrived by airplane and with a tourist visa then they would be here.

I only mention that because it does cut through this government's argument that these laws need to be changed to stop people of bad character coming to our country. This is why we know that Minister Dutton does not have real concerns about the national security risks posed by the medevac legislation.

Instead, this government wants to continue to incite fear in the wider community for its own political gain. When these laws were passed, the government was claiming it would result in a new surge of boat arrivals. That has not happened. There is clear evidence that the combination of turn-backs and offshore processing has stemmed the flow of boats. Minister Dutton has consistently mischaracterised the truth for political gain, and there is no difference. We have not seen the 1,000 people come into Australia for medical care that he claimed we would. As at 17 October, only 132 people had been transferred to Australia under medevac. There has also been no impact on Australians accessing health care, as the minister claimed. It is clearly false to suggest that these laws force the government to bring people of bad character to Australia. Instead, this government wants to revert to a flawed medical transfer system that was failing to provide adequate and timely medical care to refugees and asylum seekers in regional processing countries. The average wait time for sick refugees under the previous system was two years, with some refugees waiting up to five years. That's just not good enough for the people that we have responsibility to assist.

The medevac laws, as they stand, maintain rigorous border surveillance and security whilst fulfilling Australia's obligation to provide full and appropriate medical care for people detained in Australian funded facilities. What is important to remember is, in the nine months since the medevac legislation was passed, 200 people have been approved for medevac transfers. Of those approvals, the minister has approved 172 of those transfers without seeking a review from the government-appointed independent health panel. The government-appointed independent health panel has refused transfers in 45 cases, which is more than it has approved, demonstrating its independence. The Minister for Home Affairs has exercised his refusal powers under the medevac legislation to refuse at least one transfer on security grounds.

I might say, the reopened Christmas Island detention centre, which the Prime Minister said would cost \$1.4 billion to reopen, which did cost \$185 million of taxpayer money so that the Prime Minister could go there for a photoshoot and then come back, is currently only housing one family—one family from regional Queensland. That family from Biloela in regional Queensland has been the subject of a number of news articles and a lot of attention. They're not subject to this legislation, but I do want to mention them because I often feel that this government mischaracterises the views of Australians, particularly those living in regional Queensland, on strong border protection. Australians do believe in strong border protection, but they also see that there are times when this government needs to exercise humanity. The medevac laws are one. The treatment of the family relocated from Biloela in Queensland to the Christmas Island detention centre is another.

That community in regional Queensland wanted to make sure that that family knew that they were wanted, that they were loved and that they were part of the community. That community in regional Queensland demonstrated everything that is lacking in this government and everything that this government should be doing. They should be considering this issue on its merits, they should be considering the policy and the effects of these laws and they should be looking at the evidence, but they're not doing any of that. They are desperately trying to undo what was a blow to them before the last election. I think it is time that we start listening to people like doctors, lawyers, advocates, human rights lawyers, human rights groups, the United Nations and the people from regional Queensland who want to say to this government that there is a clear difference between making sure that we have strong borders and doing the right thing when it comes to refugees—making sure that people who are sick are cared for and making sure that happens in a timely way.

I would urge the crossbench, who will decide the fate of this legislation, to consider who they are teaming up with: this government, cruel and inhumane, and unable to see beyond their own political fascination with demonising a group of people who've done nothing but ask for our help.

Senator ROBERTS (Queensland) (21:37): As a servant to the people of Queensland and Australia, and as someone who listens carefully to the views of the people I serve, I wish to address the clear concerns of Australians who object to noncitizens trying to find a backdoor way into this country. These refugee claimants, who have not yet been found to be genuine refugees, tried to come to Australia by boat, avoiding the normal processes of applying for a visa beforehand. These people are queue-jumpers, trying to beat the system and get an advantage over the people who follow the rules and who will make good citizens. These are people who have not yet been fully vetted for security and criminal history and have been housed offshore with regional processing countries until their claims have been fully dealt with. These people do not respect our country's sovereignty.

The Home Affairs Legislation Amendment (Miscellaneous Measures) Act was passed in early 2019 with the support of Labor, the Greens and with some crossbench support—not that of One Nation. The government voted against the measures because the measures made it much easier for claimants to seek medical transfers to Australia from Nauru and Manus Island, with only the say-so of two unspecified doctors. Under these recent provisions, 135 people have already been transferred to Australia for medical treatment up to 21 October 2019, almost doubling in number since 31 July 2019. Security and criminal history checks for these people had not even been finalised, but they're here. There were 562 claimants living across Manus Island and Nauru as at 30 September 2019. Security and criminal history checks have not been completed for these remaining claimants.

One Nation support this bill because we are concerned that Labor and the Greens are absurdly soft on national security issues. There is nothing more important than human life and the protection of our borders. We know, for example, that there are at least 562 dishonest asylum seekers being processed who did not make it as far as Australia and who may well be a significant danger to the Australian people. Many have come from violent backgrounds and see violence as normal behaviour. Some may intend to harm the Australian way of life. Australia is no longer immune to international terror. In the last few days, we have seen that another two innocent young people have been murdered by a committed terrorist after a release from prison in England, having served only eight years of his 16-year sentence and still so full of hate and violence that he was a danger to society.

Under the current Australian law, it is easy for a claimant to simply self-harm and then seek transfer to Australia for medical treatment. Why is this so popular? The answer is easy. Currently, there are no legislative means to return the claimant to a regional processing country after medical treatment has been provided. What a great way to get to Australia. Labor and the Greens do not respect Australian sovereignty. What is the current process to get here? All that is needed is to convince two doctors—irrespective of those doctors' personal views—that it is necessary for the claimant to receive treatment in Australia. The doctors do not even have to see the patient; a decision based on the papers is sufficient. Come on! We did not come down in the last shower. This is the blueprint to get around Australia's border protection. That is it. A recent example of the stupidity of this arrangement is the claimant who injected his penis with palm oil in an alleged attempt to enlarge his penis and get to Australia. The resultant swelling led to a claim to seek Australian medical assistance, and he was promptly sent to Australia for treatment, with no way to return him. Yes, this is obscene in more ways than one.

Australians deserve to be secure and safe from potential terrorist activity. We also expect our government to provide systems that promote fair and safe means to deal with genuine refugees. These were already in place prior to the miscellaneous measures bill earlier this year. Claimants offshore requiring medical treatment could receive it in our country in emergencies. One event that prompted the miscellaneous measures bill involved a man who eventually received treatment for an infection, but it was too late to save his life. This tragedy was not because of faulty legislation but due to bureaucratic delay. The resulting legislation was unnecessary and has created a loophole for claimants to get to Australia instead of having their claims for refugees status processed offshore.

One Nation stands for the rights and interests of Australians. We put the wellbeing of Australians first. No apologies—we put the interests and wellbeing of Australians first. We respect Australian sovereignty, and we respect Australia. One Nation is the only party that really listens to Australians. I've travelled widely around Australia to listen to the thoughts, feelings and concerns of farmers, miners, factory workers, small businesses, and the many Aussies who are doing it tough.

What I am sick and tired of is the bleating of Labor and the Greens telling us how to live our lives and putting us at risk—putting scrub and swampland in front of human needs for water and telling us that we need unreliable, expensive sources of electricity instead of reliable and cheap clean-coal power. The true ecowarriors are our farmers, who know more about water management and the protection of the environment than most of those here in the Canberra bubble. These farmers are the real environmentalists. The crops and pastures and bushland on their properties are a healthy habitat for many native species that are dying otherwise because of a lack of water. Many of those farming heroes are here today. Look around outside. Some are staying here tonight. They all came here to Parliament House to express their concerns for the need for good management of our valuable water resources, and for good management and leadership of our country. They even brought some rain. This is no

laughing matter, as water is the lifeblood of all these protesters today. These are protesters with a legitimate message. I've travelled the length of the Murray and across the Murray-Darling Basin to listen to people affected by the mismanagement of our water resources. From the Warrego in the north to the Goulburn in the south, from Albury in the east to Goolwa in the west, we need to fix water policy. So stop talking and take action now. These farmers, I am sure, have something else in common with One Nation: farmers believe it is the Australian way to give someone a fair go, and letting a queue-jumper enjoy a free ride into Australia does not pass the pub test, because it is not fair to allow this to happen.

What has been missing to date is sound leadership of our nation. We still don't see a vision from the government. We need leadership to make the long-term decisions that will secure our country's future. We need leadership that guides decisions to build the infrastructure necessary to manage the foreseeable natural climate variability that farmers for thousands of years have endured. Building dams, pipelines, levies and more are some ways to manage our water supplies. Even the ancient Egyptians, thousands of years ago, had sound water-management policies. We need leadership that recognises the sovereignty of Australia and the ability to be self-sufficient and not reliant on others in the short term. We need to stop selling off Australia to overseas interests, or there will be little left to call Australia. We support this bill and commend the government for presenting it. I support this bill.

Senator McMAHON (Northern Territory) (21:45): In world terms, Australia's borders are particularly extensive, and, by the very nature of our nation, our borders are very challenging to surveil and police. We have a huge country—in fact, we occupy a whole continent—and we have a very sparse population with a very extensive land and sea border. Our border protection force and our combined defence forces provide an integrated and vital service in maintaining the security of our borders, and they do perform an excellent service for us.

Successfully patrolling and maintaining security of our borders requires employment of a broad range of technologies, operating from a multitude of platforms, that includes submarines, aircraft, ships, satellites, and land based assets. Commanding these resources are staff within these mobile assets and within bases spread across almost all states and territories—including, extensively, my home of the Northern Territory. The vast yet comprehensive nature of maintaining our border security is a significant challenge, and we do it very well. The complexity of the resources and the management required to achieve this level of security is significant, and I congratulate all those who participate in achieving our high standards of border security.

Achieving this level of security was particularly difficult in the period following the disastrous Labor years, when control of our borders was entirely lost to the people smugglers. When Labor entered government in 2007, there were only four illegal maritime arrivals in detention, and none of them were children. In what can only be described as an inexplicable decision—and without a skerrick of policy forethought and not one ounce of common sense—Labor proceeded to unwind the successful Howard government border-protection policies.

The results were disastrous and began almost immediately. Fifty thousand people arrived on more than 800 boats—800 boats; it's unfathomable. That's not a policy; that was a free-for-all. It was open slather for all and sundry to come to Australia as they pleased and without consideration for our nation's security or the protection of our citizens. As is frequently the case with thought-bubble policy, no consideration was given to the variety of outcomes beyond the initial goal of letting everybody in. We know that that disaster of a Labor policy was directly responsible for the deaths of at least 1,200 people—1,200 people that we know of, and possibly more.

The notion that these deaths can be fobbed off as unintended consequences is truly telling of the lack of foresight Labor has when it comes to policy. When Labor and Dr Kerry Phelps teamed up to introduce amendments that saw the introduction of the medevac legislation, it came as a surprise to no-one that there was little or no thought resembling a policy behind these changes, and almost immediately the system was abused to enable entry by those who may seek to harm us. During Senate estimates, Senator Chandler asked how many people had been brought into Australia as a direct result of the medevac laws and who were considered to be people for which we held security concerns. In response—

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Polley) (21:50): Order! It being 9.50 pm I propose the question:

That the Senate do now adjourn.

Trade Unions

Senator SCARR (Queensland) (21:50): I rise today to speak of hope. Earlier today, a journalist asked the Prime Minister a question. The question was: 'Prime Minister, on ensuring integrity, do you share the view of your

colleagues that Senator Hanson has somehow been cowed by the unions, especially in the shadow of the state election in Queensland next year?" The Prime Minister's response included the following in relation to the ensuring integrity bill: 'It will come back into the House of Representatives this week after it goes back through the party room this week and we will take it forward. We will take it forward, because we believe in it. We believe that union thugs should not go onto building sites and threaten people, or in any area of the workplace and be able to do that, on and on and on and on, and not face any expulsion from the industry for doing that. We believe in that. They should be held to account. I put laws in place to do that to bankers. It should be in place to do that to union thugs too.'

I believe in that too. So there is hope. This government is not just going to lie down and roll over, following the disappointment of last week—

Senator McMahon: No, we're not.

Senator SCARR: No, we're not, Senator. The ensuring integrity bill will be returned to this place for further discussion. Why? Because the Australian people deserve better than the vile and contemptuous behaviour of the CFMMEU.

In the last 15 years, the CFMMEU has been slapped with \$65 million in penalties, fines and legal costs—\$65 million! Yet it makes no difference to the CFMMEU; they continue to act in a lawless manner. And don't just believe me, listen to the words of Justice Flick, one of our most learned jurists. He described the actions of the then CFMMEU, affiliated with the Australian Labor Party, in the Barangaroo case, concluding that the CFMEU, as it then was:

... has long demonstrated by its conduct that it pays but little regard to compliance with the law and indeed has repeatedly sought to place itself above the law.

Those are not my words; they are Justice Flick's words. He also said:

The CFMEU is to be regarded as a recidivist offender.

It is difficult, if not impossible, to envisage any worse conduct than that pursued by the CFMEU.

Those are the words of Justice Flick. The CFMMEU is affiliated with the Australian Labor Party.

We don't have to go further than my home state of Queensland to see what a negative impact the CFMMEU is having on industrial relations in this country. There is case after case dealing with its unlawful behaviour. There was the Queensland Institute of Medical Research construction. In that case, the court said that prior penalties had not reduced the CFMEU's—as it then was—willingness to breach the law, and that it continued to thumb its nose at the industrial laws. That was about the Queensland Institute of Medical Research.

Another case was the Queensland Children's Hospital. And there was the Queensland University of Technology and the Logan Enhancement Project, where the CFMMEU and its official were fined \$39,050 for offensive and unprovoked abuse of a subcontractor. There is more and more: there was the Bruce Highway Caloundra to Sunshine Upgrade Case and the Enoggera barracks case. Let me quote from the judgement in that case in relation to the then CFMMEU, affiliated with the Australian Labor Party. Justice Rangiah said that the union's contract was deliberate, flagrant and systematic, with no evidence of any attempts by the CFMEU to take corrective steps to ensure that its officials and agents comply with the law. That is the CFMMEU, affiliated with the Australian Labor Party, donor to the Australian Labor Party, with its representative sitting on the Australian Labor Party's national executive.

How about this one—the QUT Kelvin Grove Campus construction project. Justice Rangiah said in that case that the union's conduct was deliberate, flagrant and systematic, with no evidence of any attempts by the CFMEU to take corrective steps to ensure that its officials and agents comply with the law. Poor Justice Rangiah! I don't know where he is sitting when the listing clerk is handing out the cases, but the poor chap always seems to get the CFMMEU's vile and obnoxious behaviour cases. And don't forget—if I didn't mention it—that the CFMMEU is of course affiliated to the Australian Labor Party. And here is a classy case involving the CFMMEU, affiliated with the Australian Labor Party. It involves the construction of Ronald McDonald House. They can't help themselves, these people! In relation to this case, Justice Rangiah said the courts have repeatedly emphasised the need for specific deterrence of the union's conduct. He said the CFMEU has a very extensive history of contraventions of industrial laws.

But you wouldn't have known that if you listened to the speeches from the Australian Labor Party representatives in this chamber last week. In 37,000 words, they only mentioned the CFMMEU, affiliated with the Australian Labor Party, once—and that was in relation to occupational health and safety. Come to Queensland, senators, and meet some of the occupational health and safety inspectors whose own occupational health and safety is endangered by the CFMMEU, affiliated with the Australian Labor Party. In relation to the construction of the Cairns Performing Arts Centre, the ABCC has had to bring a case against the CFMMEU official for acting

in an improper manner and hindering and obstructing a Queensland workplace health and safety officer. This officer was just doing his job, trying to protect workers, when a CFMMEU official came up to him put his face a matter of inches away and repeatedly shouted 'You're a ***** dog!' Those are the actions of the CFMMEU, affiliated with the Australian Labor Party. There are representatives of the CFMMEU on the executive—state and federal—of the Australian Labor Party. The Australian Labor Party is institutionally incapable of dealing with the issue of the CFMMEU; they can't deal with it.

Following that case at Cairns Performing Arts Centre we then heard that Together Union, representing occupational health and safety workers, has had a list of sites where it has had to put in protected industrial action because it is too dangerous for the members of their union to go onto those sites because of the actions of the CFMMEU, affiliated with the Australian Labor Party. There are 17 sites. You can go onto their website and look at the sites. They are still there. I checked today. What did the CFMMEU, affiliated with the Australian Labor Party, do when this came to light? They challenged the secretary of Together Union, Alex Scott. And what did Alex Scott say when he was challenged? He said his union would not be backing down from the site bans and argued that it was abhorrent—this is a trade union leader, talking about the CFMMEU, affiliated with the Australian Labor Party—that the CFMMEU would seek to interfere in another union's claim to industrial action. The Australian Labor Party senators here today don't have to take my word for it. They can ask Mr Ravbar, who runs the CFMMEU in Queensland. They can ask him at their next national executive committee meeting, because he sits on the Australian Labor Party national executive. Whilst I am in this place I will shine a bright light on the lawlessness, bile and contemptuous behaviour of the CFMMEU, affiliated with the Australian Labor Party.

Superannuation

Senator MARIELLE SMITH (South Australia) (22:00): I rise in support of fairness in our superannuation system—fairness for workers and fairness for women especially. Today in my office here in Parliament House I met with members of my union, the SDA; the Australian Services Union; and the Australian Nursing and Midwifery Federation. These are some of the largest unions in the country and they are doing incredibly important work. Together, they represent over 600,000 workers, mostly middle- and low-income women, who work tirelessly in industries like nursing, aged care, social work, fast food and retail. They came to Parliament House today with one very clear message for MPs and senators: stand up for their super.

They shared their stories with me of the devastating effects of being overworked and, at times, underpaid; stories of being forced into living in substandard accommodation, because week to week their hours were so insecure that they couldn't budget for anything different; stories of their lost superannuation and the direct impact the government's superannuation policies have had on their retirement; and stories of domestic violence, of rebuilding lives and of their fears of poverty in retirement, and, in this context, just how important their superannuation is to them. For these women, like so many other working Australians, superannuation is a safety net in retirement. It can be the difference between homelessness and no home at all.

It should not have to be said, but when we have a Liberal-Nationals government going after hardworking Australians it must be said that all Australians deserve to have a decent retirement. Australia's universal superannuation system provides a safety net for so many low- and middle-income Australians in their retirement. For so many Australians, our universal superannuation system is the difference between poverty and a decent retirement. That is why we must always fight to protect for universality of superannuation. Indeed, any attempt to introduce legislation that would allow low-income workers, or anyone even, to opt out of compulsory superannuation must be thoroughly rejected by senators in this place. Let's be honest about what this type of legislation would do. It would disproportionately affect women, to the detriment of their superannuation balances. We know this because 58 per cent of the more than six million workers earning under \$52,000 dollars a year are women and a far greater proportion of part-time workers are also women. We know that fewer hours and lower pay are some of the greatest contributors to the gender super gap in retirement, which remains pervasive in Australia. Combined with the gender pay gap, the gender super gap has contributed to older women forming the fastest-growing cohort of homeless people in Australia.

Women retire with significantly lower superannuation balances than men—on average, over 40 per cent lower than men's. In 2015-16, the average balance at retirement was \$270,710 for men and \$150,050 for women, a difference of over \$113,000. This disparity in superannuation outcomes for women contributes to older women being more dependent on the age pension than men. Women's superannuation savings are affected by lower earnings, due in part to the pay gap and women being overly represented in lower-paid sectors, as well as time out of the workforce taken for caring responsibilities.

I'm proud that leading up to the last election Labor brought a specific plan to improve women's superannuation security. Labor knows that closing the gender gap on superannuation is absolutely critical if Australian women are

to have dignity and certainty in their retirement. We have always been the party that has stood up for superannuation and stood up for working Australians.

Our approach stands in stark contrast to that of the other side, who use every opportunity they can to go after working Australians. Let's go back just a few years. In their horror 2014 budget, the Liberals abolished the low-income superannuation contribution. This had a devastating impact on Australian women, who make up about two-thirds of those who received the contribution. It was just the type of cruel measure that was commonplace in that budget. In 2014, we also saw the freeze of the legislated super guarantee increase, resulting in Australian workers losing money they were promised now and in their retirement, and they cannot afford to lose any more.

Per Capita research shows us that a worker on the median wage has already lost over \$7,000 in super since the super guarantee freeze was introduced. Over the same period, that worker's annual salary's gone down by over \$100 when adjusted for inflation. If we are to see the freeze continue at its current rate, the impact on Australian workers will be terrible. It's estimated that over 8.7 million people will lose more than \$14 billion combined in superannuation contributions in 2021-22, which equates to an average loss of \$1,630 per person. In my home state of South Australia alone, over 600,000 people will be affected and stand to lose some \$930 million. For a 30-year-old woman earning \$85,000 a year who takes time out of the workforce to have children, that could mean up to \$93,000 lost from her super by the time she retires. For a young family, it could be up to \$240,000 in retirement savings lost. Just imagine what this would mean for these women and for these families. The policies that we create here should help the Australians who we represent, and we should always strive to put fairness at the heart of government. When it comes to superannuation, that means policies should help lower- and middle-income earners, particularly women, save enough for a comfortable, safe and secure retirement.

But that's not what we're getting from this Prime Minister and his government, who are too out of touch and too consumed by chaos to stand up for Australian workers. They don't care about working people, because, if they did, they wouldn't be attacking the superannuation balances of hardworking Australians. Let's be honest: that is precisely what some government senators want to achieve. There are senators in this place, who sit on the other side of the chamber, who have called for the complete scrapping of our universal superannuation scheme. Senator Bragg from New South Wales used his first speech to talk about what he believes is the so-called failure of the superannuation scheme and stated, 'I would be inclined to make the whole scheme voluntary.' Another Liberal senator, Senator Rennick, stood in this place and attacked his own party for failing to stop 'the cancer of superannuation' when Labor created the retirement savings scheme. A failure and a cancer—that's how the Liberals have described Australia's universal superannuation scheme. But I'll tell you something: that's not how working Australians see it; that's not how retail workers see it; that's not how fast-food workers see it; that's not how nurses see it, or our aged-care workers see it or social workers see it. They see their superannuation balances as vital to their security and safety in old age.

This government and those on the other side of this chamber are so out of touch with what these working Australians see in their superannuation. This is the same government that believes hardworking Australians should continue to work well beyond retirement age, because the government can't do its job right in keeping our economy going. It was only several weeks ago that the government released the consultation paper for their review of the retirement income system. The Prime Minister and the Treasurer created this review as a stalking horse for more cuts to the pension and further delays to the legislated increase in the super guarantee to 12 per cent. But if they knew anything about the ageing of the population, they'd know that you don't boost retirement incomes by thieving the super people need for a decent retirement.

Should we be surprised? We know the Liberals and the Nationals have a dismal record on super. In four terms, they've attempted time and time again to gut the incomes of retirees by trying to increase the pension age to 70 and delaying the increase to the super guarantee. A tax on superannuation is in their DNA, just like a tax on Australian workers. This government has failed hardworking Australians on so many levels. Last week we saw it with their attempted ensuring integrity bill, and it's a slippery slope from that to going after the superannuation balances of Australian workers—superannuation that workers rely on in their retirement. But they didn't succeed last week and we won't let them succeed now, because Australian workers and Australian women deserve to be treated fairly. Standing up for fairness is Labor's defining mission, and it's a defining mission which extends to our superannuation scheme. Labor created and introduced superannuation under Hawke and Keating. We will always fight to protect and improve it and the promise that it offers working Australians, and we will always stand up for working women against a government that simply doesn't care.

Violence Against Women

Senator SIEWERT (Western Australia—Australian Greens Whip) (22:10): I rise tonight to speak on a topic that many might find difficult to discuss: the sexual assault of older women in their homes and in aged-care facilities. Last week, I hosted a roundtable on preventing the sexual assault of older women. We were fortunate

enough to hear from experts who have been advocating on this issue for some time, including Professor Joseph Ibrahim and Dr Catherine Barrett. The idea of older women as victims of sexual assault has until relatively recently not been generally discussed and is little understood. Despite the silence around this topic, sexual assault of older women has always occurred but has long been ignored. It is hidden in the community and no-one wants to believe it occurs. The lack of community awareness can be partly attributed to commonly held assumptions that older women are asexual. Sexual assault occurs in older women's own homes, perpetrated by intimate partners, family members and also by service providers and aged-care service providers. Unfortunately, we don't know the prevalence of these incidents of older women being sexually assaulted in their own homes.

Research also shows that sexual assault occurs in residential aged-care facilities. In 2018-19, there were 739 notifications of unlawful sexual contact, which is an increase from 547 notifications in the previous year. However, this data doesn't cover people living in private and community settings, people living in aged-care services that don't receive government funding, acts committed by a co-resident with a cognitive impairment or incidents not regarded as sexual assaults when contact occurs. It is highly likely the incidence of sexual assault of older women is in fact much higher. The fact that providers don't have to report assaults that are perpetrated by residents with cognitive or mental impairment means there is a serious gap in reporting requirements. It does not make sense to exclude reporting of sexual abuse by people with dementia, given that two-thirds of residents will have some form of cognitive impairment. There is also a significant gap in how the Department of Health uses the limited data that is currently collected. The department doesn't use this information to identify patterns or to shape policy or education initiatives. It's not clear who is responsible for following up on reports of sexual assaults. Is it the provider or the department? This is clearly a missed opportunity and contributes to a culture where service providers are not held to account for prevention.

There is evidence that perpetrators are not being held to account—for example, staff may be moved around to other facilities—and provider strategies for managing sexual assault by other residents are not well established. In both home care and residential care settings, aged-care service providers have a pivotal role to play in preventing sexual assault, but many do not have the skills, confidence or guidelines to enable this to occur. And it's not as simple as pointing the finger at residential care facilities. We haven't provided aged-care providers with education or information in a systematic way, nor have we asked providers to do anything other than report on statistics.

At the roundtable, we heard that there is a clear gap in who families and advocates can turn to for help and support. There are known instances of older women seeking help for sexual assault being advised by elder abuse services that they cannot provide assistance. In the absence of any national strategy or evidence based approach, services are implementing ad hoc approaches that are not based on evidence. For example, some elder abuse services are creating new definitions of sexual assault that reflect stranger rape rather than sexual assault by a known person. In the absence of help, family members turn to the media to share their harrowing experiences because they feel they are not being heard and cannot achieve accountability in any other way. Family members are often distressed and frustrated by the defensiveness and inaction of service providers. We are clearly failing older women and their family members through our inadequate response to their reports of sexual assault. There is a need for urgent action to ensure that older women are not at risk of sexual assault in aged-care services or in their own homes. Inaction at this point makes us all complicit.

Today I am seeking to help break the silence and start conversations about this important issue in this place. I hope we can move towards a culture of listening and preventing the sexual assault of older women. There are many tangible actions that we can take to go from here. Firstly, I urge the Royal Commission into Aged Care Quality and Safety to investigate the issue of sexual assault of older women in care and at home. The royal commission has received at least six submissions about the sexual assault of older women. I urge more people and stakeholders to ask the royal commission to look at this important topic.

Secondly, we also need to develop strategies for prevention and intervention, and the government has a leadership role here as well. These involve education and training strategies and sector-wide responses including strategies for aged-care services, police and judicial services. Service providers are in a powerful position to understand and prevent sexual assault of older women but they cannot do this alone and they need a national approach informed by best practice based on evidence.

Finally, there is a clear lack of access to meaningful support for older women who experience sexual assault and their families. This includes ensuring that older women have access to family violence and sexual assault services. These support services must be required to provide culturally safe and inclusive services for vulnerable older people who are particularly at risk, including people with cognitive impairment, First Nations peoples and people from culturally and linguistically diverse communities. But this is just the beginning. Preventing the sexual assault of older women requires a multilevel approach, and we will need to do significant work together across many levels of government and the different sectors involved.

I want to finish by urging everyone to listen. Listening may appear to be a small act but it makes a huge difference. Too often women's accounts are shut down. We heard examples of that in the roundtable that we held last week. If an older woman tells us she has been sexually assaulted we need to listen, we need to believe and we need to act. I urge everybody involved in the sectors to take action to ensure that we address sexual assault of older women and no longer pretend that it doesn't happen.

Murray-Darling Basin

Senator DAVEY (New South Wales—The Nationals Whip in the Senate) (22:18): Today hundreds if not thousands of irrigators, irrigation farmers, community members, business people from our regional communities in the Murray-Darling Basin—particularly the southern Murray-Darling Basin, where I come from—and members of the 'Can the Plan' convoy gathered right here in the nation's capital in a passionate demonstration of hurt and upset at a plan perceived to be the cause of a lot of heartache across our southern basin communities. These people come from where I come from. Make no mistake, I feel the pain of our regional communities day in, day out. That is why I facilitated a meeting today between members of the convoy and the Minister for Water Resources, David Littleproud, and the Minister for the Environment, Sussan Ley.

Members of the 'Can the Plan' convoy who we met with asked us to do a number of things. They asked us to stop the Basin Plan, provide an emergency allocation of 1,000 gigalitres, build a 'lock 0' and automate the barrages in South Australia, review the Murray-Darling Basin agreement, which is outside the Basin Plan, hold downstream development and prevent the increasing development of nut farms and almonds. Both ministers committed to engaging with state ministers on these issues, because a lot of these issues are not within the purview of the federal government. For example, building lock 0 and automating the barrages is purely within the remit of the South Australian government, and our water minister made it clear that, if a proposal was brought forward by the South Australian government, he would consider it in full detail and quite probably support it. When it comes to the almond developments downstream of known constraints in the river system, these have happened under the watch of state ministers. And, may I say, it has been raised to them as an issue by river operators for a number of years. I myself have been at meetings where I have seen river operators raise concerns about the ability to deliver the capacity of water needed to meet the demands of the plantations of the size that have gone ahead downstream of known river constraints, to no effect. But the Commonwealth has no right and no purview to block the development of land in state jurisdictions.

In the lead-up to today, I genuinely asked myself what the convoy's ask would really mean for basin communities both now in the heat of dire drought and in the longer term when better conditions will prevail. If we tore up the Basin Plan today, New South Wales Murray General Security water holders, where I am from, would still be on zero allocation because the distribution of New South Wales water resources is managed by the state in accordance to their own rules outside of the Basin Plan. Water would still be flowing to South Australia in accordance with the Murray Darling Basin agreement, which is separate to the Basin Plan, and water would still be separated from land because that was an intergovernmental agreement reached under the National Water Initiative and asked for by farmers in the nineties, again separate to the Basin Plan. Living on an irrigation farm myself, although not owning any water entitlements, I share the frustration of farmers who feel that water sharing in the basin is not meeting the needs or expectations of anyone. But is the solution the canning of the plan or are there solutions outside the plan?

As a nation, we absolutely need to have a conversation about water resource management, river operations and interstate water-sharing agreements, but we need to make sure we are talking about the right things and we identify realistic and practical solutions. What I mean by this is that what we identify must be capable of standing the test of time in this place. Each time we return to this debate, communities and politicians get caught up in a polarising debate, which only falsely and dangerously pits agriculture against the environment, and we cannot continue down that path because our agricultural producers are the best environmentalists we have. With each false debate, our communities risk losing more once this drought ends. I know I will never allow my regional communities to go through more pain than what has already been necessary. But what can we do as a government right here and right now to ensure we keep our basin communities sustainable? I'm committed to ensuring that, in the delivery of the Basin Plan, there is no further recovery from productive water use in the basin, and I truly believe we can achieve that.

Further to the Basin Plan, improving our water security is absolutely vital for regional towns. We need to have a conversation about stormwater capture, harvesting water, recycling water and new dams. The Nationals in government have established the National Water Grid to do just that, and we stand ready to work with the states when they bring forward proposals to do just that. That means, if South Australia comes forward with lock 0, we will absolutely look at lock 0. We will not stand in the way of lock 0 if South Australia brings that proposal forward, but we as a Commonwealth government cannot force South Australia to build lock 0.

We also need to have a conversation about the idea of water flowing to its highest value use. Is that the best use? Food staples such as cereals, rice and dairy cannot compete against high-value crops like almonds when the water market is constrained in times of low supply. The fact that dollar returns from almonds are so high has seen tens of thousands of hectares of previously undeveloped and unirrigated land planted to these very thirsty crops. Make no mistake, these crops are thirstier than cotton or rice. This development has created increased demand for not only water but also river capacity. The channel-sharing arrangements are vitally concerning.

Questions are now being asked as to whether there is capacity to deliver for all users in times of peak demand, but it's not the fault of river operators. They have raised these concerns for a number of years, and I have personally participated in meetings where they have done so. But governments have not paid attention until now, when we are actually in the grip of drought. So, it is right that we, as a government, have initiated the ACCC review of the water market to look at not only non-landholding speculators in the market, but what about landholding speculators—the people who've planted crops without owning water to feed the crops? It's also right that we have an independent panel looking at the social and economic impacts of the Basin Plan, and ways to improve the economic sustainability of our communities. I believe there is more that we can do.

It is also right that we consider establishing a mechanism for, and having a conversation about, countercyclical sharing of environmental water to make available a volume of water for cropping in dry times and returning that volume to the environment in wet times. That was the original intent when John Howard announced his water reform in January 2007 at the Press Club, and that is what we should be looking at now. We have not achieved that in the Basin Plan, but we can achieve it if we all sit down, take a deep breath and have a look at what can be done. We don't need to 'can the plan'; we don't need blow up the Basin Plan. What we do need to do is have a very respectful and adult conversation about how we achieve the intent of water reform without decimating our regional communities. Thank you.

Senate adjourned at 22:27