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SITTING DAYS—2005

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RADIO BROADCASTS
Broadcasts of proceedings of the Parliament can be heard on the following Parliamentary and News Network radio stations, in the areas identified.

- **CANBERRA**: 1440 AM
- **SYDNEY**: 630 AM
- **NEWCASTLE**: 1458 AM
- **GOSFORD**: 98.1 FM
- **BRISBANE**: 936 AM
- **GOLD COAST**: 95.7 FM
- **MELBOURNE**: 1026 AM
- **ADELAIDE**: 972 AM
- **PERTH**: 585 AM
- **HOBART**: 747 AM
- **NORTHERN TASMANIA**: 92.5 FM
- **DARWIN**: 102.5 FM
FORTY-FIRST PARLIAMENT
FIRST SESSION—THIRD PERIOD

Governor-General

His Excellency Major-General Michael Jeffery, Companion in the Order of Australia, Commander of the Royal Victorian Order, Military Cross

Senate Officeholders

President—Senator the Hon. Paul Henry Calvert
Deputy President and Chairman of Committees—Senator John Joseph Hogg
Temporary Chairmen of Committees—Senators the Hon. Nick Bolkus, George Henry Brandis, Hedley Grant Pearson Chapman, John Clifford Cherry, Patricia Margaret Crossin, Alan Baird Ferguson, Stephen Patrick Hutchins, Linda Jean Kirk, Susan Christine Knowles, Philip Ross Lightfoot, John Alexander Lindsay (Sandy) Macdonald, Gavin Mark Marshall, Claire Mary Moore and John Odin Wentworth Watson
Leader of the Government in the Senate—Senator the Hon. Robert Murray Hill
Deputy Leader of the Government in the Senate—Senator the Hon. Nicholas Hugh Minchin
Leader of the Opposition in the Senate—Senator Christopher Vaughan Evans
Deputy Leader of the Opposition in the Senate—Senator Stephen Michael Conroy
Manager of Government Business in the Senate—Senator the Hon. Christopher Martin Ellison
Manager of Opposition Business in the Senate—Senator Joseph William Ludwig

Senate Party Leaders and Whips

Leader of the Liberal Party of Australia—Senator the Hon. Robert Murray Hill
Deputy Leader of the Liberal Party of Australia—Senator the Hon. Nicholas Hugh Minchin
Leader of the National Party of Australia—Senator the Hon. Ronald Leslie Doyle Boswell
Deputy Leader of the National Party of Australia—Senator John Alexander Lindsay (Sandy) Macdonald
Leader of the Australian Labor Party—Senator Christopher Vaughan Evans
Deputy Leader of the Australian Labor Party—Senator Stephen Michael Conroy
Leader of the Australian Democrats—Senator Lynette Fay Allison
Liberal Party of Australia Whips—Senators Jeannie Margaret Ferris and Alan Eggleston
National Party of Australia Whip—Senator Julian John James McGauran
Opposition Whips—Senators George Campbell and Geoffrey Frederick Buckland
Australian Democrats Whip—Senator Andrew John Julian Bartlett

Printed by authority of the Senate
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(1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(2) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. Warwick Raymond Parer, resigned.
(3) Chosen by the Parliament of Queensland to fill a casual vacancy vice John Woodley, resigned.
(4) Chosen by the Parliament of South Australia to fill a casual vacancy vice John Andrew Quirke, resigned.
(5) Appointed by the Governor of Tasmania to fill a casual vacancy vice Hon. Brian Francis Gibson AM, resigned.
(6) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. John Joseph Herron, resigned.
(7) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, resigned.
(8) Chosen by the Parliament of New South Wales to fill a casual vacancy vice John Tierney, resigned.

**PARTY ABBREVIATIONS**

AD—Australian Democrats; AG—Australian Greens; ALP—Australian Labor Party; APA—Australian Progressive Alliance; CLP—Country Labor Party; Ind—Independent; LP—Liberal Party of Australia; NATS—The Nationals; PHON—Pauline Hanson’s One Nation

**Heads of Parliamentary Departments**

Clerk of the Senate—H Evans
Clerk of the House of Representatives—I C Harris
Secretary, Department of Parliamentary Services—H R Penfold QC
**HOWARD MINISTRY**

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<td>Prime Minister</td>
<td>The Hon. John Winston Howard MP</td>
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<tr>
<td>Minister for Transport and Regional Services and Deputy Prime Minister</td>
<td>The Hon. John Duncan Anderson MP</td>
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<tr>
<td>Treasurer</td>
<td>The Hon. Peter Howard Costello MP</td>
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<tr>
<td>Minister for Trade</td>
<td>The Hon. Mark Anthony James Vaile MP</td>
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<tr>
<td>Minister for Defence and Leader of the Government in the Senate</td>
<td>Senator the Hon. Robert Murray Hill</td>
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<td>Minister for Foreign Affairs</td>
<td>The Hon. Alexander John Gosse Downer MP</td>
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<tr>
<td>Minister for Health and Ageing and Leader of the House</td>
<td>The Hon. Anthony John Abbott MP</td>
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<tr>
<td>Attorney-General</td>
<td>The Hon. Philip Maxwell Ruddock MP</td>
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<td>Minister for Finance and Administration, Deputy Leader of the Government in the Senate and Vice-President of the Executive Council</td>
<td>Senator the Hon. Nicholas Hugh Minchin</td>
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<td>Minister for Agriculture, Fisheries and Forestry</td>
<td>The Hon. Warren Errol Truss MP</td>
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<td>Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs</td>
<td>Senator the Hon. Amanda Eloise Vanstone</td>
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<td>Minister for Education, Science and Training</td>
<td>The Hon. Dr Brendan John Nelson MP</td>
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<tr>
<td>Minister for Family and Community Services and Minister Assisting the Prime Minister for Women’s Issues</td>
<td>Senator the Hon. Kay Christine Lesley Patterson</td>
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<tr>
<td>Minister for Industry, Tourism and Resources</td>
<td>The Hon. Ian Elgin Macfarlane MP</td>
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<tr>
<td>Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service</td>
<td>The Hon. Kevin James Andrews MP</td>
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<tr>
<td>Minister for Communications, Information Technology and the Arts</td>
<td>Senator the Hon. Helen Lloyd Coonan</td>
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<td>Minister for the Environment and Heritage</td>
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(The above ministers constitute the cabinet)
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<tr>
<td>Minister for Justice and Customs and Manager of Government Business in the Senate</td>
<td>Senator the Hon. Christopher Martin Ellison</td>
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<td>Minister for Fisheries, Forestry and Conservation</td>
<td>Senator the Hon. Ian Douglas Macdonald</td>
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<tr>
<td>Minister for the Arts and Sport</td>
<td>Senator the Hon. Charles Roderick Kemp</td>
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<td>Minister for Human Services</td>
<td>The Hon. Joseph Benedict Hockey MP</td>
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<td>Minister for Citizenship and Multicultural Affairs and Deputy Leader of the House</td>
<td>The Hon. Peter John McGauran MP</td>
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<td>Minister for Revenue and Assistant Treasurer</td>
<td>The Hon. Malcolm Thomas Brough MP</td>
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<td>Special Minister of State</td>
<td>Senator the Hon. Eric Abetz</td>
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<td>Minister for Small Business and Tourism</td>
<td>The Hon. Frances Esther Bailey MP</td>
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<td>Minister for Local Government, Territories and Roads</td>
<td>The Hon. James Eric Lloyd MP</td>
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<td>The Hon. Peter Craig Dutton MP</td>
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<td>Parliamentary Secretary to the Minister for Finance and Administration</td>
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<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon. Christopher John Pearce MP</td>
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<td>Parliamentary Secretary to the Minister for Transport and Regional Services</td>
<td>The Hon. John Kenneth Cobb MP</td>
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<td>Parliamentary Secretary to the Minister for the Environment and Heritage</td>
<td>The Hon. Gregory Andrew Hunt MP</td>
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<td>The Hon. Sussan Penelope Ley MP</td>
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<tr>
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SHADOW MINISTRY

Leader of the Opposition
The Hon. Kim Christian Beazley MP

Deputy Leader of the Opposition and Shadow Minister for Education, Training, Science and Research
Jennifer Louise Macklin MP

Leader of the Opposition in the Senate and Shadow Minister for Social Security
Senator Christopher Vaughan Evans

Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology
Senator Stephen Michael Conroy

Shadow Minister for Health and Manager of Opposition Business in the House
Julia Eileen Gillard MP

Shadow Treasurer
Wayne Maxwell Swan MP

Shadow Minister for Industry, Infrastructure and Industrial Relations
Stephen Francis Smith MP

Shadow Minister for Foreign Affairs and International Security
Kevin Michael Rudd MP

Shadow Minister for Defence and Homeland Security
Robert Bruce McClelland MP

Shadow Minister for Trade
The Hon. Simon Findlay Crean MP

Shadow Minister for Primary Industries, Resources and Tourism
Martin John Ferguson MP

Shadow Minister for Environment and Heritage and Deputy Manager of Opposition Business in the House
Anthony Norman Albanese MP

Shadow Minister for Public Administration and Open Government, Shadow Minister for Indigenous Affairs and Reconciliation and Shadow Minister for the Arts
Senator Kim John Carr

Shadow Minister for Regional Development and Roads and Shadow Minister for Housing and Urban Development
Kelvin John Thomson MP

Shadow Minister for Finance and Superannuation
Senator the Hon. Nicholas John Sherry

Shadow Minister for Work, Family and Community, Shadow Minister for Youth and Early Childhood Education and Shadow Minister Assisting the Leader on the Status of Women
Tanya Joan Plibersek MP

Shadow Minister for Employment and Workplace Participation and Shadow Minister for Corporate Governance and Responsibility
Senator Penelope Ying Yen Wong

(The above are shadow cabinet ministers)
SHADOW MINISTRY—continued

Shadow Minister for Immigration
Laurence Donald Thomas Ferguson MP

Shadow Minister for Agriculture and Fisheries
Gavan Michael O’Connor MP

Shadow Assistant Treasurer, Shadow Minister for Revenue and Shadow Minister for Banking and Financial Services
Joel Andrew Fitzgibbon MP

Shadow Attorney-General
Nicola Louise Roxon MP

Shadow Minister for Regional Services, Local Government and Territories
Senator Kerry Williams Kelso O’Brien

Shadow Minister for Manufacturing and Shadow Minister for Consumer Affairs
Senator Kate Alexandra Lundy

Shadow Minister for Defence Planning, Procurement and Personnel and Shadow Minister Assisting the Shadow Minister for Industrial Relations
The Hon. Archibald Ronald Bevis MP

Shadow Minister for Sport and Recreation
Alan Peter Griffin MP

Shadow Minister for Veterans’ Affairs
Senator Thomas Mark Bishop

Shadow Minister for Small Business
Tony Burke MP

Shadow Minister for Ageing, Disabilities and Carers
Senator Jan Elizabeth McLucas

Shadow Minister for Justice and Customs, Shadow Minister for Citizenship and Multicultural Affairs and Manager of Opposition Business in the Senate
Senator Joseph William Ludwig

Shadow Minister for Pacific Islands
Robert Charles Grant Sercombe MP

Shadow Parliamentary Secretary to the Leader of the Opposition
John Paul Murphy MP

Shadow Parliamentary Secretary for Defence
The Hon. Graham John Edwards MP

Shadow Parliamentary Secretary for Education
Kirsten Fiona Livermore MP

Shadow Parliamentary Secretary for Environment and Heritage
Jennie George MP

Shadow Parliamentary Secretary for Infrastructure
Bernard Fernando Ripoll MP

Shadow Parliamentary Secretary for Health
Ann Kathleen Corcoran MP

Shadow Parliamentary Secretary for Regional Development (House)
Catherine Fiona King MP

Shadow Parliamentary Secretary for Regional Development (Senate)
Senator Ursula Mary Stephens

Shadow Parliamentary Secretary for Northern Australia and Indigenous Affairs
The Hon. Warren Edward Snowdon MP
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The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 9.30 am and read prayers.

PERSONAL EXPLANATIONS
Senator ABETZ (Tasmania—Special Minister of State) (9.31 am)—I seek leave to make a brief personal explanation.
Leave granted.

Senator ABETZ—I thank the Senate. Yesterday in question time an opposition senator asserted that I had said on the ABC's Tasmanian Country Hour that there were opponents within the government seeking to dismantle the Tasmanian Freight Equalisation Scheme. At no stage did I say such a thing. I said, in part:
Well, it's a scheme that has its detractors in Canberra. It was a scheme introduced by the Liberals in 1975 when Malcolm Fraser won government. It was neglected for 13 years by Federal Labor. It was then enhanced when John Howard won again. We as Federal Liberals are absolutely committed to the scheme but it does have its opponents.
I table the full transcript of my interview referred to by the senator which highlights the fact and will clarify the record.

BUSINESS
Rearrangement
Senator ELLISON (Western Australia—Manager of Government Business in the Senate) (9.32 am)—by leave—I move:
That the order of the Senate of 16 June 2005 relating to the hours of meeting and routine of business for the remainder of the 2005 winter sittings, as varied on 21 June 2005 be modified as follows:
Omit paragraph (4), substitute:
(4) On Wednesday, 22 June 2005:
(a) subject to paragraph (4)(b), the routine of business from 9.30 am to not later than 2 pm, and from 3.45 pm, shall be valedictory statements;
(b) at 4.30 pm, the business of the Senate notice of motion standing in the name of Senators Marshall and Nettle for the disallowance of Guidelines under the Workplace Relations Act 1996 shall have precedence over all other business till determined; and
(c) consideration of government documents shall not be proceeded with.
Question agreed to.

COMMITTEES
Finance and Public Administration References Committee
Membership
The PRESIDENT—I have received a letter from a party leader seeking to vary the membership of a committee.

 Senator ELLISON (Western Australia—Minister for Justice and Customs) (9.33 am)—by leave—I move:
That Senator Stephens replace Senator George Campbell for the committee's inquiry into the Regional Partnerships program, in place of Senator Carr.

Question agreed to.

V ALEDICTORY
Senator LUDWIG (Queensland) (9.34 am)—I rise today to add my comments to those of other senators and I thank the Senate for the opportunity to make this valedictory speech for particularly Senators Geoff Buckland, Jacinta Collins, Nick Bolkus, Peter Cook, Kay Denman and Brian Harradine, and of course the clutch of other departing senators. The senators I named in particular came into this chamber with a desire to serve the people of their respective states—South Australia, Victoria, Western Australia and Tasmania. Their contributions to the Senate during their term have been invaluable. I place on the record my best wishes to these senators for their future endeavours.
I would like to start my remarks by referring to Senator Buckland. Senator Buckland has taken the responsibilities of his appointment to the Senate very seriously and has been diligent in his representations for his home state of South Australia. His contribution to this chamber has included positions on committees that have had beneficial outcomes for his home state of South Australia, particularly the regional and rural areas for which he holds such affection. Senator Buckland’s contribution to his state has never been in question. Senator Buckland was the first non-metropolitan senator to represent South Australia since Geoff McLaren retired in 1983. This is a clear indication of the importance the Labor Party, including Senator Buckland himself, place on the country people of his state.

I could not let this occasion go by without mentioning Senator Buckland’s achievements in the Senate. Senator Buckland is without doubt a compassionate man whose dedication to the care and welfare of others has gone largely unseen in this chamber. Many of you would not know that Senator Buckland visited Baxter detention centre and met the Moghadaszadeh family and other detainees on a regular basis. Many in this chamber only hear about the destruction of morale that mandatory detention causes. While many sympathise with the plight of people fleeing dictatorships and persecution, Senator Buckland saw it first-hand every time he visited Baxter detention centre.

This is only one area with regard to which Senator Buckland has held this chamber, its members and ministers to a higher standard than we have seen in recent years. Senator Buckland has visited and helped an Aboriginal community in Winkie in the Riverland of South Australia. He has donated computer equipment to the community health centre and paid for this out of his own pocket without a thought.

He has covered issues such as health care, education, aged care, the decline in job opportunities as a result of industry downsizing and closure and, of course, the inability of industry to invest and expand because of the difficulties experienced in accessing markets through the isolation and remoteness of their locations. Senator Buckland’s generous spirit has naturally drawn his colleagues to engage in similar projects. The past six years have shown the Senate that Senator Buckland has never been afraid to put forward ideas that progress the issues of health, welfare and rural living, and particularly the hardships that come about through those. Senator Buckland is a gentleman and a friend. To Senator Buckland and his family, Angelika, Josef and John, and to his staff, Rosie and Nympha, I say: good luck.

I have known Senator Collins for some time now. In fact, I first met her when I gave evidence to a committee on employment and workplace relations. I was working for a union at that particular time and I had the opportunity of meeting her way back then. Her commitment to industrial relations has been terrific and unwavering during that whole period. Prior to entering parliament in 1995 she was a social welfare officer and research officer for the Shop Distributive and Allied Employees Association. Senator Collins set a path that she would follow upon entering the Senate.

Senator Collins’s career as a senator has demonstrated a strong and selfless commitment to improving the lives of ordinary workers. From her first speech, Senator Collins made it clear her focus as a senator would be to advocate on issues such as greater social justice, greater income distribution, liaising on industrial policy and the betterment and position of women in our society. She has certainly, in my view, lived up to that ideal. When Senator Collins first entered this parliament, Labor had improved
the social wage, with measures such as a 12 per cent increase in the real value of the base pension; a doubling of the real value of family payments to low-income families and an extension to low-income working families; the introduction and the maintenance of Medicare; a doubling in the proportion of the population with superannuation coverage; an enormous increase in child-care provisions; child maintenance measures through the Child Support Agency; expanded labour market programs; a more than doubling of the proportion of young people completing secondary education; and expanded assistance with housing and rental assistance.

Since Labor’s election defeat in 1996 Senator Collins has advocated on behalf of her fellow Victorians on issues that could not be ignored or swept under the carpet, particularly those matters that revolve around industrial relations, occupational health and safety and the like. Simply looking at ParlInfo does not do Senator Collins justice but it does highlight the numerous areas that she has spoken on and the number of speeches she has given in this parliament to progress her ideas and to progress the advocacy in trying to reduce the impact of inequality among Australian families since the Howard government came to power. She has done that very successfully, in my view.

Senator Collins’s advocacy has not only been in this parliament; it has also stretched far and wide. Not content to simply focus on one area or speciality, she has been a driving force in debates on matters including, but not limited to, the proposed reduction of payments to carers of children with disabilities, the Howard government’s plans to raise and the implementation of raising HECS fees to unbearable levels, and workplace relations. Senator Collins will be missed by her colleagues and I take this opportunity to wish her and her family, Darryl, James and Madison, well with their future endeavours.

I will speak about Senators Bolkus and Cook together because they both have had such a long career in this parliament. I think they will be not only sorely missed but well missed. Senator Bolkus and Senator Cook are two of the wonderful people you can turn to and ask advice from. That in itself will be missed—to have someone who you can turn to quietly and say, ‘I’ve got an issue. What do you think?’ You value not only their thoughts and their inputs but also the contribution that they can make to that particular debate or to resolving the issue that you might have.

Both men made extraordinary strides for Australians in their relevant portfolios. Both held ministerial positions in the Hawke-Keating governments. Both men have had distinguished careers within the federal parliament and as such command respect from all sides of politics. I have no doubt that both men will enjoy the chance to slow the pace, although I am not too sure they in fact will. But if I know anything about them at all it is that they will never stop progressing Labor ideals.

Senator Kay Denman joined the Australian Labor Party in 1982 because it was then, and still is, the most legitimate way to try to influence the decision-making processes to improve the lives of people in our society. Labor is still the only political group with a proven track record in this area of social justice. I think that is the area in which Senator Kay Denman has made such an impact in this Senate. The ‘quiet achiever’ perhaps is a way of expressing it but in truth she is not that quiet, let me tell you. Senator Denman’s focus was on the areas of health, education and justice through an increasing involvement in processes of decision making and community consultation, and equity and access to information services provided by government agencies. In her first speech she said:
My own experiences as a woman, teacher, parent, and as the manager of a community legal centre and of many community groups has increased my commitment to equity issues and heightened my awareness that, no matter how great the gains have been over the past 10 years, we still have much to do.

I think that still says a lot for her. Twelve years later in her career, she has been one of the steadying influences in the Senate. With regret I bid her farewell, but of course I am sure she will come back and say hello every now and then to make sure we have still got a bit of compassion in our hearts.

I thank Senator Harradine for his time and similarly for the ability to ask him questions in and outside this place and to seek advice from him. It has been valuable to have this time with you, Senator Harradine. I am sure you will be missed not only by people in here but also by your own constituency. It is fair to say that when we return in August, there is sure to be a feeling that something is not quite right. The father of the Senate, Senator Harradine, has become an accepted part of Canberra over 30 years. As the longest-serving Independent senator, he has made a significant contribution numerous times with his controlling vote. Also I think you will feel that there is something missing in this place. When you walk down the corridor, you will know in your mind that Senator Harradine will not be here but you will still have the idea of Senator Harradine’s presence—sometimes you have that feeling, that voice in the back of your mind—telling you perhaps this is a more compassionate, understanding way to address a particular debate or a particular issue. I thank him perhaps for that voice. I suspect I will carry it with me for a while.

I know the time is short but I do wish all the other departing senators well, particularly those from my home state, Senator Cherry and Senator Harris, and also Senator Tchen, Senator Greig, who has been wonderful on the legal and constitutional committee, Senator Knowles, Senator Ridgeway, Senator Lees and Senator Murphy.

Senator ABETZ (Tasmania—Special Minister of State) (9.44 am)—The Senate is honouring those of its number who will be leaving this place. First, let me pay tribute to my two Liberal colleagues Senators Knowles and Tchen.

Senator Knowles has had a long and successful career; she has a no-nonsense style which has made her such a great asset for the cause of liberalism. As a passionate small-stater, she leaves one abiding memory: her willingness to see a joke or the humour in any situation. As someone else said yesterday: apart from her many other qualities, she is good fun.

Senator Tchen has been an able and considered contributor who brought an added dimension to all debates. He exudes a generosity of spirit and an evergreen, youthful look—of which, I confess, I am just a tad jealous.

I now turn to a true Tasmanian icon: a man of courage, tenacity and faith; a man who recognises the importance of the spiritual dimension to true individual fulfilment. I speak, of course, of the father of the Senate, Senator Brian Harradine. Like a well-cut diamond, he has many facets.

There is the trade unionist. Can I simply say that it is people like Senator Harradine who give trade unionism a good name. There was the anti-communism crusader who helped champion the cause of freedom and liberty. I know that the Tasmanian Baltic, Polish and other communities salute his efforts. Thirty years ago when he took his principled stand, no-one was predicting the collapse of the evil empire. Communism is now a discredited ideology. Could I venture to say that there are a lot more friends of ‘the
Harradine’ than there are of ‘the communists’ in the world today. He was on the right side of history.

There is the deeply spiritual man. Not that he said it; his demeanour and graciousness told those around him. There is the man of principle. He was willing to be ridiculed for his commitment to the sanctity of life and for his protection of women from exploitation and children from pornography. He was willing to uphold the institution of marriage—not necessarily fashionable in some quarters, but absolutely right. But he is not so heavenly that he is of no earthly use.

There is the wily political operator. The prospect of continually being endorsed without challenge is something that most of us in this place can only fantasise about. His deals for extra funding for Tasmania have set a benchmark; his tactics are legendary. When people enjoy the 60 short walks in Tasmania’s huge national parks and reserves, they should remember Senator Harradine and the Natural Heritage Trust. When the thousands of online access centre members use one of the 64 online access centres in Tasmania, they should remember Senator Harradine. When today’s athletes and future generations of athletes use the upgraded athletics centre on the Domain, they should remember Senator Harradine. And when people flying into Flinders Island land on the upgraded runway, they should remember Senator Harradine. The list goes on and on with literally hundreds of millions of dollars being spent in Tasmania.

As chair of the native title committee, I observed how Senator Harradine searched his heart and conscience to do the right thing by our Indigenous brothers and sisters over the Wik decision and the 10-point plan. His willingness to compromise was a vital circuit-breaker. Whilst vilified by some—which was very hurtful to him—the Indigenous community owe him a huge debt of gratitude.

There is the media performer. When limited electioneering budgets were faced, Senator Harradine had a wonderful way of attracting media attention. In 1998 there was the Shanahan story: Senator Harradine was going to retire. Then in the next story he was reconsidering. Then there was the announcement. Everyone after that remembered that Senator Harradine was a senator, a worker for Tasmania, and was deserving of re-election.

There is also the campaigner; and today I can expose one of the great media stunts of all time—with the benefit of parliamentary privilege. In Tasmania, Senator Harradine would campaign in a little red Fiat 500 Bambino—his signature campaign car. It was ironically red, as were his car stickers, brochures and posters. I have been assured that the colour red was chosen because of the Senate and not because of bolshevism. But let me tell you: if you want the ‘hard-done-by, underdog’ image, go campaigning in a Fiat 500 Bambino. Not satisfied with this imagery alone, he built on it. After a factory tour with a media contingent in tow, Senator Harradine and his staffer jumped into the Bambino—or, more correctly, poured themselves into it—the car started, and then the engine suddenly and inexplicably stopped, to the consternation of the media, who then filmed the adviser untangling himself from the Bambino and getting out to push-start the car. The footage led every evening news bulletin. It was part of the campaign news bulletins for the rest of that campaign. It even made Good News Week. But what I can reveal today in the Senate is that Senator Harradine, in fact, turned off the engine and got his adviser to push the car as a media stunt—and it worked an absolute treat. Can I say to Senator Harradine: bravo—you played the media on a break, and it was about time that
you had the opportunity to balance up the ledger.

There is also the disciplinarian. I recall one day my phone buzzing and announcing, ‘Senator Harradine on the line.’ All being well with the world and feeling somewhat chirpy, I announced myself: ‘Hello, Brian; Eric here. How are you?’ There was a long, deathly pause. Just as I was about to tentatively ask, ‘Hello, is anyone there?’ Brian’s voice cut in. In a hurt tone, but soft and deliberate, more in sorrow than in anger, I heard the words: ‘I thought we were friends.’ All of a sudden I realised that all was not well with the world. I knew that there would be no recovery, and some of you might find it hard to believe that I was lost for words, and I took my admonishment. I forget what all that was about, but, whatever it was, I never did it again, because I never again received a phone call like that from Senator Harradine.

Twice, Liberal preferences helped Senator Harradine in being re-elected: once in 1993, when I was the casualty of the cut-up, and again in 1998, when Senator Barnett was the casualty. But we both agreed: if we had to make room for some non-Liberal, it might as well be for somebody like Senator Harradine. At the last election, we believe we picked up Senator Harradine’s seat. I simply say that Senator elect Parry will be a very worthy successor.

Michelle and I wish Senator Harradine good health and God’s blessing as he enjoys his well-deserved retirement. I know he will enjoy more time with his wife, 13 children and 30—an ever growing number—grandchildren. God willing, he will also be able to enjoy the outdoors and bushwalking. On behalf of all Tasmanians, I thank Senator Harradine’s family for their sacrifice and forbearance in making Senator Harradine available to the service of the people of Tasmania and Australia. Family members are the unsung heroes, and I wish to acknowledge their vital support and contribution.

When Senator Harradine looks into the mirror on 1 July and sees citizen Harradine for the first time in 30 years, he can reflect that this phase of his life has been exemplary. He was true to his faith, values and ideals. He was a humble yet forceful servant of the Tasmanian people. On behalf of the Tasmanian people, I say a big ‘thankyou and God bless’ to Senator Harradine and his family. We salute you. And as a footnote: when things are not well in the world, please feel free to give me a call. I wish all the very best to all other retiring senators.

**Senator HOGG (Queensland) (9.54 am)**—I am not going to speak very long in the valedictories. I believe it is very difficult to single people out when 14 of our colleagues are leaving this chamber. Each colleague who is leaving this chamber has undoubtedly participated to the maximum of their capacity and to the greatest value of the community as they would see it. Whilst many of them might not necessarily agree with the set of values to which I subscribe, they have forthrightly pursued in this chamber—some of them over a long period of time—their own special values and their own special causes. However, I think I would be allowed a little bit of liberty to say something about my friend Senator Harradine. I can say ‘my friend Senator Harradine’ for this very simple reason—

**Senator Conroy**—Because it’s true.

**Senator HOGG**—It is true. Thank you, Senator Conroy. I take that interjection, because Senator Harradine and I go back quite a fair way indeed. As a matter of fact, my first encounter with Senator Brian Harradine was back in 1978.

**Senator Conroy**—1978! He was a spring chicken then.
Senator HOGG—And he still is a spring chicken. Senator Brian Harradine was an active trade unionist, as we all know, and active in the union that is so dear to his heart—the Shop, Distributive and Allied Employees Association. Coincidentally, I have been and still am active in that union. My introduction to Brian was at a national council meeting in Sydney back in 1978. Brian made a comment which at that time I never thought had any significance. I got up and made a speech at that national conference about the SYETP or ‘sweet pea’ scheme—I am just trying to think what the acronym stood for. It was a training program that was being abused by the employers of that time; it was the abuse of junior labour. I got hold of the microphone. It was my first conference and I was very enthusiastic. Brian pulled me aside at the end and said, ‘You’re going to be a politician the way you handled that microphone, but don’t scream into it. You need to tone down a bit.’ And I thought, ‘That’s very nice of you to say that, Brian.’ That was the last I ever thought of it, never knowing or understanding that I would be a colleague of Brian in this Senate and also a longstanding friend of Brian in the SDA over a long period of time. But Brian and I have a lot more in common than just the SDA. We have a lot in common in terms of our values. It just shows that you do not necessarily need to be in the same political party. You can be an Independent or you can be in the Labor Party and hold the values that I know Brian cherishes and that I cherish as well.

I know Brian has always had a difficult time being an Independent. It is not easy being by yourself, Brian. When I say ‘by yourself’, I am sure you had a lot of support from your family and your staff. Being a lone ranger, so to speak, can sometimes be difficult in the political scrum, but you have weathered that very well indeed and come out the other side with flying colours. So, Brian, to you and Marian and your family, I wish you all the best in your retirement. From Sue and myself, we have cherished your friendship. I am sure that our paths will continue to cross at SDA national council meetings. I presume you are still going to remain a member of the national council at least for some short time to come. I wish you well.

In terms of my Labor colleagues, I just want to briefly say that there are some that I have had a fair involvement with and there are others that I have worked with and cooperated with and whose company I have enjoyed. In particular, I want to single out Senator Peter Cook. Peter was of great assistance to me in my earlier days here. In particular there were the experiences that I gained from Peter on the Foreign Affairs, Defence and Trade References Committee. There were a number of the references that Peter assisted us with on that committee over a period of time. It was always helpful to have Peter’s wisdom and counsel on a lot of difficult trade issues that came before the committee. Of course—and I note that Senator Marshall is here—there was the memorable trip that the Senate Standing Committee on Foreign Affairs, Defence and Trade had into the south-west Pacific and PNG. Our arrival at Mount Hagen was something that had to be witnessed to see Peter at his best.

Senators Buckland and Collins are colleagues that I have had a bit to do with. I wish them well. I am sure that they will find that life after politics is not all that bad. I have not had to work with either Senator Denman or Senator Bolkus on a committee, which is most unusual, as I have been here for nine years now. But I have had the pleasure of their advice and their counsel over a period of time, particularly in the environmental area from Nick Bolkus at one stage and also from Kay on a number of social matters. I have appreciated the advice and
the counsel that has come so willingly from them.

In respect of the senators from the other parties, such as the Democrats, and the Independents, I am not going to single any individuals out, except to say that I have enjoyed the company of those people on a number of occasions on Senate committees. They have always been forthright and frank about their views, which I have appreciated. I appreciate the characteristic of honesty in an individual, and I have never found them to be anything but. Their integrity will hold them in good stead when they resume their lives as citizens, as Senator Abetz said, in the not too distant future.

I can see Senator Knowles here. I said I was not going to single anyone out but I will say, seeing that you are sitting here, Senator Knowles, that you are deserving of some respect. I note your role particularly as a temporary chair of committees. You have always been cooperative in the running of this chamber, and I have appreciated the way you have conducted the business of the chamber in your capacity as a temporary chair. I think a lot of the public see that as being a fairly simple task, but it needs an understanding of the procedure and it needs an understanding of how the various parties operate. I am sure that everyone appreciates the good conduct of the Senate through people such as you. Undoubtedly you will be missed when you go on your well-deserved retirement.

In conclusion, I just want to wish, globally, all of those leaving the best of luck. I wish the best of success in their retirement to those who are retiring. For those who are moving on to other occupations, I am sure that they will meet the challenges of those occupations well. I am sure that they will, from time to time, grace us with their company in this place.

**Senator JOHNSTON** (Western Australia) (10.03 am)—In the short time available to me this morning, I wish to simply acknowledge the tremendous contribution of all departing senators at this time in the history of our parliament and in the history of this chamber. But I must, as a Western Australian, make special mention firstly of Senator Sue Knowles. It does give me some pleasure to look back on what has been quite an outstanding contribution. Senator Knowles is the second woman to serve Western Australia in the Senate. She came to this place 23 years after the first woman from Western Australia. She has been here for some 21 years now, which speaks very largely for itself. But the fascination I had in looking at her first speech was to note that, when she first came here, she spoke of the Soviet Union and also of the Hawke government’s introduction of the capital gains tax. Those two memories take me back to what I was doing in 1984 as a legal practitioner in Kalgoorlie.

I have been in the Liberal Party for about 30 years, and Sue Knowles has been a fixture for the party throughout all that time. She has worked tirelessly for her party and for her state in areas related to health and to services to rural communities. Of course, she has been a great champion of small business. She has earned an outstanding reputation amongst her colleagues as being forthright. She has also been outstandingly accessible. I know she has a long list of constituent duties—and I am sure I might ultimately end up seeing one or two of those larger problems when she retires. That indicates her capacity to do a huge and broadly diverse number of tasks and has made her the very good member of the parliament that she has been. As recently as the 11th of this month, the *Canberra Times* said of her:

Sue Knowles didn’t get to have two decades in the Senate and emerge still only in her mid-50s without knowing how to fight.
Indeed, can I say as a former state president that, yes, we had our fights and we won them. She is a fighter. She lives up to every expectation that her party and the people of Western Australia have ever had of her. She has also been an outstanding campaigner, contributing to many electoral victories—most recently, the federal seat of Stirling. She has been a reliable stalwart for new and green candidates to learn from and advance with the assistance of.

Looking back, she has been the President of the Young Liberal Movement and, indeed, I think is a life member of that movement. That really encapsulates the substantial length of time and the level of commitment that Sue Knowles has given to the people of Western Australia, her party and the nation through her role in this place. I sincerely wish her well and congratulate her on what has been simply an outstanding career and an outstanding contribution.

As a fellow Western Australian, in the brief moments that I have, I want to mention Senator Peter Cook. Peter has been in this chamber for 22 years and has been a minister in a Labor government. I had the privilege of serving on the Senate Standing Committee on Foreign Affairs, Defence and Trade when he was its chairman. As Senator Hogg has mentioned, we travelled through the South Pacific on a term of reference which pre-dated our involvement in the Solomon Islands and looked at the very turbulent times evolving in Papua New Guinea. Senator Cook has been a good leader and a good example. Whilst in the nature of politics we do not agree on everything, he showed me how to approach the task of seeking good public policy. He has remained, throughout all of the stoushes, hearings and committee work that I have been involved in with him, a true professional. I was disappointed when his term came to an end through the loss of his preselection. I find that perplexing, I must say. Given the corporate governance knowledge and corporate skills of the parliament that he takes with him, I think the parliament is much the worse for losing that experience.

On a more personal note, he and I share a passion for sailing and I know that, given that he has recently been diagnosed with a serious illness, he is a fighter. He and I share a dream of sailing somewhere on the high seas in a beautiful yacht, which I believe he has purchased. He has not told me what sort of boat it is and I have not critically assessed it yet but I am sure I will get the opportunity to. I want to wish him all the very best in
those endeavours and hope that he benefits from the joy of no pressure and sailing on the high seas enjoying life. I wish him good health and much happiness in his retirement from what has been a very successful parliamentary career.

I want to specifically mention Meg Lees, who has served with me on the Joint Parliamentary Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund. Senator Lees is a person I have admired in terms of her dedication, her commitment and the reasonable approach she has always taken. When we have been away on Aboriginal matters in far-flung parts of our great country, she has always been good company. I pause to say to her: have a good retirement. She has achieved a lot of very significant, proud things for this country. I rate them very highly, as I know the majority of Australians do. Looking back at the work she has done and the things she has achieved from the position of being in the Democrats and then as an Independent, they are very good things and she can be proud of her achievements. Serving with Brian Harradine in the parliament is a privilege and an honour, and I am very proud to say to people: I was in parliament when Brian Harradine was here. Without going on too long, as one is wont to do in these things, I say to all of those retiring senators that I wish them well and, in the new part of their successful lives, may they have all the very best. God bless them.

Senator STOTT DESPOJA (South Australia) (10.13 am)—It is not like Senator Harris to miss the call. I have been caught somewhat on the hop, but the principle of ‘use it or lose it’ is one we are all conscious of at the moment. Because I do not have my proper notes here, I will speak briefly but from the heart. I begin my remarks by acknowledging those outgoing senators who are in the chamber: Senator Sue Knowles and Senator Geoff Buckland. I farewell all the outgoing senators and, on behalf of the South Australian Division of the Australian Democrats, farewell the three outgoing Democrat senators: Brian Greig, John Cherry and Aden Ridgeway. Our members have expressed their frustration, their disappointment and their sense of loss at the departure of three Democrat senators, the loss of four Democrat seats and, coming with that, as my leader explained last night, the loss of party status and all that that entails for our party.

As I have been doing over recent days, I will say my fond farewells privately and speak in public fora when given the opportunity. Today, in the brief time I have, I would like to reflect not necessarily on the time, service, commitment and talents of the outgoing senators. Many people are better placed than me to speak on those things and they did so in this place last night and will continue to do so today. Today I just want to pay a very brief tribute to friendship in this place. The thread of a number of speeches that I have been fortunate enough to hear in recent days has been the friendship that exists in this place and the fact that our links and our contacts cross party boundaries. Our contact is not only political but personal and often very warm, sustaining and endearing; particularly but not only in times of adversity—and not only political adversity but personal adversity as well. It is a reminder to us all in this place that we should never forget our humanity, our dignity and indeed our grace in this place.

I commend Senator Brian Harradine on, as always, embracing the traditions and the conventions of this place, this time in his valedictory speech, and making clear to all of us why he is indeed the father of this house. I will return to him shortly. Today I say a fond farewell to two dear friends in particular, one of whom is Brian Greig, the Western Australian Democrat senator, a man
who is not only a friend but someone I admire for his commitment, his passion and his integrity. He has a principled stance on so many issues. He is an outspoken and proud advocate on gay and lesbian politics. He has an unswerving belief in democracy, including participatory democracy, and equality. His passionate commitment to social justice, civil liberties and freedom is evident in the way that he lives his life and in his actions, time and service in this place. He has espoused a resolute belief that, in law and in life, you do not reward bad behaviour. He is a true and committed democrat—and a true and committed Democrat, in the party sense—respecting the views and wishes of members at all times.

Most of all I will miss his humour. I am not sure if this is something of which many members are aware. Maybe the Western Australians are. This man has the most droll sense of humour and the most subtle sense of sarcasm and is a master of the one-liner. Anyone who remembers his recent contribution to the Western Australian state election campaign will recall his slogan about the ‘far canal’, which went on to be greatly adopted by another political party, I believe. I wish him and his family well. If the papers are right today and the Democrats have a chance of avoiding oblivion, it will be through the members’ efforts and it will be through the efforts of members such as Brian Greig. He has held a flame for the true meaning of our party. I thank him for his friendship and his support at all times.

I turn now to another dear friend in this place, someone who comes from a different political party—my friend and colleague Nick Bolkus, whom I will miss terribly. Nick, of course, is a fellow South Australian and the senator that I have probably known longer than any other in this place, both as a former staffer and as a senator myself. I will not go on about his time, service and commitment—because I am sure that honourable colleagues will do that; particularly those from his own ranks—but his service to this house has been considerable and his passionate and tireless membership and support of the ALP is of course well known. In his role and efforts as a legislator and a politician his reputation is a strong and impressive one. All that aside, he has been a great mate, a good friend and a fantastic coffee buddy. On behalf of Ian, myself and our little family, I send my best wishes to Nick, Mikayla, Aria and Mary. Instead of going on in this place, why don’t I just see you down at Joe’s and have the chat there, Nick.

Finally, I will pay a brief but heartfelt tribute to the father of this house, Brian Harradine. I have known him a long time too, both in my former life as a staff member and as a senator over almost 10 years. I cannot offer him an earring, but I can say that I have learnt a lot from Senator Harradine! He is a skilled negotiator, legislator and indeed parliamentarian. That is a word we do not use often in this place. I have worked with Senator Harradine and stood with him on issues like refugees and exposing human rights abuses in China. And Brian and I were perhaps the first two senators to draw the Senate’s attention to some scientific issues in this place—patenting DNA and human reproductive cloning. We do not always agree on outcomes and nor do we always agree on issues, but I have admired his respect for convention and his skill as a legislator. I will always remember his standout ‘I cannot’ speech. To me, that was an example of principle triumphing over pragmatism. As I say, I have not always agreed with Brian’s politics and nor would you expect me to. Nor has he agreed with mine, but he has been incredibly lovely to my son Conrad. I am glad and honoured that Conrad was able to meet Brian during his time in this place.
I farewell all outgoing senators and look forward to making more expansive farewells and tributes privately in other places. I finish my comments today with just one other reminder, and that is that friendship in this place is an important feature. I do not think it is always recognised by the media or the public, but enduring bonds are created here. I wish all the best to, in particular, those two senators to whom I paid personal tribute.

Senator Watson (Tasmania) (10.22 am)—I wish to add my best wishes to all retiring senators, and I would particularly like to acknowledge the presence of two of those senators in the chamber today: Senator Buckland and Senator Knowles. Senator Harradine is the only senator whose service in this chamber goes back further than my own, so I have a special and personal appreciation of the dedication to duty and love of his state that this period of service represents.

Senator Harradine’s devotion to the goal of improving the lot of his fellow Tasmanians cannot be doubted. For 30 years he has risen in this chamber to argue his view on what Tasmania’s interest meant to him, regardless of whether the government was Labor or coalition, whether he held the balance of power or whether the issue was financial, social or other. For some of this time, Senator Harradine did, in fact, hold the balance of power in this chamber, and I would certainly not have envied him the challenge of staying on top of the myriad issues that must have confronted him at that time. Over that time, he was the de facto shadow spokesman for himself on every portfolio.

I remember well that Senator Harradine had the courtesy to encourage and congratulate me back in 1977 when I was nominated as a Liberal Party candidate for Tasmania, and his affability, courtesy and innate friendliness have not diminished since that time. That is not to say that our views have not differed on some matters, but I have always respected his driving willingness to act in what he saw as the best interests of Australia, particularly Tasmania.

During Senator Harradine’s early years in the Senate, he endured an ongoing and vindictive barrage of hateful criticism and attack from vengeful members of the Labor Party who saw his success as a victory against much of what they stood for. Those hateful and personal attacks diminished over the years, but Senator Harradine’s support and popularity among many Tasmanian voters remained solid, and his re-election on five subsequent occasions is a testament to the respect he achieved in his home state.

Senator Harradine will be written up in the histories of the Senate as a staunch defender of traditional family values. In the early eighties, he had the honour of being the father or stepfather to enough children to make up more than a hockey team, so his devotion to family values is more than just mere rhetoric. In the mid-seventies, after relentless attacks from the far Left of the union movement and the ALP, Senator Harradine eventually decided that he had a better opportunity to work for his beloved workers’ rights as a federal parliamentarian than in his long-serving role as a trade union official. He brought to the Senate a devotion to work in the interests of workers and traditional family values, and he has been loyal to those beliefs and goals for the past 30 years. A lot of senators come to this place and forget the roots from which they came.

Senator Harradine was also inspired by the need to ensure that his home state of Tasmania always got a fair deal in its financial dealings with the mainland states and, in particular, from the Commonwealth. In a state where the average family does not have the income or the assets of many mainland
families, it was important to defend Tasmania’s right to a fair go in the slicing up of the national financial cake. But, in the end, Senator Harradine is an honest, toiling, conscientious worker who has dedicated the past three decades of his life to working for the wellbeing of his fellow Tasmanians. I say, ‘Well done.’

Now that he has decided to slow down and enjoy the company of his own family a bit more, I personally want to wish him every enjoyment in that more relaxed role. I trust that his health will permit him to make the most of his retirement and the pursuits that he has planned. Senator Harradine retires with a great following amongst ordinary Tasmanians, even amongst many who would ordinarily never have voted for him. I thank him for his service to his people in the parliamentary arena. From a fellow Tasmanian, congratulations, Brian, and my sincere best wishes.

I would also like to acknowledge the work and friendship of Senator Tsebin Tchen. Senator Tchen shared the bench with me in this chamber for a long period of time when he first came in, so I had a good chance to get to know the man. His understanding of his role here and his deep understanding of the place of democratic institutions in our society is very significant. He had an innate feeling for his position as the first Chinese-born federal parliamentarian, for his position as someone breaking new ground and for his position as one of the Liberal Party’s standard-bearers for the positive aspects of our multicultural society. Unfortunately, he has not been given the chance to fully develop these skills, and I feel for him in his inability to continue his work here and to make a more substantial and continuing mark in this institution.

Senator Tchen also brought to this place a deep and mature knowledge of matters pertaining to East Asian affairs, and his views on these issues displayed a diligent and serious outlook based on a thorough knowledge of his subject. It would be a pity to see his knowledge in this area lost to our nation’s use. I hope that those who are in a position to can make sure that Senator Tsebin Tchen’s expertise and unique understanding of East Asian issues can be kept available to be of value to Australia’s interests, to our country, so that this nation can benefit from his enormous knowledge.

Senator Tchen is one of nature’s gentlemen—in both meanings of the word. His professional background was in the area of town planning and he was well versed in the social consequences of planning decisions and their potential to create problems if not handled in an understanding and professional manner. His professional background showed in his approach to people and issues in this place. Senator Tchen is also a gentleman, something not usually thought of as being the typical character of a politician in the popular view in our society today. However, this made him no less effective in his work in the Senate, and his ability to represent his Victorian state constituents through his committee work and through his work in his home state and his quiet, dedicated and effective drive to achieve worthwhile outcomes endeared him to many.

I remember the pride which welled up in Senator Tchen when he referred to his father in this chamber during his maiden speech and thanked him so passionately for the wise words of guidance that his father had given him in early life. Senator Tchen, I thank you for being a fine example of the results of your father’s words of wisdom. You have done your job with pride, with dedication and with sincerity, and I have no doubt your father would be very satisfied with his son’s achievements here, though your father is no longer with us. Senator Tchen, I thank you
for your friendship, for the chance to share your knowledge and your views on so many issues and for your contribution to the outcomes of the Senate during your years here. I wish you and your family all the best in the future.

As a fellow Tasmanian, I would also like to personally add some comments on Senator Kay Denman. Senator Denman has not sought the limelight in her career as a parliamentarian, preferring to diligently and effectively serve her state of Tasmania—in particular, the north-west coast, where she lived and had her electorate office. She was one of the quiet achievers of this place for the 12 years that she was a senator here. She saw active service in social justice, especially in helping disabled and socially disadvantaged people, which was her forte. Kay enjoyed a long career as a teacher, and a respected one at that, and also as a private secretary to the then Premier of Tasmania, Michael Field. In both of these jobs she got a broad view of social justice issues. She brought this background to the Senate and used it diligently in pursuit of her interests here.

Since the departure of former senator Barney Cooney, Kay Denman has been one of the few parliamentarians here that I would judge not to have a mean, negative or critical bone in their body. True, she gave people lots of advice, but she was not critical. She has remained very positive and friendly throughout her time here. While she may not be the best known visitor to the press gallery, she is certainly well known to her supporters and constituents, particularly on the north-west coast of Tasmania, and history will judge her the better for that. Kay, thank you for your friendship and for your contribution to the wellbeing of Tasmanians.

Finally, I would like to acknowledge my long-time colleague in this place, Senator Sue Knowles from Western Australia. Sue Knowles had links with Tasmania in her early childhood. I remind the Senate that she served very strongly in this place for over 20 years. She was strong and outspoken, and sometimes people thought she was a little bit feisty. But she did her job and she did it well. Throughout her career it was not without some difficulty at times that she fought the good fight against adversity, but she never had that chip on the shoulder which sometimes marks people in this place who have had long careers. Senator Knowles, I would like to acknowledge your very strong and active committee service, recognising your positions as Deputy Whip and as a member of the shadow ministry during those long years when we were in opposition. Thank you for making such a valuable contribution and all the best for your good health and your future.

Senator GEORGE CAMPBELL (New South Wales) (10.33 am)—I want to make some brief comments in this valedictory debate, because I think it would be remiss not to say something on an occasion when we have, as they say, the largest number of senators since Federation leaving this chamber and being replaced. I would also like to take the opportunity to acknowledge the role and contribution of all those retiring senators and in particular their commitment to improving the lot of all Australians. We may and do differ on how that can be achieved and what that might be at any given point—that is what the debate in this chamber is all about—but I do not doubt for one moment that is what the debate in this chamber is all about—but I do not doubt for one moment the idealism and the commitment that they have all brought to that cause and that some of them, including my colleague Senator Knowles, have displayed over a long period of time. It is encouraging to know that people can be here for a long time and still have the same idealism and enthusiasm for trying
to improve the lot of ordinary Australians as they did when they entered this chamber.

I think it is unfair sometimes when I read some of the commentary that people from the press gallery write about politicians. We have all seen negative articles about whether a politician is good, bad or indifferent or whether they are a tree that ought to be cut down. I have to say they are usually written by journalists who have no comprehension at all of the role that senators play and the work that senators put in in the committee structure, travelling around the country and listening to ordinary Australians who have issues in a variety of areas and bringing down reports which inevitably lead to change for the better for many of our people. They do not understand that role, nor do they attempt to even find out about it. So it has been a little bit encouraging to hear and see some of the praise in the media over the past couple of days for the retiring senators. Maybe it is a trend that can be continued by our colleagues in the press gallery.

I want to make a couple of brief comments about individual senators. Obviously, I will not be able to address them all, but I will address those who are best known to myself—those on this side of the chamber. A lot has already been said about Senator Denman and her great capacity to get on with people from all walks of life, as well as her great commitment and enthusiasm for issues in the mental health area, which she has pursued vigorously over a number of years. She also has another talent—that is, she is a great organiser. I went to Tassie a couple of years ago. I took a week’s holiday which Kay helped organise for me. It was one of the best holidays I have ever had. I recommend that anyone who wants to have a good time in Tassie should phone Kay first and get her to do the organising. She will make it a memorable trip.

Kay said in her valedictory last night that she would be taking the witches and voodoo dolls with her. I am more than happy for her to take them back to Tasmania. However, I hope she leaves the pins here in Canberra, because it will help to considerably reduce my osteopath’s bills for my back! I think she has one of me which she consistently digs in just to let me know she is about. By all means, Kay, take the witches but leave the pins.

Senator Bolkus is someone whom I have known for a very long time. I think I first met Senator Bolkus when he was working for Clyde Cameron during the period of the Whitlam government. Nick has served the labour movement and the federal Labor Party in a number of capacities over a very long period of time. He has made a very significant contribution to the labour movement both nationally and in his own state of South Australia. I did not know that he was actually a technology nerd. I have never seen anybody embrace technology like Nick did. When the mobile phone was introduced, he had an operation and had it fitted to his ear! It has been there ever since. It is constantly switched on and in constant session. I do not think I have ever seen Senator Bolkus not on the phone, other than when he is in this chamber—and even when he is in the chamber, he is usually sending SMS messages.

Now that he will have a bit more time on his hands, maybe he will start to explore other technologies, and goodness knows what we will see him getting up to in the future. But I am quite sure that Nick’s career and his contribution to the labour movement will not finish when he leaves this chamber next week. He will continue to make a contribution to the labour movement—maybe more so in South Australia than nationally—for as long as he is able to draw breath, and that contribution will be more than welcome.
Two other colleagues of mine, Senator Collins and Senator Buckland, are also leaving. Senator Collins is leaving in circumstances that none of us would want to have to face up to—that is, after being defeated in an election, albeit by a narrow margin. She has made a very significant contribution to this chamber over the period that I have been here—and we have been here for about the same time—in a range of areas, including industrial relations. I have worked with her on a number of committees on those issues. She has also been involved in the area of child care and, during the past couple of years, she pioneered a very significant policy in that area. It is a job that has been well done.

I do not know what to say about Senator Buckland—or Uncle Buck or Bucky as he is better known amongst our group—other than to say that he will be missed. I will miss him. He is a joy to share a bench with. He always has lollies hidden in his drawer, so if you are bored there is always something to chew on. There was a story at a function we had last week about him and crosswords. It is true. I sit beside him and I see the newspapers. He has the capacity to do the same crossword and come up with different answers, so he does! I hope that when he gets down on the farm, he will have more time to work on his crossword skills. Over the years they have not been developed very well at all, Geoff. Perhaps you might be able to move off the quickie in the *Daily Telegraph* and on to one of the more sophisticated ones in the other newspapers.

Senator Buckland—I’ll try.

Senator GEORGE CAMPBELL—the next time we cross paths, I will put you to the test on those crosswords. Are you farming alpacas?

Senator Buckland—Animals.

Senator GEORGE CAMPBELL—he is going to farm animals. The best of luck, mate. I have known people who have tried to change careers late in life, but I think yours is a major shift—from the trade union movement to the Senate and now to the farm. Good luck with it. Good luck to you, your wife and your family.

I now want to make some comments about Senator Peter Cook. Senator Cook’s career and my own career have been in parallel over a long period of time, perhaps a longer period of time than we care to remember. I first met Peter in the early seventies when I think he was the assistant secretary of the BWIU in Western Australia. Over that period of time, we have known and worked with each other in the trade union movement and the political movement. Peter went into the Senate in 1983. We were both elected onto the national executive of the party back in 1986. I was there for 18 years and I think Peter was there pretty much for most of that period of time.

I also worked pretty closely with him when he was a minister in the Hawke and Keating governments, both in the area of industrial relations, where he showed a lot of foresight in terms of some of the reforms he promoted during his period in that portfolio, and in the area of industry policy when he took over as industry minister. He had some pretty big boots to fill in that area when he followed on from Senator John Button, who had introduced a lot of reforms in the eighties in terms of industry policy in various areas, such as the heavy engineering industry, the steel industry, the car plan, the TCF plan and so forth. Peter took to that portfolio with gusto. He was extremely creative in it. He introduced a best practice demonstration program which I think contributed substantially to a lot of our smaller manufacturers being able to get their technology up to scratch and being able to introduce creative
methods of production. As a consequence, we saw a real growth in the export of Australian manufactured goods in the nineties.

I do not think Senator Cook's contribution in that area has been acknowledged as much as it should have been. He carried on with that work as trade minister, and he was recognised within our ranks as one of the people with extremely effective knowledge in the area of world trade. If you wanted any advice or information about what was going on, Peter was always pretty much on top of the game.

He was loyal to his friends. He was determined, idealistic, practical and honest. When you had dealings with Peter Cook he was tough and he was a hard negotiator, but when you reached an agreement, you reached an agreement. You did not have to worry about whether or not another version of it would hit the table a day later. What was agreed on was implemented. I had many negotiations and discussions with him over the years on issues within the party, but when he made a deal, he kept that deal.

I also want to briefly acknowledge the contribution that Peter’s wife, Barbara, has made. I do not think Peter Cook, holding the portfolios that he did during his period in the Hawke and Keating governments, or any minister could carry out the work they do without a willing and supportive partner. There is no doubt that Barbara has been a very willing and supportive partner to Peter during his career.

I know that he now intends to spend a bit of time sailing the huge craft that he has purchased. He has been reported in the press as having signed up a couple of deckhands. Senator Carr and Mr Simon Crean would not be my first choices to take as deckhands on an ocean yacht but, if he wants to take that chance, he can! I make the offer to him as an old shipwright that, although I have not used my tools for a very long time, if he wants a bit of caulking done or a bit of work done on the boat and if he pays my fare to Western Australia then I will come over and do it for him.

Finally, as I said in my opening remarks, I take the opportunity to wish all departing senators well for the future. I know this is not retirement. I know that you will all walk out of here and put enthusiasm into some other walk of life and take on some other role within the community. I am sure that you will all continue to make a contribution to the Australian way of life and to improving the lot of all Australians. I say to all of you: a job well done. Thank you.
that sometimes ensues in this chamber. He has our great respect because he has always carried himself so well. Sometimes he did so more colourfully than some would wish; nevertheless, he always made an impact with what he said. He always impressed those who heard him as being someone who was across the subject he was speaking about or asking questions on.

He has always, in my experience, been quite a pugnacious senator. He was never one to take a backward step. I travelled overseas with Peter on a delegation to the United States and Brussels. There has been talk of Peter’s credentials as a former trade minister and of his championing of free trade. What I saw was his championing of Australia’s interest in the trade debate. At one stage we were ushered into a trade meeting with an EU official. The official, who was a Frenchman, commenced by seeking to misrepresent Australia’s position on trade. He had not completed his remarks before Peter was into him, abusing him for misrepresenting our position and quite clearly stating that he was not going to have this official misrepresent Australia’s position and then walk away saying that Australia’s position was something different and that no-one had disagreed with him. The official left that meeting knowing in no uncertain terms that the Australian delegation, led by Peter Cook, would have none of his manoeuvrings. He knew that we totally rejected the misrepresentation he had put and that he had firmly been put in his place about the corrupt trade arrangements which the EU supported with the subsidies they had put in place and the damage that they were doing to world trade.

That was an indication of where Peter Cook stood in relation to the trade debate: firmly in Australia’s corner. It was not a question of party politics; it was a question of Australia’s interests. And I believe that when you look at Peter Cook’s career you will see that that has been the factor which has driven him in his pursuit of what he sees as right and fair and what he sees as being in Australia’s interests.

I endorse the comments that have been made about Peter’s wife, Barbara. She also travelled with us overseas, as did my wife, and we had the opportunity to become better acquainted and to appreciate the support that Barbara has given to Peter over the course of his career. I think that Peter is a very lucky man to have a partner as supportive and indeed as knowledgeable as Barbara, and we ought to reflect on Peter’s capacity and his career in the light of what has obviously been the very fundamental support he has received from Barbara.

I also worked with Peter on the Senate Select Committee on the Free Trade Agreement between Australia and the United States of America—a very difficult committee to chair. In his capacity as chair Peter had to deal with some very difficult senators and some very difficult issues with particular witnesses. We also had to deal with a difficult timetable and circumstances whereby matters which were discussed within the committee seemed to find their way into the media from time to time. I do not think that anyone who was a member of that committee, whatever political party they came from, could say anything other than that Peter was a very fair and a very capable chair of that committee. In the end, we got probably the best possible result, with the committee’s findings and recommendations in effect being implemented in the amendments to the legislation which were carried through the parliament. So, in one of the last tasks in which Peter played a role in the last parliament, on the select committee on the US free trade agreement, we got an outcome that was essentially more in Australia’s interests than that which was originally proposed by
the government—and that was due in no small part to Peter’s work.

I also want to talk about Senator Bolkus. Nick is also someone that I have worked with, but not as closely. I have great respect for his capacity for work and for his commitment to Labor causes. He has my greatest respect for his handling of the Wik debate in this chamber, which was a marathon. It was amazing to see the way that he handled that. In the middle of it, as I recall, he had to drive to Melbourne to help his son move interstate and then drive back here and continue the debate the following week. So it was a marathon here and a marathon in his own life at the same time. He should walk away from this place with enormous satisfaction with what has been a fantastic career. He has the great respect of his colleagues and of many other people in this chamber and around the country. He has been a champion for great Labor causes. I expect that he will continue to be so. He will be able to expand his horizons and take up some of the opportunities, with some of the broad community contacts he has, to experience other things. Whilst we will miss him, it is a time for Nick to take advantage of the great freedom that leaving this place will give him.

Kay Denman, a colleague from my state, has my respect as one of the most genuine people in this place. I want to endorse her strong commitment to the cause of working for those in the community who depend on Labor to make their voices heard. Kay is one of the people who have made that a key task. Kay has worked with people in the community, particularly the disabled, and I know that she intends to continue to do that. She will also, I believe, continue to be one of the voices of conscience in continuing to work within the Australian Labor Party. I count her as a friend, hopefully for life, and I hope she sees me in the same vein, because Kay is a friend worth having and she has been a colleague worth having in this place. I am sure the commitment that she has to the community will continue to see her doing good work in that regard for many years into the future.

Jacinta Collins has been a great fighter for Labor and for her own ideals, and I respect her for that. She has been a very hard worker in the parliament. She worked particularly hard on her portfolio in the last parliament. I know others have endorsed that and I again endorse those comments. She has not had the luck or sometimes the support she has needed. I think losing her seat at the last election demonstrates how her luck deserted her on that occasion. I am certain that if Jacinta wants a political future she will have one, because she has the drive and commitment to make that happen. We will miss her here. We will miss her drive and her commitment, and we will miss some of the little jokes that she has passed around the place. I think it is those little human things that make a person even more memorable to all of us here.

I have worked with Geoff Buckland for, I think, all of his time here, through the Senate Rural and Regional Affairs and Transport References Committee, and I would have to say that he has never been deflected from pursuing the questions that he wanted answered. I thought his decision to go farming might have been influenced by those times on the rural and regional affairs committee, with many discussions on farm issues at estimates et cetera, but now he tells us it has been a lifelong dream. Well, Geoff, I have to bring to your attention the comment of a dairy farmer in North Queensland who told me and some of the other senators present that his view was that to encourage your children to take over the farm was a form of child abuse! In that context, Geoff, we are all scratching our heads about your decision, but I am sure you will make a great go of it.
I cannot sit down without commenting about Senator Harradine, who has made a remarkable commitment to this place and has shown a remarkable capacity for work. He has always tried to be true to his ideals and I respect him immensely for that. I acknowledge also his hardworking staff, some of whom have been looking forward to Brian leaving this place but only because of their concern for Brian and his health. I suppose their loyalty and commitment are a mark of how much we should respect him because those so close to him obviously have great respect and admiration for him. They deserve the acknowledgment he gave them because obviously he could not have done the remarkable work he did without their support. I know that he acknowledges that. I wish him well for the future. I think he deserves to have a peaceful and somewhat active life and I hope that from time to time as I travel in Tasmania we will make acquaintance again.

On Senator Sue Knowles, I finish by saying that I endorse the many reflections on Sue’s humour, and her approach to life is something we will miss greatly. A larger than life approach to life is probably the best way that I can put it. I think that this place will be quite a different place. I do not know the people who come to take your place, Senator Knowles, and the other places but it is a very big role and a hard role to fill. I have great respect for Sue Knowles and I look forward to meeting her again as she enjoys her future life. I am sure she will know more jokes than I have ever heard and I might catch up on a few of them.

Senator LUNDY (Australian Capital Territory) (11.01 am)—I too would like to add my acknowledgment of and respect for the departing senators. Obviously I would like to acknowledge in particular my Labor colleagues who are departing, Senators Denman, Cook, Bolkus, Collins and Buckland. I have learned so much about them just by reviewing their careers in the newspaper commentary and listening to the wonderful speeches that have been made. It is very sad in a way that as a colleague of theirs I find out all of this wonderful detail only now when they are leaving, but the nature of this place is that everyone does lead a busy life. I am grateful for their friendship. I think that their contributions to the Senate cannot have justice done to them in the short comments I want to make today, other than that they combined many, many years of extraordinary commitment to Senate committees, to the machinations and very extensive democratic processes within the Labor Party itself and within the federal Labor Party caucus, and of course contributions to this chamber.

You start to get a sense of the characters of all of these senators after a while. I would like to flag a few particular points and particular thankyous. I refer first to Kay Denman. What a wonderfully warm woman and what a wonderful woman to be so supportive of her colleagues in this place, particularly other women, who I know may start life having a general interest in politics but Kay’s enthusiasm and encouragement quite often see them take the next step and they find themselves in a representative role. She is quite a character and her warmth and friendship in this place I have certainly appreciated, particularly in relation to my son. As people will know, I have had a baby during my term in parliament, and Kay was particularly interested. She has a great way of making jokes about things that are happening in people’s lives and her interest in Ben was very genuine. She always made me laugh in reference to him and reminded me that life does go on when you are trying to juggle the work-family balance et cetera. She knitted Ben a beautiful red jumper which is now a family heirloom, I have to say, Kay. I know how busy you are, and gestures like that and little things like that make you really special.
I know you have had that impact on many people in the parliament and people in your life. You are a very special person.

I would also like to particularly acknowledge Senator Cook and Barbara, not least because of Peter’s remarkable career in the trade portfolio in his role as minister and his continuing advocacy. As Senator O’Brien and others have said, he has acted always in Australia’s interests and has been motivated specifically by what is good for us here. That is a very admirable and worthy cause, and in always placing principle and intellectual rigour at the top of his list of priorities in making those cases he has done us all proud. I will particularly make mention of his most recent contribution to the senate committee investigating the various remedies and treatments for cancer. This is a profoundly useful committee and the inquiry report will change people’s lives. I think it is a true testimony to Peter’s willingness to give and keep on giving that he devoted this part of his parliamentary career to such an important body of work. If Peter had not taken that initiative, we just would not have had collated such a collection of factual information about what treatments are available right around the world. Peter’s inquiry has made this available to everyone as a resource document and as a guide and help. So through his own struggles with his health, again he has chosen to give of himself and make a difference to other people’s lives. I would like to thank Peter again for his contribution and his friendship, and I wish him and Barbara all of the lovely sailing opportunities I know they are looking forward to but also a very long life together.

Another colleague Senator Bolkus probably will not like me saying this but I remember that when I was still wearing my flannel-ette shirt and steel-capped boots Senator Bolkus was already a legend in the Labor Party, as was Senator Cook at the time. They were people who were so out of reach because they were senior ministers in the Hawke-Keating Labor government. As a young Labor activist, I held them, and of course all the others, in awe at the time. To have been able to serve with him in this place was a great honour for me. He certainly will go down as one of the legends of the Labor leadership of the 20th and, indeed, the 21st centuries.

What Senator Collins and I share in common is this passion for making sure that we get the balance right in our lives as well as our professional commitment to a whole range of issues. I have certainly appreciated Senator Collins’s fantastic commitment to many of the Senate inquiries that have changed outcomes in this place and the forensic work she has done. I particularly remember the early IR debates in this chamber when Senator Collins led much of that work by the Labor opposition, and it had a massive impact. It certainly was important. I think this highlights the change that is about to take place in this chamber. She knew how to draw out the facts on a matter, and those facts naturally informed the crossbenches and their views on various issues. As Senator Collins is leaving us the fact that we are going to be faced with being deprived of those opportunities to influence the crossbenches to change outcomes in federal legislation as a result of the government assuming control will not be lost on her.

What a lovely, lovely person Senator Buckland is. Senator Buckland, I never did manage to get out and visit your part of the world but I have been up to Port Pirie and around the peninsula before, so I know what a beautiful, rugged country it is and I can understand completely why you are so keen to get back to it. I would like to thank you for your friendship, for your great work on committees, for coming to this place determined to make a differ-
ence, for working hard, not just on the committees and in the chamber but on all of the background stuff as well, and for making things happen. You are pretty tricky about it sometimes and I certainly appreciate your work.

I would also like to mention Senator Cherry—a Democrat, obviously. He has been the chair of one of the ECITA committees for some time now and I have had the privilege of working with him on that committee. I think he will be a great asset to the Queensland Farmers Federation and I think that his work in this place will translate very usefully into that advocacy role in making sure that the facts of various matters particularly confronting rural and regional Queensland will be made known in this place.

Finally, I too would like to pay my respects regarding Senator Harradine’s contributions over many years. We have not always seen eye to eye on a range of issues, including internet censorship and other things, but he has certainly put forward his arguments consistently, as I have tried to put mine forward consistently. He is a person who has worked extraordinarily hard to make a difference, and that must be difficult when you are operating as an Independent in this place. I have the utmost respect for him.

Finally, just mentioning my Liberal and other colleagues, it is a big day, I would imagine, leaving parliament after such distinguished careers, and I would like to wish every single one of them all the best in their future lives. I hope they are at least as exciting, fulfilling and, I suppose, humbling as I am sure their roles in this place have been.

Senator Patterson (Victoria—Minister for Family and Community Services and Minister Assisting the Prime Minister for Women’s Issues) (11.11 am)—I believe one of my other colleagues has resorted to verse in trying to condense 14 people into a very short space of time. I did this when former Senator Button left. I think there were 11 then, and I resorted to verse, which I have done again today. My apologies to Lewis Carroll.

The time has come, the Senate said, to farewell some of us
   And many of them would not want for us to make a fuss
   I could go on for hours and hours though short I think’s a plus
   There’s Cook who’s looking longingly at his boat he now can sail
   There are groups who are eyeing Denman so her help they can avail
   And Bolkus is already planning to pursue another grail
   The Collins’ kids will see their mum and Jacinta will be free
   And Buckland tells us he is off and a farmer wants to be
   And I am sure that Len will say he’s valued this sortie
   John Cherry’s off to QFF, we’ll see him in this place
   And Aden through his service here has done so with great grace
   While Greig in his own quiet way will goals pursue apace
   With Meg we’ll see an era end and I’m sad to see her go
   But many causes she’ll take on and pursue them, we all know
   While Tassie trout should all be warned Shayne’s vista has a glow
   The father of the Senate leaves, his place no-one can fill
   I’m sure he’ll still take detailed notes of each and every bill
   And long will we remember him for his determined will

CHAMBER
My friend Bin Tchen came to these shores some 50 years ago.
And he has served his country well, devoid of pomp and show.
For him I know it is quite true: it’s duty not ego.
The time has come and I am sad to say goodbye to Sue.
She’s been a friend through thick and thin, and in the Antarctic too.
She’s served the Senate and her state with a manner that’s true blue.
I hope I have not done a disservice to any of my 14 colleagues who are leaving but at least I have managed to mention them all and it leaves me enough time to actually go into some detail about some people. Firstly—and I know, as Senator Robert Hill said yesterday, I might be called out of order by Acting Deputy President Marshall—I want to speak about Anne Lynch, who is also one of the people who will leaving at the end of this month. Anne has become a friend over the 18 years next week or the week after that I have been here. In fact, it is most probably a bit longer because we came to ‘new boys and girls day’. Anne was there then.

I wondered at her knowledge of Senate procedures then; I still wonder at her knowledge and understanding of Senate procedures now. I think if I had to characterise anything about our Anne it is that I have most probably asked her the same question 13, 14, 15 times about some procedure in the Senate and she has answered me each time as if it were the first time I had asked. She never said: ‘Humph. You’ve asked this before.’ I have always felt that I could go to Anne, and my staff have always thought they could ring Anne and they would get absolutely expert advice on the Senate.

I do not think we will see again the likes of Anne Lynch, who is so committed to public service and so committed to the concept of the Senate. I remember when I first came in she encouraged me to join the Scrutiny of Bills Committee and the Regulations and Ordinances Committee. She said, ‘You will learn a lot. They are the two most important committees in this chamber.’ And they are. It is sad that the public do not understand how they work to protect people’s rights and freedoms. Regulations and Ordinances has never lost in this chamber. I remember once when we had got into government a minister rang me and said, ‘I’m not going to be blackmailed by that committee you belong to, and I’m not going to put up with it.’ I said, ‘If you ever do achieve beating this committee, you’ll be the only minister who has. I think I would cave in if I were you, because the committee has never lost.’ The reason those committees have been so strong is because of the tremendous service that officers of the Senate, particularly Anne, have given.

Some 15 years ago, we went to a subordinate legislation conference in England, where we were feted with dinners in the basement of the town hall, with all the gold art, and trips down the Thames. I was incredibly proud that Australia gave a significant proportion of the papers on delegated legislation at that Commonwealth conference. It was an interesting delegation. We had Pat Giles and Rosemary Crowley from the Labor Party, Bronwyn Bishop and me, Anne Lynch as the Deputy Clerk of the Senate, and we had our wonderful adviser, Doug Whalan. I often think of Elizabeth, and I still contact her at Christmas time. He gave so much of his time and commitment, and we were so thrilled that he got an OA just before he died. He made the most tremendous contribution to both Scrutiny of Bills and Regulations and Ordinances.

That was a tremendous conference and it gave me a much deeper understanding of the importance of the scrutiny of delegated legis-
lation and how far ahead Australia is. We had to teach the Brits about women having the vote, and we taught them a bit about delegated legislation as well. That is all part of the contribution Anne has made over a very long period of time. The Senate is a better place for the enormous dedication and commitment she has shown. Anne, I wish you all the best for the future. I know you have faced a few challenges in the last year or two, but your faith and your strength have seen you through. I am sure you are going to have much more time to use that AMusA and play the piano. I will be around there for a meal and I expect you to practice before I get there, because I want to hear some nice music. So make music, have great fun, and enjoy your overseas trip.

May I say to my dear friend Sue Knowles: I am going to miss you. I walked into this place as a new tyro, into the dining room, and this vista came towards me at about a hundred miles an hour with a glass of champagne in her hand, and she said, ‘Welcome.’ She made me feel welcome from the day I came in. We have been good buddies. We have been through some tough times. Opposition is not very nice, as those on the other side will know, and sometimes leadership spills are a bit difficult. I remember once Sue said to me, ‘We will go into that room, and when they have the deputy leadership it will look like the senators have been beaten by the IRA, because we will be the only ones sitting.’ She was right. She is always right, I have found. I do not often disagree with her, but on one or two things I have. On euthanasia all my best friends sit on the other side of the chamber, but we still live to get through that.

Sue was absolutely phenomenal and a great strength to me when my mother was dying. She came down to the funeral and we went for a walk along the beach beforehand. She said, ‘If you can’t get through it, tell me what you are going to say, because I will get up and say it for you.’ No better friend could you have than Sue. Our friendship most probably got a little strained when we shared a cabin for six weeks on the Great Southern Ocean. It was when Bullimore was lost at sea. We were in very high seas. In fact, I said to the captain, ‘Can I say I have been in high seas?’ He said, ‘You can say you have been on the highest seas in the world.’ We were in gale force winds, and old salts like us will know how that is—trying to stay in your bunk, trying to have a shower and hanging on, and occupying yourself. I think Sue was then learning how to use the internet and she spent the six weeks learning how to use the internet. As we got closer to Hobart, I could see her getting out her mobile phone and shaking with excitement that she was going to be back in touch with civilisation. It was a great privilege. We learnt about and saw the tremendous work that the Antarctic expeditioners do down there in research, in helping us to understand more about the environment, learning a very small part of all that Antarctica has to teach us. That was a fantastic and memorable trip.

Sue has been absolutely committed to the cause. She has very strong values, very strong beliefs, very strong views, and she expresses them very well. Most of all, she has been a fantastic senator. She has worked on the committees assiduously. I do not know how people from Western Australia do it. I tip my lid to those who travel across our great continent and have a three-hour time difference in summertime. Sue, you have been a great friend, a great senator, and you have got a great life ahead.

I also want to say that Sue has been backed by ‘Sue 2’, as I call her—Sue Oldham, her PA—who has served nearly as long as did my PA, who deserted me this year after very long service. I know that Sue has been an enormous backer. Often when I have
needed some help with something in Western Australia, I have rung Sue desperately for some address or knowledge about how far it is to get from one point to the other. She has been of great assistance to me. She goes too, knowing that she, indirectly through her senator, has made an enormous contribution to Australia and to Western Australia.

I want to say that Senator Bin Tchen has been incredibly admirable in the way he has dealt with not being preselected. He is a gentleman; he is also a very fine person. He has made a wonderful contribution to this place and I am sure that he will continue to do so. People say you do not make friends in politics. Let me say that, when it comes to Sue, that is not true for me. She is a great mate and I am sure that we have begun a lifelong friendship. Thank you, Sue.

Senator VANSTONE (South Australia—Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Indigenous Affairs) (11.22 am)—When I first joined the Senate and there were occasional valedictories, I would listen in or sit there and I would wonder why people would get up and say things like, ‘Our paths crossed briefly during our time,’ and they would comment on everybody who was leaving. We have limited time today, and I am simply unable to do that, albeit my path has crossed with that of each of these people in one way or another. All I would like to say to the senators that are leaving as a group is that, whether we have agreed or disagreed, I have enjoyed your company, anger or whatever contribution you have made during the time you have been here.

I want to concentrate briefly this morning on three people in particular. I start with one of the non-senators, the Deputy Clerk of the Senate, Anne Lynch, who is leaving us sometime in July. For those of us who have been here for some time—I am in my 21st year here—Anne has been something of a fixture in this place. Those of us on this side who remember being in opposition—a large proportion of people on this side did not in fact come into the Senate during opposition; they have come in during government—understand and remember the great value of the role that the clerks of the Senate play, in particular for the opposition of the day. I do not suppose the government of the day ever wants a lot of advice, because it has been elected and it acts as the executive—there are all sorts of reasons why it does not always welcome advice. But, for the parliamentary system to work well, oppositions do need good advice on the system, they need good advice on how to use it, and the Deputy Clerk always gave that advice. It is a matter of regret that I am confident she continues to give it to the opposition. Since we are in government, that does not quite suit me. But, speaking from a higher plane for a moment, it is in the interests of the system that the opposition always has the best advice available to it.

Some current members of the opposition had difficulty accepting the clerks and the value of their advice to the opposition because they could not get 1975 out of their head. They seemed to think that somehow that was the fault of the clerks. I have never thought that. I think senators and members have to take responsibility for what they do individually. On every occasion that the clerks give advice, while I think it has to be good advice, senators have to take responsibility for the decisions they make, whether they accept the advice or choose another path. So I am not in the category of people who think the clerks ought to be blamed for anything that happens in here, frankly. We have enough power individually, and we only have to have the courage to use it.
Anyway, I am sure I can say from my perspective—and I know I can speak for many others—that the Deputy Clerk has over the years earned our respect, our friendship and our trust. In this place, those three are not easy. Let us not go into a list of people to whom that does not apply, because this might end up being a bit more colourful a speech than was expected. I trust that the Deputy Clerk will accept that I am not going to make a list of the people who are also in that category or a list of the people who are not, because that might give the game away. But I can assure you that if I leave this place with people saying that I have earned their respect, affection and trust, I will be very happy.

I would like to briefly comment about Bin Tchen. Bin Tchen has had one term here and has been a pleasure to work with. I have a number of regrets about Bin Tchen leaving, not the least of which are his pleasant personality and his very courteous demeanour over immigration matters. Not all of my colleagues on this side or the other can manage to have that courteous demeanour. While I did not want to mention everybody, Senator Buckland has had some success in his representations to me, largely because he speaks plainly, does not gild the lily, puts the case and accepts the outcome. Because of that he has had a higher success rate, I think, than some others. Bin Tchen fits into the category of people who speak softly, but that does not mean they do not carry weight with what they say because of the substance of the argument that they put. It has been a pleasure to work with him. I know that my Mandarin would have benefited from another couple of terms of Bin’s presence here. I know he has been here for six years and I have had six years, but I have been busy in that time and have not had the time to set aside a couple of hours a day to spend with him to improve that. But whenever I have had a couple of minutes, he has been very grateful to help me with that.

I turn to Senator Knowles, who is leaving me here as the last of the class of ‘84. Unless any of my more conservative colleagues or Labor Party people get excited, they should not take that as a signal that I too am about to depart this place. I can assure you that is not the case.

Senator Minchin—Never!

Senator VANSTONE—I will just remind Senator Minchin of that. I have had a quick look at the Senate seniority list and I see that there are senators here who came in in 1978 and in 1983. So the last one remaining from 1984 has no intention of moving on. If anything, I am a bit angry, Senator Knowles, that you are leaving me here on my own. The class of ‘84 party is going to be a very lonely event. I might have to see if I can scab an invitation to another year. Nonetheless, it has been a very enjoyable time working with Senator Knowles.

I will not elaborate more than to simply highlight what I know other speakers have already said about Senator Knowles. A particular highlight is her committee work and therefore the longstanding and institutional memory in a number of portfolio areas, where you can ask something and someone can say, ‘I remember when we did that or when the Labor Party tried to do that.’ That kind of memory is particularly helpful. But more than what is helpful to me, longstanding committee service is a contribution to the parliament and to the Senate committee system, which is far and away still far better than that in the Reps. The people who make a contribution to that play a very significant role in the conduct of this parliament, in the inquiries that the committees undertake and in many cases in the non-political approach that is taken to various issues to get to the bottom of problems. I see Senator Watson is
joining us in the chamber. He is one of the senators who has been here since 1978. It is a good indication to Senator Minchin why I am going nowhere.

Senator Minchin—I never thought you were.

Senator VANSTONE—I mean in the sense of leaving. I am just joking, Senator; there is no need to get upset. I am just trying to acknowledge Senator Watson, actually. I thought I might reflect on the lighter side of Senator Knowles. We all know about the committee work. Everybody knows that, when a minister needs backup or we need someone else to speak in a team, Susie is one of the people who is sufficiently competent that you can say, ‘Here is a page of material, and the bottom line is this; could you speak on this for five minutes,’ either ‘until I get back’ or ‘because it is our turn and we want this point made’. It does not matter if she has had nothing to do with the issue; she is smart enough to read the notes, understand the single point you want made and not indulge herself by going out into other areas and therefore possibly making a mistake. This is a skill that takes some time to learn. Senator Knowles has always been there to help the team.

She has other attributes, though. She has the attribute of being able to speak in a language that it sometimes takes a bit of time to get a grip on. For example, for a while in a conversation she was referring to someone called Thunderbox. I had no idea who the person she was referring to was, until I put it together that it was former senator Irina Dunn. I will leave you to reflect on that yourself. Susie has this capacity to give people nicknames that sort of fit. But you have to be quick enough to keep up with it to realise who you are talking about in the conversation. I sort of got it. I said, ‘Oh, you mean Dunnie.’ She said, ‘That’s right, Thunderbox.’ There are many more of those. I have selected the most appropriate for this occasion, let us put it that way.

Susie is one of the few senators here who has served in the old Parliament House—which was a much friendlier place than this, if I may say so. For all the great efforts of the people designing this building, my own personal view is that it was a mistake to make the executive wing separate. At least on the way back from question time you could corner ministers in a way that is a lot harder now, unless you want to go out and get wet in the courtyard.

We were allowed to have corridor parties in the old place. It is not that the purpose of coming to parliament is to have a party, but a party does serve a useful purpose of bringing people together and enabling some sort of interaction. I understand that the joint house department, if that is what it is now called—it has always had a problem understanding whether it came before the parliament; it thinks it is a chicken-and-egg thing, but I think it is perfectly simple, because without the parliamentarians there is no joint house department—has now apparently decreed that we cannot have corridor parties. We are apparently too messy and too much of a bunch of louts and sloths. So we are not allowed to get together and have the normal interchange that people would otherwise have in their work. Some of the spirit of this place is lost because of that.

In the old parliament there was a transport office at the end of the corridor. Senator Knowles and I came into the same corridor. I am advised that she went into the room, put her hands on her hips and said, in another form of language, but this is the closest translation I am going to give you here: ‘Who do you have to do what to to get a key to your room around here?’ I will leave you to fill in the more colourful aspects of the
language, but I am told that the blokes in the Senate transport office, who up until that time thought they had mastered the capacity to make people blush, had occasion to re-think and pause before they answered the question. They then went and asked a number of people who this new senator from Western Australia was who had just come and said, ‘Who do you have to do what to to get a key?’ Anyway, she sorted them out in no time at all.

It was not long after that—sometime while we were in the old Parliament House—that a lot of women decided to come and protest on the lawns in front of the old parliament. There was a bit of a fuss about all of this. Labor senators put in what they said were stat decs but they had crossed out the names, so they were not really stat decs, and there was a bit of a fuss about it. Senator Knowles put it to me that this was an outrage and we should be down there speaking to these people. There may have been a suggestion that the aerosols that they use in aeroplanes would be a suitable entry: a vanguard of women with these aerosol sprays going into this camp of women. We discarded that aspect of Senator Knowles’s suggestion, and I think three or four of us went down and spoke to these women, which put a cat fairly among the pigeons because it was the case in those days that a lot of protesters did not expect the people against whom they were protesting or anyone from their party to go down and say, ‘What are you protesting about? We’d like to talk about this.’

So successful was this idea of Senator Knowles’s that a number of men the next day wanted to join in. I am sure women opposite will understand that, whenever women have successful ideas, quite often the men want to join in. So there was a whole bevy of them the next day who thought it was a good idea to come down. I do remember the former Speaker of the House of Reps, Ian Sinclair, saying that, no, it was only a cup of tea that was thrown over him, but various people had other ideas as to the contents of that cup.

Probably one of my most interesting memories of Senator Knowles, although I do not think it is my fondest memory, is from 1985. This was the year that we both first took our seats. The Labor Party was having a ‘maintain your rage’ function. Newer senators might not understand: 10 years later they still had not got over it. They had not got over 1975. They had not got over the fact that, whatever the Clerk’s advice that was given to us, we acted on it. There was the question of what advice was or was not given to the Governor-General. All of that slate got wiped off in the sense that there was a double dissolution and the people of Australia made their choice. To me, you do not need to go further than that. You can never go wrong giving the people the choice, and you have to accept the choice the people make. I can understand how hard this is, because I have spent a lot of time over there having to accept the choice the people have made, which was not at the time to elect my party to government.

Anyway, they had this party. I do not know whether they had one again in 1995—or whether they are over it yet or not. But there was a lot of depression. There might have been a few tears. This was a very solemn occasion for serious Labor Party drinking. Senator Knowles and I managed, from a place best never mentioned, to get a tape of God save the Queen. I can mention this—just briefly, if I may, Mr President—because I am a known republican. It is known that I think republicans make a mistake attacking the monarchy: it is not their fault; we give them the job and it is all up to us to fix it. But we went from window to window around the courtyard playing God save the Queen for something like 40 minutes to interrupt the ‘maintain the rage’ party. I know
it was childish; I know it was pathetic. But I tell you what: we had a hell of a lot of fun—as I have had with Senator Knowles during her entire time here.

The PRESIDENT—Before I call Senator Knowles, I would like to acknowledge former Senator Tierney in the gallery.

Honourable senators—Hear, hear!

Senator KNOWLES (Western Australia) (11.37 am)—After almost 21 years, I come to the Senate on the verge of leaving. As the 52nd longest serving senator, I feel a great sense of privilege at having been given the opportunity to serve and a great sense of pride to have been representing the wonderful people of Western Australia. First of all, I thank all of my colleagues who have spoken so generously about my time in this wonderful institution. I have always told anyone who would listen that friendships transgress party lines in the Senate and I stand here today thankful for that warmth of humanity.

Much has happened in Western Australia in the time that I have been here: the first Leeuwin concert; the first Australia Day Skyshow; the opening of Burswood Casino; the visit of Pope John Paul II to Perth; all day Saturday trading in Perth; the collapse of Rothwells; Shark Bay’s inclusion on the World Heritage List; the WA Inc royal commission; daylight saving being rejected for the third time; Alan Bond being declared bankrupt—and that is just to name a few. Much has also happened in the world and in Australia since the year I was first elected. In that year, it is hard to believe that Advance Australia Fair was proclaimed the national anthem. During the two decades, Coles took over Myer; Gorbachev became the Soviet leader; the last sitting was held in the old Parliament House; this fine building was opened; we have had two gulf wars; we have had two terrorist attacks on the World Trade Center in New York; and, of course, Saddam Hussein was captured. Much has also happened in this job too: senators were paid $42,000; we used typewriters; we had no fax; we had no email; we had no internet; we had no mobiles; and we had a choice of midday or midnight flights out of Perth. But, best of all, was the election of the Howard government. However, before I get onto that great event, I wish to do some important thankyous.

I want to place on record my thanks to so many people who have made my job that much easier and without whom much less would have been achieved. Firstly, I want to thank all my personal staff, many of whom have worked for me for huge chunks of time. To my current staff of Sue, Michelle, Stephanie and Sylvia, I say thank you for working right up to the very end. I must make special mention of Sue Oldham, who has been with me for almost 20 years. She has been a brick of support, wise counsel, a good friend and pretty much a legend, I would say, around this place. I wish all my staff, both current and former, everything of the very best.

There are also a number of other staff members in this place that I would like to thank, from other offices, ministerial offices and so forth, who have worked tirelessly to help me wherever there has been a cause and a need. To them, I say thank you for the generosity of your time, your knowledge and your ability. I also wish to thank all those who make this place tick and who help to make our electorate offices function. To the clerks, the attendants and, particularly, the chamber attendants here who have always looked after me so well with endless drinks of water and a barrel of monkeys to run my computer and everything else, thank you very much all of you. To the security officers, to all the Comcar drivers—how great are the Comcar drivers?—thank you each and every one of you. You have always been
absolutely fantastic and nothing has ever been too much trouble. To the lovely Kate Robertson in the Members’ Club—she has always been such a welcoming face—I say thanks.

To the state and the national DOFA staff, particularly to Chris Pelzer and all the staff in the Perth office of the Department of Finance and Administration, thank you for everything that you have done to help me and my staff. The transport officers from way back—from Jim and Steve when we first came in to Michael and Ian today, and Bruce Greentree as well—thank you. There have been so many wonderful transport officers who have made sure that we have got to where we are meant to be on time and according to order.

To Andrea Griffiths, Black Rod, and her predecessor Rob Alison and all the Senate staff, thank you. Everyone in this building has done everything that they can possibly do to ensure that everything ticks very smoothly. To the staff at TQ3Navigant who make sure that our flights are in accordance with our wishes, thank you, thank you, thank you.

I also wish to thank the Liberal Party and the people of Western Australia for giving me the great honour and privilege to serve in the Senate for almost 20 per cent of the Senate’s existence and to be one of only five women to serve over 20 years. We had an interesting little get together the other night with Senator Patterson—Senator Vanstone was meant to be there—and former Senators Newman and Reid. We also had the privilege of the company of our Deputy Clerk, Anne Lynch. Unfortunately, due to a personal commitment, Senator Vanstone could not be there. But, had Senator Vanstone been there, the three of the five women who have served more than 20 years would have been in one room—that is, Senator Reid, Senator Vanstone and me.

To my colleagues from Western Australia, I also say a heartfelt thankyou. They are a terrific bunch of people, and I wish each and every one of them all the very best for very long and highly successful careers. I know my good friend Michael Keenan, the member for Stirling, is here today. I leave here knowing that Michael will have a very long, fantastic and successful career. To my colleagues Senators Cook, Bolkus, Collins, Buckland, Lees, Murphy, Greig, Ridgeway, Cherry and Harris, I hope you forgive me for not being able to go into detail about your collective wonderful years of service, but I wish you fun, health, happiness and everything of the very best in all your future endeavours.

As I say, time does not permit me to make comment on all my retiring colleagues. However, I would like to make mention of three of our number. Senator Harradine is a wonderful man who has done a wonderful job for his state of Tasmania. Senator Harradine can leave here with the motto of ‘Mission accomplished’.

Senator Tchen—what a gentleman! What a privilege it has been to have served with Senator Tchen, although it has been for such a short time. Senator Tchen and I have been on committees together. He walked into this place and was just the most delightful person to deal with. I have cherished his intellect, his ability and his decisive thinking. While your stay in this place might have been relatively brief, Senator Tchen, your contribution has been anything but. You have been a great friend, a thorough gentleman and an exceptionally diligent colleague.

Senator Kay Denman has been a quiet achiever with a wicked sense of humour. I use the word ‘wicked’ because she herself referred to her collection of witches last
night. I even found myself buying her witches. I walked down a street in New York a couple of years ago and saw a witch in a window and said, ‘That’s Kay’s.’ The witch sat in the apartment for some weeks before it was able to be delivered to her in Tasmania. Senator Denman, thanks for the friendship and thanks for the laughs. You have been a treasure.

I also extend my good wishes to the Deputy Clerk, Anne Lynch, who officially retires on 8 July. I have had the privilege—pardon the pun—of working closely with Anne as a member of the Senate Standing Committee of Privileges, plus I have had the benefit of her wise counsel since I arrived here. Thanks, Anne, for sharing your intellect, your wit and, most particularly, your friendship.

There is another person who is retiring on 30 June. It is all getting a bit congested, isn’t it? That person has served with diligence all the Western Australian senators and members and many of the other senators and members who visit Western Australia. That person is Geoff Burke, one of the senior Comcar drivers. I have known Geoff and have had the honour to call Geoff a friend for over 30 years. He is one of the funniest and most terrific people I know. When I think back to what his company car looked like when we worked together over 30 years ago—the car was called ‘Ripples’ because he used to park it by touch—I still marvel that he ended up as the Prime Minister’s driver in Perth. Good luck and best wishes to Geoff and Margaret.

Many have asked me to reflect on the past two decades. I suppose one is asked that question with the backdrop of each and every one of us coming in here hoping to contribute and to make a difference in whatever way would be advantageous to Australia. I hope such idealism never dies. As I said before, the most significant event in my 21 years here has been the election of the Howard government. For Australia to have had the intellectual capacity and steady hand of Prime Minister Howard at a time of such monumental world change and turmoil has been fortuitous, gratifying and, for many, most reassuring.

As Treasurer, the Hon. Peter Costello has steered the economy in a direction that is the envy of the world. It has taken a coalition government to increase real wages by 14 per cent, compared to our predecessors’ effort of 1.2 per cent. Unemployment has dropped from 8.5 per cent in 1996 down to just over five per cent—a 28-year low. We have seen 1.6 million jobs created and we have interest rates at their lowest in decades. My belief that Australia would be a better place with a coalition government was well founded. Many of those who thought all was lost have now got jobs and are home owners or home buyers, thanks to this government.

I came from a small business background where I knew only too well the burden of taxation. It was therefore my desire, which I mentioned in my first speech, that one day I would be able to contribute to changing an antiquated and unworkable tax system that severely restricted growth, profit, employment and international competitiveness. In the 1980s I was idealistic enough to believe that the Hawke-Keating governments would find the courage to tackle that task while we, then in opposition, offered support. While the latter was offered, the former never eventuated. When the coalition had the courage from opposition to promote radical taxation reform, I could not have been happier. To have covered almost every square kilometre of Western Australia promoting change was such enormous fun, but I have to say the result of the 1993 election was not. However, everything comes to he or she who waits, I am told, and this was so. I had to wait till the end of the century, but at least it happened.
The benefits to the Australian economy are obvious, and I know that the government will continue necessary reform in this and other areas.

I leave here as part of a government that has been in office for over nine years, but most importantly I leave here confident in the knowledge that this government has not run out of ideas. It is invigorated every day by a strong leadership team and it is enhanced by senators and members who have the capacity to deliver the policies that will benefit all Australians. I also leave here absolutely and utterly confident that the forthcoming Senate majority will be used wisely and judiciously.

As the Senate is aware, much of my time has been spent in the areas of social and health policy. This has been enormously rewarding, even if harrowing at times. I referred to the importance of true choice in health in my first speech. It has taken a coalition government to restore and expand the choice options. We talk about hoping to make a difference. I hope that I have made a difference with my chairing of and involvement in the Senate inquiry into stem cell research. It is something about which I am passionate. It is something that holds such hope for many people suffering from rare or incurable disease or from acquired injury. To be already witnessing the scientific breakthroughs in Australia and around the world makes me even more convinced that taking such a strong stand on the issue was correct and wise.

It is also my hope that a number of inquiries with which I have been involved have made a difference to many Australians. One knows that people affected by CJD or hepatitis C are not in the headlines every day, and neither are those British child migrants or other Australians raised in institutional care. We all hope that the months and the years that the Senate has put into attempting to improve the lot of some of those people pay dividends, because heaven only knows they deserve it.

One of the common war cries of our colleagues in the House of Representatives is: ‘Of course senators don’t have constituents.’ Let me tell them a thing or two! My constituent work has been one of the things that have propelled me. To have been able to assist many people through the collective hard work of my office, ministers and the various government departments has been most rewarding. To see industries emerge and grow all over Western Australia and to have Western Australian international trading capacity expand speaks for itself.

However, a number of breaches of privilege in recent years have highlighted to me the abandonment by some of many of the principles that can make this institution work well. Yes, I am a stickler for upholding the traditions and principles of the institution and proud of it. As many of us discovered from long years in opposition, not all that a government does can be wrong. If there is a way to improve a proposition then one should seek to do that instead of opposing for opposition’s sake. Some of us live in the hope that such political goodwill and good spirit will one day return. The Senate is a special place. It disturbs me that there has been a diminution of consensus in the legislative process whereby political views and point scoring are more important than the search for optimal outcomes. The dignity and the decorum of the parliament are paramount, and I hope they are protected due to the vigilance of those who will occupy its benches.

The committee system is important. As I have mentioned before, there have been some amazing committee inquiries in which I have participated. In saying that, I want to
make special mention of the Senate Community Affairs Committee secretariat. As I have said here on a number of occasions, Elton Humphery and his team are second to none. I wish to thank them for all the support they have given me over so many years. They are a true bunch of real professionals.

The collegiate sense in the Senate is also something to be protected. This is not some impersonal place where humans do not matter. When push comes to shove, we are all part of one big team regardless of political belief. That is a monumental plus in this profession and in this day and age. It is also something that is widely misunderstood by the community, who are fed only snapshots by the media that are invariably negative.

There are some truly privileged opportunities one can be fortunate enough to be given while serving in the Senate. One of those was going to Antarctica, as my good friend Senator Patterson has already mentioned, on Australia’s supply ship to the Australian bases and the other was to be one of the parliamentary representatives to the United Nations General Assembly. Many of the friends made during the latter will, I am sure, be friends for life, if for no other reason than I could not live without the laughs. I thank them again for their friendship and their superb hospitality. I also thank Senator Patterson and Senator Ian Campbell for encouraging me to undertake both adventures. We had a great time in Antarctica, Senator Patterson, and that will live with me forever.

I plan to take a deep breath before I launch into the next phase of my life. All I can say is, ‘Watch out, Richard and Nova, in New York!’ I know they are watching at the moment, because they have just sent me an email from New York with a photograph of them sitting in front of their computer with the Senate on their screen and Bobby the dog sitting up there watching as well. I hope Bobby can recite this speech when I get to New York!

To make friends through politics who, I believe, will be life-long friends is a bonus one cannot take for granted. I do not just talk about colleagues but many of those who serve as staff. A number of those friends are here today. Some have already discovered the wonders of retirement. To Michelle and Ryan, I thank you for your untiring patience, support and understanding. To people such as Sue and a whole raft of longstanding, tolerant friends back in Perth, I say a huge thank you. To my family members, especially my uncle and two aunts who were present for my swearing in and who have given me untiring support along with other family members, I say thanks for everything. To my friends in the parliament, I say farewell and good luck—but I hope those opposite will forgive me for wishing my coalition colleagues a little more luck than them!

Senator BRANDIS (Queensland) (11.56 am)—I join with other senators in extending my good wishes to all 14 of the senators who retire on 30 June. I hope I might be forgiven for not mentioning all of them, but I do want to say a few words about a few. I want to begin by mentioning Senator Knowles, whose valedictory speech we have just heard.

I first came to know Sue Knowles 24 years ago, when we were both members of that famous Young Liberal federal executive of 1981. I say that because, of the members of that Young Liberal federal executive all those years ago, all but one went on to make their careers in politics: three of us, Mark Birrell, Louise Asher and Michael Photios as ministers in state government; another of us, Lynton Crosby, as the federal director of the Liberal Party; and two of us as senators. The only exception was Saul Eslake, a man who went on to make a conspicuous contribution
to Australian public life as an economic forecaster.

Sue and I were great friends then. I did not see much of her over the years, but that friendship resumed when I came here in 2000. When I arrived, I remember Senator John Herron gave me some cynical but fatherly advice. He said to me, ‘George, there is one rule: trust no-one.’ I have learnt over the years that that advice was not quite right. I think in this profession one must trust people but one must know whom to trust. To the many tributes that have been paid to Sue Knowles by other colleagues, may I say this about you, Sue: Sue Knowles is somebody you could trust with your life. The notion of duplicity, double-dealing or being two-faced is utterly foreign to her nature. Sue is one of the most honest, honourable and decent people ever to grace this place.

After a period on the back bench, Sue was promoted to the shadow ministry in the early 1990s. At the time of the 1993 election, she was the shadow minister for multicultural affairs. I must say that I think Sue’s career is a very good example of what Sir Paul Hasluck called the chance of politics, because, had we won the 1993 election, Sue would have been a minister. I believe she would have been a distinguished one and perhaps gone as far as cabinet. Sue certainly has as much, if not more, ability than many who have sat on the front bench.

To Senator Bin Tchen, who I had not known before I came here, I want to add my words to those that have been spoken about his grace, his gentlemanliness and his dignity. Bin Tchen reminds us that it is often those who speak with the softest voices who are most worth listening to. That is something I think we need to be reminded of from time to time in politics, where, for so many, the larynx is a more vital organ than the brain. Bin Tchen was never someone who asserted himself in a loud or vulgar way. He always spoke softly, politely and gently, but he was always worth listening to. He has one of the best minds I have encountered in this place.

I remember in particular in 2002 the Liberal party room had a very searching debate about whether Australia should accede to the treaty of the International Criminal Court. Counsels were divided at the senior levels of the government, and the Prime Minister in effect threw it to the party room. He later described the debate that went over two days as the best party room debate he had ever heard in his many long years in politics. I remember Bin Tchen’s contribution, delivered in his usual thoughtful, gentle but intelligent way, as one of the decisive contributions. It was a close-run thing, but in a close-run debate it was decisive in tipping the balance in favour of the right decision. Bin did not speak in the party room very often but, in that toughest of forums for any professional politician, when he spoke he was listened to and he always had something valuable to say.

We farewell on 30 June two men who have reached the ultimate rank in Australian politics, who have served in cabinet: Senator Nick Bolkus and Senator Peter Cook, both ministers in the Hawke government. I always thought that in the Labor Party’s folklore, of which I am a close student, the Whitlam government has been rather overly romanticised.

Senator Mason—No!

Senator BRANDIS—Yes, Senator Mason—believe it or not, it has been rather unduly romanticised. But it was a poor government largely because so many of the ministers were poor ministers. Conversely, I think the Hawke government was a very good government. For a period of years it governed Australia very well. One of the
reasons for that was that it had so many ministers of very good quality, and we farewell two of them this week.

Nick Bolkus served in a variety of ministerial roles, ultimately as Minister for Immigration and Ethnic Affairs. I did not know Senator Bolkus particularly well until last year, when he and I were among a parliamentary delegation which visited Cuba. I came to know him very well as a most interesting, engaging companion. Anyone who spent a week and a half in the People’s Republic of Cuba between Senator Nick Bolkus and Senator Brett Mason was bound to have an ideological feast, and indeed it was. I wish Senator Nick Bolkus well as I express a parting hope for his continuing discretion.

Senator Peter Cook served in a variety of senior ministerial roles, as Minister for Industry, Science and Technology; Minister for Resources; Minister for Industrial Relations; and Minister for Trade. I came to know him a lot better from very early in my parliamentary career because events threw us together. I think most people would agree that it was as Minister for Trade and as a contributor to the development of Australia’s trade policy that Peter Cook made his lasting contribution to this country, and he made it at many levels.

I think trade has traditionally been associated with the National Party. The department of trade has always been seen as primarily a National Party fiefdom, one of the few. That is because there has been such a history of strong trade ministers coming from the National Party, going back to Sir John McEwen, and including the current Minister for Trade, Mr Vaile, among that number. It is not a portfolio often associated with the Australian Labor Party. But I believe that Peter Cook will go down in history as the best trade minister the Australian Labor Party ever gave Australia. He was the chairman of the Cairns Group of agricultural free-trading nations, he played a decisive role in bringing to a successful conclusion the Uruguay Round of the GATT and within the Labor Party Peter Cook always played a most honourable and courageous role in advancing the cause of free trade at times when that was difficult. Indeed, I dare say it has always been difficult.

Circumstances brought us together because in the 40th Parliament Senator Cook was the chair and I was the deputy chair of what I think in anyone’s language would be described as the two most important select committees of that parliament: the Select Committee on the Free Trade Agreement between Australia and the United States, the most important policy controversy of the parliament, and the select committee on the children overboard affair, perhaps the most celebrated political controversy of the parliament. As chair of the free trade committee Senator Cook steered the Labor Party, in the face of deep resistance, to the right policy choice for Australia. That was the climax of a career of bringing rationality to the Labor Party’s discussion of trade policy, which will be his legacy. I remember that as chair of the children overboard committee Senator Cook and I had a number of memorable skirmishes. I do not abate for one moment my strong criticism of the majority report of that committee, but I do want to place on record my tribute to the fairness and professionalism with which Senator Cook chaired that committee.

All of us come to this place first and foremost as partisans and then we come to know each other as people. With the passage of the years we come to know each other very well indeed. The four senators whose names I have mentioned and others whom time has not permitted me to mention are all people who will live in the esteem of those of us who continue as people who have made
a worthwhile and very significant contribution to both the Senate and the Australian nation.

Senator MASON (Queensland) (12.07 pm)—The other day I came across a photograph taken in April of 1999 of seven eager and energetic men and women. It was a photograph of the Senate class of 1999. The last class of the 20th century, who of course were elected at the election of October 1998. That group comprised Senators Ludwig, McLucas, Ridgeway, Greig, Harris, Tchen and me. Sadly, on 30 June four of this class are leaving. I want to pay a quick tribute to those four and also say a few words about my good friend Senator Susan Knowles.

I remember very well giving my first speech in this place, and I can honestly say the place was absolutely packed. There was not a seat left anywhere in the parliament. I remember looking up to the gallery and seeing my parents and some mates—a few white faces amid a sea of brown faces. Sadly, people had not come to hear me; they had come to hear Senator Ridgeway. As always, he spoke eloquently, movingly and beautifully about Aboriginal reconciliation and the plight of Indigenous people. Since then, of course, he has become one of the foremost Aboriginal spokesmen in the country. He has been respected across all parties and indeed across the entire community.

I learnt from him the importance of inclusion; that all Australians count and that we cannot ignore, shunt aside or take for granted our Indigenous people. But I sometimes wonder whether Senator Ridgeway was truly happy here. I think the great skills he brought to this place, negotiation and advocacy, were sometimes lost in the noisy partisan fray of the day. Irrespective of that, I have no doubt that he will continue to serve well both Aboriginal Australians and the broader community. Indeed, I look forward to his continuing contribution.

On the first day of spring in 1999, I was privileged to witness in this chamber Senator Greig’s first speech. In that first speech and subsequently, Senator Greig made considered and indeed sometimes very reflective remarks across a range of issues, but particularly social issues. I will always remember his passionate advocacy for the dignity of the individual. We speak often, particularly on this side of the chamber, about the freedom of the individual and the dignity of the individual. But sometimes we tend to temper our enthusiasm for the individual by seeming to say that some individuals are a little more valuable than others. Senator Greig, you have never made that mistake.

I will never forget his first speech when he quoted Armistead Maupin, the author of Tales of the City. Maupin wrote:

I wish someone older than me, and wiser than me, had taken me aside and said: You’re all right kid. You can grow up to be a doctor or a teacher just like anyone else. You are not sick or crazy or evil. Most of all though, you can love and be loved without hating yourself for it.

Of all the speeches in this place about the dignity of the individual and indeed the challenges of diversity, nothing measures up to that: a beautiful, simple and eloquent statement of the fact that we all matter and we can all contribute. Brian, I thank you for that.

How can I forget another member of the class of 1999, Senator Len Harris. One thing I always knew about Senator Harris was that he loved his country. He was a great patriot. He gave his first speech in this place wearing one of those ties that look like an Australian flag. It was rather broad and garish, but of course it reflected a big heart. Senator Harris comes from the Atherton Tablelands and he is as big as the Atherton Tablelands. Len and I would sometimes disagree, sometimes pas-
sionately, but he was always the first to offer his hand in friendship. ‘No hard feelings’, he would say. He is a forgiving man. I would like to say that I have learnt from him, but I am not so sure.

The final retiring member of that class of 1999 is my good friend Senator Tsebin Tchen. In his first speech, in the spring of 1999, I remember so well when Senator Tchen spoke about his father’s advice to him when he left China nearly 50 years ago. Tsein’s father said to him: ‘You are going to a new country to live among strangers. Always remember who you are and where you came from. Always realise where you are going and who you can be and always strive for purpose.’ Senator Tchen never forgot and he always strove. His father would be truly happy and content knowing that he contributed so much to this place, to the Chinese community and to Australia. We could all learn from Senator Tchen’s humility, his grace and his generosity.

If there is one particular lesson for some of us from Senator Tchen, it is this: it does not follow that your argument improves with the volume of your delivery. I am still coming to terms with that one! Senator Tchen has been a marvellous friend and a terrific colleague. I will always thank him for his friendly remarks, his wise and generous counsel. I hope for our country’s sake that he and Pauline continue to work with the Chinese community, with the Liberal Party and for our country.

Finally, Senator Sue Knowles, who was not a member of the class of 1999, has, nonetheless, been a wonderful and a caring colleague. When I thought, ‘I cannot be bothered with this or that,’ Sue would always counsel resolution. When I became hot-headed, she would counsel caution. When I became bored, she would counsel patience. And most of all, when I sought retribution, she would counsel for the long haul. Sue, as you know, I did not listen to you all the time, but I will miss your counsel, your friendship, your warmth and your ability as one of the best speakers on our side of the chamber. I will truly miss you.

Politicians are often criticised in this country. People say that they do not care and that they are in it for themselves—and some people still say we are in it for the money. But they would not say any of that if they knew any of the 14 of my colleagues who are leaving this chamber this week. All 14 of them can be very proud of their achievements and we can be proud of them. I know I am proud of them, and Australia is a much better place because of them.

Senator WEBBER (Western Australia) (12.16 pm)—Having been in my current role in this place for only three years, it seems inappropriate to include in my remarks all of the departing senators, so instead I have chosen to single out a few. It will come as no surprise that most of my remarks will be concentrated on those who come from my home state of Western Australia.

I would like to start with someone who has, over time, become a close work colleague, Senator Buckland. I have got to know Bucky, as we call him in the whips office, since assuming the role of Deputy Opposition Whip. Geoff is one of those un-tapped resources in this place, a rough diamond. Geoff said in his speech yesterday that one of the reasons he is leaving is that he does not feel comfortable here. Anyone who can deliver the speech that he did last night should feel well and truly comfortable and at home in Australian democracy. To have someone like Geoff, with the causes that and the people whom he represents, in this place is an important legacy and one that all parties should strive to continue. I wish him and his
family all the best in living out his childhood
dream on the farm.

Next I come to my friend Kay Denman,
the person sitting next to me. As Kay alluded
to last night, she and I first came to know
one another when I was working for Senator
Chris Evans when he was Opposition Whip.
Kay could best be described as an accidental
politician. She is someone who has always
had passion, commitment and bucket loads
of compassion but who, unlike lots of the
more modern-day members of this parlia-
ment, never had a lifelong ambition to be in
this place and in her role. But, since being
here, she has made sure that the voices of
compassion, of caring and of her local com-
community are always heard within the various
forums of this parliament.

Kay has always seen her role as one of
going out and supporting her community
and sections of the labour movement rather
than being one of the mainstays of this
chamber. It is important to recognise that
there are a number of ways to contribute as
politicians. It is not just about being a star in
this place; it is about getting out in our com-
munity and making sure this place knows
about our community’s views. That is just as
important. As long as there is room in a place
like this for someone like Kay then the
community can be assured that their voice
will be heard.

As Kay mentioned in her remarks last
night, she and I have travelled overseas on a
number of occasions. It usually takes us a
year to agree on where to go. She is from
Tasmania and loves cold weather; I am from
Perth and love hot weather. So we have to
settle on somewhere with a temperate or
moderate climate. There was a famous year
in which we had settled on the temperate or
moderate climate but, at the last minute, we
could not go. Someone, many years ago,
when she became divorced, decided that to
celebrate she would burn her marriage cer-
tificate. Unfortunately, in the meantime, she
had allowed her passport to lapse and had to
apply for a new passport. But she did not
have the necessary proof of her identity as
one Kay Denman. We then had to rejig all
our holiday plans and find somewhere we
could travel to that had that temperate, mod-
erate climate but did not require a passport.

Senator Denman—Thanks, Ruth!

Senator WEBBER—She says, ‘Thanks,
Ruth! It is now on the public record.’ Kay,
you now have 12 months notice to get a copy
of that marriage certificate and apply for an-
other passport.

Kay is also one of those great levellers.
Sometimes you think that something is per-
haps not quite right or is dragging on a bit. If
you are sitting next to Kay and you think,
‘Maybe it is just me; I am a little impatient
with the world and I am in a hurry,’ and all of
a sudden this voice will say, ‘I am sick of
this,’ and you think, ‘I was right after all!’ I
know I will miss sitting next to Kay, but I
will not miss her entirely because I know
that, like many of the friendships made here
that have been referred to, we will stay in
constant contact—although I will rebuke her
if I catch her watching Senate question time!

I now turn to the senators from Western
Australia who are departing. In keeping what
has passed, let us start with the female sena-
tor who is departing, Sue Knowles. Sue
brings to this place—

Senator Patterson—How many stories
have you got on her?

Senator WEBBER—Not as many as I
have got on Kay, but I am sure I can work on
it! Sue has brought a great deal of common-
sense and commitment to the processes of
this place. In that way she reminds me a lot
of my predecessor, Jim McKiernan. Her
commitment to the committee process, to
reforming bad pieces of legislation and to
making this place relevant to the larger community out there has been a sight to behold. Her commitment to her party is enormous. In fact, although she decided to retire, the commitment she showed to her party by running a winning campaign in Stirling at the last election is something I am sure everyone over there is grateful for. It was pleasing to see Michael Keenan here earlier.

What I really want to highlight in my view of Sue is her commitment to the women within her party and the tenacity she brings to the show. Her commitment to support, mentor and protect and always be there, particularly for the women of her party, is absolutely amazing. I know the women on the government frontbench in particular have been enormous beneficiaries of her quiet behind-the-scenes support. It is a sight to behold.

I learnt new things about Sue’s nicknames when Senator Vanstone was talking, so perhaps it does not seem that unreasonable that Senator Marshall, I think it was, referred to her by saying, ‘Uh-oh, here comes the handbrake.’ It does not seem that unfair at all now! My parting memory of Sue is the final night of estimates, when we went through a presentation: the department made a presentation to her and then those of us on the Labor side did as well. The department’s presentation involved all sorts of regalia. In fact, I think there is a section of Hansard with me saying to her, ‘I hope you realise how silly you look.’ Considering we are both based in the northern suburbs of Perth, I am sure I will still see Sue around, but good luck in your new endeavours.

Senator Knowles—Thank you.

Senator WEBBER—Now to Brian Greig. As has been mentioned by Senator Mason, Brian has brought an incredible quiet dignity and diligence to this place. His sense of compassion, his intellect and his quiet determination are, I think, amazing. The rest of us can be incredibly rowdy and disruptive and perhaps choose less appropriate ways to get our message across, but his quiet determination and intellectual approach are going to be missed. I first met Brian when he was a member of the ALP rather than the Democrats. There is a life member of the ALP in the northern suburbs who is a good friend of mine and also a good friend of his, so if I do not see it for myself here she constantly reminds me of the good work that he does on behalf of a section of the community that I must admit I am concerned may be overlooked in this place with his departure.

Then there is Peter Cook. What can you say about Cookie? Many have alluded to the enormous contribution he has made. He really is a Labor luminary and I do not feel that I need to highlight his ministerial contribution. He has always had a big heart and a big vision for his adopted home state of Western Australia; for the labour movement, which has been his life for probably longer than he cares to remember; and for the Labor Party.

He has been a big picture, big vision person for our country too. He had a vision of where he thought we should go in the areas of trade and industrial relations, and he used his considerable intellect and drive to make sure, whenever he had the opportunity, that we got there. He will be missed. His commitment to regional Western Australia is something that I think is often overlooked. And who can forget his interjections? When the rest of us are all perhaps a little overwhelmed by what is happening on the other side or we are busy talking amongst ourselves, if Cookie cannot think of anything else, you will hear him saying, ‘You’re a joke!’ or ‘You’re a fool!’ He will be sorely missed.
I will finish, because I am running out of time—with your indulgence, Mr Acting Deputy President—by saying a few words about Anne Lynch, the Deputy Clerk of the Senate. In my short time here I have come to know Anne for her patience and tolerance, as alluded to by everyone else, and also for her commitment to the processes of this place. From my point of view, she is one of the people here who actually helps make this place make sense! I do not know where I would be without someone like Anne. Apart from all of that, and her humour and her jokes, I will never forget the first time I ever visited the Clerk’s office and she was there and I discovered we had another bond—that is, our love of cats. Good luck in your retirement.

Senator MURRAY (Western Australia) (12.27 pm)—Valedictories are a time for recognising and celebrating the service, achievements and character of departing senators. Including John Tierney, there are 15 of them. If you add in the departing Deputy Clerk of the Senate, Anne Lynch, we are losing well over two centuries of accumulated wisdom, memory and understanding. That fact is not to be lightly glossed over. This place has a tolerance, character and capability that is distinctive and effective, and it is important that the courtesies, conventions and culture get passed on from generation to generation.

Before I start on the main cast, I want to mention the supporting cast. There would be at least 45 staff—more if you include part-timers—who have sweated and strained for their senators. While some will be picked up by incoming senators, many will not. Some will not even have new jobs to go to. These are people who I nod to in the corridors or who I deal with on occasional matters, some of whom send me quiet, private messages of support or encouragement for my own efforts. Others, of course, I have worked closely with and am close to. Most, but not all, are the staff of the departing Democrat senators and leaders. We have fought many battles together, shared some triumphs, had a lot of fun and tasted bitter as well as joyous moments. To all the staff of all the departing senators, but particularly to the Democrats staffers, go my thanks for your long hours, your hard work, your many personal sacrifices and the great depth you have added to the Senate and its work.

The Deputy Clerk heads my list of mentions, with 32 years of sterling service to celebrate. If all senators and staff could aspire to be as consistent, informed, ethical, committed, hardworking, fair and professional as Anne Lynch, this would be a grand place indeed.

Next comes Senator Brian Harradine, whose name and amazing political skills will deservedly be a notable part of any history of the Senate and Australian politics. He is very private, unfailingly courteous and well-mannered. Brian, although not much given to socialising, did once come into my office to share a whisky, which I enjoyed because it was both unusual and memorable. What I value most in a politician is honesty, integrity and consistency. I like to know what their values are, what their principles are, what their driving issues are. Brian may not be easy to read in advance of his decision on a bill or an amendment but I never doubted where he was coming from. He thoroughly deserves the accolades of the Senate and regard for his great achievements. I wish him and his family well in his retirement.

I am not going to mention every departing senator in this speech but only those I worked with. I do want, however, to wish them all well and to acknowledge their efforts for Australia.

Of the non-Democrats, first I express my thanks to Jacinta Collins. Her shadow portfo-
lio and committee responsibilities meant that we worked together on many issues. I thank you for your professional, friendly and constructive approach. I know you will enjoy seeing much more of your family, but I am sure politics has not seen the last of you.

Peter Cook deserves a special mention. He thoroughly deserves to have risen to high cabinet rank and his party in Western Australia should be proud of his long service and efforts. Smart, articulate, very well-read, engaged and steeped in policy as well as politics, farsighted and passionate. I have debated with and against Senator Cook for hours and shared many a long late air flight with him. He is a senator whose contribution to the Senate and Australian political life has been considerable. I wish you very well and much better health, Peter.

Senator Sue Knowles I have worked with on the three inquiries and reports on institutionalised children and children in care. I have said much elsewhere on this but again I want to thank Sue from the bottom of my heart for her work, compassion and sound good sense in this area. Consider yourself kissed, Sue. Her party in Western Australia should also be proud of her long service and efforts.

Shayne Murphy was chair of the Senate references committee inquiry into the controversial mass-marketed tax effective investment schemes. He did thorough and persistent good work there. I wish you well too, Shayne.

Tsebin Tchen is another who is unfailingly courteous and well-mannered. I worked with him on the child migrant inquiry and thank him for his contribution there. The very best retirement to you too, Tsebin.

Turning now to the Democrats, this is now our 28th year. With the longstanding media love affair with political duopoly, it has always been hard to get elected and stay elected as a minor party representative or Independent. It is one of the things that makes Brian Harradine’s political life so remarkable. We Democrats have only had 26 senators in 28 years, with none of them, if my memory serves me right, ever having won more than two half-Senate elections. The longest serving Democrat of all time is Senator Meg Lees, who came in to fill a casual vacancy and leaves the Senate after over 15 years—12 years and three months of those as a Democrat, and most of that time as deputy leader and leader. I have had much to say on Meg elsewhere. Always the loyal, hardworking deputy, she was thrust into the Democrat leadership when Cheryl Kernot joined the Labor Party. Meg was magnificent in lifting the party back onto its feet and taking the reins.

Very few politicians, particularly women, get the chance for a permanent, deserved and rightfully respected place in Australia’s political history. Leading the Democrats to introduce the GST and the new tax system to Australia was a great and permanent service to the sustainable funding of all those state services—health, education, the environment and the other services that the states deliver—all the services we Democrats so value. That she was attacked is not unusual in politics, but that a majority of the party’s national executive turned on her and that she felt she had to resign was profoundly unwise, politically disastrous and profoundly disloyal. That brain implosion is now history. What is left is to acknowledge Meg’s great contribution to the Senate and to the Democrats, her many legislative and policy achievements, her hard work and passion, her courage and character, and to remember the sacrifices she has made in her political life. Meg, you have my respect and thanks for your efforts, and you have always had my friendship. South Australia should be proud of you.
Brian Greig: we had a great stake in Brian in Western Australia and it is devastating to lose him. I and my office, particularly Pam, worked our butts off to get him elected in 1998. Meg put her back into Brian’s election too, visiting Perth at least three times in that very busy election period. For an articulate man Brian does not say much in the party room, but his political thinking is always valuable and his humour often quite delicious. His campaigning for human rights deserves the highest praise, and has, and always had, my full support. He has been a very diligent chamber participant, uncomplaining, solid and persistent. I think Brian is one of those politicians who get better and better as time passes. The balance of Western Australian Senate representation will be a lot poorer than most people realise with his leaving.

Aden Ridgeway: Aden is my mate and I will miss him. He is one of those political casualties you shake your head over, as his place in the Senate was so important to his people, to Australia and to us Democrats. His skills are not common. Aden was needed in the Senate. His great potential has never been realised here, and I hope with all my heart that you are leaving. But you leave behind a magnificent legacy. You have been, I believe, an exemplary person serving in your role and you have served both the Senate and this country with distinction. I am sorry to see that you are retiring, but it comes to us all, and I wish you well in the future. We are bound, Aden, with the same health problem. I am pleased to see that you have conquered yours and I wish you happy travels for the future.

Last, but definitely not least, is John Cherry, another of my mates. John and I have been close for nine years when he was my adviser and when he became a senator. These new senators from Queensland had better be good, for they are replacing one of the finest policy and political minds in this chamber. John is funny, passionate in his beliefs, extremely hardworking, quick on his feet and just a great guy. John has a brilliant intellect. He has had a major part in the Democrats’ huge contribution to significant industrial relations, tax, superannuation and many other policy outcomes. He has been much more important to the Democrats than most realise and than most Democrats realise. He is irreplaceable, regrettably. The party room will be much less than it was for his going. I wish you really well in your new job, John, but do hope you have to leave it so that you can return to the life of politics.

Senator COOK (Western Australia) (12.37 pm)—I want to begin by saying a farewell to Anne Lynch. Anne is an institution in the Senate. You have been here, Anne, for 32 years. You were here before I got here and it seems impossible that you are leaving. But you leave behind a magnificent legacy. You have been, I believe, an exemplary person serving in your role and you have served both the Senate and this country with distinction. I am sorry to see that you are retiring, but it comes to us all, and I wish you well in the future. We are bound, Anne, with the same health problem. I am pleased to see that you have conquered yours and I wish you happy travels for the future.

In eight days, the doors of this chamber close on my Senate career. Now that I am going, I am looking forward to departure with a mixture of eagerness for what awaits me in the future and some trepidation about what the future might hold in the next phase of my life. I am sure they are emotions that are shared by the other retiring senators. I wish all 15 retiring senators well. It has been a pleasure to serve with every one of you. To those of you in the chamber—Senator Lees, Senator Knowles; I will deal with the Labor people shortly—it has been a pleasure to serve with you. Senator Knowles, I look forward to not seeing you on those long, tedious flights from Perth that have so bedevilled our lives for so long.

Without diminishing my appreciation of any of the 15 who are retiring I want to say
of Senator Harradine that our paths have not crossed a lot during my political career but, when I first came to the Senate, Senator Harradine snuck up on me on the backbench and cracked a welcoming but very corny joke. It is an old joke, and since I was from the building workers union it is as follows: the carpenters in Australia are in the wrong union. They should not be in building and construction; they should be in the Transport Workers Union because, after all, they drive nails. Thanks, Brian, for that initiation. It did actually break the tension and I did appreciate it.

Brian has been properly acknowledged for the work that he did on the Wik legislation. I was not as close to that as some of the other senators were but I do acknowledge the work he did there. For me, one of the most significant speeches I have heard in this chamber was Brian’s speech when he sank the GST with the words ‘I cannot’. The ‘I cannot’ speech stands in my memory as one of the brightest occasions in this Senate when the Senate, having slaved over this legislation for so long, was brought to a point of climax and decision making, and Brian pricked the boil with that speech.

I now turn to the departing ALP senators. Geoff Buckland and Jacinta Collins, I have been pleased to serve with you on Labor’s journey in this place. Geoff, I wish you well with farming and I hope to drop by one day and sample your produce. Jacinta, I wish you well and I do believe you will come back to this chamber, or maybe the other, some time in your political future, and there is a rightness about that.

To my friend, factional ally and self-appointed tormentor, Kay Denman, I say: please, Kay, will you put aside the Peter Cook doll with all those pins you have stuck in it over the years! It has been a special privilege, Kay, to serve with you and, yes, one day I hope to visit you in Tasmania and take that doll away from you once and for all. I am sure my life will be more pleasant without it.

Nick Bolkus was here when I first arrived. Nick and I sat together in the chamber in the Old Parliament House, right up the back, as far from the front table as we possibly could. We are sitting together now as we close our careers. In the meantime we moved chairs and seats quite a lot. I have had my feet under the same cabinet table as Nick for many years. We have not always been on the same side in the big arguments that we have been involved in but we have respected each other. It has been a pleasure to serve with you, Nick, and I wish you well for the future.

I want to make some observations about politics and about my career but I do want to thank some other people—firstly, to all those thousands of people who are ordinary members of my party. They work in the cause of the party without recognition and without a lot of appreciation sometimes, but they make our parties the platforms that we rely on in our careers. Without them, we could not survive. I wish to thank all of those people. Also, I could not have survived without my staff. I cannot name them all; there have been 60 or more over the years I have spent in this place. I have had so many staff reunions in the last week that I have had a chance to meet many of them again. I have enjoyed their generosity and support. I do want to record in Hansard my eternal thanks for the work and support they have given me. Whatever I have achieved in my career—and that may be debatable—it is an achievement that I share with them because they made it possible, working together in the cause.

To all my colleagues in this chamber who have spoken—and I mean colleagues in the wider sense, on both sides and on the cross-
benches as well—I have heard many of your speeches. I thank you for what you have said. To all of my colleagues lying in wait for me who are yet to speak, can I say, in anticipation of your kind remarks, thank you as well. To George Brandis, whose speech I heard a moment ago, can I say: George, I will put some of those remarks on my Christmas card. To Senator Ursula Stephens, who was moved into a flight of poetic fancy about departing senators, can I say: I did not expect a tribute in rhyming iambic pentameters, but thank you very much, Ursula.

Finally, I want to thank the people who create and run this giant stage that we members of the Senate strut upon—this giant stage, the parliament. To the clerks, the Senate staff, the library staff, the car drivers, the dining room personnel, those who manage the broadcasts of this parliament, those in the press gallery—love them or hate them—and to everyone, down to Lizzie the hairdresser, who has cut my hair for the last 22 years: thank you all. Many of you are my personal friends. I regret that I will not get an opportunity to see you all before I depart, but please accept my thanks for all your service and support.

Sometimes I think that I have led my career back to front. I came in with the drought-breaking Hawke avalanche in 1983. I served under the Hawke and Keating governments and as a minister for eight years. Those were the halcyon years of Labor. Now I leave with the coalition 10 years in power and my party in power in six states and two territories of Australia. The last victory last weekend, by Clare Martin, leaves us consolidating our hold at state level but fighting hard to regain office at federal level. In a way, I envy my colleagues who led their careers first in opposition and then retired on the high of government, because now I am leaving feeling that I am deserting the front at a time of some need. But go I am, and I am looking forward to the future.

I came here 22 years and four months ago, when the Hawke government was elected on the slogan ‘Bringing Australia Together’ and the theme of the three Rs: reconciliation, recovery and restructuring. Australia at the time was a socially divided country. It was reeling under double-digit inflation, double-digit unemployment and negative economic growth. The Hawke government started with the national economic summit and united the country. Through the accord it returned the economy to growth, lowered inflation and increased employment. If anyone wants to know where the winding back of inflation started, it started with the accord. What the accord did was buy out wage increases with tax cuts. That way, household after-tax incomes rose, companies’ overheads and costs declined, prices stabilised and profit shares reached record heights. Big and small business loved it and working Australians were better off. Then we traded off wage increases for Medicare. On Medicare, let it be said that it is sacrosanct in Australia. Australian wage and salary earners have bought and paid for it under the accord.

Having inherited a highly protected and overregulated economy, we floated the Australian dollar, deregulated the finance market and lowered tariffs, exposing Australian business to international competition in a way and at a pace that enabled Australian business to become more competitive, grow strong and succeed in the international market. We brought Australia into the world and became globally competitive as a country. These were the changes that remade Australia and rebuilt the economy. They were deep and fundamental changes—changes, however, which bear fruit not instantly but over time. Before the 1996 election, Prime Minister Paul Keating told me, ‘Whoever wins this election will surf along on the back of the
fundamental reforms we have made.' I am sure the government will not mind me saying that so it has turned out, and the only regret is that we have lost the bragging rights to the economy.

I was honoured to hold a number of portfolios in the service of this country, and I am proud of the achievements that I was associated with in many of them. In resources, I think that the biggest single achievement that I am most proud of was establishing the National Landcare Program. If imitation is the sincerest form of flattery, I thank the government for continuing this program. I noticed in the media that Philip Toyne of the Australian Conservation Foundation and Rick Farley of the National Farmers Federation said they created the program. I concede that they played a major role and I thank them for the support, but it is a program in which Australians can re-cultivate their own country and take responsibility for doing that themselves. I think it is a program that has succeeded over time.

Industrial relations was a portfolio that I held longer than any other. In that, we wrote a new industrial relations act—the first new industrial relations act since 1904. We took the first steps towards a decentralised wage fixing system. We introduced the best practice program in which we went to workplaces and encouraged cooperation rather than conflict. Under the guidance of John Prescott, then the general manager of BHP, we created reform in the workplace by having an emphasis on skill and training and by managers flattening the hierarchy down to one or two and relying on the workers’ knowledge of how best to run their plant. That program succeeded in increasing productivity quite dramatically. The brains of the work force was harnessed rather than alienated in the exercise of the push by particular companies to achieve success. I think that was a great scheme.

Also in industrial relations, we adopted a number of International Labour Organisation conventions which remain on the books and underpin the Australian Constitution in providing governments with heads of power and establishing standards in industrial relations that brought Australia to the front rank in the world as one of the few countries that had done the right thing in adopting those conventions.

In trade, the thing that I revere most was the opportunity to serve this country in negotiating the endgame of the Uruguay Round. The outcome does not belong to me; it belongs to all the succeeding ministers that had negotiated over the eight years of the Uruguay Round negotiations. I was fortunate to come in at the endgame, but the endgame is a bit like basketball, where the scores go backwards and forwards, and in the last few minutes the outcome is finally decided in a flurry of activity. To sit as the Australian negotiator for Australia on behalf of the Cairns Group, behind the Australian flag, talking to Europe, the United States and Japan on equal terms, and being able to bring home an outcome to the Uruguay Round which lifted the Australian economy was one of the proudest things that I have been associated with.

In the Industry portfolio, we brought down an innovation statement—about 12 months too late, I thought—which again the government copied in the first years of its period in office. It was directed at harnessing the creativity of Australians and encouraging research and development innovation to give us the competitive edge in the world. I think the innovation statement set up a program which we could go back to today.

In opposition, I have had the honour of chairing the GST inquiry; the inquiry into a certain maritime incident; an inquiry into our relations with Pacific island countries, which I appreciated with government senators when
we visited Pacific islands; and the Australia-US Free Trade Agreement inquiry. All were substantial and all I appreciated the opportunity to work on. I appreciated the work and support, no matter how fractious it got to be—and it did at particular times, with senators on my side, senators from the coalition and senators from the crossbenches. They were significant inquiries, and I had the honour and privilege of working on them.

If I have a high point of my career, I am proud of all of those things and I am proud of the industrial relations reforms, but I think the proudest is sitting behind the Australian flag, as I have said, in the closing stages of the Uruguay Round and, on behalf of Australia and the Cairns Group, negotiating a successful outcome. If I have a regret, the biggest one is that we seemed somehow to lose the bragging rights as managers of the economy after 1996 when we faced an electorate fatigued by reform. I know we can win those rights back, and I think we have a track record that justifies it.

There were many incidents over my career that could be talked about, some of them that still bring a smile to my lips. One that always succeeds is my sitting with some of my colleagues in a Lygon Street cafe. As I was leaving, the owner of the cafe lined up his family and the serving staff and said, ‘It has been a great honour to have you in my cafe to eat my food, to drink my wine and to be present here. Thank you, Senator Evans.’

Senator Chris Evans—Did you pay the bill?

Senator COOK—I didn’t send it to Gareth. And I have reason for optimism in the future, because I do believe we have a good frontbench and that we will return to power in the future.

These were the best years of my life in government, and I have been pleased to serve under great leaders: Prime Minister Hawke, Prime Minister Keating, Kim Beazley, Simon Crean, Mark Latham and now Kim again. My personal worry is that, when I came here, Australia thought large and opened itself to the world; the issues we are now debating are industrial relations reform and refugees. Paul Keating said, ‘If you want a friend in politics, get a dog.’ Well, I know what he means, but when I retire I will retire with the memory that I made great friends when I was here. In the song True Blue, John Williamson asks what it is to be an Australian. He says:

Is it standing by your mate
When he’s in a fight
Or just vegemite?

I am pretty sure all of my friends eat vegemite, but I have got a lot of mates who, when the chips were down, stood up for me and I stood up for them. I appreciate that, and that is one of my greatest memories to take from this place. It is the people, at the end of the day, that make the issue.

I retire now to fight what may be my toughest battle. I am confident about the future. I am confident because my wife, Barbara, is at my side. She is my harshest critic but my most steadfast friend. Without her, I could not go on, and there is nothing that I can say that would do justice to her.

Finally, to this chamber I say that, when I was diagnosed last year, I got several letters and messages from my colleagues here, many of them from the Independent senators and the minor parties on the crossbench, but two cards and one letter in particular. One card was signed by all of my colleagues on this side of the chamber, wishing me a speedy recovery, and one card was signed by all of the government senators from their side of the chamber, wishing me well and a speedy recovery, and inviting me back to the fray as soon as possible. I wondered whether I had let them off too lightly when they ex-
pressed themselves so eagerly for my return. And I got a letter from the Prime Minister that was a genuine letter of concern, and I appreciate that. I received these messages at a time at which I was at a low ebb. The care and concern expressed by you, as well as the silly comments you made, buoyed me up and show, I think, the great bond we share here in the Senate. It touched me deeply at the time, and I thank you for it. Now I just wish to thank you all and bid you fair winds and a calm sea. To all of you, farewell.

**Senator SANTORO** (Queensland) (12.58 pm)—It is my privilege to be able to participate in this valedictory debate and to recognise the achievements and work of retiring senators. I want to start by saying a few words about Brian Harradine, who was not only a veteran of this place but also an institution in the Senate. He has been a senator for 30 years. He has been in this particular chamber, by which I mean the one in this parliamentary building, for 17 years. He may indeed be the only person among us who genuinely does not get lost in the parliamentary complex. We will miss him. He has not been well, and that has been a matter of concern, I am sure, to every one of his colleagues here—all 75 of them. Senator Harradine has earned a substantial place in Australia’s history. He has, as Dennis Shanahan wrote in the *Weekend Australian* last Saturday, ‘had control of the Senate more times than anyone else in the past 30 years’. He is a man whose advice should always be listened to.

Brian Harradine is in all sorts of ways an uncommon man. His inaugural speech in this place was unusual in several respects. He made it on 25 March 1976, by which time he had already spoken in the chamber three times. It was unusual, too, for the luminous intensity of its assault on totalitarian Communism, at that time still a force for evil over too much of our planet and within the ranks of Labor leftist fellow travellers. In counselling our nation, he has always been a Tasmanian who can see the wood for the trees. He shares this facility with his state colleagues on this side of the chamber, I have to say, and certainly with the vast majority of the population of his beautiful and unique island state, who want to live in a beautiful environment but also to have jobs.

In the new Senate, we shall certainly miss the quiet and considered input that has been Senator Harradine’s gift to the chamber. There have been tremendous changes in Australian society, in the practical application of government and in parliamentary politics over the three exciting decades that have been covered by Senator Harradine’s presence here. Advancing science creates a moral problem as well as an ethical one, along with the undoubted benefits of new knowledge and more-effective remedies for human illness. My sense is that Brian Harradine, social conservative, is leaving us just at a time when great debates about morality and ethics in applying science are about to break upon us and to which he would, if he were still among us, add huge weight. That, too, makes his departure from the Senate a sad occasion.

Senator Cherry, of the Australian Democrats, is also leaving us. He has found a new life. He has recently been married. I wish him and his wife the very best of good fortune for the future. He has taken up a new job as executive director of the Queensland Farmers Federation. He hails from Kilcoy in the rural hinterland north-west of Brisbane and so in that sense is well equipped to be the voice of that wonderful group of people, Queensland farmers. He clearly also has a sense of humour that is appropriately rustic for both his birthplace and his new job. I recall that recently Matt Price in the *Australian* recorded him on 15 March this year saying that in a way he was pleased he would not be here ‘when the Huns take over’. I cannot
think what he would have meant. The problem for the Democrats, and indeed Senator Cherry, had much more to do with the perfectly legitimate exercise of free choice by the voters on 9 October last year. If I can humorously add, that was a cherry-picking, or perhaps a Cherry-plucking, exercise. John Cherry has been among the more colourful of our senators for Queensland in this place and certainly one of the most cogent debaters too. He can be relied on to make a good argument and I am sure that in his new life with the Queensland Farmers Federation he and I will enjoy further productive interaction.

Another Democrat, Senator Ridgeway, demands mention in my speech. I will miss his presence in the Senate for it has always been a valuable one. He has consistently fought well for the causes in which he believes. His departure may perhaps help some casual observers of this place, however, who may think there are two Aden Ridgeways or indeed two Santo Santoros. Senator Ridgeway and I are in no way related—so far as either of us knows—but people have told me from time to time that we bear an uncanny resemblance to each other. In any event, and seriously and genuinely, I wish Senator Ridgeway the very best for the future.

We also say goodbye to Senator Harris, from Queensland, and Senator Lees, from South Australia, who have both made major contributions to our deliberations and to the life of the nation that remain major highlights of the record. Five Labor senators are also leaving us. The cut and thrust of partisan debate is always fun when we see the right and the left of the Labor Party having their internecine disputes. Senator Cook, from Western Australia, leaves with a long and, in a governmental sense, honourable record. His contributions will certainly be missed. To him and to his four party colleagues I say farewell and good wishes.

Much has already been said about my retiring Liberal colleagues, all of it good. I wholeheartedly endorse those sentiments and agree with the good things that have been said about them. However, I would like to add a few observations of my own. Senator Sue Knowles and I go back 25 years to the days when we were both Young Liberals. She was from Western Australia and I was from Queensland. Back in those days—and it is still the case today—there was a great deal of affinity between Western Australia and Queensland. We took to issues from the same conservative perspective.

Sue was always an active, articulate and effective representative of her state back then in the Young Liberals. She always showed enormous ambition and promise in terms of her interest in politics. Nobody was more delighted than I when she was elected to the Senate to represent her great state of Western Australia. Other people have spoken about her contribution, which has been of the highest order both in committees and in this chamber, particularly in pursuit of issues that have been special and dear to her heart. She is very forthright; she is a no-nonsense person. As other people have said, she speaks her mind. The Western Australian interest and that of the Western Australian Liberal Party have been constant terms of reference for her activities in the Senate. We will miss Sue in this place but we know, too, that we can and will keep in touch in other places.

I sincerely wish to state that Senator Tsebin Tchen is one of the most special people I have had the privilege of getting to know during my 30 years in politics. I got to know him in the year 2000 at the height of the Pauline Hanson phenomenon. At that stage, honourable senators will recall that the Queensland Liberal Party was being severely criticised—and, I should add, very unfairly—because of the rise of that phenomenon. The ethnic communities of Queensland
were significantly offside and personally I was copping a lot of flack and a reasonable amount of ostracism.

Tsebin Tchen, as an Australian-Chinese senator, personally noticed the above difficulties and situation. As an Australian-Chinese person, he came to Queensland to put his unique perspective on the record of the Liberal Party when it comes to immigration and multicultural affairs, and he came many times. He talked about the opening up of Australia to the poor, the dispossessed and the oppressed of Europe after World War II. He talked about the abolition of the Labor Party's White Australia policy and the further opening up by the Liberal Party of Australia to the refugees of Vietnam and other Asian countries since the early 1970s. He also talked about the multicultural record of the Liberal Party in this parliament and particularly in the Senate. Tsebin should be very proud of the fact that he was the first person of Chinese descent—and indeed birth—to be elected to the Senate and, I am quite sure, to the federal parliament. He has been a constant living reminder in this place of the Liberal Party's genuine commitment to multiculturalism, as further exemplified by the presence of the Ciobos, the Vastas, the Gambaros and now the Fierravanti-Wellses in this parliament.

Tsebin, as has been said by many others, is a very kind, gentle, sensitive and considerate person. Many examples have been quoted by previous speakers to demonstrate his adherence to and practice of these qualities. I want to share with honourable senators one example of how I have been personally touched by Tsebin through his adherence to the above personal qualities. At the end of February 2001, I lost my seat in the state parliament. Members in this place who have lost their seats or their endorsement or who been associated with someone who has will appreciate that it is one of the more traumatic experiences that any of us can go through. It is fair to say that, when you lose your seat, friends can be scarce and sometimes words of comfort and support from people you would expect support from are not forthcoming. I received a phone call from Tsebin Tchen about four days after what was obviously a loss for me. He said, 'I'm going to be in Brisbane this coming Friday and I'd like to have dinner with you.' I said: 'That would be lovely, Tsebin. I would love to catch up with you.'

We sat down to have dinner on that Friday night and I said to Tsebin, 'It's lovely to catch up with you and it's lovely to see you.' He was giving me a lot of advice and offering personal support and comfort. I asked: 'What else have you been doing up here? What else are you going to do over the next few days?' He replied: 'I got in this afternoon and I'm going back tomorrow morning. I just came up to have dinner with you and say that I care about you.' That was one of the more special moments and special occasions of my political career, which at that point in time I thought was finished. At that point in time, I never thought, let alone begun to dream, that one day I would share a place here in the Senate with Tsebin Tchen, a very special person.

Senator Tchen has been a great Chair of the Senate Regulations and Ordinances Committee, on which I have had the privilege of serving with him. His intellect has been described and defined by other people before me, and it has been well applied on this committee. He is quiet, dignified and humorous but very effective. He is just a very special person. I totally endorse the other many good comments that have been made about him by all the speakers who have preceded me. I wish Tsebin well and look forward to remaining one of his friends.
Senator LEES (South Australia) (1.08 pm)—Valedictory speeches are curious things indeed, in that senators get a chance to have a go at their own political obituary. They are traditionally an occasion for reflection, thanks and recording achievement. My contribution will be no different, except to say that I truly and sadly fear that the Senate may become a radically different place when I and the others leave next week.

First, I have several special thankyou’s for my family. The first very big and special thankyou is to my daughters, Ingrid and Tegan. I apologise for all the special moments that I have missed and all the times that I was away yet again, particularly as you went through high school. Over the coming years, I hope to make up for all the lost time. Helping Ingrid with her wedding plans is the first major commitment that I will finally have time for in this area. Also, a big thankyou to my wonderful husband, Matthew, who I hope to see a lot more of in the coming years. I really look forward to our trip to London by train. My first task is to get the tiling in the laundry finished. It has been going for only three years, but I do make a commitment to get that done. Finally, in this first batch of thankyous, I thank the more recent members of my family: Kate, Stephen, Ann, John and Scott. I will be there more frequently for you as well in the future. It looks as if Kate’s garden in Mount Gambier is going to be the first task that I have time for there.

I will move on to the Senate and my time in the Senate. Between 1981 and 2005, I believe we saw this chamber blossom into a true house of review. Against all assurances to the contrary, it soon risks becoming—like the House of Representatives—an echo chamber for executive decisions. It is particularly poignant for me to note that the golden era of the Senate was heralded by the arrival of Janine Haines—whose seat I inherited in 1990—in December 1977. Janine and I both served for seven years before assuming the leadership of the Australian Democrats. Both of us followed skilled and very popular leaders into the job, although I did so in somewhat unusual circumstances.

I am one of the few in this chamber who has had the opportunity to front a national election campaign. For me it was a buzz. I am very proud of my political achievements in that period and the role, the supportive culture and the marked professionalism of the Democrats at that time. For the record, Janine took the Democrats to their highest ever vote and, later, I took them to their highest number of senators. I must use this opportunity to again place on the parliamentary record my admiration for Janine, who, sadly, passed away last year, and also my thanks to her and her husband, Ian, for their friendship over many years.

It has been an honour and a privilege to serve my adopted state of South Australia. I am originally from Sydney. Indeed, my family dates back to the early days of European settlement of this country—back to the 1790s. As I unravelled my family history recently, I found that I have cousins I have never met. Something else I will have more of a chance to do now is catch up with them. Bonnie Cupitt and I, as we delve into our family history, have now found some 10 of our relatives who did not have a lot of choice about coming here. But I digress.

It has been a privilege to be able to meet so many dedicated and committed people all over Australia and to have a chance to glimpse so much of this fabulous country. For me, the political road has been interesting. It has not been straight and there have been a couple of major potholes, but, as I sit back and look at what I have achieved, I feel I can go with a clear conscience and a real sense of satisfaction.
I have had the good fortune over the years to be in a position to amend many laws and to shine a spotlight on many deserving issues through committees and in other forums. It is the lot of crossbenchers to pursue incremental change—that is, if they really want to make a difference in this place and count their time in this place as successful. So, as opportunities arise, you take them, and that is what I sought to do from day one. I have tried to pursue a consistent political agenda, piece by piece and step by step over time. I have always done what I believed to be right. I have enjoyed the chance to make a difference and achieve positive changes, particularly in the environment area. I spoke on the EPBC Act last week so will not go into very much detail, except to say that this piece of legislation is now an international example of good law, despite a few teething problems here with its implementation.

Other achievements on the environment front have included adding heritage to the EPBC Act umbrella, the environment package that passed with the GST, and a number of things I have achieved by negotiation and discussion outside the chamber. These include highlighting a number of issues where, at last, we seem to be getting some action. I use as one example an issue in South Australia: the disaster that is the Stockyard Plain salt interception basin. Yes, we need to intercept the water, but we should not do what we are doing there. It has finally been acknowledged that something has to be done with this disaster. This basin and any other basins that they put in place need to be lined. I hope action will not be too far off.

An example of where I have managed to get money flowing for the environment is the Biodiversity Hotspots program that I negotiated. It will see some $46 million going to protect endangered habitats and species and $10 million of that is for an international program. The first tranche of that money has been spent on some 15 projects in Asia, including four projects in Indonesia, which will ensure that tigers, rhinos and orang-outangs will get better protection; and four in Vietnam, including one to protect endangered primates and another for the critically endangered Cat Ba langur. In Cambodia there is the Mundulkiri elephant conservation project and also another project to conserve coral reef hotspots in the Bismarck Sea off Papua New Guinea. I seek leave to incorporate in Hansard a summary of these 15 projects and to table at this time the full detailed description of the 15 projects that have just received funding. Labor and Liberal whips have copies of those.

Leave granted.

The document read as follows—

REGIONAL NATURAL HERITAGE PROGRAMME
Projects approved for funding in 2004-05

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Title</th>
<th>Applicant</th>
<th>Country</th>
<th>Funding AUS</th>
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<tr>
<td>05/009</td>
<td>Developing local partnerships in environmental education and training at Tam Dao National park, Vinh Phuc Province, Vietnam</td>
<td>Education for Nature—Vietnam</td>
<td>Vietnam</td>
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<td>05/012</td>
<td>Stopping poaching and gaining public support for new and expanded protected areas in Sumatra</td>
<td>Conservation International</td>
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<td>05/015</td>
<td>Conservation of coral reef hotspots in the Bismarck Sea</td>
<td>Wildlife Conservation Society</td>
<td>Papua New Guinea</td>
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<td>Project Number</td>
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<td>05/030</td>
<td>Mondulkiri Elephant Conservation Project, Cambodia</td>
<td>Fauna &amp; Flora International</td>
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<td>05/033</td>
<td>Conserving Vietnam’s critically endangered primates: community-based initiatives to safeguard two critically endangered primates in Northern Vietnam</td>
<td>Fauna &amp; Flora International</td>
<td>Vietnam</td>
<td>$106,700.00</td>
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<td>05/036</td>
<td>Integrated human &amp; conservation development at Tanjung Putting National Park</td>
<td>Yayasan Pecinta/ Friends of National Parks Foundation</td>
<td>Indonesia</td>
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<td>05/013</td>
<td>Transboundary conservation of the Annamite Range (Laos, Vietnam)</td>
<td>IUCN Asia Programme</td>
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<td>05/017</td>
<td>Protecting the heart of the Coral Triangle: strengthening MPAs in eastern Indonesia</td>
<td>The Nature Conservancy</td>
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<td>05/031</td>
<td>Building partnerships and conservation priorities for East Timor’s first national park</td>
<td>Birdlife International</td>
<td>East Timor</td>
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<td>05/034</td>
<td>Saving Fiji’s Forest Hotspots</td>
<td>Birdlife International</td>
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<td>05/046</td>
<td>Orangutan protection units: Bukit Tigapuluh, Sumatra</td>
<td>Australian Orangutan Project</td>
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<td>05/048</td>
<td>Saving Samoa’s critically endangered Ma’oMa’o &amp; Manumea</td>
<td>Wildlife Conservation Society</td>
<td>Samoa</td>
<td>$200,000.00</td>
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<td>05/055</td>
<td>Local Action, Local Results: CEPF invasive alien species program for the key biodiversity sites of the Polynesia &amp; Micronesia Hotspot, Pacific Island Nations</td>
<td>Conservation International</td>
<td>Unspecified Pacific Island Nations</td>
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<td>05/032</td>
<td>Establishing the Sovi Basin Nature Reserve (Fiji) as a first step in building a Viti Levu Upland forest corridor</td>
<td>Conservation International</td>
<td>Fiji</td>
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<td>05/041</td>
<td>Cat Ba Langur Conservation Project (Conserving the critically endangered Cat Ba Langur and its habitat, Hai Phong Province, Viet Nam)</td>
<td>Australian Foundation for the Peoples of Asia &amp; the Pacific P/L</td>
<td>Vietnam</td>
<td>$202,097.17</td>
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Total: $4,351,158.17

*Project summary sheets are attached

As I mentioned in my first speech, Australia has many fabulous places that are still unspoilt or largely unspoilt. However, the pressure on them and on many of our unique birds and mammals is increasing and the remainder of that $36 million Biodiversity Hotspots money will be spent nationally. Some $5 million has just been spent recently to purchase Brooklyn Station, just west of Cairns—
Senator Ian Macdonald—Hear, hear!

Senator LEES—where there are more species, Senator Macdonald, than are found in Kakadu. Another priority area for me, since coming into this place as a physical education teacher, has been health. In particular, I have worked on health legislation for many years. Indeed, I have worked with many ministers over the years. I have aimed at improving the structure of our health system and getting rid of all the cost-shifting and buck-passing and some of those matters are beginning to be negotiated at the COAG level. I have tried to get more money for public health and to make changes to reduce the doctor focus of our system. I am not saying for a moment that doctors are not important—they are very important—but so are all those other health professionals, including physiotherapists, podiatrists, midwives, nurses, chiropractors, dieticians and so on.

My successes in the health area have included finally getting allied health into Medicare last year, with the assistance of three other crossbench senators. Some 55,000 people have accessed allied health services to date under this program. Just in the podiatry area alone, we have seen 17,000 Australians able to access those services. The four of us also ensured at that time that a lot more money went into Medicare than the government had originally planned. I have worked on lifestyle scripts, as an alternative to just writing a script for more PBS medication, for many years and I acknowledge Senator Patterson’s role in finally seeing that happen.

One thing that is always a priority in our health system is our public hospitals. Now it is a reality that those hospitals are getting more money, thanks to the GST providing a reliable funding source. That brings me to the GST. One of my priorities in coming here as a teacher was to get more money for education. That is also happening now—the GST revenue is flowing. But I must stress that, for public schools, there is still a long way to go.

Over the years I have had the privilege of visiting a number of Aboriginal communities and working with some very talented women, such as Barb Flick and Lowitja O’Donahue. Among my successes here have been the part I have played in obtaining funding for the Nyangatjatjara College and the Docker River camel projects in the Northern Territory. I have had some meetings this week and I still have some more meetings to attend to make sure that the camel project gets off the ground and that the students at the college do have the accommodation that they deserve.

I negotiated the setting up of the Alcohol Education and Rehabilitation Foundation Ltd—or, as some like to call it, the ‘beer fund’—and the historic hotels initiative, after some sorting out after the settling-down of the GST on beer. The AERF is very successful and hopefully funding for it will continue, although it is not guaranteed at the moment. Some 27 projects have been supported in South Australia alone.

I also negotiated the Energy Credits (Cleaner Fuels) Scheme. That is another area where much more work needs to be done, but I will not be continuing to work on it. I negotiated the establishment of the chair in child protection at the University of South Australia. I pay tribute to Freda Briggs—who, as we have just heard, has been recognised in the Queen’s Birthday honours—and also to Andrew Murray for the work they have done in this area. I will continue to be involved as part of the team that is working with the chair. I pause to thank Andrew in particular and also Pam for their friendship over the years. Particularly after I left the Democrats, it was very important for me to
have someone to go out to dinner with. You have always been there, with advice and support, and I thank both of you very much.

I return to the thankyous. Thank you to all the parliamentary staff who have always been so courteous and helpful, particularly everyone in the Parliamentary Library; the committee secretariats; the clerks; the Black Rod, Andrea; and all the chamber staff. I mention Anne Lynch, Deputy Clerk of the Senate, who is also retiring. We will be keeping in touch, particularly on 19 October. I wish you all the best. You deserve a very happy and long retirement and, in particular, I wish you every happiness in the trip that you are about to undertake. I do not think I could possibly get everything organised in time to take off overseas the very day after I retire.

I also thank Harry Evans, Clerk of the Senate, who has, I am sure, a photographic memory. He has certainly one of the sharpest minds that I have ever come across. Thank you for all the advice and for making me feel welcome at all times, particularly at the start of my time here. I thank everyone who keeps this place running. I include members of the press gallery. There have been a few differences of opinion over the years about various things, but the vast majority of you have generally been very fair and very professional. With the new Senate, your role is going to be even more critical.

Thank you to all the Comcar drivers here, in particular in South Australia and around Australia and a very big thank you to all the staff who have worked as part of my team during the 15 years here. I hesitate to mention anyone because no doubt I will forget someone, so I will apologise up-front for those I cannot fit in. I start with my personal assistants: Mary Ritson, Anthony Hails and now Amy Arbery. I also thank key people like Stephen Swift and the dinner group of former Democrats who get together regularly in Adelaide. Thank you for all your support.

Thank you to the band of very talented researchers. I am sure that I have left a few out. I have to start with John Cherry—one of the most capable people ever on the Democrats’ staff—Lee Jones, Jennifer Doggett, Simon Disney and Susan Brown. Susan has done more for the Australian environment than any other individual I know. She is now in Geneva working on the international scene. Thank you to Kerrie Thornton, who has been a very valuable and multiskilled member of the team on two different occasions; and to John Schumann, who was my chief of staff while I was Leader of the Democrats—another very talented Australian. Thank you to all those who supported me in the Progressive Alliance in the lead-up to and during the last election, particularly the campaign teams and the candidates.

Also, a big thank you to my current staff: as well as Amy there is Dr Gary Sauer-Thompson, Rob Paterson, Rose Farrow, Karen Montgomery. Thank you to those helping in Adelaide in the last few weeks with the monumental task of cleaning up after 15 years; Kirk Jones and Heather Randle. I make a special mention here of my cross bench colleagues who I have worked with over the last couple of years and who are also leaving. It has been an interesting and very worthwhile time. We have not agreed on everything, we never will, but we have put our differences aside and worked together to make some major achievements from heritage to money for universities, from superannuation co-contributions to Medicare and media ownership. We have enabled a number of very important pieces of legislation to pass this chamber. So my very best wishes to Brian Harradine, Shane Murphy and Len Harris as you move on to other things.
Best wishes to my former Democrats colleagues John Cherry, Aden Ridgeway and Brian Greig. It should not have ended like this for any of you, but that is now history. My very best wishes to all the other retiring senators. I have got to know some of you quite well, particularly those who I have worked with on the Senate Community Affairs References Committee. I have to start here with Senator Sue Knowles. I think that we have been fairly constant members of that committee for quite some time. I have always valued your cheerful friendship and I thank you for making committee meetings seem really fascinating, or at least bearable, for some of the long hours that we have spent going to and fro. A special thank you also to Kay Denman and, most recently, to Peter Cook, who joined us for the very last hearing. It was a pleasure working with you and I wish you all the very best for the future. Thank you to some of my former parliamentary colleagues—Lis Kirkby, John Woodley and Vicki Bourne in particular—for your friendship and support.

As this phase of my life draws to an end and I savour the thought of turning my mobile phone off on weekends and never again taking the red eye flight to this place, I look back and reflect. You do ask yourself: did I make a difference and was it worth it? My answer in this case is absolutely. Obviously, like most of you I came here to pursue a policy agenda over which, at times, we have probably violently disagreed. But after 15 years I leave the Senate satisfied that I have made the best of the opportunity it afforded me to shape public policy. I also leave with a fondness for many former and present senators, formed over those seemingly endless committee meetings, shared speaking platforms—particularly some at the elections—and the debates in this chamber.

So I go with mixed feelings: a great sense of achievement but also a real concern as to where many of our gains will end up. A community is judged by how it treats its most vulnerable members, and its survival is ultimately dependent on how it treats its environment and how it manages its resources. I have to ask: why penalise people with a disability who can only work 15 hours a week? If they look, but cannot find any work and if they can actually get over the Newstart hurdles, they will be over $40 a week worse off than people currently on the DSP. And this is when the costs of disabilities are often very substantial. Why, at the same time as trying to push people with a disability into the workforce, instead of encouraging them and simply supporting them, does the government plan to remove unfair dismissal provisions and so make it easy to sack people who are diagnosed with a disability?

Why, as we give out drought relief to farmers, do we not reward those managing a little better than average because they are protecting their soils and managing their farms with an eye on the future? Why not acknowledge the important role low-till and no-till farming is now playing, particularly in the mallee in South Australia and other areas with sandy soils, and the boost that revegetation of critical areas often gives to a whole property? Many of these farmers have also struggled through droughts but often they are not eligible for any help, or perhaps only for a very small amount, as they are getting better-than-average results because they look after their land. We need a system of rating farms based on how they are being managed: a green tick or green leaf system. Something needs to be designed and then assistance should be handed out with this in mind. There have been some fabulous starts. Landcare and the Natural Heritage Trust are great bases to start from, but the time is right now to speed up the process of building alliances for a major restoration of Australia’s environment. I will call it ‘future-proofing’.
In my travels around the country I have found a major shift in attitudes. Farmers are certainly ready to move. Report after report, research document after research document—in particular, the recent report that said 75 per cent of the red gums along the Murray-Darling river are dead or dying—are saying to us, ‘We have to do something now.’ Farmers, irrigators, conservationists and city dwellers that I meet will all, I think, work to recover from where we are and will work together to face this dire predicament. We cannot continue to just tinker around the edges and hope that things will get better.

But time is running out and I must conclude. I leave with enduring affection and concern for this institution, which I know many of you share. It is now entrusted to your care and the care of those senators coming in. We are heading into a period not of government involving parliament in negotiations, important debates and consensus, but of absolute government control. We are heading into at least several years when we will probably not even see time taken for reflection and time taken to check to see if what the legislation before us says, what it is written to do, is actually what the government really wants to achieve. We are instead heading into an era of elected dictatorship, unless all senators in this place stand up, speak up, lobby and vote according to their consciences. So, goodbye and good luck. It has been a pleasure, but please remember those most vulnerable Australians and our environment.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (1.28 pm)—My contribution will be brief for a couple of reasons. One of the consequences of being this far down the speakers list is that almost everything conceivable that can be said about working with our colleagues has probably been said. I think it is appropriate that all of us who have the opportunity to remain here honour those who are leaving. It is a quite extraordinary and significant event, to have 14 colleagues leaving and, if you add in Senator Tierney, that is 15 in a very short space of time. This is together with the retirement of our beloved Deputy Clerk of the Senate Anne Lynch. To a very real extent the Senate family is being substantially changed by these departures.

My comments are completely impromptu. As I said, they will be very brief, but I do want to honour colleagues, each and every one of them, for the contribution that they have made individually. It tells a very good story of the Senate as an institution that we have in these 14 people whom we are honouring today, and in the contribution of Anne Lynch, an accumulated display of extraordinary experience, talent, wisdom and expertise. It is something that will be sorely missed by the Senate as an institution, and certainly it will be keenly felt by each of us as we say goodbye to friends and colleagues.

I will start with a couple of people. I do not want to leave anybody out. So, for that reason, I will say that I honour the contributions of Senator Nick Bolkus, Senator Geoff Buckland, Senator John Cherry, Senator Jacinta Collins, Senator Peter Cook, Senator Kay Denman, Senator Brian Greig, of course Senator Brian Harradine, Senator Len Harris, Senator Sue Knowles, Senator Meg Lees, whom we have just heard from, Senator Shayne Murphy, Senator Aden Ridgeway and Senator Tsebin Tchen. From the perspective of being a government minister, I have had more to do with some colleagues than others over recent months and years, so I will confine my comments to a few people.

I will start with Anne Lynch, whom I have consistently engaged with on both a professional level and a friendship basis ever since I came into this place. I know that Anne
holds a very special place in our hearts and
in our Senate family. Irrespective of political
affiliation, Anne has, in a fair-minded and
fair-handed way, dealt with each of us as she
has found us. She has been a friend and con-
fidante and, in many respects, has been the
 glue that has held a lot of us together in this
place. We have been anxious about her state
of health for some time, and we are abso-
lutely delighted to see her well and now able
to continue her very fruitful life with that
active mind, doing many things, as we would
expect her to do, with the beloved Poldo.
Somebody gave me a note and called him
‘Pauldo’—Anne, I do not think he would be
happy about that! In any event, our best
wishes go with you.

I will just pick out a couple of other peo-
ple to mention. I do want to thank Senator
John Cherry for the contribution he has made
in many respects to the development of very
complex legislative positions on issues to do
with superannuation and, in particular, the
development of choice of superannuation
and the co-contribution. Although we have
often disagreed, we have achieved outcomes
that have made a real difference to the re-
tirement incomes of Australians, particularly
those on low incomes. Without embellishing
it too much, I have to say that I think his is a
huge loss of intellectual capital to the De-
mocrats and the political process more gen-
erally. I am very glad that he is going to con-
tinue his role and continue to have dealings
with us, no doubt, from another perspective,
in an industry capacity.

Senator Harris has often brought matters
to my attention, and I have come to have
enormous respect for him and for his ap-
proach to matters. As Senator Hill said, we
all had a bit of trepidation as to precisely
what Senator Harris would be like when he
arrived, but he has been absolutely thor-
oughly decent, honest, reputable and ex-
tremely good to deal with.

That brings me to colleagues on my side.
It is very difficult to do justice to what Sena-
tor Knowles has meant to the Senate, the
Liberal Party and certainly her female Senate
colleagues. She will not remember this, but I
can remember sitting up in the President’s
gallery as a senator elect, looking down into
the chamber, and the first person to look up
was Sue Knowles. It is the measure of Sena-
tor Knowles that she was the first of all my
colleagues to say, ‘Come on down and have
a cup of tea.’ That was the sort of thing she
kept doing with newcomers, with her gener-
osity of spirit and her great knowledge of
this place. She was always somebody who
was worth emulating, in many respects. She
not only is a great role model but also com-
mands the profound respect of all in this
place. She has been here for a very long
time, and I do not have the words to do her
justice in terms of the contribution she has
made to this place, the Liberal Party, her fe-
male Senate colleagues and the political
process more broadly.

Senator Tchen has been in this place for
less time than most who are departing, and
that is a tragedy. It is part of the great democ-
racy that we live in that sometimes people
do, through political misfortune, lose their
opportunity to continue to make a contribu-
tion, and he has been making a very credit-
able contribution since he has been here. He
has demonstrated great decency and a great
capacity to engage with detail and issues,
particularly in respect of the Senate Standing
Committee on Regulations and Ordinances, a
committee he took over after me. To those
who have not been on that committee it
might not seem to be the most exciting
committee, but he made it his business to do
it thoroughly. That committee is a great
source of review, and he handled it in a most
professional way. He was a pleasure to deal
with and was unfailingly courteous and po-
lite. He is a very thoughtful man. He has
brought some perspectives to both the Liberal Party and the Senate that, had it not been for his insight, we certainly would not have had.

I do not want my not mentioning other colleagues individually to be taken as any indication that I have any less regard for them. As I said, I am standing here to honour them and to honour their contributions in a very impromptu way. Despite all the hurly-burly of the Senate and the political process, there is an underlying respect for colleagues. I know that when all is said and done we do respect each other and it does contribute to the great workings of the Senate.

I can assure Senator Lees, who mentioned in her concluding comments that the Senate was approaching a very different time in its history, that we in the Liberal Party have said that we respect our constituencies very much. There is no risk that we will be developing legislation or bringing forward propositions in this place that do not have broad community support. Part of having good legislation is that you bring the communities and constituencies with you so that it works effectively and it achieves its purpose. Finally, I have enjoyed very much working with each of our retiring colleagues and with Anne Lynch. I wish to associate myself with all of the wishes that have been expressed on all sides of the chamber and the crossbenches to wish you all good health, every success and happiness. We will remember you fondly.

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (1.38 pm)—I have not been able to get on the list and so I would like to have my speech on the valedictories incorporated. I have shown it to the opposition, and I seek leave to have my very short speech incorporated.

Leave granted.

The speech read as follows—

Unfortunately because of what seems to be a remarkably inflexible arrangement between the Whips this speech has to be tabled or incorporated rather than being delivered in the Chamber. This is somewhat regrettable as I was to deliver this speech last night when the programme was well in advance of its schedule but again for some reason it seemed impossible to allow any flexibility on such an important issue.

Nevertheless, I am pleased to be able to be on record in my thanks for Senators Sue Knowles and Tsebin Tchen. I have neither the wit nor the eloquence to say something memorable and unique about two very memorable, and in their own way, quite unique Australians who have both made a very noteworthy contribution to this Senate, the Parliament, and indeed Australia.

It has all been said. I just wanted Sue and Bin to know that, although I don’t have that eloquence, I do share the words and feelings that have been expressed by my colleagues about these two remarkable Australians.

When I think of Tsebin Tchen I feel some pride at being a member of the Liberal Party—a broad Party with high ideals of the individual—a Party which has provided the economic and social environment over most of my life for the likes of Tsebin Tchen and myself to come from relatively nowhere, to sit in the governing forum of our land.

Bin is proud of his origins—and I’m very proud of him in the way he has succeeded in life and of the contribution he’s made.

Dignified, loyal, able, committed are just some of the words that have been used to describe Bin.

I associate myself with all of those words and indeed the speeches by others of my colleagues who have so eloquently and correctly spoken of Tsebin and his time in the Senate.

To me, Sue Knowles was always a quite awesome and a ‘larger then life’ person. She almost frightened me in my early associations with her in the Senate, with her strength, her oratorical and debating skills, and her fine and astute grasp of issues and politics. Her reputation in the Party organisation was well known to me before I arrived here and I understood well enough in my first
years why that reputation had been gained—and how true it was.

Sue’s skill as a debater, the quick and witty rejoinders that could destroy the confidence of Labour Ministers, were and are legend, but she also had a policy interest and knowledge that has contributed very substantially to the good government we have in Australia at the moment. In addition to that Sue is a regular good person and a great friend to have. I know from those who fit the category, that she can also be a very devastating enemy. I’ve always admired Sue’s compassion, her dedication and determination and the straightforward and very Australian way she approaches people and issues.

I wish both Sue and Tsebin all the very best in their futures—I know our paths will cross in the years ahead.

Both can leave the Parliament very well satisfied with their achievements during their time in the Senate.

In closing can I also wish all other retiring Senators all the very best in their futures—I know our paths will cross in the years ahead.

I wish both Sue and Tsebin all the very best in their futures—I know our paths will cross in the years ahead.

BUSINESS

Consideration of Legislation

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (1.38 pm)—I move:

That consideration of government business orders of the day no. 1, Crimes Legislation Amendment (Telecommunications Interception and Other Measures) Bill 2005, and no. 2, Superannuation Legislation Amendment (Choice of Superannuation Funds) Bill 2005 be called on immediately and considered till not later than 2 pm.

Question agreed to.
applies for and is granted a warrant to take a person into custody for interrogation under its controversial new powers. We Democrats make the point that if ASIO is able to provide this kind of information without compromising national security then it should also be able to provide basic information about the exercise of its telecommunications interception powers, and that is the purpose of the amendment before us.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (1.41 pm)—Before I address this amendment, I have a golden opportunity, as the Deputy Clerk, Anne Lynch, is in the committee here today, to say how much the government has valued Anne’s work. Anne will certainly be leaving with the best wishes of the government and my personal best wishes. When I first came here as a very inexperienced and younger senator—I am older now but still inexperienced—Anne Lynch taught me a great deal about the Senate. Any flaws that I demonstrate are purely the fault of the student, not the teacher. I wish Anne all the best in her retirement. She has certainly served the parliament and the Senate in an outstanding way. I have just breached the one rule that was taught to me about dealing with something which is not the subject of the committee’s debate, but I am grateful for the indulgence of the committee for that opportunity, as I do not have another opportunity to do it.

The government do not support this amendment. We believe that ASIO discharges its accountability responsibilities by providing its classified report to not only the government but also the opposition. The Sherman report did not raise new substantive arguments to justify revisiting this argument and, as I said, the government will not be supporting this amendment.

Senator LUDWIG (Queensland) (1.44 pm)—Senator Greig, the opposition had a very long and hard look at this issue. There is an alternative course available. We are not minded to support the amendment, although we do see the sense behind it. We understand the position that is being progressed, and your arguments are almost persuasive. There is the alternative course of allowing the matter to go to the parliamentary joint committee, which is looking into a range of issues, including this one. It may be worth while putting this on its agenda as well to ensure that there is greater parliamentary oversight of the activities of Australia’s intelligence agencies. But, given the context in which the amendment has been raised, as I said, we will not be supporting it.

If you look at the way warrants are issued by the Director-General of Security, you see that a thorough examination of these issues under the multiplicity of legislation that deals with ASIO powers and the reporting requirements under such legislation would be appropriate. There is no argument about that. I think it would be helpful. In addition to the public good of improving accountability,
there are countervailing interests in protecting the work undertaken by ASIO. Without wanting to debate the full raft of instances, of course there would be circumstances in which the activities of ASIO would appropriately need to be protected—for example, in ongoing operational investigative matters. There are arguments for and against the matter. I think the way through this is to refer it for greater scrutiny of the particular issue rather than to agree to the amendment here—although, obviously, you will be disappointed with that. That is the position we are adopting in relation to this, but we do see the sense behind it. We think that it should go to the joint committee. If you do not take it to the joint committee, we are in a position to seek to take it there.

Question negatived.
Bill, as amended, agreed to.
Bill reported with amendments; report adopted.

Third Reading

Senator ELLISON (Western Australia—Minister for Justice and Customs) (1.47 pm)—I move:

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

SUPERANNUATION LEGISLATION AMENDMENT (CHOICE OF SUPERANNUATION FUNDS) BILL 2005

Second Reading

Debate resumed from 14 June, on motion by Senator Abetz:

That this bill be now read a second time.

Senator McGAURAN (Victoria) (1.48 pm)—We have before us today the Superannuation Legislation Amendment (Choice of Superannuation Funds) Bill 2005. As we wait for the Labor Party speaker, I will fill in for a few minutes on this bill. We know that the Labor Party speaker, who is late in coming to debate this most important issue, has stood against this bill from day one. He has fought it tooth and nail as it has gone back and forth from the Senate. I see that Senator Greig is here. He and the Democrats have had much to do to get this reform bill through the parliament. It is actually more than reform; it is a revolutionary bill relating to the superannuation industry. We all know that.

We know the consequences of bringing choice into what was a closed industry. It will have a major effect. It is going to take a while to smooth out. We have already seen the television advertisements about giving the consumer great choice. I mentioned Senator Greig. There have been many valedictories and he has been recognised by a couple of speakers. There is no doubt that when this bill first came to the Senate Senator Greig indicated that he would stand his ground with the Democrats against it unless certain amendments were made, in particular to aid his cause. To that end, the government did make those amendments after realising that Senator Greig, to his credit, would not back down. So I really think he can leave this place saying that he has made a major legislative difference—and a social difference, for that matter.

Senator Sherry has entered the chamber. I was only going to speak for a very short time to fill in the time because he was running late. I do not know why we have to put up with Senator Sherry running late on this matter when we already know what he is going to say. He has never varied his position, let alone his speech to the parliament, on this issue on any occasion. We are now going to suffer yet again Senator Sherry’s railing against this revolutionary piece of legislation. Senator Sherry, I invite you, in the next 10 minutes, to try and make some sense of your objection.
Government senators interjecting—

Senator SHERRY (Tasmania) (1.50 pm)—I am pleased that Senator McGauran’s own colleague acknowledged that I was not late. In fact, I was called in unexpectedly because the schedules have been adjusted due to the valedictories. We are dealing with the second reading of the Superannuation Legislation Amendment (Choice of Superannuation Funds) Bill 2005. It is in fact a bill to amend the original piece of legislation which passed last year. Superannuation choice begins on 1 July this year, so we are considering some important amendments with just over a week to go. That is a concern. With just over a week to go, we are dealing with some substantial amendments. Senator McGauran used the term ‘revolutionary’. I will certainly accept that this is a radical change to the nature of superannuation in Australia. I think that is one issue that we can all agree on at least. So here we are, at the last minute, making amendments to a radical restructuring of superannuation in this country. Labor would argue that you need some certainty and predictability when such a radical change is being imposed by the Liberal-National Party so that people can plan ahead.

I will also mention in this context the fact that the changes to the Financial Services Reform Act 2001, on which depends one of the fundamental protections for employees in respect of superannuation—the principle of disclosure of fees and charges—have not been finalised in the context of superannuation. Here we are coming up to 1 July and the regulations for the disclosure regime, which require the provision of what are called product disclosure statements to millions of Australian consumers in order to assist them and to protect them when they make a choice of superannuation fund, have not yet been finalised. The government put in original legislation regulations; the consequence is that disclosure statements that have been produced by financial institutions on super run to 50 to 80 pages. Unfortunately, for most Australians these documents are incomprehensible, because the surveys show this in terms of financial literacy—this is no criticism of the individual ability of Australians to understand or read English. They are simply too large and too voluminous, and the government has had to bring in so-called enhancements to simplify these dramatically. They will not be ready by 1 July.

I would firstly point out that in this country we already have superannuation choice. It is called investment choice. Most Australians have the ability, within a superannuation fund, to select different investment options. So it is not correct to argue that we do not have choice in Australia already. What we are dealing with here is about five million Australians being allowed to go and pick a superannuation fund. It is not unlimited choice of superannuation fund; there are a number of caveats. This is where the government have got themselves into a contradictory philosophical position, because they say, ‘We want choice,’ but at the same time they have imposed a number of caveats on individuals who exercise choice. Let me give you a couple of examples. There are defined benefit funds, and I understand why there is no choice for members of defined benefit funds. I will not go into the details of that today but it is difficult, practically, to do. The next caveat is where an employer contributes more than nine per cent; in that case there is no choice for the employee. Also, in the event of what are called workplace agreements, the employer can impose a fund that they have selected.

Labor argues that the government has got to be consistent. If you are going to have choice of superannuation fund—putting aside defined benefit funds—you cannot have caveats. Without them, ultimately, the
system will evolve to total choice. But Labor’s central contention is that the regime the government is establishing is too complicated and it is unsafe. It is too complicated for employers. Employers have significant new red-tape burdens under choice of superannuation fund. I find it quite ironic that a Liberal-National Party government that argues for reducing red tape on employers is imposing a significant new red-tape burden. The employer under this new regime, and this was highlighted on the front page of the Financial Review this morning, is required to issue five million forms to employees in the period from 1 July, and one million ongoing. And these new choice of superannuation forms—

**Senator McGauran**—You argued for those!

**Senator SHERRY**—They do not have to issue those at the moment, Senator McGauran. In fact, Senator McGauran might be interested that I have had representations from the National Farmers Federation on this. They are particularly concerned about industries where there is a high turnover of employees. The employer issues a form; the employee hands it back: for an industry where there is a significant turnover that is a lot of form filling. On top of that, the employer is legally obliged to keep these forms for five years because the tax office—the enforcer of this new regime—will be inspecting them to ensure that the employer has conformed. So that is one set of new obligations on the employer.

Next is that most employers pay to one superannuation fund in this country—one or two perhaps. That is the simple way to do it for the employer. Under the choice of fund regime the employer will be paying to many more than one or two funds. There are clearing houses that can transfer the moneys, but they cost the employer money; the employer has to pay for a clearing-house facility. If the employer does not have electronic transfers, and many still do not—they pay by cheque—and they have, say, 20 employees, over time they will have to write out cheques to 20 different superannuation funds.

**Senator McGauran**—You argued for those when Kemp was minister!

**Senator SHERRY**—Senator McGauran, this becomes very messy because if an employee changes superannuation fund—and there are literally thousands of superannuation funds in the country—the documentation for paying the moneys to the fund has to be checked. And this continually changes. So no-one can dispute that there is additional red tape and cost for the employer. On top of that there is a very serious penalty regime—two years in jail and/or $22,000—if an employer advises an employee about choice of fund outside the terms of the legislation. They are very substantial penalties. Again, I find it quite interesting that a Liberal government—and in this case I will acknowledge also the role of the National Party—imposing a draconian penalty regime on an employer.

**Senator McGauran**—You sought these checks and balances!

**Senator SHERRY**—Senator McGauran, in the event that any one of the five million employees about to be given forms quite innocently goes to their employer, and says, ‘What should I do. I do not know much about this; can you help me out?’ and the employer, wanting to help, says, ‘I think you should perhaps select or consider fund A, B or C’, that is an offence. Under the Financial Services Reform Act the employer is not licensed to give advice. Two years in jail and/or a $22,000 fine: I find it amazing that a Liberal-National government, on top of the new paperwork, the red tape and the cost, imposes what are very substantial penal-
ties—fines and jail terms—on employers. I warn the government: these new costs and penalties will come back to bite you. The government has not designed a simple regime. Labor agrees with choice of fund, but the government has not thought enough about a simple regime to ensure that these new onerous burdens are not placed on employers.

In addition to this, the second theme of Labor’s concern is safety: protections to employees. This so-called choice of fund regime has been tried in other countries around the world. Effectively, it is deregulation of the retail distribution of superannuation. There are some dangers in this. Choice on the face of it sounds fantastic, but there are some practical difficulties for employees.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Employment and Workplace Relations

Senator WONG (2.00 pm)—My question is to Senator Abetz, the Minister representing the Minister for Workforce Participation. I refer the minister to the budget impact report recently released by the respected Melbourne Institute. When the minister selectively quoted from that report earlier this week, didn’t he forget to mention that it shows that the effect of the so-called welfare to work measures on labour supply is no better than ‘ambiguous’? Didn’t the minister also forget to mention the report’s projection that only 45,000 people would move into work over the next four years and that none of this was a result of the welfare changes? Hasn’t the Treasurer’s budget night boast that 190,000 people would get work as a result of changes to welfare been completely and utterly discredited by the Melbourne Institute? Will the minister now indicate precisely how many people the government expects to actually move from welfare to work as a result of its changes to welfare?

Senator ABETZ—Senator Wong has finally been able to convince the question time committee on her side to allow her to continue with this alleged attack she broadcast to the world that she was going to undertake this week. At the outset let me say that we as a government do not make any apologies for having a Welfare to Work policy and a program to implement it. That is in stark contrast with the Australian Labor Party, who have nothing to offer in this regard. Indeed, the Melbourne Institute in its analysis had great difficulty because it had to make a lot of assumptions as to what the Labor Party’s policy actually might be in certain areas. It was a huge vacuum around which the academics had to try to weave some sort of policy construct so that they could try to compare the Liberal approach with the Labor approach. The very first sentence of the institute’s analysis says:

This year’s budget of the Commonwealth government was clearly aimed at improving Australians’ labour force participation.

The Melbourne Institute fully acknowledge that that is the aim of the government. We make no apology for that. They have recognised that what we have done is designed for that purpose. If you have a look at the international comparisons, you note that we have a higher rate of people on disability support pension in comparison to OECD countries. That is out of whack. The reason for that is that we as a nation have not been encouraging those with disabilities to concentrate on what abilities they do have and what contribution they might be able to make to self-support and enter the work force. As a result, the government have announced plans and policies to assist people to re-engage with the work force.

I have heard a variety of figures mentioned as to how many people are going to be moved from welfare to work. Rather than us vacating the ground as a policy, as the Labor
Party are doing in this area, anybody that we are able to move—every single individual Australian that we are able to move—from welfare to work will have been a success for that particular individual, for the community and society at large and of course also for the economy. If we are to be condemned because only 45,000 are going to be shifted across, at the end of the day the Australian people will be able to judge us a government that really had a go and that really developed policies designed to assist people to get from welfare to work. This is in stark contrast to the Labor Party, which have offered the Australian people absolutely nothing in this vital, important social area.

Senator WONG—Mr President, I ask a supplementary question. I note the minister appears to have conceded that the Melbourne Institute is correct and therefore that the Treasurer is wrong. Has the minister advised the Treasurer that he agrees that the Melbourne Institute is correct and the Treasurer’s boastful claims of 190,000 are completely wrong? Does the minister also agree with the Melbourne Institute that Labor’s policy would actually move more people into work off welfare than the government’s package?

Isn’t the reason the government arrogantly refused to release their costings and projections at Senate estimates that they knew the figures were a complete shambles, just like the rest of their so-called Welfare to Work scheme?

Senator ABETZ—I think all honourable senators know that I said nothing of the sort that Senator Wong has suggested. Yesterday in question time Labor tried to verbal me, and the record was corrected this morning. Of course, the Labor Party will try to assert that we have been saying things which are completely incorrect.

The Melbourne Institute’s great difficulty was in actually determining what the Labor policy might be and then trying to spin out what the consequences might be of a Labor policy that had not even been fully constructed. We on this side of the house see it as a social responsibility to assist as many people as possible off welfare into work. As the Melbourne Institute analysis says in conclusion—(Time expired)

Foreign Debt

Senator FIFIELD (2.07 pm)—My question is to the Minister for Finance and Administration and the Minister representing the Treasurer, Senator Minchin. Is the minister aware of recent comments in relation to Australia’s foreign debt? Will the minister outline to the Senate any implications of the Australian economy’s ability to service foreign debt, and will he further inform the Senate of the importance of encouraging public and private savings?

Senator MINCHIN—I thank Senator Fifield for that very good question. As we all know, Australia is a country with a relatively small population but with very large investment opportunities. As a country, we have been relying on foreign investment for all of our existence, whether that is in the form of equity or debt, to realise those investments and to create jobs and growth. When you look at the question of foreign debt, there are two key indicators. The first is the proportion of the debt attributable to the government as opposed to the private sector to the extent that foreign institutions are lending money to Australian companies—that is, the outcome of private, commercial decisions. The second indicator is the debt servicing ratio—the proportion of our export earnings required to pay the interest on foreign debt. That is much the same as a household. What is relevant is your capacity to service your mortgage, which in my case is difficult.

On the first indicator, the proportion of net foreign debt attributable to the government is
currently 4½ per cent, and that is because our
government has reduced general government
debt from $96 billion down to $16 billion to
date, and that debt will be eliminated in the
course of 2006. When Labor left office the
proportion of the foreign debt attributable to
the federal government was nearly four times
as high—it was over 17 per cent. The debt
servicing ratio, the other measure, is now 9.7
per cent compared to around a 20 per cent
peak under Labor.

I am not alone in identifying these two
key indicators when you look at foreign debt.
In 1995 the then finance minister and current
opposition leader, Mr Beazley, was at pains
to emphasise both of them. He told the par-
liament in 1995:

This—

the foreign debt—

of course, is a debt which is carried by the private
sector by and large.

He went on to say:
The only relevant measure as far as the Com-
monwealth government is concerned is what is
carried effectively by the Commonwealth in its
own operations.

Mr Beazley also defended Labor’s record on
foreign debt by pointing out that under his
government the debt servicing ratio had
fallen from 20 per cent to 11.2 per cent. On
both these key indicators, which Mr Beazley
accepts as the indicators, we are in better
shape today than we were when Mr Beazley
invoked them to defend Labor’s record in
government. The proportion of foreign debt
attributable to the government is lower and
the debt servicing ratio is lower.

Notwithstanding these facts, Mr Beazley
yesterday signalled that he intends to make
foreign debt his next great issue. So, having
completely wasted the last five weeks trying
to stop Australians getting a tax cut on 1
July, he now intends to spend the next six
weeks apparently campaigning on the issue
of foreign debt. It is clear from what I have
just said that his own comments, when in
government, give the complete lie to this
desperate desire on Mr Beazley’s part to
make foreign debt an issue and to escape
from the great big hole that he has dug him-
self over the last six weeks on the issue of
taxation. Labor is clearly directionless and it
will remain so as long as Mr Beazley runs
six-week campaigns on issues he clearly
does not believe in.

Employment and Workplace Relations

Senator CROSSIN (2.10 pm)—My ques-
tion is to Senator Abetz, the Minister repre-
senting the Minister for Work Force Partici-
pation. I refer the minister to the OECD re-
port released this week which shows that the
current investment in the work skills of ma-
ture age Australians is inadequate. Is the
minister also aware of the report’s finding
that:
The labour market outcomes of older Australians
are strongly linked to their level of education.

... ... ...

It is vital that workers of all ages have good op-
portunities for vocational education and training.

Given these concerns, why is the government
forcing 65,000 mature age unemployed Aus-
tralians to fight with 600,000 parenting pay-
ment recipients for only 12,300 vocational
training places? Doesn’t this show that the
training places for mature age unemployed
Australians are a mere fraction of what is
required? Doesn’t this also mean that the
welfare package will not address the problem
of mature age skills raised by the OECD?

Senator ABETZ—The simple answer
is—and I am sure the Australian people re-
member—that Labor’s policy in this area
was just to grow the unemployed, not to as-
sist them in any way, shape or form. We as a
government welcome the release of the
OECD report Ageing and employment poli-
cies—Australia. The Australian review is one
of a number of country reviews conducted by the OECD by invitation in recent years on the participation of older workers—that is, those over the age of 50. Significantly, the report acknowledges that compared with many other OECD countries Australia has been addressing the barriers to employment faced by older workers and, as a result, is better placed than many of these countries to cope with the ageing population. Once again, like Senator Wong, they are misrepresenting the reports they seek to quote on their behalf.

The government has already implemented a number of measures that address recommendations made in the report through the recent Welfare to Work budget package, including changing eligibility criteria or the disability support pension to prevent it being used as a pathway to early retirement, providing employment assistance to people who are not eligible for income support and changing the income tests applying to allowances to enable people to keep more of their earnings. As this record shows, the government is firmly committed to improving mature age participation but recognises that there is still considerable scope to improve labour force participation for older Australians.

In relation to particular initiatives to assist older Australians, I indicate that we announced $157.8 million in the 2005-06 budget to assist older Australians and parents to make a successful transition back into the work force as part of the Welfare to Work initiative.

Senator CROSSIN—Mr President, I ask a supplementary question. Minister, you could have tabled your brief in the Senate for all the good that your answer was in terms of not addressing my question about the lack of training places for mature age Australians. My supplementary question is: can the minister confirm that the OECD report also shows that mature age Australians consistently have the worst outcomes in employment programs? Minister, when will the Howard government stop arrogantly ignoring Australia’s chronic skills crisis and provide the investment in skills that mature age Australians need?

Senator CROSSIN—Mr President, I ask a supplementary question. Minister, you could have tabled your brief in the Senate for all the good that your answer was in terms of not addressing my question about the lack of training places for mature age Australians. My supplementary question is: can the minister confirm that the OECD report also shows that mature age Australians consistently have the worst outcomes in employment programs? Minister, when will the Howard government stop arrogantly ignoring Australia’s chronic skills crisis and provide the investment in skills that mature age Australians need?

The PRESIDENT—Before I call Senator Abetz, I remind all senators to address their language, literacy and numeracy competency of those moving from welfare to work. We have got $42.6 million over three years from July 2006 to expand education and training opportunities for parents and older workers who have been away from the work force. We have got $312,000 each year from 2006-07 to support a further 1,200 parents with career advice as they prepare to return to work.

We as a government have policies deliberately designed to assist the older Australian to get back into the work force. The Australian Labor Party can try to throw stones at our policy. All I would remind them of is this: their policy was unemployment. One million Australians suffered on the social scrap heap of unemployment because of Labor policies. Today we have one of the lowest rates of unemployment ever, as a result of our policies. The Labor Party condemned our GST policy, saying it would mug the economy. They now embrace the GST. They will do the same after a new leader and possibly after a few more election losses—they will support our industrial reforms and welfare reforms as well.
remarks through the chair, whether they are answering a question or asking one. I call Senator Abetz.

Senator ABETZ—Thank you, Mr President. That is a very good point. If I were to table the briefing that I have in front of me, my fear is that Senator Crossin would not necessarily be able to comprehend it, and therefore I have taken the advantage of four minutes to seek to explain it to her. The greatest arrogant disregard for the unemployed in this country was shown by the Hawke-Keating government when one million of our fellow Australians faced the unemployment queue. Under our government, that queue has shrunk to virtually half. The unemployment rate is now only 5.1 per cent. The figures speak for themselves and the Labor record condemns those on the other side.

Whaling

Senator FERRIS (2.17 pm)—My question is to the Minister for Fisheries, Forestry and Conservation, Senator Ian Macdonald, representing the Minister for the Environment and Heritage, Senator Ian Campbell. Will the minister please advise the Senate of the latest developments at the International Whaling Commission meeting being held in South Korea?

Senator IAN MACDONALD—I thank Senator Ferris very much for her question on an issue that I know she has very strong views on. She, like most Australians, would have awoken this morning to the very heartening news that Australia’s leadership efforts to ban commercial whaling have paid off with a resounding 29-23 vote to reject commercial whaling. All credit to our colleague Senator Ian Campbell, who has spearheaded the challenge to reject commercial whaling. Also great credit to our Prime Minister and other ministers and to the team who have marshalled support to defeat the Japanese bid. Indeed, as the West Australian newspaper reporter on the spot in Korea said, ‘Australia have been very impressive with the way they have been working in the cause of the whales, and it has been exciting to watch it.’ So all credit to Senator Campbell. Unfortunately no credit whatsoever to the Labor opposition—a bunch of dills, according to a very apt description from one-time power-broker Senator Robert Ray. The Labor Party have tried to play some domestic politics—they have not even been able to do that very well—rather than support the government’s leadership role in gaining international support for antiwhaling.

Mr Beazley used his energy, if that is not an oxymoron, to marshal a huge petition against whaling and send it to the Australian government. That was absolutely unnecessary, Mr Beazley; the Australian government’s position has been known for years. Our opposition is very clear. The rest of the world knew about that. The Japanese knew about that. All Australians knew about that. Apparently Mr Beazley did not. It would have been useful if Mr Beazley had used what energy he had to encourage the Labor states to encourage their counterparts in Japan to oppose whaling, just as Senator Gary Humphries did with the sister city of Canberra, Nara.

The victory last night is hopefully a precursor to today’s vote, sponsored by Australia and supported by 23 other interlocutors—an absolute record in the IWC—that the commission demonstrate world opposition to the so-called scientific hunting of whales. I have to say that the vote today will not stop Japan—if we are able to get it through—but it will send a very clear message to the Japanese on world opinion.

There is still more to be done and the Australian government is doing it. Australia’s leadership role in this particular incident—
perhaps our most significant conservation measure—confirms what I have been saying for many months, and that is that the Howard government is the greenest government Australia has ever had. Indeed, today’s Newspoll confirms that I am not the only one who has been saying that. The people of Australia also believe that the coalition is the best party to handle environment and conservation issues. More Australians believe the Howard government is better placed to handle environment conservation issues than any other party. They are right, and Senator Campbell’s efforts in Korea this week clearly demonstrate that fact.

Employment and Workplace Relations

Senator JACINTA COLLINS (2.22 pm)—My question is to Senator Abetz as Minister representing the Minister for Workforce Participation. Is the minister aware of projections that, by the year 2009, there will be around one million people with disabilities claiming welfare? Isn’t it the case that, at the same time, only 7,600 of these people will be able to access a vocational training place under the government’s Welfare to Work package? Doesn’t this ridiculous ratio of 7,600 out of one million people confirm that the Welfare to Work package will not provide people with disabilities with the assistance that they will need to get a job? Can the minister explain why the government has chosen to increase skilled migration but not adequately invest in the skills of one million disadvantaged Australians with disabilities? Why does the government continue to arrogantly disregard the potential of Australians with disabilities instead of helping them to address our chronic skills shortage?

Senator ABETZ—I would have hoped that the questions committee would have given Senator Collins a better question for her last question in this place. I start by addressing her comment and reflection on skilled migration to this country. We know that the Labor Party are the party against migration. They have had a policy over many years against migrants being able to come to this country. Trying to play the migration card in relation the issue of Welfare to Work just shows how desperate they are to come up with some skerrick of an argument in support of their position.

There are reports all over the place about all sorts of things, such as that there might be one million people on a disability support pension by 2009. We want to minimise that figure as much as is reasonably possible. Everybody who is on a disability support pension at the moment is quarantined. In the future, we will have a regime which is designed to provide an incentive to get into work and a disincentive to not engage in employment. That approach has overwhelming community support because people see the need for us to have a threshold. That threshold of being able to work for about 15 hours per week is seen as reasonable by most Australians, who do want us to fix up this area that is unfortunately blowing out. Indeed, as we heard in the Senate today, there are more people on the disability pension than there are on the unemployment benefit. Most people would consider that to be out of kilter. We as a government are seeking to address that.

I am asked about training positions. This is one of the difficulties when you have a question committee that tries to develop a strategy. I have already indicated to Senator Crossin, I think, all the funding that was made available in this budget for training for older Australians but, yet again, the same sort of line is parroted by Senator Collins without any recognition of that which has already been advised to the Senate during question time. We need training, but we need other factors as well, such as incentives to encourage people into the workplace. We
have done that. Also, we need disincentives for those that deliberately do not engage with the workplace. We have a suite of policies for all Australians—for the young, for the older, for the disabled—that will ensure that, if they want to engage in the workplace, we will assist them and that, if they want Australians to assist them, there will be some form of mutual obligation such that they have to make an effort, if they can, to get into the workplace. Most people see that as being reasonable—most Australians support that—and it is about time the Australian Labor Party came on board.

Senator JACINTA COLLINS—Mr President, I ask a supplementary question. As part of that supplementary question I think I should highlight that Senator Abetz should look carefully at my first question. I have not played the migration card and, in my time here, have never done so. Can the minister confirm that, despite the Howard government’s determination to use the Job Network to move people with disabilities into work, there is no clause in the Job Network contract which would specifically require Job Network members to be accessible to people with disabilities? Accessibility is not required. Very limited and inadequate funding is being provided. All of this is further evidence that the Howard government is not serious about moving people from welfare to work and that it is only serious about cutting payments to vulnerable Australians.

Senator ABETZ—I think anybody listening to this broadcast would be fully aware that Senator Collins did play the migration card in that disgraceful first question. In relation to that question she asks now about the Job Network, I say to Senator Collins and those on the other side that they are still harking back to the days of the Commonwealth Employment Service—that discredited approach that oversaw one million Australians on the unemployment scrap heap. Under the Job Network, we have saved Australian taxpayers millions of dollars and provided thousands of Australians with job opportunities that, for whatever reason, the Commonwealth Employment Service was unable to deliver. Indeed, as I understand it, Job Network hit a record in recent times whereby there were over 52,000 placements in the month of June 2004. That is a great record. (Time expired)

Whaling

Senator BARTLETT (2.29 pm)—My question is to the Minister for Fisheries, Forestry and Conservation, Senator Ian Macdonald, representing the Minister for the Environment and Heritage. I note his comment in response to a previous question about the so-called resounding success of the International Whaling Commission. I draw the minister’s attention to Japan’s announcement that they are planning to slaughter even more whales in Australia’s Antarctic waters despite the majority antiwhaling view of the International Whaling Commission. Given the minister’s statement just yesterday that the government does not support barring Japanese whaling vessels from Australian ports, will the government now support legal action in Australia’s courts that has already been undertaken by other organisations against Japanese companies that are slaughtering whales in the Southern Ocean?

Senator IAN MACDONALD—As I heard Senator Bartlett’s question, it was about whether we would take action in Australian ports. Perhaps he could indicate if that was the thrust of his question. I am sorry, but Senator Bartlett is not the easiest to hear sometimes. If the question was about Australian ports, of course Australia does not allow Japanese whaling vessels into Australian ports. We do draw a very clear distinction between lethal and non-lethal research, and between IWC-endorsed research and unilate-
eral research designed by Japan with external scrutiny. There have been suggestions that Australia has allowed vessels into its ports. Those suggestions are simply not accurate. I am not quite sure what action Senator Bartlett would have us take against vessels that do not come into Australian ports.

I want to make it very clear, and perhaps this is a good time to do it because there are some myths around that I would like to help dispel, that certainly no whaling occurs in any waters over which Australia has control—that is, in the Australian fishing zone, which is equivalent to Australia’s exclusive economic zone. That is why people say to me: ‘You’ve done it with the patagonian toothfish; you’ve chased the pirates all the way around the world. Why don’t you do it with whales?’ Quite simply, there are no vessels catching whales in waters over which Australia has control. If there were, they would be arrested by the Australian security forces immediately and brought to justice.

On the high seas, though, it is a little different. There is a lot of work being done internationally to consider whether the traditional freedom of passage on the high seas should be looked at, particularly in the case of those fishing vessels that are raping the high seas of fish stocks, including whales. I can assure the Senate that the Australian government is looking very closely at some of the best legal advice that is available around the world as to what legal action Australia can take in relation to high seas matters and breaches of international conventions on the high seas. Senator Bartlett and the Senate can be assured that Australia takes its role very seriously. I am pleased to say that both in combating illegal fishing and in combating whaling Australia has a world-class reputation. I am very proud of that, and we should all be very proud of Senator Ian Campbell’s diplomatic efforts around the world.

Senator Bartlett, if you have some suggestions that we could follow that might help us in our goal to ensure that there is no whaling on the high seas or in waters that Australia does not control, I would be very pleased to hear them. But until we get those ideas from anyone, and we are constantly looking, Australia will be forever vigilant in doing everything we can by diplomatic and other means to stop whaling anywhere in the world.

Senator BARTLETT—Mr President, I ask a supplementary question. Is the minister not aware of court action that was initiated by Humane Society International within Australian courts seeking to act against Japanese whaling companies who are whaling? Why is it, given the government’s professed concern in this area, that the Australian government did not support that court action? Can I take from the comments the minister made in response to his first action that Australia is now relinquishing any claim to jurisdiction over waters adjoining its Antarctic territories?

Senator IAN MACDONALD—I now understand from Senator Bartlett’s supplementary question that he said ‘Australian courts’, not ‘Australian ports’. The action by Humane Society International is one that they have taken. We do not seem to think that it is well based and that it legally has a great chance of success, but that will not stop Australia looking at and investigating whatever means we can pursue to try and stop whaling internationally. Senator Bartlett also asked me a question about Australia’s ‘claim’—and I emphasise that that is in inverted commas—to the waters off the Antarctic mainland. That is a very complex issue. It would take even me some three or four hours to explain fully to Senator Bartlett the ramifications of that, and in the answer to a supplementary question I do not have that opportunity. Can I say, however, that it is a
Employment and Workplace Relations

Senator MOORE (2.35 pm)—My question is to Senator Abetz, representing the Minister for Workforce Participation. Can the minister confirm that single parents and people with disabilities who receive Newstart instead of the pension after 1 July 2006 will no longer be eligible for the pensioner education supplement? Doesn’t this mean that single parents and people with disabilities who undertake approved education activities will no longer get the $62 per fortnight payment to help them with their training? Won’t this mean that these people will be forced to withdraw from their training activities because they cannot afford to pay for them? Why won’t the Howard government invest in the skills of welfare recipients to help them address Australia’s chronic skills shortage?

Senator ABETZ—There seems to be an attack today in relation to what has been recognised quite broadly as a very good policy initiative of the government, and that is moving people from welfare to work. It is necessary for the individuals concerned, it is necessary for our society and it is also necessary for our economy. I have been asked about all the different variations, such as if you have a disability or if you are a single parent. We can have all the combinations that we like. At the end of the day, they are all available in the papers that have been put down by my colleague Mr Dutton.

The important point is that, from the vacuum of no policy, the Labor Party seeks to throw stones at our policy which is deliberately designed to assist people from welfare to work. Our financial package, which is in fact costing the taxpayer some considerable amount—I think it is $3.6 billion over the next three years—is designed to invest more money into getting people job ready and into the work force. There is a whole list of initiatives. For example, we have $120 million to extend entitlement to Youth Allowance, Austudy and Abstudy. We have $65.4 million to establish 24 new Australian technical colleges—a policy that I understand the Australian Labor Party at first opposed, then supported and then in fact did oppose. We have $28.7 million for tool kits for new apprentices starting apprenticeships in specific trades. We have $27.5 million for the Australian Network of Industry Career Advisers. We have $15.3 million for scholarships for new apprentices who successfully complete the first and second year of a new apprenticeship in a trade with skill needs.

Senator Carr—Too little, too late.

Senator ABETZ—Senator Carr says that it is all too late. I indicate to those on the other side: what did you say to the one million unemployed that you simply churned out and never looked after? We have halved that disgraceful number. The unemployment rate is continuing to go down and the reason it is going down is that we have in fact been looking after every sector in the work force, be it the young, be it the old, be it the disabled. We have sought—

Senator Carr—We are now importing boilermakers from China. A great start!

Senator ABETZ—Once again, I think we heard an interjection about imports from China.

Senator Carr—That is right, we did.

Opposition senators interjecting—

Senator ABETZ—And once again, the immigration issue is raised. That is a common theme that is developing amongst the Labor Party.

The PRESIDENT—Senator Abetz, ignore the interjections and address your remarks through the chair.
Senator Carr interjecting—

The PRESIDENT—Senator Carr, come to order!

Senator ABETZ—Senator Carr only uses migrants for branch stacking. I thought you would have supported them coming to Australia. But, Mr President, when we have specific policies to train young Australians, like 24 new technical colleges—

Senator Robert Ray—Tell us all about it or shut up.

The PRESIDENT—Order! There is too much noise in the chamber on both sides. I ask the chamber to come to order.

Senator Robert Ray interjecting—

The PRESIDENT—Senator Ray, I am on my feet, and I ask you to come to order!

Senator ABETZ—When we seek to do something for young Australians by establishing 24 new technical colleges, Labor condemn our policy. They do not want us to do anything of benefit for young Australians. (Time expired)

Senator MOORE—Mr President, I ask a supplementary question. I remind the minister that my question related to a specific existing payment. We want to know: why has the government so arrogantly taken away from single parents and people with disabilities the financial assistance that they need to help them get training and education? How does the government expect single parents and people with disabilities to get the jobs, if they have not got the skills that employers need?

Senator ABETZ—Mr President, I think they will wear out ‘A’ in their dictionaries soon. They are looking up ‘arrogant’ for question time and putting it into each question. The greatest arrogant disregard for the Australian unemployed was by those opposite when they presided over one million unemployed. I have today announced a range of schemes and initiatives that will assist people from welfare into work. I would have thought that the Labor Party might at least do the decent thing and embrace our policy in the absence of one of their own.

The PRESIDENT—Senator Murphy, I believe this may be your last question.

Australian Forest Certification

Senator MURPHY (2.41 pm)—Thank you, Mr President. My question is to Senator Ian Macdonald, the Minister for Fisheries, Forestry and Conservation and it relates to Australian forest certification. In response to a question last week, the minister said that Australian forest managers can be certified against the FSC, the Forest Stewardship Council, or the Australian Forestry Standard, which is recognised by the Program for the Endorsement of Forest Certification. In response to a question last week, the minister said that Australian forest managers can be certified against the FSC, the Forest Stewardship Council, or the Australian Forestry Standard, which is recognised by the Program for the Endorsement of Forest Certification. Minister, can you inform the Senate whether the Australian Forestry Standard has been endorsed by the PEFC as a standard that meets international standards like the FSC? Can you also inform the Senate what process is in place for the Australian Forestry Standard to be implemented at the state level to ensure it is a national standard?

Senator IAN MACDONALD—It is with some regret that I take that question, and not because of the nature of the question but because it is the last question we will get from Senator Shayne Murphy—this time around; perhaps you will be back later on, Senator Murphy. Your contribution to the Senate has been very notable, particularly in the last few years when you have had independence of thought and action. Senator Murphy raises a very important question on certification of Australian forests. The Australian Forestry Standard has been developed by the Australian government, all the state governments and industry. It sets a very high level for certification. It will show to anyone buying timber from forests that have the certification
that the timber is produced and grown to the world’s highest standards. The Australian Forestry Standard is being aligned with the PEFC. It is a long process. We have got over the first couple of hurdles and I am quite confident that it will be fully aligned with the PEFC in the not too distant future. That will give a worldwide tick of approval to those Australian forests that do have the Australian Forestry Standard.

Senator Murphy raises the question of the Forest Stewardship Council, which is the alternative worldwide certification. I look forward to the day when the AFS and the FSC can be inter-aligned. At the moment, it is not quite possible. I do at times have some doubts about the Forest Stewardship Council. It seems that in some parts of Asia some forests are not terribly well managed and yet they still get Forest Stewardship Council certification. The answer given for this is that by their own standards it is pretty well done, but by international standards it is sometimes not appropriate. But I am hopeful that both standards can work together to get a good outcome for Australian forestry. It does mean a lot to the industry. It means a lot to all of us as consumers who want to make sure that the timber we are using, the timber that is in our houses, does come from sustainably managed forests. We want to ensure that the timber we use is not illegally logged timber from some of the countries to our near north.

Senator Murphy, I am particularly grateful for your input into the issue of illegal logging. Some of the issues that you have raised with me are issues that the Australian government will be pursuing. As senators is that, it was part of the Australian government’s policy before the last election to look very closely, within the confines of the WTO arrangements, at imported timber that does not have proper sustainability and a legality chain of custody with it. Senator Murphy, the AFS is a good standard. It is one we are very proud to promote. All of the states promote it. Currently, I think—and I do not have these figures immediately before me—about 18 per cent of Australian forests are certified, which is a pretty good effort after a short period of time. I am told that it is anticipated that within a couple of years almost 80 per cent of Australian forests will be certified. That figure will very shortly, I hope, reach 100 per cent.

Senator MURPHY—Mr President, I ask a supplementary question. I thank the minister for his answer. It is a very important issue because it is one that, if we do not get it sorted out, will affect the Australian forest industry, particularly the part of the industry involved in native forests. I note that the minister said that it would be aligned with the PEFC in the not too distant future. I would appreciate it, Minister, if you could tell me what that not too distant future might be, given that we have been some five years now in getting to this point. My view is that we do not have another five years, so I would appreciate it if you could indicate when you expect us to get the tick from the PEFC and to make sure that the AFS is a truly recognisable international standard.

Senator IAN MACDONALD—There is a process involved and it does take time, particularly with international certification. I am sure my brief will have it somewhere. I do not have it in front of me. But let me chance my hand in saying that, within 12 months, it should be all certified and totally aligned with the PEFC and ticked off. Senator Murphy, we have been working for five years and I know you were very involved in the early days. But it was only about 18 months ago that I and all of the state ministers for forestry launched the AFS at a function in Sydney. That was relatively recent. In the last 18 months a lot of progress has been made, but we will continue working. I will take your final words as great encourage-
ment to me to make sure that I do everything I can to ensure that it is aligned with the PEFC at the earliest possible time, for the good of the Australian forests and all those who support and are supported by them.

Credit Card Security

Senator LUNDY (2.48 pm)—My question is addressed to Senator Minchin, the Minister representing the Treasurer, who is the minister responsible for consumer affairs. Is the minister aware of new revelations that as many as 130,000 Australians had their credit card details stolen as a result of the massive card security breach in the United States? Is it not the case that up to 130,000 Australians have also had their privacy breached through this fraudulent distribution of their card details? Can the minister confirm that the government was told some six months ago that Australians were exposed to potential credit card fraud as a result of this security breach? Can the minister therefore explain why no action was taken to alert Australian consumers six months ago, particularly as Visa have now confirmed that the fraudulent activity continued until June 2005?

Senator MINCHIN—The information available to me is as follows. It was reported that the US FBI is investigating a security breach in an Arizona based credit card transaction processing company, that the vast majority of the cards vulnerable to that breach are held by US customers and that, of the MasterCards affected, less than two per cent were issued by banks in the Asia-Pacific region. The ANZ, the NAB and the Commonwealth Bank have been monitoring the situation since December and progressively cancelling and replacing accounts where there have been suspicious transactions. The number of cards which have been reissued includes around 1,000 by the CBA, 500 by the NAB and 400 by the ANZ. Westpac is currently looking into the issue. Australian consumers will not be liable for any resulting unauthorised transactions. I really do not have any more information available to me to assist Senator Lundy. This is a matter that Senator Ellison also has some involvement in, but I will get further information in relation to the rest of Senator Lundy’s question.

Senator LUNDY—Mr President, I ask a supplementary question. I am particularly interested in why the government took no action when they knew about this six months ago. But my supplementary question to the minister is: will the banks be able to charge customers for the replacement of any of the nine credit card statements customers need to check to see whether they have been defrauded? Can the minister clarify whether customers are responsible for identifying their fraudulent transactions before they can be reimbursed?

Senator MINCHIN—I think it would be better if I again take on notice those questions and get an answer to Senator Lundy as soon as I can.

National Security

Senator BRANDIS (2.51 pm)—My question is to the Minister for Defence and Leader of the Government in the Senate, Senator Hill. Will the minister advise the Senate on the Howard government’s continuing efforts to accommodate Australia’s new generation defence capability and of major developments under way to further enhance Australia’s security?

Senator HILL—I thank Senator Brandis for his important question. The government continues to develop Australia’s defence infrastructure to accommodate the new state-of-the-art platforms that are being acquired for the ADF. As the Senate will be aware, the government has approved the $1.4 billion purchase of five new Airbus A330 Multi-Role Tanker Transports. Australia is the lead
customer for these new aircraft, which are intended to be operational by 2009. They will be capable of refuelling FA18, F111, airborne early warning and control and Joint Strike Fighter aircraft, as well as having significant strategic lift capability. These aircraft will be a significant force multiplier for the RAAF.

I am pleased to announce today that the new A330 aircraft will be home based at Amberley in Queensland, which I think might also please Senator Brandis. This will require the relocation of No. 33 Squadron from Richmond to Amberley in due course: the new aircraft cannot be effectively operated from Richmond. In parallel with this decision, the redevelopment of Amberley at a cost of nearly $300 million has also been approved by the government. Work will include upgrading the runway and parallel taxiway, and providing an aircraft parking apron, maintenance hangar and office accommodation. It will also include accommodation for a new flight simulator. Much of Amberley’s general engineering infrastructure is nearing the end of its life and needs a significant upgrade to meet the demands that will be placed on it in the future. As a result, we will also be upgrading engineering services, including electrical, water supply, sewerage, stormwater, communications and trunk road systems.

Furthermore, the government has decided that the Army’s 9th Force Support Battalion, with the exception of the Richmond based 176 Air Dispatch Squadron, will be consolidated at Amberley. Works at Amberley to support 9FSB will include hard standing for vehicles, a vehicle workshop, office and stores accommodation, a fuel point and a vehicle wash point. This consolidation will move the units closer to their primary customer base and adjacent to a major transport mode development in south-east Queensland.

This significant capital investment and an additional 780 personnel at Amberley will have major economic benefits for the Ipswich region and local businesses. RAAF Base Amberley is Australia’s largest operational base. It has considerable capacity for further expansion. It is intended that it be maintained for the long term and further developed as a major national security asset. The redevelopment works are intended to be completed by the end of 2007. This project again demonstrates that defence is a No.1 priority of the Howard government.

**Telstra**

Senator HOGG (2.55 pm)—My question is to Senator Coonan, Minister for Communications, Information Technology and the Arts. I refer the minister to the fact that the current Telstra price controls will expire on 30 June. Can the minister confirm reports that the government intends to extend the current weak regime which has allowed massive price hikes in phone charges? Is the minister aware that this decision will permit Telstra to further increase its line rental fees? Given that since 2000 the Howard government has allowed line rentals to increase from $11.65 to as high as $30 per month, can the government guarantee that it will not subject Australian consumers to yet another price rise for basic phone access?

Senator COONAN—Thank you to Senator Hogg for the question. I think I said a number of weeks ago that, given that I currently have under consideration a number of matters to do with the consumer framework for telecommunications and the regulatory framework for telecommunications, what I anticipate would happen would be that the price control regime—in other words, Telstra’s price controls—would be rolled over for a short period. I expect to be able to confirm very shortly that the price controls will be rolled over, pending the government com-
ing to a holistic view across a range of matters to do with the regulatory framework and the consumer guarantee.

As we have said on numerous occasions, this government built the consumer framework for telecommunications—in the absence of the Labor Party doing anything—to guarantee services for consumers, and we will maintain them. We have said that we will maintain untimed local calls and we have said that we will maintain price controls. The current determination on price controls expires on 30 June and before that date I will have announced the government’s arrangements in respect of rolling over the determination for a short period, pending the other matters that the government has to come to a view on relating to Telstra and the regulation of telecommunications more generally.

The price control regime has been operating in such a way, as Senator Hogg would know, that the government accepted the advice of the ACCC in relation to a basket of products and a range of matters that can be taken into account in determining whether or not there can be line rental increases and whether or not the savings on call prices can be passed on to consumers. That is the way in which the current framework operates. Telstra has complied with the current framework and no doubt will continue to comply with the terms of any rolled-over determination.

What I can say is that the consumer guarantee, the consumer framework, that this government have built has meant that prices have been contained. We know now that the current competitive regime and the consumer framework have guaranteed untimed local calls not only to consumers but also in extended zones so that people in remote locations are able to have, for instance, long-distance education for the price of a local call. These are very important safeguards for consumers. They are safeguards that this government not only have built but have taken very seriously. They are an integral part of the government being able to ensure that people throughout Australia get decent services at an affordable price. Having built the consumer framework and imposed price controls, we will retain them, and there will be, at all relevant times, a determination that will impose price controls.

**Senator HOGG**—Mr President, I ask a supplementary question. Can the minister confirm that the government has had the ACCC’s report on the future price control regime since March? Why has the government failed to act on the ACCC’s recommendations to protect consumers from further price gouging by Telstra? Isn’t this just another example of consumers being forced to pay for the government’s obsession with fattening up Telstra for sale?

**Senator COONAN**—What I can say in relation to Senator Hogg’s supplementary question is that this government, in the absence of the Labor Party doing anything for 13 years, has actually done something about guaranteeing consumers untimed local calls and a consumer framework that actually delivers some outcomes to them in telecommunications. The Labor Party slept through its term in office doing absolutely nothing for telecommunications. The Labor Party slept through its term in office doing absolutely nothing for telecommunications. What the Labor Party is known for in telecommunications is shutting down analog phones without any thought for the inconvenience to consumers. The Labor Party ought to wake up to itself and get around to supporting the government’s interest in being able to deliver first-class communications for Australians.

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

Australian Forest Certification

Senators IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (3.01 pm)—I have a further answer for Senator Murphy to the question he raised. I think it really demonstrates Senator Murphy’s great contribution here and how he can achieve things very quickly. Senator Murphy, I am delighted to say to you on this occasion, on this last occasion for the present time, that the AFS has recently received mutual recognition by the Program for the Endorsement of Forest Certification, the PEFC, so we are up and running, we are totally aligned and in full force. Thank you again, Senator Murphy, for your question and for your help.

ANSWERS TO QUESTIONS ON NOTICE

Question No. 29

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.02 pm)—Pursuant to standing order 74(5), I ask the Leader of the Government in the Senate for an explanation as to why an answer has not been provided to my question on notice No. 29, which I asked on 16 November 2004, relating to Senate orders for documents.

Senator HILL (South Australia—Minister for Defence) (3.02 pm)—Is this the one that relates to numerous questions on notice?

Senator Allison—It relates to my letter to you of 7 April 2003. The question asked when a response would be provided to that letter.

Senator HILL—I will have to take it on notice.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.03 pm)—I move:

That the Senate take note of the minister’s failure to provide either an answer or an explanation.

I point out that my office contacted Senator Hill’s office much earlier today to advise that this would be asked at the end of question time. My question was a simple one. It was: when will the minister respond to my letter of 7 April 2003 concerning orders for the production of documents, which was tabled in the Senate on 14 May 2003? This is the second occasion on which I have asked why there has been no answer to that question. I think the answer is the government’s arrogant disregard for supplying Senate orders for documents.

I also remind the government and others in this place of the importance of producing documents requested by the Senate. In fact, Odgers has noted:

Orders for production of documents are among the most significant procedures available to the Senate to deal with matters of public interest giving rise to questions of ministerial accountability. As we face after tomorrow a time when the government has the absolute numbers in this place, the ability of the Senate to call on the government to provide it with documentation to allow us to scrutinise the actions of the government is going to be even more limited. So it is regrettable that even in the last few years the government has had such a poor record on compliance. If I can go through that record, in 2001 52 per cent of orders were not complied with; in 2002, 50 per cent; in 2003, 64 per cent; and an all-time high in 2004 of 81 per cent of orders not complied with. In 2005 so far, 50 per cent have not been complied with.

My letter to the minister goes to the inconsistency with which government has responded to these returns to order. I do not think the government can argue that these were unreasonable requests, and I think we can demonstrate by the responses we have
had to those requests how inconsistent the responses are and how unreasonable they are as excuses. Let me go through a few. Some that have been given to us are that they are internal working documents, others say they are policy advice, others say information belonging to the states, and of course the ubiquitous commercial-in-confidence rears its ugly head time and time again. Sometimes we have been told that it is all about delicate negotiations that are ongoing, and in one case, extraordinarily, that the production of information would not be helpful to the sheep. This was my colleague Senator Bartlett’s return to order and it was about the live sheep fiasco not so long ago.

My letter to you, Minister Hill, was to ask you to exercise your responsibility as Leader of the Government in the Senate by taking charge of government responses to Senate orders for documents to ensure that those orders are met with proper respect and not with casual refusals and that there is some consistency in the government’s responses. A consistent policy, I said, is conspicuously lacking in such responses at present, resulting in glaring inconsistencies, and casual refusal seems to be the current practice, with the number of government refusals of documents steadily increasing. That was in 2003, and the following year there were, as I said, 81 per cent of those returns to order refused.

Minister, it is a sad day to have to remind you about this. You obviously did not take this letter seriously. You have refused to consider responding to it. I can only assume by your refusal to do so that you care nothing about this question, that it does not bother you that your poor record on supplying the Senate with the documents that it requests is in such a shambles and that, given that you ask for the cooperation of the Senate in so many areas, you have such disregard for requests for documents to allow us to do our work. It is, as I say, a sad day, especially in the last week of the Senate in its current form, on which you ignore that request.

Senator HILL (South Australia—Minister for Defence) (3.08 pm)—With respect, the confusion is on the side of Senator Allison. Why I was surprised when she asked about the letter was that her office had contacted mine to say that she was going to ask me why the government was so slow in responding to a large number of outstanding questions on notice and I had prepared myself for that occurrence. Senator Allison, unfortunately, has had a misunderstanding within her office and has come in with a different brief. So I am sorry I was not in a position to answer the matter that she referred to.

Having listened to her speech, I thought she was also somewhat unkind when she said that we have failed to comply with the notices to produce documents. I think she will find that, in every case, we have responded to the order of the Senate. In a number of instances, we have refused, after consideration, to table the documents on the basis of what we argue are legitimate grounds. I do not quarrel with Odgers; I would not dare quarrel with Odgers. This is an important tool of the Senate. It used to be recognised as such when it was used sparingly. Of recent times, it has almost become an alternative to an honourable senator doing his or her own homework by simply coming in and demanding the production of numerous documents. Of course, in this place, the opposition and the Democrats always vote together and the motion is passed.

That is a political exercise. Senator Allison apparently gets upset if it is responded to in a political way but we have an entitlement, in our view, to refuse to provide those documents in certain circumstances. Rather than belittle the circumstances, as was done by Senator Allison, I would in fact argue that
they are all legitimate reasons for nonproduction of the documents. There are circumstances in which the government is entitled to do its business and meet its executive responsibility without having to provide internal workings. In some of those circumstances, we do not provide internal documents. We do not provide documents that deal with a relationship between Australia and other nations. We do not provide documents belonging to another state without the consent or approval of that other state. We do not provide documents that are commercial-in-confidence.

These explanations have been developed over a long period of time in order to provide a reasonable balance between the responsibilities of the executive and the responsibility of the legislature. It might not please Senator Allison that we seek to do our job as an executive in a way that we believe is in the best national interests but no doubt she would say she is trying to do her job in the best legislative interests. In these circumstances we disagree. It is certainly not intended to be a sign of disrespect to the Senate. She should have prefaced her comments by saying that on each and every occasion the government has responded, although in her terms it might not have met the order of the Senate and in fact produced the documents. So therein lies a difference. It has got nothing to do with arrogance at all; it is all to do with what a government needs to do to carry out its executive responsibilities in an effective way.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.12 pm)—Minister, it is all very well for you to say that you have done what you need to do by telling us what the reason is for not giving us those documents, and you might also complain about the number of documents that are requested. That is fair enough, but the question that you have not answered is why you did not answer the letter in the first place. It was a serious letter and was couched in a way which demonstrated the problem that we have here of inconsistency—and it is inconsistent. I do not think you can argue that it is not. It also suggested that it is not good enough to just trot out a few old excuses. Perhaps we need to have some thought on your part about what is reasonable, and a justification of what is reasonable and what is not reasonable with regard to an excuse for not providing a document.

It is disrespectful of you to not respond to a letter which is written to you on a serious matter and which asked for a response. It is not reasonable for you to say that you are not being arrogant when, by ignoring such a letter, you are necessarily being so. So I ask you to give this a more considered response than you have been able to today. I am sorry if Chinese whispers in my office ended up with a message to you that was a little jumbled. I will check that with my staff and make sure that they did give your staff the advice that I expected they would. Nonetheless, the issue remains that you have not responded to a letter despite promptings in the form of formal questions. I ask you again to seriously look at that letter and to give the Senate a response, or give me a response, which I will table in the Senate, to all of those questions raised.

Question agreed to.

PETITIONS

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

Workplace Relations: Paid Maternity Leave

To the Honourable the President and Members of the Senate in Parliament assembled. The Petition of the undersigned shows:

• Our concern that Australia is now one of only two OECD countries without a national scheme of paid maternity leave;
Our concern about the two-thirds of Australian working women who currently lack any paid support on the birth of a child;

Our strong support for the adoption of a national scheme of paid maternity leave for Australian working women at the earliest opportunity;

Our belief that paid maternity leave is an employment-related measure that recognises, first and foremost, the benefits of at least 14 weeks paid leave for working mothers, their children and their families, along with its contribution to equal opportunity at work, productivity, and women’s employment security and attachment.

Your Petitioners request that the Senate should at the earliest opportunity pass legislation to provide a national system of paid maternity leave which recognises the principles of ILO Convention 183, and provides at least a 14 week payment for working women at the level of their normal earnings (or at least at the minimum wage), with minimal exclusions of any class of women, and a significant contribution from Government.

by Senator Cherry (from 12 citizens).

Petition received.

NOTICES

Presentation

Senator Marshall to move on the next day of sitting:

That the following proposed amendments to the standing orders be referred to the Procedure Committee for inquiry and report:

(1) That standing order 74(5) be amended by omitting “and does not” and substituting “or if a question taken on notice during a hearing of a legislation committee considering estimates remains unanswered 30 days after the day set for answering the question, and a minister does not”.

(2) That standing order 164 be amended by adding:

“(3) If a minister does not comply with an order for the production of documents, directed to the minister, within 30 days after the date specified for compliance with the order, and does not, within that period, provide to the Senate an explanation of why the order has not been complied with which the Senate resolves is satisfactory:

(a) at the conclusion of question time on each and any day after that period, a senator may ask the relevant minister for such an explanation; and

(b) the senator may, at the conclusion of the explanation, move without notice — That the Senate take note of the explanation; or

(c) in the event that the minister does not provide an explanation, the senator may, without notice, move a motion in relation to the minister’s failure to provide either an answer or an explanation”.

Senator Ellison to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the law relating to the security of maritime transport and offshore facilities, and for related purposes. Maritime Transport and Offshore Facilities Security Amendment (Maritime Security Guards and Other Measures) Bill 2005.

Senator Ellison to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend maritime legislation, and for related purposes. Maritime Legislation Amendment Bill 2005.

Senator Ellison to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend legislation relating to higher education, and for related purposes. Higher Education Legislation Amendment (2005 Measures No. 3) Bill 2005.

Senator Ellison to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the law relating to aviation,

Senator Ellison to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the law relating to broadcasting, and for related purposes. Broadcasting Legislation Amendment Bill (No. 1) 2005.

Senator Ellison to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the law relating to the arts, and for related purposes. Arts Legislation Amendment (Maritime Museum and Film, Television and Radio School) Bill 2005.

Senator Ellison to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to amend the Acts Interpretation Act 1901, and for related purposes. Acts Interpretation Amendment (Legislative Instruments) Bill 2005.

Senator Greig to move on the next day of sitting:

That the Senate—

(a) recalls that on 2 December 2002 and 7 December 2004 it referred a proposed agreement between Australia and the United States of America (US), pursuant to which Australia would agree not to surrender US nationals to the International Criminal Court without the consent of the US (the proposed agreement) to the Joint Standing Committee on Treaties for inquiry and report, and that this reference was reiterated on 30 August 2004;

(b) notes that, despite the clear will of the Senate, the Joint Standing Committee on Treaties continues to refuse to commence any inquiry until such time as the proposed agreement has been finalised;

(c) further notes that:

(i) the Government has indicated that its negotiations with the US for the proposed agreement are ongoing and that a model agreement has been circulated,

(ii) the US has entered into at least 95 such agreements with other nation states, and

(iii) there is widespread evidence regarding these agreements, including various legal opinions;

(d) expresses the view that, given the significance of such an agreement, it is desirable for the Parliament to consider its implications before it is negotiated to completion, rather than after; and

(e) refers the proposed agreement to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by 30 October 2005, with particular reference to the following matters:

(i) whether the proposed agreement would breach the terms, or be otherwise inconsistent with the spirit, of the Rome Statute which Australia has ratified,

(ii) the effect of the proposed agreement, either itself or in conjunction with similar agreements between the US and other states, on the ability of the International Criminal Court to effectively fulfil its intended function,

(iii) the implications of any extradition provisions in the proposed agreement and whether the proposed agreement would require the re-negotiation of existing extradition agreements to which Australia is a party, and

(iv) the implications of the proposed agreement with respect to Australia’s national interest.

Senator Nettle to move on the next day of sitting:

That there be laid on the table by the Minister for Immigration and Multicultural and Indigenous Affairs a copy of the final report, including findings and recommendations, by Mr Mick Palmer into the Ms Cornelia Rau matter, no later than 3 calendar days after the Minister receives the report and if the Senate is not sitting at that time,
the report be presented to the President in accordance with standing order 166.

Senator Nettle to move on the next day of sitting:

That the Senate—

(a) notes:

(i) that the students at Monash University Clayton Campus are due to boycott classes at the commencement of the second academic semester on 18 July 2005 in protest at the Government’s intention to abolish compulsory student association fees,

(ii) the staff at Monash University Clayton Campus support the students’ decision to boycott classes, and

(iii) this action is just one of numerous acts of protest being organised on campuses around Australia in order to demonstrate the depth of concern students and university staff feel at the threatened loss of democratic control of student services on campus that will result from the Government’s moves to abolish compulsory student association fees;

(b) congratulates Monash University students on their willingness to sacrifice their study time to defend their ability to collectively and democratically organise and preserve student services; and

(c) calls on the Government to:

(i) recognise the community-wide benefits that well-resourced student associations deliver in promoting campus democracy,

(ii) recognise the demonstrated inability of ‘market forces’ to provide the appropriate range of services students need when they need them, and

(iii) abandon plans to abolish compulsory student association fees.

Senator HILL (South Australia—Minister for Defence) (3.14 pm)—I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Migration Amendment (Mandatory Detention) Bill 2005, allowing it to be considered during this period of sittings.

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

Leave granted.

The statement read as follows—

Purpose of the bill

The bill amends the Migration Act 1958 (‘the Act’) to:

• state that the Parliament affirms as a principle that a minor shall only be detained as a measure of last resort;

• provide a non-compellable power for the Minister to specify alternative arrangements for a person’s detention and to impose conditions to apply to the detention of that person;

• provide a non-compellable power for the Minister to grant a visa to a person who is in detention; and

• require the Secretary to report to the Commonwealth Ombudsman on persons who have been detained for two years or more, and for the Ombudsman to provide assessments and recommendations relating to those persons to the Minister.

Reasons for Urgency

These amendments need to be made as a matter of urgency.

These amendments will provide greater flexibility and transparency in the administration of the detention of persons known or reasonably suspected to be unlawful non-citizens, while maintaining the integrity of the immigration detention framework. It is highly desirable to provide this flexibility as soon as possible.

(Circulated by authority of the Minister for Immigration and Multicultural and Indigenous Affairs)
COMMITTEES
Selection of Bills Committee
Report

Senator FERRIS (South Australia) (3.15 pm)—I present the sixth report of 2005 of the Selection of Bills Committee and move:
That the report be adopted.

Senator FERRIS—I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—
SELECTION OF BILLS COMMITTEE
REPORT NO. 6 OF 2005
1. The committee met in private session on Tuesday, 21 June 2005 at 4.20 pm.
2. The committee resolved to recommend—
That—
(a) the National Animal Welfare Bill 2005 to be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 10 November 2005 (see appendix 1 for statement of reasons for referral); and
(b) the Tax Laws Amendment (2005 Measures No. 2) Bill 2005 to be referred immediately to the Economics Legislation Committee for inquiry and report by 10 August 2005 (see appendix 2 for statement of reasons for referral).
3. The committee resolved to recommend—
That the following bills not be referred to committees:
• Asbestos-related Claims (Management of Commonwealth Liabilities) Bill 2005
• Asbestos-related Claims (Management of Commonwealth Liabilities) (Consequential and Transitional Provisions) Bill 2005
• Corporations Amendment Bill (No. 1) 2005
• Medical Indemnity Legislation Amendment (Competitive Neutrality) Bill 2005
• Medical Indemnity (Act of Compassion) Bill 2005
• Migration Amendment (Mandatory Detention) Bill 2005.

The committee recommends accordingly.
4. The committee deferred consideration of the following bill to the next meeting:
Bill deferred from meeting of 8 February 2005
• Trade Practices Amendment (Personal Injuries and Death) Bill 2004.

(StartDate)
Chair
22 June 2005

Appendix 1
Proposal to refer a bill to a committee
Name of bill(s):
National Animal Welfare Bill 2005
Reasons for referral/principal issues for consideration
To assess the adequacy of the legislation and whether a more consistent and enforceable national framework for animal welfare issues is needed.
Possible submissions or evidence from:
Farming and animal industry bodies, Animal welfare groups, State and territory governments, Veterinarians Association
Committee to which bill is referred:
Rural and Regional Affairs and Transport Legislation Committee
Possible hearing dates:
Possible reporting date(s): 10 November 2005

Appendix 2
Proposal to refer a bill to a committee
Name of bill(s):
Tax Laws Amendment (2005 Measures No. 2) Bill 2005
Wednesday, 22 June 2005 SENATE 85

Reasons for referral/principal issues for consideration
The government has introduced major amendments to its own bill, circulated without notice. The amendments need closer consideration

Possible submissions or evidence from:
Treasury, Australian Taxation Office, Property Council, Australian Institute of Chartered Accountants

Committee to which bill is referred:
Economics Legislation Committee

Possible hearing date:

Possible reporting date(s): 10 August 2005

Senator HILL (South Australia—Minister for Defence) (3.16 pm)—I move the following amendment to the motion:

add the words:

“and, in respect of the Tax Laws Amendment (2005 Measures No. 2) Bill 2005, the bill be not referred to the Economics Legislation Committee”.

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—The question is that the amendment moved by Senator Hill be agreed to.

A division having been called and the bells being rung—

The PRESIDENT—I understand it is proposed that the division be called off. Is leave granted to call the division off? There being no objection, leave is granted.

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—The question is that the motion by Senator Ferris, as amended by Senator Hill, be agreed to.

Question agreed to.

Original question agreed to.

NOTICES
Withdrawal

The following notice of motion was withdrawn:

General business notice of motion no. 27 standing in the name of Senator Lees for today, relating to Asian elephants.

Postponement
The following item of business was postponed:
General business notice of motion no. 173 standing in the name of Senator Stott Despoja for today, proposing the introduction of the Transparent Advertising and Notification of Pregnancy Counselling Services Bill 2005, postponed till 23 June 2005.

COMMITTEES

Rural and Regional Affairs and Transport Legislation Committee

Meeting

Senator FERRIS (South Australia) (3.22 pm)—by leave—At the request of the Chair of the Rural and Regional Affairs and Transport Legislation Committee, Senator Heffernan, I move:

That the order of the Senate of 20 June 2005, authorising the Rural and Regional Affairs and Transport Legislation Committee to hold a public meeting during the sitting of the Senate today, be varied as follows:

(a) in paragraph (a), omit “4.30 pm” and insert “5 pm”; and
(b) omit paragraph (b).

Question agreed to.

Employment, Workplace Relations and Education References Committee

Extension of Time

Senator GEORGE CAMPBELL (New South Wales) (3.23 pm)—At the request of Senate Crossin, I move:

That the time for the presentation of the report of the Employment, Workplace Relations and Education References Committee on student income support be extended to 23 June 2005.

Question agreed to.
Finance and Public Administration References Committee

Extension of Time

Senator GEORGE CAMPBELL (New South Wales) (3.23 pm)—At the request of Senator Forshaw, I move:

That the time for the presentation of the report of the Finance and Public Administration References Committee on the Regional Partnerships program be extended to 6 October 2005.

Question agreed to.

ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION REGIONAL COUNCILS

Senator RIDGEWAY (New South Wales) (3.23 pm)—I move:

That the Senate—

(a) notes that with the commencement of the Aboriginal and Torres Strait Islander Commission Amendment Act 2005 35 Aboriginal and Torres Strait Islander Commission (ATSIC) regional councils will cease operating after 30 June 2005;

(b) commends all Indigenous people who have served on regional councils in the past 15 years especially those regional councillors who have worked through the past 12 months, with few resources and little support, managing the difficult transition to the new administrative arrangements in Indigenous affairs;

(c) notes the government-commissioned ATSIC review report recommended that the 35 ATSIC regional councils be retained, and also recommended elevating the regional council chairs to a national representative body; and

(d) calls on the Government to commit to working with Indigenous people to formulate truly representative structures to fully engage Indigenous Australians in their futures.

Question agreed to.

TASMANIAN PULP MILL

Senator BROWN (Tasmania) (3.24 pm)—I move:

That the Senate—

(a) notes the frivolous and off-hand rejection of its reasonable request that the Minister for the Environment and Heritage provide correspondence concerning the Gunns Pty Ltd proposed pulp mill in Tasmania; and

(b) noting that the Government has committed $5 million to Gunns for the project and agreed to ‘fast-track’ consideration of it as a project of ‘national significant’:

(i) believes its request was responsible and warranted, and

(ii) condemns the Minister’s failure to respond properly to its request.

Question agreed to.

COMMITTEES

Community Affairs References Committee Reference

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.25 pm)—by leave—I move the motion, as amended:

That the following matter be referred to the Community Affairs References Committee for inquiry and report by the first sitting day of December 2005:

(a) the health impacts of workplace exposure to toxic dust including exposure to silica in sandblasting and other occupations;

(b) the adequacy and timeliness of regulation governing workplace exposure, safety precautions and the effectiveness of techniques used to assess airborne dust concentrations and toxicity;

(c) the extent to which employers and employees are informed of the risk of workplace dust inhalation;

(d) the availability of accurate diagnoses and medical services for those affected and the financial and social burden of such conditions;
(e) the availability of accurate records on the nature and extent of illness, disability and death, diagnosis, morbidity and treatment;
(f) access to compensation, limitations in seeking legal redress and alternative models of financial support for affected individuals and their families; and
(g) the potential of emerging technologies, including nanoparticles, to result in workplace related harm.

Question agreed to.

IMMIGRATION: CHRISTMAS ISLAND
Senator BROWN (Tasmania) (3.25 pm)—I move:
That the Senate calls on the Government to bring the 31 asylum seekers on Christmas Island to mainland Australia.

Question put.
The Senate divided. 

(The Acting Deputy President—Senator AB Ferguson)

AYES


NOES


Question negatived.

WEST PAPUA
Senator BROWN (Tasmania) (3.33 pm)—I move:
That the Senate—
(a) notes:
(i) that the Yale University Law School report has found that genocide of the Indigenous people in West Papua is occurring,
(ii) that an HIV/AIDS epidemic appears to be ongoing in West Papua amongst the Indigenous population and that the Indonesian Government is doing little to control the spread of this disease, and
(iii) that Indonesian military activity is causing systematic harm and human rights abuse to the Indigenous West Papuan both within civil society and at a village level and that the Indonesian military is profiteering from its business interests in West Papua and is directly linked to illegal logging and export operations;
(b) calls on the Australian Government to support a parliamentary fact finding mission to West Papua to investigate the situation first-hand; and
(c) supports West Papua being granted observer status at the upcoming Pacific Island forum in Port Moresby in October 2005.

Question negatived.

Senator Brown—Mr Deputy President, I do not want to call a division on that, but I gather from that both the government and the opposition must have indicated no.

The DEPUTY PRESIDENT—Senator Brown I called it on the voices, and the voices were in a majority against your vote.
**COLOMBIA**

 Senator BROWN (Tasmania) (3.34 pm)—I move:

 That the Senate—

 (a) notes:

 (i) that on 15 April 2004, 12 members of the indigenous Wayuu people, including senior women of this matriarchal society, were massacred and 30 more abducted by a Colombian paramilitary force, and that 300 surviving Wayuu had to flee to Venezuela, and

 (ii) that the Wayuu representative, Ms Debora Barros, who visited Australia in June 2005, has pleaded with BHP Billiton, which has part ownership of a nearby coal mine and railway, to help identify the killers and ensure the safe repatriation of the Wayuu people to their homeland; and

 (b) calls on BHP Billiton to investigate claims that villagers recognised members of the Colombian army, which helps protect the Cerrejon Coal Mine, accompanying the paramilitary killers on 15 April 2004, to ensure no such personnel crossover has or will be permitted.

 Question agreed to.

 **COLOMBIA**

 Senator BROWN (Tasmania) (3.35 pm)—I move:

 That the Senate calls on the Government to obtain from Colombian President Uribe:

 (a) an explanation of the massacre of Wayuu women and their families on 15 April 2004, in particular claims by Wayuu observers that members of the Colombian army were involved;

 (b) an assurance of the safe return of the 300 Wayuu people who fled to Venezuela; and

 (c) a guarantee for the wellbeing of the Wayuu leader, Ms Debora Barros, after her return to Colombia from Australia in June 2005.

 Question agreed to.

 **WORKPLACE RELATIONS**

 Senator NETTLE (New South Wales) (3.35 pm)—I, and also on behalf of Senator Sherry, move:

 That the Senate—

 (a) notes the launch on Sunday, 19 June 2005 of the advertising campaign of the Australian Council of Trade Unions (ACTU) highlighting the terrible impact of the Government’s planned industrial relations changes on working people and their families;

 (b) urges all Australians to support the ACTU’s national week of union and community action from 27 June to 1 July 2005;

 (c) commends the planned community action to be held across the country from 29 June to 1 July 2005;

 (d) notes the growing community concern and anger about the proposed industrial relations changes which will remove many basic rights and conditions that workers have acquired in the past 100 years; and

 (e) calls on the Government to withdraw its proposals and commit to a fair and cooperative approach to industrial relations.

 Question agreed to.

 **COMMITTEES**

 Public Works Committee Reports

 Senator FERRIS (South Australia) (3.35 pm)—On behalf of Senator Ferguson and the Joint Parliamentary Standing Committee on Public Works, I present five reports of the committee as follows:


 7th report of 2005—Mid-life Upgrade of Existing Chancery at the Australian High Commission, Singapore

 8th report of 2005—New Consulate-General Building, Bali, Indonesia
9th report of 2005—Construction of Chancery, Vientiane, Laos

10th report of 2005—Reserve Bank of Australia Business Resumption Site

I seek leave to move a motion in relation to the reports.

Leave granted.

Senator FERRIS—I move:

That the Senate take note of the reports.

I seek leave to incorporate a tabling statement in Hansard.

Leave granted.

The statement read as follows—

Australia House Defence and Lightwells Refurbishment, Australian High Commission, London

The Committee’s sixth report of 2005 addresses the refurbishment of lightwells and Defence office accommodation at Australia House, London. The works, referred by the Department of Foreign Affairs and Trade, are intended to:

• ensure compliance with current occupational health and safety standards;
• provide an acceptable level of amenity for tenants;
• ensure ongoing viability of the property in respect of income generation; and
• to redress degradation of the lightwell areas.

Having investigated the proposal, the Committee is satisfied that the works will improve amenity of the 90 year-old building in a cost-effective manner and therefore, recommends that the works proceed at the estimated cost of $11.98 million.

Mid-life Upgrade of Existing Chancery at the Australian High Commission, Singapore

The Committee’s seventh report of 2005 examines the mid-life upgrade of Australia’s existing Chancery building at its High Commission in Singapore. The Department of Foreign Affairs and Trade reported that the Chancery in its current form has significant deficiencies in meeting current occupational health and safety and Building Code of Australia standards; is dysfunctional and non-cost-effective in terms of layout, and does not present an appropriate image of Australia in its representational and reception areas.

To redress these deficiencies, the Department proposes to:

• upgrade building services, access, security and communications systems; and
• reconfigure and refurbish tenant office accommodation.

The Committee was satisfied with the Department’s response to its questions and recommended that the work proceed at the estimated cost of $12.7 million.

New Consulate-General Building, Bali, Indonesia

The Committee’s eighth report of 2005 deals with a proposal, also by the Department of Foreign Affairs and Trade, to construct a new Consulate-General building in Bali, Indonesia, at an estimated cost of $7.15 million.

The Department reported that the former Consulate-General building in Bali is no longer suitable to fulfil its consular and representative role, with significant deficiencies in respect of:

• occupational health and safety;
• floor space and functionality;
• building structure and services; and
• security.

Since the terrorist bombing in 2002, the Australian Consulate-General in Bali has been accommodated in leased premises—a situation that is not sustainable in the long term.

The Committee is in no doubt as to the requirement for the proposed work and recommends that it proceed. Further, the Committee is pleased to note that the proposed works will provide a permanent site for, and improve access to, the Memorial Garden and Anniversary Pond erected to victims of the Bali bombing.

Construction of Chancery, Vientiane, Laos

A further proposal by the Department of Foreign Affairs and Trade, namely the construction of a
new Chancery in Vientiane, Laos, forms the sub-
ject of the Committee’s ninth report of 2005.
The proposed new building, estimated to cost $11
million, is intended to replace the existing Chan-
cery, which was acquired and refurbished in 1961
and no longer modern standards in respect of ser-
vices, layout, building codes or occupational
health and safety requirements.
The Committee has given detailed consideration
to the proposal and recommends that the works
proceed at the estimated cost of $11 million.

Reserve Bank of Australia Business Resump-
tion Site
The tenth report of 2005 presents the Commit-
tee’s findings in relation to the proposed construc-
tion of a dedicated Business Resumption Site for
the Reserve Bank of Australia. The purpose of the
proposed work is to provide a facility that, in the
event of emergency, will ensure the continuation
of functions critical to the operation of Australia’s
financial systems.
During the course of its inquiry, the Committee
investigated:
• the revenue to be generated and/or saved by
  the project;
• issues relating to the relocation and accom-
  modation of staff;
• the use of the facility;
• electricity supply; and
• energy consumption and Green Building
  initiatives.
The Committee was particularly impressed by the
range of energy and water conservation measures
proposed for the new facility, and was also
pleased with the high quality of the evidence
submitted by the Reserve Bank, which assisted
greatly in the speedy completion of the inquiry.
The Committee has no hesitation in recommend-
ing that the proposed work proceed at the esti-
mated cost of $38 million.
Mr President, I would like to take the opportunity
to thank my Committee colleagues and all those
involved in the five inquiries. I commend the
reports to the Senate.
Question agreed to.

Scrutiny of Bills Committee
Report
Senator GEORGE CAMPBELL (New
South Wales) (3.36 pm)—On behalf of the
Chair of the Scrutiny of Bills Committee, I
present the sixth report of 2005 of the Standing
Committee for the Scrutiny of Bills. I
also lay on the table Scrutiny of Bills Alert
Digest No. 7 of 2005, dated 22 June 2005.
Ordered that the report be printed.

Senators’ Interests Committee
Register
Senator DENMAN (Tasmania) (3.37
pm)—On behalf of the Standing Committee
of Senators’ Interests and in accordance with
the Senate resolution of 17 March 1994 on
the declaration of senators’ interests, I pre-
sent the register of senators’ interests incor-
porating statements of interests and notifica-
tions of alterations of interests of senators
lodged between 7 December 2004 and
20 June 2005, and move:
That the Senate take note of the document.
As I table this document, I look back on al-
most nine years as Chair of the Committee of
Senators’ Interests. During that time, I have
participated in decisions involving the inter-
pretation of the rules governing declarations
of interests. I was particularly pleased to
chair the committee during the series of sig-
nificant changes to the resolutions and ex-
planatory notes in 2003. I thank my col-
leagues for their cooperation in undertaking
this work and I particularly thank Anne
Lynch, who has been with me, apart from a
short period during her illness, during that
time. Thank you, Anne, for your support.
Question agreed to.

Public Accounts and Audit Committee
Report
Senator WATSON (Tasmania) (3.38
pm)—On behalf of the Joint Committee of
Public Accounts and Audit, I present the
403rd report of the committee entitled Access of Indigenous Australians to law and justice services, and move:
   That the Senate take note of the report.
I seek leave to incorporate the tabling statement in Hansard.
   Leave granted.
   The statement read as follows—
The terms of reference were adopted and the inquiry commenced in the previous Parliament when the Committee was capably chaired by Bob Charles and his deputy, the Member for Sydney, Tanya Plibersek. Two on-going members of the Sectional Committee, the current Deputy Chair, Sharon Grierson and Senator John Hogg provided an important continuity to the inquiry over the two Parliaments.
The Committee’s inquiry examined the delivery of legal services to Indigenous Australians from the perspective of providers and their clients.
Of particular concern to the Committee was the access that Indigenous Australians have to family and civil law services in cases where the safety of individuals is threatened by criminal activity such as family violence.
The Report makes 17 recommendations for the Government to consider that build upon programs already in place.
The Committee has recognised the Government’s doubling of resources to the Family Violence Prevention Legal Services program over the last financial year as an important response to family violence in Indigenous communities, and has recommended a further expansion of these services to people living in urban areas.
While the Committee is in no way opposed to a holistic response to victims of family violence, incorporating services such as counselling, it has recommended that Family Violence Prevention Legal Services be recognised as primarily providers of legal representation and advice. Persons at risk of violence must be assured of their full rights to protection and compensation under the law.
The importance of expert staff in providing legal services to Indigenous Australians cannot be under-estimated. To this end the Committee has recommended an investigation and review of the comparative rates of remuneration between staff of Indigenous specific providers of legal services and publicly funded mainstream providers.
There is also room for increased cooperation and coordination between Indigenous specific and mainstream service providers that would promote mutual benefits to staff in both types of organisation.
In conclusion, Mr President, I would like to express the Committee’s appreciation to those people who contributed to the inquiry by preparing submissions and giving evidence at public hearings.
I wish to thank the members of the Sectional Committee involved for their time and dedication in conducting this inquiry.
Mr President, I commend the Report to the Senate.

Senator BARTLETT (Queensland) (3.38 pm)—I realise that we are pressed for time here, so I will just keep it on the Notice Paper by continuing my remarks. Before I do that, I would like to note that this area, amongst many others, is one of very great importance. The problems Indigenous Australians have accessing law and justice services is an important issue and one, among many, that still needs resolving with the transition and the abolition of ATSIC.

I take the opportunity to note the resolution the Senate has just agreed to, which commended all the Indigenous Australians who have served on regional councils in the past 15 years, especially those regional councillors who have worked through the difficult period of the last 12 months with few resources and little support, managing the difficult transition to the new administrative arrangements surrounding Indigenous affairs. It remains my view and the Democrats’ view that a lot of these difficulties were unnecessary and could have been avoided if the government had paid attention to its own government commissioned ATSIC review.
report and the recommendations surrounding it, including those surrounding ATSIC regional councils. I take the opportunity in the context of this report to urge all senators—not just the government—to continue to pay attention to these very important issues where clearly as a parliament we have failed significantly in the past.

I would also like to note again the departure from this place of Senator Aden Ridgeway, who has been a strong voice in these areas. His departure does not mean that that voice will disappear; it means that in this place we have to work harder on some of these issues. I am sure we will hear more about his views on some of those issues shortly when we get to his final speech. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**DOCUMENTS**

**Register of Senate Senior Executive Officers’ Interests**

The DEPUTY PRESIDENT—On behalf of the President, I present the Register of Senate Senior Executive Officers’ Interests incorporating notifications of alterations of interests of senior executive officers lodged between 7 December 2004 and 20 June 2005.

**AUDITOR-GENERAL’S REPORTS**

Report No. 54 of 2004-05

The DEPUTY PRESIDENT—in accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: Audit report No. 54 of 2004-05—Performance audit—administration of health care cards: Health Insurance Commission, Department of Health and Ageing, Centrelink and the Department of Family and Community Services.

**COMMITTEES**

**Membership**

The DEPUTY PRESIDENT—Order! The President has received a letter from a party leader seeking a variation to the membership of various committees.

Senator ELLISON (Western Australia—Minister for Justice and Customs) (3.44 pm)—I move:

That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation and References Committee—Appointed—Participating member: Senator Brown
Employment, Workplace Relations and Education Legislation and References Committees—

Appointed—Participating member: Senator Brown

Finance and Public Administration References Committee—

Appointed—Substitute member: Senator Stephens to replace Senator George Campbell for the committee’s inquiry into the Regional Partnerships program on 23 June, 30 June, 14 July, 15 July, 18 July and 19 July 2005, in place of Senator Carr

Foreign Affairs, Defence and Trade References Committee—

Appointed—Substitute member: Senator Kirk to replace Senator Mackay for the committee’s inquiry into the Chen Yonglin and Vivian Solon cases.

Question agreed to.

CRIMINAL CODE AMENDMENT (TRAFFICKING IN PERSONS OFFENCES) BILL 2004 [2005]

Returned from the House of Representatives

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

VALEDICTORY

Senator BOLKUS (South Australia) (3.45 pm)—Can I start by thanking all those senators who have made farewell speeches over the last couple of days or so. The comments have been truly overwhelming and I appreciate them. I have got to say I am not really used to those sorts of character assessments and character references, but in circumstances like this, as always, you find that family and friends are invaluable. I have had two messages. The first was from my good friend the minister for just about everything in South Australia, Patrick Conlon, who left a message on my phone last night saying that there must be two Senator Bolkuses, because he does not recognise the one they are talking about in the Senate. The second was a message from my wife, who very sternly and directly put it to me that I might have fooled everyone in the Senate— even Senator Minchin, she said—but this will not work at home. So welcome to my new world!

Over 30 years ago I travelled to Canberra to work in the Whitlam government. I intended to stay here for two years and then return to the law in South Australia. Now, some 31½ years further on, I am moving on. For me, and for my family, it has been an extremely long journey. Today I want to take some time primarily to reflect on my life in politics, to thank some of those who helped make it happen and maybe in the process to send messages to others who need to believe in themselves to make a political career happen for them.

Firstly, I acknowledge the service of other senators who are retiring with me. There is a major exodus at a critical time for the Senate, but I am sure people will very quickly realise that we are totally dispensable. However, I do want to acknowledge some of those senators in particular. Senator Harradine is a true conviction politician who has resolutely stuck to his beliefs. He has been respected overwhelmingly because of that, and deservedly so. Senator Cook is someone with whom I have spent quite a number of years in this place and, as he said earlier, around the cabinet table. I always found his arguments in cabinet to be forceful, structured and earning of respect. I must say I have not always found his arguments in support of the Centre Left to be similarly based! But, Peter, all the best. You have served extremely well in this place and you should be respected. I am sure you will be. It is a pity Senator Buckland is leaving the Senate, because this place needs more straight shooters and
straight talkers like him. He has been here for a short period, but I am sure it is one that he will remember, and so will the Senate. Senator Denman, who is part of the irreverent backbench chatter group back here, is someone I have come to respect enormously, as I am sure all senators have. Senator Jacinta Collins deserves to get back here and I hope she does, because she is only halfway through her political career. All these people have made an important contribution, as has Senator Knowles and all the other senators who are leaving. The way they have all conducted themselves in debate here has earned respect for them and for the Senate and I wish all of them well.

Kastellorizo is the southernmost Greek island. It is just over one kilometre off the Turkish coast. It has been occupied by the Turks, the Italians, the French and the British for most of the last 500 years. When boatloads of ‘Cazzies’ set off to come to Australia in the 1920s, alarm bells went off in the Australian cabinet room. Officials were told to turn away the boats already at sea—a familiar cry now. But it was the migrants’ good fortune, and that of Australia, that no-one thought of the Manus Island option in those days. Amongst those migrants were of course my parents, and it has been a great achievement for them to have brought up one of their children to reach the highest levels in their new home, and indeed for their other child, my sister Ana, to become a successful professional. They could never have dreamed of this as they travelled in steerage for months, leaving behind the minuscule Greek island to come to Port Pirie and work on the transcontinental railway line. I once asked one of the passengers on that boat what ‘steerage’ meant. They said, ‘We had to get our bags of potatoes and onions and cook for ourselves on little cookers for the three or four months of the journey from Port Said to Freo in the first place and then Port Pirie.’ So it was not easy, and I would like to acknowledge my parents.

I would like to acknowledge my son Nicholas both for the sacrifice he has had to make and for his support. He has grown up with much less of a father’s time than most children, and despite this lack of engagement—or, as he would probably argue, because of it—he has already achieved much in his life and has positioned himself well for the future. Political advice from a teenager is always sobering and he conditioned my ego well until Mary was in a position to take over. I know Aria would have liked me to stay in politics longer and at the same time spend more time at home. Mikayla’s only contact with the Senate is when it interrupts Play School, and she probably wishes that we would all vacate this parliament. They will appreciate, hopefully, my greater time at home or with them at Joe’s kiosk down the road.

I have been fortunate, in all my time in politics, to have had some great staff. In my electorate office over 24 years of service I
have had only two electorate secretaries: Tina Tantis and Nina Gerace. I have been particularly fortunate with staff, in both my Senate office and my ministerial office. So many highly skilled, dedicated, intelligent people have worked with me. They have sacrificed much, as they do working with all members of parliament. Their commitment is invaluable. In that context, Nina is legendary in this place for the time she has spent here, both with me and with Mick Young before me. Enormously dedicated, she has become, with Gus, a family friend. I warmly place on the record my thanks to her and Gus. As I said, both my ministerial and Senate offices have been staffed by exceptionally talented people, and I thank all of them.

In this place, you cannot survive without the support staff. Staff from colleagues’ offices are always critical in progressing issues in the Senate and in the party, and I would like to acknowledge them. I would also like to acknowledge Comcar, the library and travel support as well as Lizzie, the hairdresser from Adelaide, who has kept us shorn from time to time, and Aussie’s, which has kept the caffeine levels high. Janet Smith and her predecessors have a great capacity of humanising the whip and giving those pairs when you desperately need them. I also mention one group of people who we only come into contact with when the Senate sits very late at night. They are the cleaners. They also do a marvellous job around here.

There is one thing better than leaving politics with lots of friends, and I believe that is leaving politics knowing who your friends are. It is a very liberating experience. Within the party, I have made many friends. I will not try and name them all, but I thank them collectively, especially those thousands of party members across the country and across the party who are the lifeblood of the ALP. I do, however, wish to acknowledge some who played particular roles in my career: Clyde Cameron, Mick Young, Jim Toohey, of the old school; Daryl Melham; Mick Tumbers; Patrick Conlon; Laurie Brereton; Simon Crean; Warren Snowdon; and Martin Ferguson. They are some of my close friends and supporters, and life would have been unbearable without all of them.

As a sign of age wearing me down, I will also miss friends on the other side of this house and in other parties, such as Senators Hill, Payne and Minchin, and even my old sparring partner, who is not here, Senator Ferris in the Liberal Party. I would, I expect, also miss Senator Stott-Despoja if she did not live down the road and we did not spend a couple of days each weekend with her and her husband, Ian Smith.

The Greek community has always been a major source of support and advice. From the early days, people like Con Marinos, Nick Alexandrides, Andy Christou and Nick Manos in South Australia will always be remembered. Takis Gogos and Gerry Karidis were there some 30 years ago and they continue to be my friends now.

I also thank the staff of this place. The Clerk of the Senate, Harry Evans, and his staff have given us years of professional assistance, most often in stressful circumstances. I must admit that sometimes, mainly in government, I did not quite appreciate that Harry was trying to help, but I came to understand his motivation and appreciate it more and more the longer we spend in opposition. He has had great support from Anne Lynch, who is retiring with us. She has been here for 32 years, which beats me by about one year. Thank you for some wonderful service, Anne. I also thank Rosemary Laing, Cleaver Elliott and the Usher of the Black Rod, Andrea Griffiths, and their staff. I have had carriage of some major bills in my time here—on Corporations Law, electoral laws, migration, privacy and Wik, to name a few.
The assistance of Senate staff has been invaluable in all instances, as it has been with the committees in which I have participated.

On the western side of Adelaide in the 1950s and 1960s, there were very few role models to look up to. For me, there was George Joseph, a migrant who made it good at the law and in local government. There was also Condor Laucke, who later became President of the Senate. They both gave me important encouragement. Coming from Waymouth Street to Canberra was never going to be easy, but taking the journey at a time when the society we live in was radically changing—and it continues to do so—made it even more challenging. I look back on my first speech with more than a touch of embarrassment. For instance, I must apologise to Malcolm Fraser. My political immaturity at the time did not allow me to see him in a balanced way. I saw him only through the spectrum of 11 November 1975. It is unfortunate for politics in this country that some of his former colleagues now suffer from the same affliction that I did.

I am also glad that politics for me has been and continues to be a learning experience. It was so easy when I first got here. There was East and West, the Cold War, the Berlin Wall, fixed currencies, no internet and, indeed, no mobile phones. We in the Labor Party were often accused of treason for supporting the Vietnamese people or for our recognition of the People’s Republic of China. These days, you cannot even get a spring roll at a Chinese embassy reception because of the hordes of Liberals and Nationals who are there before you.

Rapid globalisation has, like a tsunami, wiped out most of our society’s previous structures and their cultural underpinnings. As I learnt very quickly in this environment, I had to engage and develop my attitudes if I was to be of any relevance to the national political agenda. Defending and maintaining the status quo was not a sustainable option. Defending the status quo, in this age of mobility, is more likely to mean embracing irrelevance. In this context, the ALP has given me enormous opportunities and, to maximise those policy outcomes with which I was concerned, I had to break out of the cocoon of ideology which brought me into the parliament.

My experience at the United Nations in 1986 as a parliamentary representative with Senator Hill was an important circuit-breaker for me in my political thinking. Furthermore, the opportunities I had as a member of the Hawke and Keating cabinets made retention of simplistic prejudices and ideologies an anachronistic political liability. In national politics, you are doing no-one any good if you do not reach out and engage in debate with people of different perspectives. Too often, people are afraid to open themselves up to the challenge of testing their ideas and beliefs. So I look back with a sense of achievement and I know I have much for which to thank the Labor movement.

Of the seven frontbench portfolios that I have held in 13 years of ministries and shadow ministries, immigration is the one I enjoyed most. In my time as minister, the department was restructured—and needs to be again—migration laws were rewritten, independent tribunals were established, economic migration was fostered and people were treated with dignity. ‘Multiculturalism’ was not a dirty word to be avoided. I will forever be proud of the decision I proposed to cabinet, which I announced on 1 November 1993, to grant permanent residence to almost 40,000 applicants and their families.

It is a powerful example of the paucity of political analysis in this country that commentators then and to this day believe that that decision merely implemented Prime
Minister Hawke’s commitment to those Chinese students who were in Australia at the time of the Tiananmen Square protests. These people comprised merely one-third of all beneficiaries of the decision. There were just as many who came from China after Tiananmen Square and there were just as many migrants from other countries who were affected by the decision. I think history will recognise this intake as Australia’s most richly resourced, both financially and intellectually.

At the same time, during my term in office, I allowed almost 1,000 Cambodian boat people permanent residence. As well, we gave genuine refugees permanent residence. Yet the sky did not come crashing down; the hordes did not invade. I just do not know what we fear now. I believe there is no justification for the inflexibility of current policy. I could not help but note a boast from the current Minister for Immigration and Ethnic Affairs a few weeks ago when she said that the government had brought illegal boat arrivals down to a 10-year low. That means that they are now at the levels we achieved in 1995, but we neither let people drown nor sent them on an expensive offshore policy frolic to achieve those low levels then. We did, however, send close to 1,000 failed asylum seekers back to their source countries quickly and inexpensively—something which this government, despite its high levels of spending, has not been able to achieve.

For me, putting people in detention is easy, especially if you do not mind putting in the odd Australian citizen at the same time. It is what you do with them once they are in detention that is the hard part. Long-term, open-ended detention does not work; it undermines the whole system. Mick Young once told me that the Immigration portfolio changes your life forever. It has with me, for it stimulated in me a real interest in the world’s cultures and races, especially my own Greek heritage. We in this country need to have a debate about migration, not about failed asylum seekers. We need to recognise the importance of migration to this country and its capacity to meet our social and economic needs, and we need to look at much higher levels of immigration. This country, with our current and prospective skills shortages, needs to double its immigration intake.

I am also pleased to have played an important role within the ALP, especially in South Australia and especially in building the historic Left-Right alliance in that state. In South Australia we now have major factions working together in the interests of the party. This has provided solid foundations for the Rann government. It has introduced into the state parliament some quite talented people. As well as current leaders, we have introduced the next generation of leaders—people who are not yet on the front bench but who will make an important contribution in the future. This could not have been done without that alliance or allegiance. It could not have been done without that alliance or allegiance. It could not have been done without the strategic stewardship at critical times of people like Don Farrell and Patrick Conlon. But the job is never done in politics. To continue to be successful the branch needs to be more inclusive. Presently, it is in danger of being too ‘clubbish’, and this development—particularly in the Left—needs to be redressed in the interests of party democracy. There is a similar challenge facing the party across the country.

As I move on, I know that there is a real challenge in national politics after 1 July. The real challenge in the Senate, for all the time I have been here, has been to garner a majority of votes across the chamber. In the past 24 years, in all the time I have been here, no government has had a majority in this place. Debate in the Senate chamber has been quite pivotal. Arguments have made a
real impact and outcomes have depended on Senate debate. This was clearly evident during the Wik debate, which was the longest debate in the Senate’s history. It lasted almost 106 hours. The committee stage was also the longest committee debate in history—some 41½ hours. I alone moved some 900 amendments on behalf of the opposition. The debate on the floor of the chamber influenced the outcome.

Those of us who were here then can remember the agony Senator Harradine went through. He was clearly agonising as he made up his mind, tossing up between the amendments and the prospect of a race election. I am sure that debate stands as one of the great debates in this parliament’s history and I am sure Senator Harradine’s contribution then is a real example of what we will miss when he leaves this place. It was also in that debate that I came to appreciate the intellect and strengths of Senator Minchin. I will watch his progress in this chamber with interest—I am sure all senators will, and I am sure Senator Hill will watch it very closely.

The new Senate presents real challenges to all parties and to the Senate as an institution. The government majority after 1 July will change the current culture of this place. How the government handles its unlimited power will help to determine the next election. I believe it could go either way. Both parties have major challenges to meet before they can be confident of winning the next election. It will not be easy for either side. There will be, as there always is in Australian politics, a number of ‘circuit-breaker’ opportunities, and I am sure those opportunities will present opportunities for Labor and give us on this side of the parliament a real chance of winning. I believe we can win the next election. A lot more of us need to start believing that and I look forward to returning for the celebrations when Kim Beazley is Prime Minister.

Twenty-four years in the Senate has been both an empowering and humbling experience for me. It has been an enormous responsibility with which the Australian public entrusts all of us. I have felt enormously privileged to have been here for so long. I hope I have made good use of my time. I will miss it; I will not miss all of it. Thank you all for being part of the culture of the Senate, which has been part of my life for my 24 years in this place.

Senator RIDGEWAY (New South Wales) (4.05 pm)—I would like to begin by paying my respects to the Ngunnawal people, who warmly greeted me into this place on 25 August 1999. I had high hopes that by now the parliament would have finally recognised this act as appropriate protocol, balancing progress and tradition and providing a way in which all people could share in the unique cultures of Indigenous Australians as a proper reflection of their own national identity. While it may no longer be fashionable or politically correct, I do not resile from the hope that one day this gesture of respect and friendship may come to be.

Before speaking further on this matter, I wish to acknowledge the contingent of senators departing this place. Every one of them has deserved the praise that has been given, but I particularly want to acknowledge Senator Brian Harradine. I do wish him and his family well. All our blessings go to him and to his family. Their gain is the nation’s loss. I also wish to acknowledge my own colleagues Senator John Cherry and Senator Brian Greig. I endorse entirely the comments of the Leader of the Australian Democrats, Senator Lyn Allison, about John and Brian. Each in their own way has made an enormous contribution to Australia and for that they are deserving of praise. No doubt, while
their partners Nicky and Keith will enjoy the fact that each of them will be at home more often, it will take some adjustment to move back into what is a normal life. As they both know—indeed, as we all know—life in the spotlight is invariably popular or friendly and I do wish them and their respective families well in their endeavours. Another departing senator some years ago put it like this: things are definitely not going to be the same. In the last six years or so, we’ve slept more times on our own in Canberra than with our partners. Yes, life will be significantly different.

I also take time to mention my Senate colleague Senator Meg Lees. I believe that she has made a significant contribution to the nation, and I am terribly sorry that things did not work out as they could have. I truly wish her and Matthew all the very best of health and good wishes for what life has in store for the future. When I first came to the Senate, certainly Meg was there as Leader of the Australian Democrats, but I personally appreciated both her friendship and support.

To my remaining colleagues, Senators Allison, Bartlett, Stott Despoja and Murray, I wish you all well. I have also appreciated your friendship and support, and if there is anything I can do in the hard years ahead—and I dare say that they probably will be hard—then please let me know.

I guess a valedictory speech is much more than a final speech, and I would have much preferred to have slipped into the dark, but my staff would have none of that. I was looking at some old photos—if you can call them old—taken at the time of my first speech back in 1999. Sometimes I think the Senate can feel a little bit like a railway station, with faces coming and going. I remember some of them—Vicki Bourne, Barney Cooney, David Brownhill, Jim McKiernan and many others, some of whom I never got to know.

I had to ask myself: why do people come here? What sort of contagious madness be- sets people that they believe that they can make a difference to national life? I could talk about the many portfolios, the committees and the political statements, but I still truly believe in national reconciliation, and I believe that Indigenous Australians are the ones who are being held back from making their full contribution. When I addressed the full body of the United Nations Commission on Human Rights in 2001, I put it like this: one of the things that we do know for sure is that Adam and Eve definitely were not Aboriginal. If they had have been, they would have eaten the snake, instead of the fruit of knowledge and we would all still be living in paradise. I think that says a lot about where things have gone wrong.

But I think it is this paradise lost that continues to hold back my mob. I have tried to use three guiding principles in my six years here: truth, universality and human dignity. To me, the only way forward seemed to be if we, together, could break through the ‘great Australian silence’, as Bill Stanner put it, as part of the melee in the 1970s. In the last 10 years, though, whilst I think that there has been some achievement, we cannot say that that is definite for everything. It is also important to remind ourselves of that. Sometimes it is easier to sit on the negative side of the ledger and inculcate amongst our young a victimhood mentality. None of us want that, and I certainly do not want to leave that as a parting message to the many thousands of schoolchildren I have had the pleasure of speaking to during my years here, nor do I want to say that to the Indigenous people who are here in the public gallery today. Nonetheless, there continues to remain a challenge, which I believe to be a gift, by insisting upon an opportunity to transform our national identity, by forging the way for
a new and more inclusive Australia. That challenge remains to be met.

Indeed, sometimes you have to look beyond the situation as it currently exists and demand a just settlement. I learnt that from an esteemed member of the Liberal Party, the late Senator Neville Bonner. The clear message that he gave was that striving for justice is never futile, no matter what the odds. It is a simple fact that the taint of injustice will always be a heavy burden and will continue to weigh on the psyche of our nation until it is addressed. I believe that we have reached a critical stage in debates about Indigenous people, which are not well served if we are to batter any ideological opponent into the ground and silence any opposition or independence to the government’s preferred approach—most obviously amongst that, ATSIC.

I pause to acknowledge that the commission has now gone and that all ATSIC regional councils’ terms will also expire come 30 June. I believe that they have served their communities well. Currently, there is an ideological wet blanket that has been placed over all debate on Indigenous issues. The result is a debate that is frequently crass, that takes place at such a rudimentary level that it overlooks basic lessons from our past and that is based on stereotypes of Indigenous people, which of course are happily promoted throughout the media.

To give an example, almost all government activity at the moment is based on a commitment to address Indigenous disadvantage. We are therefore defined as disadvantaged citizens, and the goal is about providing us with the same opportunities as all other Australians. To me, that illustrates perfectly a mind-set of the government, because it sees a distinction between, on the one hand, addressing disadvantage and, on the other hand, cultural issues.

It is a false distinction, because both of those things are intertwined. It is the failure to recognise and embrace our cultural characteristics, and the cultural capital which we possess is one of the major barriers which continues to exclude us. It limits our ability to participate and it denigrates our greatest strength and asset, our culture. Of course we want the same opportunities for our people as everyone else gets. This should be seen as a given, not a privilege. But having the same opportunities is different from being the same. National inclusiveness is about creating a space for our cultures, being able to live alongside all other Australians, being taught history in our schools and creating the sort of identity that climaxed at the opening of the Sydney 2000 Olympic Games, symbolised, I believe, by the winning of the 400-metre gold medal by Cathy Freeman.

Defining us as disadvantaged citizens tends, unfortunately, to mask the structural and systemic barriers that have contributed, I believe, to much of the situation that we now find ourselves in and it enables the debate and proposed solutions to be grossly oversimplified or silenced completely. This Senate has a unique obligation and responsibility to make sure that it is not co-opted into oversimplified debates about our needs which are based on language which is benign in appearance but loaded in meaning. Following on from this, it is disturbing as a trend that all of the state and territory governments are being co-opted into the Commonwealth’s approach. I think that there is much to be gained by seeing the inherent strength in the fact that cultural identity, addressing disadvantage and providing economic opportunity are interrelated and complementary, not contradictory and oppositional.

It is not often that I get the chance of referring to what I call pearls of wisdom, but I think the best response is from Senator
Vanstone, who stated in her address to the National Press Club in February this year:
We do need to understand the richness, diversity and strength of Indigenous culture. We need to understand that when Indigenous Australians take on aspects of our culture they are not necessarily discarding their own. They are in fact, walking in two worlds.

Sometimes it amazes me how many people expect Indigenous Australians to understand and take on our culture, when so few of us even bother to begin to understand theirs.

I also welcome the Prime Minister’s interest in this matter, but I think that we now have a good opportunity to put on the table options for lasting solutions to be found, including the need to address a cultural rights agenda as being seen as a benefit to the entire nation.

I am pleased to have had the privilege to be a member of the Senate and to represent the state of New South Wales, Indigenous people and all Australians. I believe this place takes on an increased significance in the post-ATSIC world, and I would ask you to consider how Indigenous people will have a voice at the national level. One of the things that we must avoid is the great Australian silence prevailing again.

There are many people I want to thank on this occasion. First, I want to acknowledge my former wife, Stephanie, my mother, Colleen, and my two sons, Jay and Liam. Jay and Liam are both here today and I want to say to them how proud I am of their achievements—both of them graduating with degrees from university. Second, to my sister, Pauline, my elder aunt, Mrs Jessie Williams, and my cousins Susan and Deidre, who are also here, I thank you for coming to Canberra and I thank all the other members of my family who have not been able to make the trip but have sent their well wishes. All of these people have done a terrific job back at home, and my being here would not have been possible without their enduring support. Thank you for allowing me to spend time away from home. I hope that I have made some difference to Australia, and I truly hope that new pathways have opened for our mob across the entire country.

I also thank the Australians for Native Title and Reconciliation and all of the state, territory and local based reconciliation groups. Again, without their support, my time here would not have been possible. I want to acknowledge the Clerk of the Senate, Mr Harry Evans, and his staff, and commend you all for the way in which you have conducted yourselves. In particular, I make special mention of the Deputy Clerk, Anne Lynch. I cannot imagine, Anne, what it must have been like to wake up every morning for the last 32 years and go to work at the same place. I wish you well for your retirement. It is a strange thing in this place that you end up building relationships across the political dividing line and, whilst you were not a member of a party, I was very appreciative of the candid advice that you gave when I needed it.

I have come to appreciate the committee system and the uniqueness of the Senate. The Senate is a very unique place. It is not like the House of Representatives, and I am not sure whether people understand that. I believe that people from all parties work genuinely to find solutions, and that is the strength of the Senate. It is less adversarial and more consensual, and I believe that is a good argument as to why the committee system should remain. I hope that, come 1 July, this strength of structure and the system remain in the Senate.

I want to single out one particular senator who is not here on this occasion—Senator Bill Heffernan. We have not always agreed, but I do want to acknowledge the role that he has played in relation to Indigenous people. When people came here from wherever
across the country and could not get a hear-
ing, he certainly made sure that doors were
opened and people got a chance to have their
say. For that, I am personally grateful. I hope
that continues.

There are only two things remaining, the
first among these is to thank my staff. There
have been many over the years, and time will
not allow me to mention them all, but I hope
the fact that there have been many is not a
sign of how bad a boss I may have been. I
want to thank Anne Martin—who cannot be
here as she is in Darwin—Liz Willis,
Vanessa Jackson and James Lantry. I am glad
to see that James is now working for John
Anderson. Congratulations on your promo-
tion, James. I also acknowledge Libby Gunn,
Christian Zuur and Julie Lovell. They de-
cided to come on this mad but privileged
journey and each of them in their own way,
whether they knew it or not, made a signifi-
cant contribution to my life. Indeed, if life is
seen as a learning process, I learnt a hell of a
lot from them. When we perform here in the
chamber, we sometimes forget that there are
a whole lot of people behind us backing us
up. I thank you for the time that you have
given from your lives to be here in Canberra.
You have been a great part of my family over
the past six years.

Last but not least, I acknowledge in the
gallery the young Indigenous members of the
National Indigenous Youth Group. I was
aware that you were coming here today, and
I appreciate that you have taken the time to
come and listen. When you think about our
mob out there on the ground, the majority are
now under the age of 25—and you make up
that leadership. It is about creating pathways
for young people like you to be able to come
forward and take on roles of political leader-
ship. I hope that will come. It does not matter
which party; the important thing is to knock
down the glass walls that have denied oppor-
tunities to so many Indigenous people. If I
can offer any sort of advice, I would encour-
ge you to think seriously about a political
career. I do not know whether my path will
end up back this way; I daresay not. In three
tears time I will be probably enjoying life,
going for my favourite football team, the
Rabbitohs, who occasionally win and get up
when they need to.

I want to thank everyone who has contrib-
uted to the way in which the Senate has
worked in the last six years. There have been
occasions that have created somewhat
prickly debates particularly on issues that
have occurred across Australia, including on
Palm Island and in Redfern, and on issues
relating to the health crisis that exists within
our communities. It is important that we do
not allow ourselves to see these purely as
being just state or territory issues; they are
national issues. They go to the question of
how to deal with truth. They put forward the
factual basis for the reasons about why there
is a need for change, about universality and
about why there is a need to understand that
the No. 1 priority and crisis in this country at
the moment is, indeed, Indigenous health.
How can we as privileged people stand by
and see our Indigenous brothers and sisters
dying 24 years younger than the rest of us? It
really says something about what is going
wrong. I believe that we must dedicate our
efforts to treat that as a priority and to no
longer put up political arguments. It is our
moral duty that we must respond to those in
recess. It requires a tsunami-like response to
people living within our own backyards.

Finally, I will go to the issue of human
dignity. No matter how much we might want
to undermine the way the system works or to
attack the leadership or the institutions that
undertake that advocacy, if you set aside the
question of human rights you are only left
with Australian tradition, and tradition itself
has not been kind in the past two centuries to
Indigenous people. We need to do more. I
leave that parting message, but I have enjoyed my entire six years here. I have made friends on both sides of the chamber and within my own party. It has been an absolute pleasure and privilege not only to represent New South Wales but, most of all, to be an effective voice for Indigenous people right across the country. One of the things that I am looking forward to is to spending much important time with my three-year-old daughter, Sancia. Daughters need their fathers and children need their parents. I want to thank everyone for the debate that has been had over many years, but you are now left with a unique responsibility and obligation to deal with issues of Indigenous people in this country. Think about how you will provide an effective voice for that to occur. Again, thank you to everyone.

The ACTING DEPUTY PRESIDENT (Senator Watson)—Thank you, Senator Ridgeway, for your contribution to the Senate, your people and Australia.

BUILDING AND CONSTRUCTION INDUSTRY

Motion for Disallowance

Senator MARSHALL (Victoria) (4.27 pm)—by leave—I, and also on behalf of Senator Nettle, move:


This disallowance motion is extremely important. Support for it will protect some basic and intrinsic rights the Howard government is intent on stripping away from many thousands of Australians. The motion before the Senate relates to an instrument—a set of flimsy and useless guidelines—regarding the exercising of compliance powers under the Workplace Relations Act which were legislated for under the Workplace Relations Amendment (Codifying Contempt Offences) Act 2004, passed by the Senate on 24 June last year.

I take this opportunity to acquaint senators who may not remember the debate last year with some background remarks about why we are debating this issue here today. The parent bill, the Workplace Relations Amendment (Codifying Contempt Offences) Bill 2004, as with most of the Howard government’s industrial relations bills, was not really about the codifying of offences relating to contempt of the Australian Industrial Relations Commission; it became a battering ram for the government, which it used to pursue a grab bag of unrelated industrial relations issues, the most important of which—and the reason we are debating these issues today—relates to the granting of coercive powers to the Building Industry Taskforce to extract information from persons and organisations involved in the building and construction industry for investigations undertaken by the task force. Under the regime proposed, officers of the Building Industry Taskforce will have the power to force anyone to answer questions under oath, either in writing or during an interrogation, and to hand over any document relating to a ‘building industry investigation’, as defined. Failure to comply with these requests will be criminal offences attracting penalties of $3,300 for a first offence and $6,600, or six months imprisonment, for the second and subsequent offences.

Until now, the investigative power of the Building Industry Taskforce has been confined to a capacity to demand the production of documents. It should be noted that in a recent consideration of that power, the Federal Court observed that written notices to produce documents directed to individuals that permitted roving inquiries were foreign to the workplace relations of civilised societies as distinct from undemocratic and au-
authoritarian states—a point well made by the Federal Court.

What these powers allowing coercive investigation do is treat the 740,000 workers in the building and construction industry worse than suspected terrorists. The rights afforded under the legislation passed, and by these guidelines which, if not disallowed today, will regulate these powers, are fewer than those we afford to people suspected of being terrorists in this country when they are interrogated by ASIO. These new government sponsored interrogation sessions are to be conducted in secret. Under the guidelines we are debating today, interrogators can direct interviewees not to disclose to anyone other than their lawyer what has happened during the interview—not to family and not to friends. Questions asked must be answered, even where that answer may incriminate the interviewee giving it.

The protection against self-incrimination is an important legal and civil right. It is well entrenched as part of the processes of criminal law. The High Court has described it as a human right which protects personal freedom, privacy and dignity from the power of the state. However, in this case, any residual right to refuse to answer questions during investigations on the basis of the protection against self-incrimination has been removed by this government. This is an outrageous element of the regime, given the importance of that civil right and the serious consequences attached to the potential penalties involved.

What makes it worse is the government’s track record of partisanship in industrial relations disputes and the fact that trade union activity often has a political as well as an industrial element to it. This kind of measure will be used as a tool of political repression, especially when, as will shortly be the case, that form of political expression will become unlawful under this government. This whole proposal is totally unacceptable to me and totally unacceptable to the Labor Party. Nowhere else in the world do such powers exist. My question is: why should they exist here in Australia? It is absolutely beyond me. They certainly should not.

While these powers are not necessary, they fit snugly as another important piece of the government’s anti-union, anti-worker armoury and it makes sense that the government would have its Building Industry Taskforce equipped with them. You see, the granting of these increased powers of coercion to be used against workers in the building and construction industry is part of a considered anti-union, anti-worker government agenda.

Since 2001, the federal government has set up a government appointed and funded witch-hunt of unions and unionists in the industry disguised as a royal commission. It was a $69 million exercise in union bashing with no legal capacity to determine whether anyone had acted unlawfully, yet whose central findings nonetheless included the public identification of those said to have acted unlawfully and, more generally, lawlessly and with a disregard for the rule of law. After all the claims and rhetoric, there has only been one single prosecution stemming from this royal commission.

This government has shown complete disdain for international labour law by refusing to amend legislation that has been consistently ruled to be contrary to international conventions to which Australia is party. Rather, it has introduced further legislation to compound the problem, further denying Australian workers internationally recognised and accepted labour rights.

It has introduced a black list through its national code of practice for the construction industry, whereby parties are banned from
government funded projects unless they implement the government’s own ideological brand of industrial relations practices and where entirely arbitrary and discretionary decisions about compliance are made by workplace relations departmental officers without any public accountability, a right to be heard or a right of review for those affected.

It has established a very expensive Building Industry Taskforce, a body inside the Department of Employment and Workplace Relations, whose responsibility it is to be the government’s direct eyes and ears inside the industry, investigating and seeking to bring prosecutions against unions, unionists and other workers. But I will come back to that issue in a moment.

It has extended the powers of the task force to allow for compulsory, wide-ranging and secret interrogation sessions involving ordinary workers over industrial issues and expressly overriding any right to refuse to answer questions in the course of such interrogations. It has proudly announced that it will assist employers in the enterprise-bargaining process by abandoning the general rule that legislation that has a detrimental effect on people not be retrospective. It has proposed retrospective legislation that includes heavy penalties directed at unions and employees via the Building and Construction Industry Improvement Bill 2005. And it has conducted all of this in the name of re-introducing adherence to the rule of law in the construction industry.

The Building Industry Taskforce—the body which, if this disallowance motion fails, we will hand more unprecedented coercive powers to—was established on 1 October 2002. It is a section of the Department of Employment and Workplace Relations, answerable to the minister. It is not a statutory body governed by its own act of parliament. In practice and effect, it is a government sanctioned industrial attack dog assigned to the building and construction industry to do the bidding of this government as directed by this government.

The task force also has the power to secretly spy on Australian workers. According to the task force’s internal policy and guidelines manual, covert recording of conversations and the use of concealed tape recording and video equipment is allowable. It is outrageous and simply not justified that a body in this country is allowed to undertake covert surveillance operations against building and construction workers and unions lawfully and fully funded by the government—and it has indeed been funded by this government.

The Building Industry Taskforce’s total cost to 1 July this year has come in at around $24 million. That figure will double again next year, when the task force gains another $23 million of taxpayer funds to pursue its agenda. In fact, the 2005-06 federal budget contained around $100 million for the establishment of the Australian building commission, the body to be established if and when the Senate passes the Building and Construction Industry Improvement Bill 2005. What a waste of money this will be. It will be yet another grossly financially wasteful and use- less government agency, just like the Building Industry Taskforce has been since its inception and like the Royal Commission into the Building and Construction Industry was.

According to the task force’s web site, between 1 October 2002 and April 2005 the Building Industry Taskforce received 2,827 hotline inquiries. This was over a period of 942 days. It equates to around three phone calls per day or around $8,631 per phone call. The task force has conducted 2,734 site visits in this time. This equates to around $8,925 per site visit. The task force claims to have conducted 115 investigations during
this time. This equates to around $212,174 per investigation. Of these investigations, only 11 have actually been to court and have had resolution. This equates to around $2,218,181 per completed matter. A further 11 matters are still before the courts at the moment. In total, only 22 matters have been to court at all. These have cost the taxpayer around $1,109,090 each. Penalties recovered through this process have ranged from $500 to $8,500. The final figure for total penalties recovered to date comes in at a grand $39,200—hardly a figure proving the government’s rhetoric that this is an industry dogged by illegal behaviour.

Even justices in courts such as the Federal Court of Australia have made numerous comments and remarks in a number of cases about the operations of the Building Industry Taskforce. For instance, Justice Hughes, in the case of Alfred v CFMEU (NSW Branch), described the task force as—and these are the justice’s words—a ‘shadowy group’. Justice Wilcox, in the case of PG & LJ Smith Plant Hire Pty Ltd v Lanskey Constructions Pty Ltd in 2005 remarked:

... the applicants’ case was beset with legal difficulties that would have required it to be dismissed in any event. Even on the view of the facts propounded by the applicants, their case was hopeless. It was instituted without reasonable cause.

This is a serious issue. These guidelines will grant extended and extensive coercive powers, unseen anywhere else in the world, to use for reasonable cause to a body which acts with unreasonable cause. In the decision in Pine v Seelite Windows & Doors Pty Ltd, Justice Finkelstein remarked:

In these circumstances this action is much ado about nothing. True it is that the laws of the land must be obeyed. It is also true that the Building Industry Taskforce is entitled to take all reasonable steps to ensure that the laws, for which it has some responsibility in enforcing, are complied with. As I have said, not every contravention of every law needs to be punished. Often a caution will suffice. But, as it has been decided that there should be an action, I must deal with it.

The judge went on to say:

Should I impose a penalty on the respondents? No harm has been done to anyone. The contravention was inadvertent. It is unlikely to occur again. The amount of wages involved is insignificant. In these circumstances it would be quite wrong to punish the respondents. Nothing would be achieved by the imposition of a pecuniary penalty. There is no need for a specific deterrent: it is simply not necessary. And if any penalty were imposed it would be so low that it could not act as a general deterrent.

This is another problem. Under the legislation and the guidelines, coercive powers may not be used to pursue investigations into minor or petty matters. But the very body we are expected to give these powers to does exactly that very thing. Even a justice of the Federal Court has said so. The task force has a zero tolerance policy and no matter is considered by them to be minor, petty or trivial. We cannot give these powers to this body. It cannot be trusted to exercise them within the framework of the legislation and the guidelines. It already flouts its legislative parameters. We are talking about stripping away the rights and civil liberties of people. We should also note that these new powers will not be used just against trade unions but also against ordinary workers as the Building Industry Taskforce goes about its business of investigating everyday industrial issues and disputes. It is a disgrace.

One of the government’s major defences for introducing these powers relies on the fact that the ACCC and ASIC have similar powers to coerce information or documents from persons. The major difference between the bodies involved, however, is that the ACCC and ASIC are statutory authorities governed by strict acts of parliament,
whereas the Building Industry Taskforce is merely a division of the Department of Employment and Workplace Relations and is answerable to the minister, not to the parliament.

This regime is not accountable, it is far from transparent and it has already proved it cannot be trusted to act within its remit. As I have said, we are talking here about protecting the basic rights of thousands of workers that would otherwise be stripped away by a harsh anti-worker government. These coercive powers and the guidelines regulating them are an affront to the human rights of workers in the building and construction industry. These powers undoubtedly impinge upon a number of the universal rights afforded to all people, including people who work in the building and construction industry in Australia.

This disallowance motion is extremely important. It goes to the heart of the kind of democracy we want for this country. It goes to the question of the level of human rights and civil liberties we wish to afford to, or are happy to restrict from, particular groups of people in this country. It goes to the heart of issues such as natural justice and the principle of a fair go. It goes to the question of what is considered to be acceptable industrial investigation of workers by a government department in this country.

I do not believe that we should treat building and construction workers in this country like suspected terrorists. I do not believe that we should remove people’s rights in order for the Building Industry Taskforce—a body well known for pursuing minor and petty matters outside of its remit—to investigate them. I do not believe such investigations should be conducted in secrecy and I do not believe people should be compelled to provide self-incriminating evidence. These powers exist nowhere else in the civilised world. They are unfair and unjust. They are not an appropriate way of dealing with and settling industrial issues. The body being vested with these powers cannot be trusted with them. It is a partisan, government-sponsored attack dog that should be dismantled, not enhanced with further coercive powers.

The Democrats had decided to support the legislation at the time of the debate we had in the Senate chamber just on 12 months ago. I understood the arguments that were being put forward by the Democrats at that time. They believed that there may be some serious criminal activity happening in the building industry. The Building Industry Taskforce was thought to need new powers to weed that out. If there were any demonstrated criminal activity in the building industry, the Labor Party would certainly be 100 per cent supportive of weeding it out—in any industry, including the building and construction industry.

But 12 months have gone by. We have not seen any further or ongoing prosecutions except for the one prosecution that has come out of the finding of the Cole royal commission. In the 12 months since we debated this bill, we have not seen lots of prosecutions that have identified criminal activity in the building and construction industry. We have had a task force that has been going around investigating people in the industry and prosecuting trivial and minor matters of non-compliance with the act: in most cases, technical noncompliance. We have not seen the criminal activity that this government would have us believe is present in the building and construction industry.

The bill was also voted on at a time when no-one foresaw that the government would have a majority in the Senate in their own right. We did not foresee that the government would be all powerful and would not have
the accountability of the Senate to deal with. Given those new circumstances, I appeal to the Democrats to change their view and support this disallowance motion based on the evidence that has been before the Senate since the time of the legislation. (Time expired)

Senator NETTLE (New South Wales) (4.47 pm)—It is absolutely necessary to be vigilant and rigorous in our defence against any and every attempt to remove the fundamental civil rights and liberties that underpin our democracy. As we all know, democracy did not occur overnight. It took many years to develop and has grown out of the struggles of ordinary people working over hundreds of years. But what has taken centuries to obtain can very quickly be taken away.

These guidelines before the Senate today are an attempt to remove such rights and liberties and are therefore an attack on democracy. They single out one group of people, one class of citizen, building and construction workers, and then remove and undermine their rights. Their right to silence, their freedom of speech, their right to privacy, their right to strike and their right to be treated as innocent until proven guilty are all undermined or removed by these guidelines and the practices of the Building Industry Taskforce. This is why the New South Wales Council of Civil Liberties President, Cameron Murphy, said this:

... new coercive powers have no parallel in democratic societies. Construction workers have been deprived of fundamental civil liberties which we all take for granted.

Why is the government singling out one particular group of workers? Why is one set of citizens having its rights removed whilst others are not? The government is embarking on an attack on working people and their families in this country with its planned changes to industrial relations. It begins this attack by striking at the strongest union first. So it is attacking a union that has a history of showing solidarity with other workers and groups of workers who, through their solidarity, have ensured that support for progressive trade unionism in their workplace is strong.

Just like the government’s attack on waterfront workers and the MUA, these guidelines are an attempt to break the back of a trade union that will play a crucial role in defending all workers’ conditions in the coming struggles for basic rights in the years to come. The Greens are adamantly opposed to this agenda of both the government and their friends in big business. Just as we supported the MUA in the waterfront dispute, we will stand shoulder to shoulder with the CFMEU and other construction unions in their struggle for the right to join a strong and effective trade union and the right to bargain collectively.

The Greens support the campaign by the ACTU for working people and their families who face the loss of their protection from unfair dismissal, a cut to the minimum wage and the slashing of award conditions. If they are not disallowed by the Senate today, these guidelines will increase the coercive powers of the Howard government’s industrial police force, the Building Industry Taskforce: a task force that is currently ruthlessly pursuing the government’s agenda of destroying building unions across the country.

These guidelines will enable the Building Industry Taskforce to force any construction worker to answer questions. Refusal to answer questions—this is the removal of the right to silence, for example about what was said at a stop-work meeting—could result in a worker receiving fines of up to $3,300 for a first offence, $6,600 for a second offence or imprisonment for up to six months. For hundreds of years the right to silence has been the bedrock of civil rights. It is recognised in
the Magna Carta, which, if any senators have forgotten, is able to be viewed in its original form just upstairs from this chamber in the Members Hall. The right to silence grew out of people’s struggle to free themselves from the prerogative of kings and the authoritarian power of the monarchy.

These guidelines return us to the days of the Star Chamber, when the right against self-incrimination was violated by persecution with the aid of torture. While these guidelines obviously do not allow the use of physical force to extract confessions from the accused or witnesses, the principle is the same. You must talk, or you will go to prison or face draconian fines. You have no right to silence.

We should not be surprised that the government wants to give more powers to the Building Industry Taskforce. The Cole royal commission, which recommended the task force be established, was not able to show any real or substantial problems in the construction industry. We know from evidence by the task force in the Senate estimate hearing on June 3 that only one prosecution has been initiated by the task force as a result of evidence given to the royal commission and that now the task force is not investigating any other issues from the royal commission. An amount of $66 million of taxpayers’ money was spent for one prosecution, which has commenced, and which is yet to be proven. That is the extent to which this government is willing to throw good money after bad pursuing the CFMEU and construction and building workers. The result of the royal commission was proof, if it were ever needed, that the royal commission and the Building Industry Taskforce that came out of it, are a sham police force whose sole role is to pursue the government’s ideological crusade against construction workers.

It is not just the Greens and the CFMEU who are critical of the task force and its predecessor on building sites the Employment Advocate. In February of this year, the Federal Court threw out a case brought before them by the task force. Justice Wilcox described the task force’s case in this way:

... the applicants’ case was beset with legal difficulties that would have required it to be dismissed in any event. Even on the view of the facts propounded by the applicants, their case was hopeless. It was instituted without reasonable cause.

The task force’s snooping on workers’ bank accounts was described by Justice Marshall in the Federal Court in this way:

Roving inquiries may be an apposite expression for broad ranging inquiries into alleged tax fraud and the like under income tax legislation but such notices are foreign to workplace relations of civilised societies, as distinct from undemocratic and authoritarian states.

So why does the government want to give new powers to the Building Industry Taskforce at this time? I will explain. It relates to the Building and Construction Industry Improvement Bill 2005.

In a couple of months the government will use its absolute control of the parliament and the Senate to ram through the Building and Construction Industry Improvement Bill. That bill will effectively ban the right to strike except on very limited grounds and it will increase the already huge fines which workers and unions may have to pay to as much as $110,000. For example, if there is a stop-work meeting because a worker has been killed on the job, the CFMEU and other unions represented on the building site could then be fined $110,000 for every company or subcontractor on the site.

On average, one building and construction worker is killed every week in my home state of New South Wales. Just over a week ago, a young building worker, Mark Gallace, suffocated on a work site in Chipping Norton...
in the western suburbs of Sydney. He was working for Saco Builders Pty Ltd. He was a young man of 24, the only son of Italian migrants who came to this country 30 years ago. He was engaged to be married in August and the reception had already been booked. There were over 900 people at his funeral.

The Building and Construction Industry Improvement Bill, the government’s legislation, would mean that, if workers gather together on the site to grieve and remember their workmate, to have a minute’s silence for workers like Mark Gallace, the union would be penalised. But, worst of all, this legislation does not come into force at the time that the bill is passed. The government has made the legislation retrospective, from 9 March this year. This is another attack on fundamental civil rights and an attempt to intimidate the CFMEU and other construction unions into not protesting against these laws and these guidelines.

Only two weeks ago, the Attorney-General Philip Ruddock, speaking about the government’s refusal to seek David Hicks’s return from Guantanamo Bay, told ABC television ‘we don’t intend to make criminal laws retrospectively’. It appears this is not a steadfast principle that stays in place when the government wants to make laws that are designed to attack one group of people in this community: construction and building workers. The reason the government wants these guidelines in force now is so that it can set the Building Industry Taskforce to work, forcing building workers to give evidence about stop-work meetings and other union activities so that they can be prosecuted retrospectively under the government’s new construction bill that it is seeking to bring in when the Senate changes over. This is the government’s immoral purpose which should be opposed by the Senate today.

The Greens are proud to be moving to disallow these guidelines with Senator Marshall. They are an attack on the basic civil rights of building workers in this country. They are part of the government’s campaign to undermine wages and conditions of ordinary workers and to destroy trade unionism. They have no proper place in a fair and equitable system of industrial relations or civilised democracy and they should be disallowed.

Senator MURRAY (Western Australia) (4.57 pm)—In 2003, after a lengthy and expensive royal commission into the building and construction industry, the government introduced two bills to introduce industry specific laws and an industry specific regulator with far-reaching powers. At the time of the introduction of the bills, and many times after, I told the Senate that the position of the Democrats was that we are beholden neither to business nor to unions and that we would evaluate this issue on its merits. I also said that we thought that there were problems in the building and construction industry at both the employer and the employee levels, including criminality and corruption, and that it is our job and the Senate’s job to assess what the solutions might be. I said that the Democrats would be even handed and fair in our assessment and that the Democrats wanted improved outcomes for the building and construction industry for both employers and employees and that we would not be party to any ideological agenda.

With Labor and the Greens support, we initiated a Senate Employment, Workplace Relations and Education References Committee inquiry into the building and construction industry, encompassing the royal commission findings, the two bills and other matters relevant to the building and construction industry. Following that inquiry, which did find that there were substantial problems in the building and construction industry, we
produced a 63-page considered minority report. In that report, we rejected the building and construction industry improvement bills for clearly enunciated reasons. Our belief was that they could not be salvaged or amended. We argued that setting up the building and construction industry with different rights and obligations to other industries goes against the basic principle of law, which is that the law must apply equally to everyone. However, like the Cole royal commission, the Senate inquiry into the building and construction industry bills obtained evidence of non-compliance with the law by employees and employers in areas of industrial, tax, corporate, criminal and state law.

For example, construction accounted for up to 15 per cent of all workplace fatalities, even though that industry employs only six per cent of the total workforce. The Australian Taxation Office submitted that the industry hides up to 40 per cent of its income. The Australian Taxation Office was then investigating 550 cases of phoenix companies and since then many more have been exposed by the Australian Securities and Investments Commission. The majority of complaints made to the Office of the Employment Advocate regarding freedom of association, coercion in certified agreement making, right of entry misuse and abuse for union organisers and strike pay were in relation to the building and construction industry. Building and construction ranked among the four industry sectors with the highest level of disputes. Industrial law, tax law, corporate law, criminal law and state law were and are being poorly enforced in the building and construction industry.

These problems are not specific to the building and construction industry, but we did accept that this industry needed particular attention. So how did we address that without going to the full range of powers envisaged in the two bills that we had rejected? We argued at the time that the problems in this and other industries could be much better addressed by enforcing existing law; increasing penalties, which we did last June; and by the creation of an independent national workplace relations regulator. We are of the opinion that greater regulation and enforcement of workplace relations law is desirable of itself, and that folding currently ineffective departmental state and federal inspectorates, the Employment Advocate and so on into a standard regulatory body would considerably advance regulatory practice and industrial relations in Australia. We argued that if it was good enough for there to be a national regulator for tax, which is the ATO; for finance, which is the Australian Prudential Regulation Authority; for consumer affairs and corporations, which is the Australian Securities and Investments Commission; and for competition purposes, which is the Australian Competition and Consumer Commission, then it was the right thing to do the same for workplace relations.

However, to set up such a body would require considerable consultation and therefore time and would need the full support of the parliament and of the government. We could not completely ignore the problems raised in the industry and we were prepared to work constructively on the problems. The building industry task force existed at that time, and it expressed concerns to the Senate committee that it was unable to pursue breaches of the law effectively. It gave evidence, which is confirmed elsewhere, that people in the industry are reluctant to provide information for fear of victimisation. That is not in every respect; it would be entirely and absolutely wrong to regard the building and construction industry as universally riddled with problems. But pockets of it are indeed a problem.
The building industry task force advised us they were restricted from working effectively with other law enforcement agencies. The Democrats agreed to move amendments to the Building and Construction Industry Improvement Bill 2005 that would increase the task force’s ability to gather information in pursuit of breaches of the Workplace Relations Act. The powers would also enable the building industry task force to share information with other agencies. Some members of the Labor Party and the CFMEU have run a scare campaign over these new powers. But the fact is they felt very strongly about the Building Industry Task Force regardless of those powers—I have seen the posters and vilification to which it has been subjected. The fact is that there is no power to detain, and the person required to answer questions has the right to legal representation and cannot self-incriminate. That is quite unlike, I might say, some of the ASIO laws that Labor has supported. I recall Senator Bartlett’s speech to the third reading of the Workplace Relations Amendment (Codifying Contempt Offences) Bill 2003. He said:

The ASIO legislation enables any Australian to be taken into secret custody for up to a week and to be interrogated. They have no right to silence. They have to prove that they do not have information or face five years in prison. They can be denied access to an interpreter. They can be interrogated in the absence of a lawyer. They do not even have to be suspected of a crime; they need only have information ASIO thinks might be useful and that the person should provide.

Labor, the very people who condemn these limited building industry task force powers, supported those draconian ASIO powers. The Greens did not, I might add, and have been consistent on that front with the Democrats.

The powers do not allow the building industry task force to tap phones, to make secret recordings or to detain people. The amendments do not increase the task force’s power to initiate or intervene in prosecutions. The powers are limited to requiring a person to provide information, to produce documents or to answer questions, and are based on section 155(7) of the Trade Practices Act. It would be very wrong to regard these powers as the same as those applying to terrorists. It is emotive and misleading to draw that comparison. The Australian Competition and Consumer Commission, the Australian Tax Commissioner, the Australian Prudential Regulation Authority and the Australian Securities and Investments Commission all have similar information gathering powers, and indeed much wider and more onerous and coercive powers, such as search and entry and prosecution powers. They were all supported by Labor and the Greens at the time of their introduction—and by the Democrats as far as I recall.

These authorities already apply these extensive, coercive and intrusive powers carried in the hands of the ACCC, the Tax Commissioner, APRA, ASIC and, to some extent, Customs. They already apply to workers, employees, subcontractors and participants in the building and construction industry. It confuses me: why does Labor support extremely onerous ACCC, ATO, APRA and ASIC powers, which are much more onerous than the BIT powers, and oppose the much lesser and far more limited powers which we are discussing here? It is not clear to me and it seems very inconsistent. To ensure that the powers could not be abused, the Democrats included mechanisms in the legislation to ensure that the powers are used responsibly and there are reasonable grounds for information gathering; that the Commonwealth Ombudsman will conduct annual reviews of the way they are being used and can also investigate complaints about how they are used; that if the investigators act inappropriately they are subject to the penalties under the Public Service Act...
1999 and the Crimes Act 1914; that the powers must not be used for minor or petty investigations; and that the powers are sunset at three years.

On top of this, the Democrats moved an amendment for the creation of guidelines for how the information gathering powers could be used. That amendment, drafted as a disallowable instrument, which is what we are discussing today, ensured that the new information gathering powers could not be gained until the guidelines were developed and agreed upon by the Democrats. The government consulted with the Democrats on the guidelines, and we in turn consulted with Labor and the union movement. Normally, regulations become law once they are gazetted. In this case, the amendment moved by the Democrats meant that the guidelines would not come into force until after 15 sitting days had expired from the date they were tabled. Further, a notice of motion to disallow the regulation may be given, which has happened today. Any such notice of motion must be resolved or withdrawn within 15 sitting days. Since the regulations were tabled, back in August 2004, we have had an election and one of the shortest sitting periods in recent parliamentary history, and we now find ourselves in the remarkable position—and I doubt that anyone envisaged it—that, almost one year to the day since the amendments were first moved, the powers have still not been enacted. But this is the last day.

I want to say two prime things. The first is that it is absolutely wrong to mislead people as to the powers and the extent of those powers. It induces unnecessary fear and reaction. The second is that it is absolutely right to ensure the greatest vigilance to ensure that powers that are available are not abused—and that applies whether it is the ACCC, ASIC, the ATO or the BIT. I say with respect to this regulation that the Democrats honour our commitments. We made a commitment at the time to put it through, and we will honour that commitment. We believe that problems of lawlessness by both employers and unions still exist in pockets of the building and construction industry. We believe that new information gathering powers under the restraints of the guidelines, if used responsibly, will still produce very effective outcomes and hopefully will mean that some of the more draconian views that the government have in mind with respect to coming legislation might not be necessary or thought necessary. With those points, I indicate that the Democrats will not be supporting the motion to disallow the guidelines.

Senator ABETZ (Tasmania—Special Minister of State) (5.09 pm)—The government opposes this Green-Labor accord motion. If anyone still needed proof of the extreme left-wing nature of the Greens, they got it by the bucketload courtesy of Senator Nettle’s contribution. The motion before the Senate today represents nothing more than the ALP and the Australian Greens seeking to reargue a debate that was finalised a year ago. Those guidelines flow from the passage of the Workplace Relations Amendment (Codifying Contempt Offences) Act 2004. That act provided new compliance powers for use in the building industry.

During the Senate consideration of the bill, the government agreed to amendments that provided that the Secretary of the Department of Employment and Workplace Relations must use guidelines governing the exercise of the power. Further, the powers cannot be exercised until the guidelines have passed the disallowance period. So the Green-Labor accord decided to delay this motion until the very last day so as to defer the possible introduction of the guidelines—and, as Senator Murray has indicated, that means that in total we are now about one year after the event.
These guidelines are modelled on the Australian Competition and Consumer Commission guidelines for the exercise of their powers under section 155 of the Trade Practices Act 1974. The guidelines form just one part of the comprehensive framework governing the use of the powers, including the provisions of part 5A of the Workplace Relations Act and directions issued by the secretary of DEWR to the director of the building industry task force. In addition, the Ombudsman is required to conduct an annual review of the use of compliance powers and report to the parliament. Taken together, these impose substantial obligations on those exercising the power. The powers cannot be used unless other avenues available to the task force to obtain information voluntarily or under other provisions of the Workplace Relations Act have been pursued or are not considered adequate to obtain the necessary information. The guidelines make it clear that the powers cannot be used for minor or petty purposes. The powers cannot be used by the task force unless the secretary of DEWR approves.

These guidelines have been subject to detailed scrutiny by the Senate Standing Committee on Regulations and Ordinances. Following extensive correspondence between the committee and the Minister for Employment and Workplace Relations, the concerns of the committee have been addressed and its disallowance motion has been withdrawn. If the Committee on Regulations and Ordinances is satisfied that the guidelines provide sufficient checks and balances on the exercise of the powers, then this should be sufficient for the Senate.

This disallowance motion is not about the merits of the guidelines. It is about the ALP seeking to stymie the legislation being put into effect by trying to prevent the building industry task force from exercising its powers. However, the need for such powers was demonstrated by the royal commission into the building and construction industry. The Cole royal commission found that the building and construction industry was rife with illegal activity, thuggery and intimidation—and this is what the Labor-Greens accord is trying to protect by the disallowance motion today.

Many people are currently reluctant to take action to address unlawful conduct or provide information about such conduct for fear of retribution. For example, from 1 October 2002 to 31 December 2003, the task force had to drop more than one-third of its investigations because complainants were unwilling to provide information and make statements. That is undoubtedly something the Greens-Labor accord in this place seems to approve of. The government is committed to ensuring that the rule of law applies in the building industry. These powers will help achieve this goal.

The reality is that the ALP and the Australian Greens do not object to the guidelines. They object to the existence of the powers themselves. The parliament has already considered this issue and determined that these powers should be available—and they are not excessive powers, as Senator Murray so eloquently pointed out. The Senate should not allow itself to be used to defeat the intention of the parliament in passing this legislation. I urge all honourable senators to oppose and reject the disallowance motion.

Senator MARSHALL (Victoria) (5.15 pm)—I was not going to close the debate with a speech, but, given what the minister has just said, even when he is reading from a brief he can still demonstrate total ignorance of industrial relations reality. I just want to put on the record—in case anyone believes the nonsense and the minister’s rhetoric regarding industrial relations—that the motives that he has accused the Labor Party and, I am sure, the Greens of having are flatly rejected.
I thought it was important to put that on the record. If, instead of contributing to the debate in a meaningful way, he wants to give the government’s normal rhetoric, he can, but it is rejected. It is, frankly, quite stupid.

Question put:
That the motion (Senator Marshall’s and Senator Nettle’s) be agreed to.

The Senate divided. [5.20 pm]
(The President—Senator the Hon. Paul Calvert)

Ayes.......... 24
Noes.......... 37
Majority....... 13

AYES
Bishop, T.M.
Brown, B.J.
Campbell, G.
Crossin, P.M.
Forshaw, M.G.
Hutchins, S.P.
Lundy, K.A.
McLucas, J.E.
Murphy, S.M.
O’Brien, K.W.K.
Sherry, N.J.
Webber, R. *

NOES
Abetz, E.
Barnett, G.
Boswell, R.L.D.
Calvert, P.H.
Cherry, J.C.
Coohan, H.L.
Ellison, C.M.
Ferris, J.M.
Fifield, M.P.
Heffernan, W.
Johnston, D.
Knowles, S.C.
Lightfoot, P.R.
Macdonald, J.A.L.
McGauran, J.J.J. *
Ridgeway, A.D.
Scullion, N.G.

Tchen, T.
Watson, J.O.W.

PAIRS
Carr, K.J.
Conroy, S.M.
Cook, P.F.S.
Evans, C.V.
Faulkner, J.P.
Ludwig, J.W.
Mackay, S.M.

PAIRES
Carr, K.J.
Conroy, S.M.
Cook, P.F.S.
Evans, C.V.
Faulkner, J.P.
Ludwig, J.W.
Mackay, S.M.

* denotes teller

Question negatived.

NOTICES

Presentation

Senator Murray to move on the next day of sitting:
That the following matter be referred to the Employment, Workplace Relations and Education References Committee for inquiry and report by 31 October 2005:

Whether the objectives of various forms of industrial agreement-making, including Australian Workplace Agreements, are being met and whether the agreement-making system, including proposed federal government changes, meets the social and economic needs of all Australians, with particular reference to:

(a) the scope and coverage of agreements, including the extent to which employees are covered by non-comprehensive agreements;
(b) the capacity for employers and employees to choose the form of agreement-making which best suits their needs;
(c) the parties’ ability to genuinely bargain, focussing on groups such as women, youth and casual employees;
(d) the social objectives, including addressing the gender pay gap and enabling employees to better balance their work and family responsibilities;
(e) the capacity of the agreement to contribute to productivity improvements, efficiency, competitiveness, flexibility, fairness and growing living standards; and
(f) Australia’s international obligations.
VALEDICTORY

Senator TCHEN (Victoria) (5.25 pm)—When I made my first speech six years ago, I began by thanking Senator Margaret Reid, the then President, for calling me. Today, as I make my last speech in this chamber, I would like to start in the same way by thanking the President, Senator Calvert, for his friendship, support and guidance over the last six years. In the same way that I saluted the then Deputy President, Senator Sue West, today I also express to the Deputy President, Senator John Hogg, my thanks for his friendship and support. I also take this opportunity to thank the Government Whip, Senator Jeannie Ferris, for her guidance and protection.

To paraphrase Julius Caesar, although I doubt he would appreciate the comparison, I should perhaps characterise the last six years of my life with the phrase ‘veni, vidi, parti’—I came, I saw, I went. In 1998, when my election was confirmed, I was given a gift by the Victorian division of the Liberal Party, I suppose by way of encouragement. The gift was a print of Turner’s painting entitled The Burning of the House of Lords and Commons. As you can see, their expectation was somewhat wide of the mark. Setting fire is not really in my character. My preference is to build rather than to pull down. Nor indeed was the suggestion that this parliament needs to be set fire to appropriate for the nature and function of the Senate, being a house of deliberation.

I hope that, looking back over the last six years, those of my friends who are no longer in that body are not really disappointed in me. I also hope that others do not have any real reason to be disappointed with my term of service. The important thing to remember is that, with the honourable exception of Senator Harradine, none of us are here as individuals. We are here as delegates of our parties, committed to certain promises according to the clear rules and direction of actions. Democracy is served not by wilful responses acted out on a whim but by deliberate decisions based on accepted premises.

These six years have been a memorable journey, but not a journey that I have travelled alone. My family came with me every step of the way. I would like to thank my wife, Pauline; my daughter, Jacinta; and my son, Adrian. I first came here as part of a large intake of senators. There were seven of us in the class of ’99. Four of the seven will go this week. This is an attrition rate that is not acceptable in any vocation in Australia except politics. That says something about the sort of standard and the courage we have to bring to our profession.

Senator Len Harris, Senator Brian Greig, Senator Aden Ridgeway, Senator John Cherry and I are all going together. I wish them all the best. On our side, I especially wish the best to Sue Knowles. Sue, I would like to thank you for the friendship, support and teaching that you gave me. One of the first committees I was on was the community affairs committee—a committee consisting of Senator Knowles from our side, three from the Labor side and one from the Democrats. My first inquiry was the inquiry into childbirth procedures. It was very educational.

I also pay my respects to Senator Brian Harradine, Senator Peter Cook, Senator Nick Bolkus, Senator Kay Denman, Senator Jacinta Collins, Senator Geoff Buckland, Senator Meg Lees and Senator Shayne Murphy. Together, we make up 192 years of service to the Senate, of which I have contributed a paltry six. Of this group who are going, particularly those of the class of ’99, I would like to say that Len Harris has been a surprise package. He came in here with an unenviable reputation but, in the past six years,
he has turned out to be real battler—a good and honest man. I do not agree with some of his ideas—in fact, in my first speech I spoke of how important multiculturalism is to Australia as a nation-building process and he got up and bucketed it. But I think his speech had been already written because afterwards, when I spoke to him, he agreed that in fact it should be regarded as a nation-building process rather than a nation-dividing process. Subsequently, to his credit, in the next six years he did not criticise multiculturalism as a nation-building process again.

Many of us are firsts. I am supposed to be the first China-born Chinese Australian to be in this place, and Senator Ridgeway is the first elected Aboriginal Australian to come into this chamber, I think, but Brian Greig has shown particular courage. His conduct has been in accordance with that courage, as he was the first openly gay person to be elected to federal parliament. That is courage which we should appreciate very much. I would also like to say something special about Senator Geoff Buckland. Senator Buckland is unusual on the Labor side because he has been a lifelong unionist but a unionist from the shop floor—a unionist with dirt under his fingernails. That is something exceptional—

Senator George Campbell—Do you want to come and check mine?

Senator TCHEN—You are one too. The experience Senator Buckland brought here is very valuable. I particularly appreciated a time when he and I attended Stanford together—it was only for half a day, but we were at Stanford!

Many people have also congratulated and thanked Anne Lynch, our Deputy Clerk, who is also retiring. Her attributes, as I heard Senator Vanstone mention, have earned our respect, our trust and our affection. That particularly reminds us that no office holder is greater than the office, no office is greater than the institution that provides that office and no institution is greater than the community it purports to serve. That is a very important message that we should all keep in mind.

Serving the people of Australia as a member of the Senate is the greatest honour with which the nation can endow us. This honour gives us the great privilege and benefit of a licence to lead the people. If we fail to exercise this licence we show ourselves unfit for that honour. So I completely endorse Senator Knowles’s comments earlier today about the importance of constituency work, even for senators. In the past six years I have been faithfully following her example and the example of former Senator John Tierney, who went by the proud title ‘senator for the Hunter’.

I have not been as successful as Senator Knowles—that is a failure on my part; it is not for a lack of goodwill on the part of people who I have met and who have encouraged me along the way. On this point, there are many people for me to thank—let me go through the list. The list is representative, not comprehensive. There are certainly many more people who have helped me and I appreciate their support.

I would like to thank Mrs Joy Howley, who was a state president of the Liberal Party at the time of my preselection. She was thrust into the job and showed extremely strong character and good judgment—not on my preselection but right through the time of her service—as a state president of that important voluntary organisation, the Liberal Party of Australia.

I would like to thank the Liberal Party branch members, who keep the party alive, particularly those from the Bendigo electorate: Daryl Hubbard, Ian Gernhoefer, Anne Boyer, Ken Courtis, Bob and Claire Geor-
geson, Kevin Gibbins and Maurie Sharkey—the last two being our candidates in the past two federal elections. Both of them came to the Liberal Party late but when we called for volunteers to represent the Liberal Party they answered the call and did a tremendous job. I would also like to thank the Liberals in the Chisholm electorate, which is another one of my duty electorates: the late Max Langley and his widow, Mara; Bill and Kiera Le Levre; and many others. I would also like to thank many of the Liberals in what we call the ‘dead red’ seats—the safe Labor seats—such as Jenny Matic and Peter Ware. They know who they are and I thank all of them.

I also thank the councils in my electorates, particularly those in the Bendigo electorate, because councillors are perhaps the hardest working politicians in Australia. They are unpaid, they are always on call and they can never do anything right, because everybody abuses them. I mention the mayors from the Central Goldfields shire: Councillor Geoff Lovett, Ian Robinson, Brian O’Connor, Barry Rinaldi and Valerie Andrews; from the City of Greater Bendigo, Rod Fyffe, Greg Williams, Barry Ackerman, Willi Carney, Laurie Whelan, Daryl McLure and Maurie Sharkey. And from Mount Alexander shire there are Jim Norris, Peter Skilbeck and Geoff Austerberry. Not all of them are Liberals—in fact, very few of them are—some of them are Labor and at least one is a Green, but, in all cases, if I need to work for the community they are happy to work with me, without concern about party politics.

I understand that in a valedictory and a last speech it is not convention to thank the remaining senators, because you always run the risk of missing out somebody. But with that proviso, I thank my Victorian colleagues: Kay Patterson, Rod Kemp, Judith Troeth and the recently arrived Mitch Fifield. I would like to thank the Leader of the Government in the Senate, Robert Hill, and the Leader of The Nationals, Ron Boswell. I know it is not common for us to thank The Nationals members, but I think Ron is a great parliamentarian. Just to balance it out in Queensland, I mention Senator Ian Macdonald. I particularly thank Nigel Scullion who was secretary of the government’s backbench committee on immigration and multicultural affairs, which I chaired. He gave me great support and always provided intelligent comments. Thanks to Alan Eggleston, deputy whip, and also Senator Watson who—as my neighbour sitting next to me when I first arrived in the Senate—explained to me everything that goes on in the parliament.

On the Labor side, I would also like to mention a few people: Laurie Ferguson, Martin Ferguson, Steve Gibbons and Bob Sercombe. They have also been friends without being political. To my electorate staff, especially Kevin Hu, the ministerial and parliamentary services staff, the staff of the parliament, the staff of the chamber and the mail room, the Comcar drivers, the committees and the committee secretaries, my thanks. I would like to particularly thank the committee secretary and the senior executive officer of the Senate Standing Committee on Regulations and Ordinances, James Warmenhoven and Janice Paull. I thank the staff of the Environment, Communications, Information Technology and the Arts references and legislation committees, the Community Affairs Committee, the Employment and Workplace Relations and Education Committee, the Joint Standing Committee on Treaties, the Joint Standing Committee on Migration, the library committees and the Foreign Affairs, Defence and Trade Committee, which I occasionally attended.

Today many of my colleagues have commented favourably about me during their speeches. I am gratified and embarrassed by their kind words. I am glad that I was not
here to listen; I might have been really embarrassed. There is a Chinese saying: 'People who deal in rouge often have their clothes stained red, and the hands of those who deal in ink tend to be black.' In other words, your tend to be what your choice of companions are. If they believe that I have been behaving well, that is because they themselves have provided excellent guidance to me. I want to say many other things, but I think I will run out of time. Six years is very short service compared with Senator Knowles. I heard her this morning talking about the various highlights she had experienced. I am not entitled to have the same experience. However, even in the last six years we have seen many changes and certainly Australia in 2005 is not the same as Australia in 1999.

I personally have experienced the great experience of the Centenary of Federation. What a marvellous experience—once every 100 years—and what a privilege to be in the Senate when that historic occasion was recorded. It has only occurred once before and there will not be another one for another 100 years. I thank the Liberal Party, the people of Victoria and the people of Australia for giving me that opportunity.

I cannot go without mentioning the great leadership provided to the Australian nation at this difficult and changing time by Prime Minister John Howard. I know the people on the opposite side are not willing to appreciate that and some of the critics in the community would not appreciate it, but if the current success of Australia’s developing position in the world does not justify it then history will. Certainly we have seen a very positive response to the enormous event of 9-11 and a positive response to going to war with Iraq. I know many people disagree with that, but if there is such thing as a just war, Iraq was one. It relieved the Iraqi people from the tyranny of Saddam Hussein and the removal of tyranny is always justifiable. And I can give you a Confucius quote on that, too, but I will not.

Australia’s growing engagement in Asia is, again, a great success. In the last 10 years we have done more to become a part of the Asian-Pacific community than we have done in the previous 100 years, certainly a lot more than in the previous 13 years. There has been great activity in nation building, in good economic management and in job creation. In particular, we have gone a long way to rebuilding regional Australia and the Australian community.

We have also come a long way on reconciliation. I recently came across a speech given by former senator John Herron to the Bennelong Society. Upon becoming minister for Indigenous affairs, he was roundly condemned as being racist and paternalistic—before he had even opened his mouth—so he was determined to find out what his portfolio was all about. In his speech to the Bennelong Society, he said:

I discovered two worlds. On the one hand was the world of media land and academia and on the other the harsh reality of community life—poor education standards, high unemployment, alcohol abuse, unimaginable family violence and little hope of improvement.

Under the leadership of John Howard, this government has been determined to change that situation, and we are starting to see results. We are starting to see the Indigenous community becoming reconciled to us. Reconciliation has never been about us becoming reconciled to the Indigenous community. We are here and they must become reconciled to our presence here, and that is what we are working towards. We are lifting their living standards and education standards and giving them hope so that they can become part of the Australian community as equals. That is true reconciliation—and I am glad to see that we are on our way.
I give thanks for the timely and fortunate leadership of John Howard, Peter Costello's great economic management and the support, cooperation and partnership of The Nationals leader, John Anderson. The partnership between John Howard and John Anderson rivals the great partnerships throughout periods of Australia's prosperity of Menzies and McEwen and of Fraser and Anthony. It is perhaps even greater and smoother working, and it bodes well for the future.

I want to say a few words of welcome to the incoming senators. I am sure that, when they come into this Senate, the great traditions of the Senate will be maintained and developed to enable the Senate to work even better. Two of the senators are particularly admirable people—Judith Adams, the Liberal Party senator for Western Australia, and Steve Fielding, the Family First senator for Victoria. The two of them, even as senators elect, have spent almost all their time in Canberra or in the constituency working for the people. That is something that we should all learn from. I give them my best wishes. I am sure that they will do very well for Australia.

Senator CHERRY (Queensland) (5.47 pm)—Having just celebrated my 40th birthday, I feel a bit young to be giving something as final and as stately as a valedictory speech. But the mark of a strong democracy is not, to my view, just about winning; the mark of a true democracy is about accepting defeat when the people decide and about the preparedness to hand over power. Democracy is weakened when governments or politicians cling to power and when a government acts to inhibit the capacity of the people to change the government. Democracy is also weakened when a scandal-obsessed media fails to give the people the information that is necessary to make informed choices. So, tonight, while I leave this place with sadness, I do so celebrating our democracy—that allows power to be handed from one party to another without violence or resistance. I celebrate that democracy, but I only wish that someone else was the sacrificial lamb at the last feast.

Next Friday, I hand over the keys to my office and my seat to the new Liberal senator from Queensland, Russell Trood. With that transfer, the government assumes control of the Senate for the first time in 24 years. I remind the government that this is not the result that the people of Queensland actually voted for. Only 44.6 per cent of Queenslanders voted for the coalition in Queensland—55.4 per cent voted for some other party to hold the balance of power. Had Pauline Hanson's One Nation received just 2,720 more votes and pulled ahead of Pauline Hanson Independent—a mere 0.1 per cent of Queenslanders—then the coalition almost certainly would not have won the last seat in Queensland and history would be very different. If just 17,000 additional Queenslanders, or 0.7 per cent of electors, had voted for the Democrats, then I would have been re-elected and not be giving this speech.

The coalition was able to win four out of six seats in Queensland courtesy of the faceless political operators who lodged the group preference voting tickets for Pauline Hanson, the Fishing Party and the Liberals for Forests. In the House, around 40 per cent of these voters did not give their preferences to the coalition but, in the Senate, the lodged preference tickets delivered 100 per cent to the coalition. I really think that it is time that we review the role of group voting tickets in the Senate and give the voters more control over how their votes are counted, so that our democracy can work better. Pauline Hanson, in launching her campaign, said she was doing so because of her opposition to the sale of Telstra and to free trade agreements. Senator elect Trood, elected on Pauline Hanson's
preferences, and Senator elect Joyce, elected on One Nation preferences, need to be cognisant of that part of their support base.

Is there a future for the Australian Democrats? As I said, the Democrats missed out on a Senate seat in Queensland by just 0.7 per cent, and in South Australia by just 0.5 per cent. We missed out on a Senate seat in New South Wales and Western Australia by around 2.5 per cent—less than the margin needed to elect a Labor government. With 20 to 25 per cent of voters looking for a third alternative, I believe that there is still a constituency out there for the Democrats, provided the party works hard to re-win its trust. Under Lyn Allison’s leadership, I get a strong sense of determination to do just that over the remaining two years.

Looking back on the last election campaign, I am still overwhelmed by the huge effort put in by members in Queensland and around Australia. I particularly want to thank the campaign managers, Marianne Dickie and Greg Ridge, the 29 people who ran as Democrat candidates in Queensland and the hundreds of friends, supporters and members who worked so hard to get me re-elected. I am talking about people like Barry Davis, who, despite poor health, was in the office every second day for months—a magnificent volunteer effort. I am indebted to my electoral staff, Heather Jeffcoat, Pam Hose and Robyn Weatherall, who have shared the ups and downs of my journey. Your loyalty, friendship and professionalism have shone like a beacon even in the darkest times. I thank you and give my best wishes to you and your families for the future.

To my researchers, Kellie Caught, Mark Ley and Peter Vanderwa and the other members of the Democrat research staff: I honour your commitment, hard work, intelligence and wise counsel and wish you well in your future endeavours. I want to particularly mention long-term staffers Daele Healy and Jene Fletcher. Daele has served under, I think, four Democrat leaders and Jene under nine leaders. Such remarkable longevity and loyalty—even madness—is rare in this place and is worthy of a special thank you. I wish to thank my former staff, James Lantry—up in the gallery with his two children—Damian Dewar, Hendrik Gout, Kate Kunzelmam, Angela, Suzanne and Janelle. I am honoured that so many of you remain good friends.

It has been my privilege over the last 12 years to work with some of Australia’s finest political minds and operators in the Democrats team and, yes, in other parties as well. In this, my last speech, I want to acknowledge the extraordinary contribution made to the Democrats and Australia by extraordinarily talented people like Sam Hudson, Stephen Swift, Jacqui Flitcroft, Cheryl Gray, Susan Brown, Geoff Dodd, John Davey, Kerri Kellett, Jennifer Doggett, Lee Jones, Jeff Malone, Karen Nangle, Di Graham, John Schumann, Althea Smith, Mary Ritson and Jim Downey. These are just some of the people I have worked with. It has been a pleasure working with each and every one of you.

To Senate Clerk Harry Evans, whose public profile in recent days has eclipsed that of many senators; to his deputy, Anne Lynch, who is embarking on a well-earned retirement; to Rosemary Laing and Cleaver Elliot, who have helped on so many procedural issues; to Louise Gell and the ECIT committee secretariat; to Maureen Weeks; and to all of the other Senate departmental staff who have assisted me, I thank you for your independence, integrity and determined efforts to make us senators look good and to save us from our own folly. To the brilliant brains of the Parliamentary Library, to Ian Loudon, to the ever-helpful MOPS team in Brisbane—and I am pleased to see the minister here in the chamber today—and to the always entertaining Comcar drivers, whose secrets I shall
take to the grave, a heartfelt thanks; 11 out of 10 from me for customer service and satisfaction.

My biggest thankyou goes to my wife, Nicky, swatting away for a law exam tomorrow and listening on the radio. The last four years have been a difficult time, and I have appreciated your continuing support and wise advice. If there is any silver lining in leaving this place, it will be more time for us to be together. To my mother, Joan, recuperating in the Mater Hospital tonight, I am what I am because of the inspiration provided by your example. I honour you, thank you and wish you a very speedy recovery. To my six brothers and sisters and their families, who have supported me so strongly over many years, I am in your debt. And happy birthday to my sister Loretta for today. To Pam Jones and her family, you have always been there when it counted and made me feel so very welcome, I thank you.

Next Thursday the curtain falls on the careers of 14 senators. The crossbench loses seven of our 13 members and will contract to its smallest number since 1987. It has been the crossbench—the fact that no one party controls the Senate—that has made the Senate the effective house of review that it has been for most of the last half century. A Senate controlled by the government is a Senate with the trappings but without the heart to do what needs to be done. If the media and, through the media, the public properly appreciated the role, responsibility, integrity and hard work of the balance-of-power senators, the last election would have had a very different outcome. To Senator Harradine, Senator Harris, Senator Lees, Senator Murphy, Senator Greig and Senator Ridgeway, I simply say this: your country is in your debt for keeping the spirit of democracy and accountability alive in this place. I wish each of you well in your future endeavours.

I look back on the four years I spent working as an adviser to Senator Lees, in the lead-up to the 1998 election, as the Democrats' finest hour—turning dismal post-Kernot polls into a record number of senators. Meg has been our longest serving Democrats senator, and her achievements during that time are a testament to her tenacity, intelligence, principles and commitment. I disagreed very strongly with her ill-fated decision to quit the party. We have all paid a price for the turmoil of those years. I wish her and Matthew well for the future. To the two Liberal senators and five Labor senators exiting on 30 June, I wish you well in your next phase of life. I know how hard and conscientiously each of you has worked, and your absence will be keenly felt in this place.

To my colleague Senator Ridgeway, it has been an honour and a pleasure to work with you. Your taste in football teams and your sad and forlorn attachment to the Rabbitohs may leave a bit to be desired, but your work in providing inspiration to many thousands of Australians, your leadership on Indigenous issues and your wise head and quirky humour will be missed in this place. I know your life story has many pages to run, and I look forward to seeing how it develops. To Senator Greig, you are living proof of what a single individual with persistence and determination can achieve in the face of overwhelming opposition. Your work on behalf of Australia's gay and lesbian community has been groundbreaking; your fierce defence of civil liberties in the post September 11 environment has been steadfast. I wish you and Keith all the best in your next life chapter. To my continuing colleagues, I am reminded of the last quote of my first speech in this place some four years ago:

Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.
The task you face over the next two years is a hard one, but it is not insurmountable. You shall have my support, as much as I can give it, in that task. I wish to thank my Queensland colleague Senator Bartlett for his incredible support over the past four years. Your capacity for hard work never ceases to astound me. If Queenslanders have any sense of appreciation for the work that you put in, your re-election should be assured. To Senator Stott Despoja, I still remember your warm welcome as a fellow Kernot staffer in what seems an aeon ago. Keep doing what you do so well—reaching out to a generation of Australians not yet engaged with politics. You and the Democrats are best placed to provide them with a voice. I wish you good luck for the future.

To Senator Allison, your task as leader is a difficult one. But no-one I have ever come across in the Democrats has your unique combination of optimism, integrity, passion, capacity for hard work and sense of presence. I know you can succeed, and you have my support in that task. Thank you for your friendship, and you and Peter shall always have mine. And to Senator Murray, at the back there, I shall miss our robust discussions about policy, about your cunning plans—some good and, frankly, some not so good—about the merits of various flavours of whiskey and about the future of this country. To you and the wonderful Pam, I thank you for your unstinting support over the past decade. Friendship and my sense of fair play are very important to me. When friends are threatened and fair play not followed, you stand by them, even at a personal cost. That I have done, but, Senator Murray, I would do it again.

I leave the Senate with two final messages: one to government senators and one to my fellow Democrats. To government senators, I remind you that 55 per cent of Australians did not vote for the government to have a majority in the Senate. I urge you to respect that and to represent all Australians and not just the sectional interests of the Liberal Party. The power of the Senate lies not so much in the blocking of legislation but often in the threat of blocking legislation. Prime ministers govern better when they are nervous about the Senate, and I urge you to keep the Prime Minister nervous about the Senate.

In an article earlier this week, that media tart, Senate Clerk Harry Evans, pointed to the revolt by six government senators in the first parliamentary session of the Fraser government on the obscure issue of funeral benefits. One senator said at the time, ‘I didn’t feel strongly about funeral benefits, but we needed to send a message to Malcolm.’ Government senators need to send a similar message to Prime Minister John Howard: the Senate cannot be taken for granted. I urge you to do it early, and your job as senators will be that much easier, more effective and worth while.

To the Democrats across Australia, today is a sad day, as the party farewells three senators. I thank you for the honour of representing this great party and the great state of Queensland in the Senate. I remain committed to the principles of this party and wish each of you well in the efforts to rebuild our party’s support. Our former voters are out there. The Democrats need to reach out to them, re-engage and earn their support. I have obviously done this far too quickly, as always. Hansard will not miss me, I suspect! I wish to finish with a quote attributed to an early 20th century American labour activist, Joe Hill, just before he was executed on a trumped up change: I will pass on like a true-blue rebel. Don’t waste any time in mourning—organize.

Senator GREIG (Western Australia) (6.01 pm)—No speech from Senator Cherry is ever complete without facts and figures.
Chamber

and statistics. I was sitting here in morbid fear of yet another chart being distributed or perhaps even an overhead projector being produced so he could talk us through the matrix of it! Senator Cherry spoke to begin with of preferences and their fickle flow. We minor parties live and die by preferences. So first and foremost in my farewell speech I want to give my most sincere thanks to the Reverend Fred Nile, who in 1998 embarked on a preference blunder which sent me into this place. Thank you, Fred. I suspect you have had many sleepless nights over six years but you can rest now.

Apart from Fred, I thank the members of the party. They are for the most part volunteers. They do an extraordinary amount of work. Every politician in this place knows that volunteers are essential. What is sometimes not understood properly is how limited the resources are in smaller parties. We rely so heavily on those people who fold newsletters, stuff envelopes, walk the streets and knock doors, hand out how-to-vote cards and make coffee, and who serve in all the administrative wings of the party. To those people, I express my sincere thanks.

I would like to acknowledge also the presence in the visitors gallery today of former MLC from Western Australia Helen Hodgson, who now lives and works in Sydney. Thank you, Helen, for honouring us with your visit today. I want to place on record my appreciation of Helen’s early work in the Western Australian parliament on lesbian and gay law reform. But there will be more of that later, you will not be surprised to hear. I thank, too, the people of Western Australia, who trusted me over the last six years to serve them through the prism of Democrats policy and philosophy. I trust that I have done that to the best of my capacity. It has been an honour and a privilege to serve in this place, and that is something that I never took for granted.

Having been a staffer, I know what it is to work for politicians, to be underappreciated by them and to have your work taken as theirs. I have long believed that politicians are only as good as their staff. To that end, if I have been able to inspire people, advocate for change or achieve outcomes, it has been because of my staff. I would like to most especially acknowledge Di Graham, who has been the backbone of my office for six years and who is an extraordinary public relations and media officer. I could not have done what I did without her. Thank you, Di, for sticking with me. I know she has respect right across the Democrats party. I wish her well in her next career, whatever that might be. She will spend more time with her dogs and horses and enjoying her property in the south-west of Western Australia.

Jason Rostant, who is in Perth and not here today, has done extraordinary work in the area of social services and people with disabilities. He has achieved much and attracted amazing respect and confidence from that constituency. I am greatly indebted to him for that and also for his terrific work within the lesbian and gay community. I thank Di Green, my administration officer in Perth. It is very often the case that I do not know where I am, why I am there or what I am supposed to be doing. I phone Di Green in Perth and she tells me. I thank John Derry. He was originally on my Perth staff but I lost him to Senator Allison and to Melbourne. John, thank you for being there in the early days. I wish you very well for your future career. You are a very talented person, most particularly in the area of public relations.

In terms of my portfolio responsibilities, the two key areas I have worked on have been the Attorney-General’s portfolio and the Family and Community Services portfolio. The A-G’s portfolio is the busiest in terms of legislative load. It is sometimes a little overwhelming, most particularly in recent years.
with so much ASIO and antiterror stuff coming through. I note Senator Mason nodding in agreement. He would be well aware of that, given his role on the Legal and Constitutional Legislation Committee and the Legal and Constitutional References Committee. In that regard, I offer my sincere thanks and appreciation to Jo Pride, a very talented legal eagle, and Karen Nangle, whose work in family and community services has been extraordinary.

I offer my sincere thanks also to Senate staff: the attendants, clerks and the Black Rod. Anne, it is an honour to be retiring with you. Cleaver Elliot, I think you probably know more about spam, open source software, malware and other forms of IT than is probably healthy for any one person. I suspect you are now the brightest person in the building on those topics, and it was all because of me. I am sorry to have shoved those private members bills in your direction, but I am confident the country is better for it. My thanks also go to Chris Palser and his team at DOFA in Perth. They are exceptional. I also thank the library staff, and Jennifer Norberry in particular.

Looking over my first speech when I first came into this place, I see that I spoke almost entirely of my experiences growing up as a young person who knew themselves to be gay, dealing with the difficulties of that and struggling to achieve law reform in terms of decriminalisation, partnership rights, antidiscrimination laws and so on. It never dawned on me at the time that it would, but that speech still haunts me, not in a negative way but in a really positive way. Rarely a week goes by where I do not get a letter or an email from someone somewhere in the world acknowledging that speech and thanking me for making it. I did not quite realise it at the time, but what I was saying, whilst it was very familiar to me, was new to many people in here. I never quite meant it to be the only message I brought here and it was not, but it is the one that has resonated the most.

It was the case that, just a few days after I gave my first speech, I received an email from a 14-year-old boy called Sam, who had heard me doing some radio grabs on Triple J the following day. He thanked me for that and explained that he had only just recently come out to his mother and was dealing with the issues of being young and gay. To his great credit, Sam is now studying law at university. It turns out that he lives in Perth. I did not know that at the time. He joined the Australian Democrats of his own volition—I did not twist his arm—and he now serves as the president of the Murdoch University law society. It is those kinds of things and those kinds of outcomes which mean far more to me than legislative wins in this place.

When I came here I spoke of how appalling the situation in Western Australia was in terms of antihomosexual laws. The laws at that time were worse than the worst in the whole of western and eastern Europe, with the exception of Romania. Gay men were still being arrested, charged and imprisoned under laws that did not apply to anybody else. Thankfully, those laws have been abolished. They no longer exist. It was a great joy for me to see them finally removed. I pay tribute to the Gay and Lesbian Equality group in Western Australia, the Gallop Labor government and other parliamentarians who helped to bring that about. Western Australia went from having some of the worst laws in the world to having some of the best.

But nothing has happened federally. A strong message from me over recent years, as I am sure you are aware, is that the Commonwealth needs to complement what has happened at a state level at the federal level. We need national antidiscrimination laws and, more especially, partnership laws for same-sex couples. National debate on those
sorts of issues has been stymied and suffocated. The Spindler bill has been on the Notice Paper for 10 or 11 years without support in this chamber. The only area where we have come anywhere close to having a national dialogue on these issues was with the marriage ban of last year—legislation I personally found very difficult to deal with. That too was guillotined. There was no quality debate on that. The inquiry which I hoped to get up and had support for was subsequently withdrawn.

We need a national dialogue and a proper, mature and sensible debate on these issues. The current situation where there is no partnership recognition hurts people, hurts communities and disrupts public policy. We have seen, for example, in recent weeks three highly skilled medical professionals unable to migrate to Australia to take up jobs in skills shortages areas because they cannot bring their partners here. Their partners are not regarded as family. Just the other day I received an email from a young guy in the Defence Force. He is openly gay and he is based in Sydney. He and his partner have just been asked to relocate to Perth, which they will do because they serve their country. The department will not provide travel allowance or accommodation provisions for his partner. They will provide travel allowance and kennel provisions for his dog.

I think the fault line really cracked when, at three o’clock in the morning some years ago, we were discussing superannuation yet again. I think that debate, as emotive and full-on as it was, was very important and it marked a shift in attitude in this place. One thing I have tried to achieve in here by being myself and telling my story and that of others is to have people listen and respect that. They may disagree, but hopefully they may change. That has not fully happened here. There has been some attitudinal change. Senator Hill was kind enough to acknowledge that in his contribution a few days ago. But if what I have done is open the door for others to follow then I am very proud of that legacy, although I confess that, at many times, I have felt like the character Dafydd in Little Britain: the only gay in the Senate.

Each of the desks in this place has a number. I do not know whether senators have noticed them. Mine, ironically, is 54B. Western Australian senators might recognise that number as being a part of the Criminal Code. Some years ago in Western Australia, under the then Court government, 54B was an astonishing piece of legislation which said that any three people who gathered in public without a permit could be arrested and charged. It was a way of cracking down on public protest. There were mass demonstrations against 54B and the overall message was that, if you have something to say, you should say it. I have done that.

Other senators in this place in recent days, when referring to other senators who are retiring—particularly senators of faith and those seen to champion moral issues—have described them as ‘values politicians’. The danger in that notion is that it suggests that other senators who hold different views are not values politicians. This is wrong. I believe that hounding war criminals to the grave is a great value. I believe that protecting women from sex trafficking is a great value. I believe that treating asylum seekers with dignity and compassion is a great value. I believe that protecting gay and lesbian people from discrimination and legally recognising their relationships is a great value. These too are strong moral issues. I too stand here today as a values politician.

My party is a party of values. I joined the party under Cheryl Kernot and served under Meg Lees, Senator Stott Despoja and, more recently, Senator Bartlett. There is no point in raking over old coals, especially when
Matt Price is listening to the broadcast, but I do want to acknowledge the early role of Senator Lees in my party and thank her for the role she played in helping to elect me in 1998. My sincere best wishes go to my colleagues John Cherry and Aden Ridgeway.

My party has been in recent years diminished from seven to four. I consider that as going from a symphony to a quartet, I am still encouraging my colleagues to make good use of that time and to continue to make good music. I think that, ironically, the dynamic of the Senate over the next three years is actually a great opportunity for them to appeal directly to the voters about the Senate, its place in our body politic and the inherent danger in any government having absolute power. I wish the quartet very well and will follow their deliberations closely. I do regret the destructive divisions of three years ago. I took what action I thought was required to cauterise the wounds. Indeed, at one point, I asked the party to let me lead it and I served in that capacity for six weeks. However, it was not to be. That is politics, and life moves on.

I think the most important lessons I have learned since I have been here are that the most precious resource is time and that the most important things in the world are friends and family. To Dad and Cheryl, in Perth, thank you for being there. All the best to Mum, who now lives in Eumundi, in Queensland. To my sisters, Rynelle and Melinda, thank you, and I offer my special best wishes to Rynelle, who joined the Air Force a year ago and serves in Darwin. To John and Eric in Canberra, I said in my early days that they shared this journey with me. I apologise for the bumpiness of the journey and the fact that we had to get off the bus several times to vomit, but we got there in the end.

And thanks to my friend Ray, in Perth, who kept me sane with his late-night phone calls to see if I was okay. There is a great tyranny of distance in living in Perth and working in Canberra. It is difficult and it makes for a lonely job. I will not miss the long plane trips, being away from home or sitting in motel rooms, devouring the entire contents of the mini bar out of boredom and frustration. That is the reality of the lives of senators, not the glamour of chauffeured cars and cocktail hours, as it is sometimes portrayed.

This place takes a high toll in separation and divorce. My partner Keith has not really seen me for six years. I thank him sincerely for keeping me anchored, for mowing the lawn, for walking the dog and for being my husband. I do not care what anybody says; you cannot legislate against love. Having spent almost 20 years together as a couple, it was very difficult for me to sit in this place a year ago and be told that my relationship was not real, did not have the same level of love, commitment, trust and affection as a heterosexual relationship and that we must be relegated to second class, at the back of the bus. I believe that in 10 years, perhaps 20, that law will change. I see strong attitudinal change in the community, most particularly in those people under the age of 35. It will be the case that the Marriage Amendment Bill 2004 will be revisited and students and historians will look back on it with shame.

I would like to end with one brief story. It is a very recent one, and I hope the President and Senator Knowles will forgive me for telling it. At the celebratory dinner the other night for the 15 leaving senators, I took the opportunity to attach a pen to my menu. I like to collect signatures and autographs; I like political memorabilia. I was moving my pen around the table of the 15 senators and it was taking some time to get around. It got to Senator Knowles, who signed it and passed it
to her right to the President, who was in conversation with someone on the other side of the table and who was not quite listening to what was going on. He said something like, ‘What’s this?’ and Sue Knowles said: ‘It’s from Brian. Sign it.’ and he said, ‘Right, okay.’ So he took the pen and started writing. And he was writing and writing and writing! And I thought ‘Gosh, this is very flattering.’

Suddenly, Sue Knowles had a look of horror on her face. She leaned over and grabbed the arm of the President and discreetly—but not discreetly enough for me not to overhear it—said, ‘Not Brian Harradine, Brian Greig!’ Without skipping a beat, the President, quite deadpan, looked at me across the table and said, ‘Oh, gee, you don’t mind if I cross a lot of this out, do you?’ He did just that. I still have the menu, I still have the writing crossed out and I will cherish it until such a point as eBay becomes more attractive.

I thank other senators for their kind contributions and send my best wishes to those who are retiring. It was said in 1999 that the election of Tsebin Tchen, Aden Ridgeway and Brian Greig heralded a new era of tolerance, diversity and representation. I do not know what it says about this place that all three senators are now leaving. I pay tribute to Senator Harradine. There is little we would agree on, but his survival in this place over three decades is remarkable in itself and I wish him well in retirement.

I also offer particular best wishes to Senator Cook, who was my first political employer. I worked for him in 1990 in his electorate office in Perth, when he was the Minister for Industrial Relations. He has made an excellent contribution and earned the right to enjoy a healthy retirement. When I was on his staff, I came to Canberra for my first time ever and very briefly. I was only here a few days—six days, I think—and it was an extraordinary honour. I had never worked in political offices before and I had never been to Canberra or parliament before.

I soaked up that experience hugely, and when it came time to leave I sat in the large square hall behind us. It was late at night, much like it is now, it was dark, it was quiet and there was no-one there. The lights were low. It is a very beautiful, very meditative place to be at this time of night. I sat on one of the benches there and soaked up the atmosphere, sincerely and fervently believing that it was highly unlikely that I would ever return to Canberra, let alone to parliament, and I just wanted to remember the moment. Amazing and unexpected things can happen in people’s lives. Before I leave here tonight I will once again go and sit on that chair by the black fountain. Thank you and farewell.

Senator JACINTA COLLINS (Victoria) (6.22 pm)—I am leaving this place with very mixed emotions but, before I dwell on some of these issues, I would like to express my thanks to the many people who have shared the last decade with me. My family has sustained me in many ways—and if I get emotional now, I can get through that stage and address the other matters I want to cover. Firstly, my parents have sustained me with confidence and optimism, nurtured in me from a very young age. Secondly, Daryl, James, Madison, Ben and other extended family and friends have sustained me with support in managing very challenging domestic and other circumstances. I have been provided with the scope to contribute to public life from the novel perspective of a woman with a young family. This has allowed me to achieve some changes in how we operate to make things easier for those who have followed. I regret that the work and family balance still leaves much to be desired. I thank my colleagues for their courtesy in allowing me to speak late in the day—another example of the challenge of trying to fit family with this working life. I
want to particularly thank Janet—I know the frustration I have caused. The work and family balance leaves little time for anything other than work and family and contributes to the neglect of many other things. I am sure that I have neglected to acknowledge support and to thank many people, and I will attempt to do so now.

This year I celebrate 25 years of work in the Labor movement. After 15 years, in many ways, I never left the ‘shoppies’. When I arrived here I could not have imagined how many waves of industrial relations assaults we would face and fight together. To Joe de Bruyn, Ian Blandthorn and Michael Donovan: thank you for the strong and ongoing support. Thank you also to the many colleagues from all sides of the trade union movement with whom we have maintained a united force. My caucus colleagues have been more supportive than any external observer could ever perceive. In more recent times, the cooperation and assistance received in the lead-up to the last election and in my shadow portfolio was much appreciated—the individuals involved will know who I mean.

In particular, I would like to acknowledge Wayne Swan, my senior shadow, as a great guide and mentor, as was John Faulkner with the A Certain Maritime Incident inquiry. Other colleagues have provided good friendship in what can for some be a very lonely place. I have enjoyed the company and support of many Labor senators and staff. I wish well in the next phase of their lives my colleagues Peter Cook, Geoff Buckland, Nick Bolkus and Kay Denman, who are leaving with me at this time. Peter and Nick are leaving after very distinguished careers, but as I think these valedictories have highlighted, Geoff’s and Kay’s were shorter but still significant contributions to our collective efforts.

Senate and parliamentary staff have assisted me with exemplary service. Best wishes to Anne Lynch for her future. Thank you also to the many other people who assist us in our work: the drivers, DOFA and other staff who have made my role easier in many ways. My own staff deserve special mention. Some have moved on to make their own contributions in public life. Others have moved on to work in new spheres. One, Christine Maxfield, has remained loyally with me for a decade. All have worked with me, sometimes in very fraught and stressful environments, with very high levels of energy, dedication and goodwill. Good luck also to Lizzie, Helen, Gabbie, Johnny and Nathan who are here today and who were with me at the end of my term.

It has been a privilege to represent the Victorian and the Australian people in this place across a broad range of public policy areas, not limited to the narrow, social conservative agenda with which I was often characterised in the media in the last election. Beyond euthanasia, the regulation of IVF, destructive research involving human embryos—which, I add, are all important areas with levels of public concern far greater than the ‘conservative’ label implies—I have worked here on many issues that I have recently reviewed in cleaning out my office. Issues included the workplace relations inquiry I adopted into outworkers, industry policy, the operations of the tax office, the insurance crisis, Indigenous education, the impact of the GST on employment and education, regional employment, vocational education, higher education, gifted education, a certain maritime incident inquiry—the evidence related to the sinking of the SIEV X, which probably has the most influence on my emotions during my time here—and of course the Scrafton evidence.

I want to concentrate on two of these areas. The future of work place relations policy
is at a critical stage where, as Senator Lundy highlighted, I could not fail to reflect on the Senate’s and crossbenchers now limited ability to affect outcomes. I am at least glad that I do not carry the burden of it being my position which delivered to John Howard power in the Senate. Perhaps I should thank George Brandis for that, but maybe someone else was responsible. Today John Howard will not even provide a non-core promise that people will not be disadvantaged by his newfound ability to introduce his lifelong industrial relations obsession. In Victoria, we have already lived this experiment under Jeff Kennett. We know from experience that the Howard promise of general growth in affluence will not materialise—and he knows this too.

I brought with me today the independent report of the Victorian Industrial Relations Taskforce, which analysed the effect of those very changes in Victoria, and I want to make mention of two aspects of that report. At page 14 it highlights this point:

While Victoria operated under a significantly deregulated labour market after 1992, there has been no significant increase in jobs growth levels or decrease in unemployment levels compared with the national average, or in relation to other states.

However, what it did achieve is highlighted in some of the evidence that came before the inquiry. This comment on page 93 summarises it best:

This submission concluded that the results of the research program found that, in the majority of cases examined, employees suffered substantial economic loss under Victorian employment agreements.

Substantial economic loss: we know that already from the Victorian experiment. What John Howard really wants is what did occur in Victoria until a Labor Victorian government forced the federal government to abolish the ghetto Jeff Kennett had created—a ghetto of a far greater number of low-wage jobs. This action by the Victorian Labor government is one achievement that I am proud of making a significant contribution to. John Howard remains equally unconcerned by the growing dispersion of family income and access to social services. You need only to see the criticism of the St Vincent de Paul Society, and the work that they do, to understand that.

The other area I want to concentrate on is asylum seekers. Recent events highlight the reason why, despite my election loss, I now have greater confidence and optimism in the Australian people than I did immediately after the *Tampa* incident in 2001. A shift in public sentiment on the treatment of asylum seekers has been most welcome. Similarly, I see signs that an aggressive welfare reform agenda may backlash on this government.

It is a pity that there was not a bit more ginger in the coalition ranks much sooner. The government’s change of policy without consultation, while in caretaker mode before the 2001 election, about how we receive people arriving by boat seeking asylum, when we returned those vessels in unsafe circumstances to Indonesia, was, it seems now, a long, long time ago. Much pain and suffering might have been avoided sooner. People disappeared, people have died, and there has been much self harm and much impact on children.

Another incident where some ginger might have been fruitful earlier was in December 2002, when the government rejected Labor’s amendment to remove children from detention, and instead introduced new arrangements that forcibly separated men and older boys from their families. There remain so many issues unresolved in this area. For instance, the judicial inquiry needed into the sinking of SIEV X. And yet, some of our accountability mechanisms are likely to be
diminished. I have enjoyed Senate estimates in my time here; people sometimes suggested I was having far too much of a good time.

Like Peter Cook, I want to conclude by giving my thanks to the Australian Labor Party, its members and various representatives that I have worked with. My loss was not the result of an ALP hierarchy miscalculation, as was suggested by Senator Boswell, but rather a low base ALP vote and a high Liberal base vote in Victoria. I certainly have not taken it personally. For me, the Labor Party, much like the trade union movement, is a broad church. People share a commitment to social justice from various angles. In my case, it is from Christian social principles; for many others it is from a secular base. We share a concern to promote social justice within a framework of consensus, cooperation and tolerance.

This contrasts with the Howard government’s approach of promoting division; wedges, which have reached a new level of meaning; and individualism. John Howard has been far too successful to date in creating a culture of division, but I am confident that the Labor Party can rebuild at a federal level and that there is scope for the Australian public to approach future reforms in a much fairer and more compassionate way. We need to strive to better promote the common good both internally within the Labor Party and in the policies we advocate.

I will continue to share this task after what will be, in some ways, a very welcome period of renewal. Good luck to my colleagues who remain. I welcome the new senators, and in particular Annette Hurley, who I am sure will make a significant contribution. May Australia’s parliamentary democracy prevail.

The PRESIDENT (6.35 pm)—We have heard a lot of wonderful tributes marking the retirement of fourteen of our colleagues, and I am pleased to say that I am the last speaker in the marathon number of valedictories that have been given today and yesterday. In fact, the 14 retirements, I am told, is the largest single group of departures from the Senate since proportional representation was introduced in 1949. Senator Cook, I said the other night at our dinner that the total knowledge in years we are losing is 180-odd, but I am pleased to tell you now that I have revised those figures: the total corporate knowledge leaving this place is 192 years and four months, and that is not counting Anne Lynch. May I at the outset say that I concur with all those very kind remarks that were made about Anne, and I will have the opportunity at a later date to say more words about Anne.

Each of the retiring senators has made a tremendous contribution to the Senate and to the parliament. Some of course have served only a relatively short time in this place, but four have served over 15 years. All have made a special contribution to debate and have brought their own perspective to the issues before the Senate.

I formally thank Senator Brian Harradine, Senator the Hon. Nick Bolkus, Senator the Hon. Peter Cook, Senator Sue Knowles, Senator Meg Lees, Senator Shayne Murphy, Senator Kay Denman, Senator Jacinta Collins, Senator Brian Greig, Senator Aden Ridgeway, Senator Tsebin Tchen, Senator Len Harris, Senator Geoff Buckland and Senator John Cherry. I will also mention Dr John Tierney, who would have retired on 30 June, but who decided to pull up stumps a week or two early to return to private life.

I was very honoured to be able to host a dinner last Tuesday evening for all the retiring senators. It was a very convivial evening and it showed that, despite the political, state and other differences, senators do have a certain camaraderie, which I think has some-
thing to do with both the size of this chamber, as opposed to the other place, and the fact that most of us first get to know each other through committee work.

In singling out three retiring colleagues, I do so purely for personal reasons. Tsebin Tchen has served as a senator for Victoria for six years. As many senators have said, he is one of the most gracious senators to occupy these benches, and I think he has been one of the most sensible, erudite contributors to the Liberal and coalition party rooms. I am very sorry to see that he is leaving us.

Richard William Brian Harradine has served as a senator for Tasmania for 29 years and six months, and is proudly the father of the Senate. We all are known formally as being a senator for our particular state or territory, but, as has been said many times in the last couple of days, Senator Harradine really exemplified that title. His term has been characterised by his staunch support for his state and the exceptional ability he has had in getting governments of both political colours to take account of Tasmania’s unique needs. I have often disagreed with Senator Harradine, particularly on industrial relations matters, but, on the other hand, I have found myself strongly in agreement with him on matters relating to protecting the rights of the unborn child and the regulation of embryonic research. Having often shared a plane cabin with Senator Harradine, as well as having attended numerous public events with him in our home state, I have developed a great affection for him personally, and I have the highest regard for his principles.

Senator Harradine’s contribution has been mentioned by many senators in this valedictory debate, but as President it is appropriate that I dwell for a moment on his support for the parliament. As befits an Independent senator, Brian Harradine has been a staunch supporter of the Parliamentary Library. He has been perhaps the longest serving member of the Joint Library Committee, serving some 20 years from 1976. He was intimately involved in the Parliamentary Library’s bicentennial project in 1988, which produced three books on our parliamentary history.

Senator Harradine was also strongly opposed to the above-the-line system of electing senators, which was introduced in 1984, arguing that it further entrenched senators from the major parties. Senator Harradine also objected to moves by the government to allow judges to use extrinsic aids such as explanatory memoranda to assist in the interpretation of legislation. In doing this, he made the very strong point that unelected judges should not rely on documents which had not been approved by the people’s elected representatives. It was typical of Brian Harradine to battle against the rising influence of the executive, whatever its colour. He is also one of the sharpest senators in terms of using the tools of the Senate to highlight his particular issues. Whilst these are available to all senators, I do not think any senator of the modern generation has used the standing orders with the surgical skill that Brian Harradine has. He will leave a great void in this Senate.

Susan Christine Knowles has served as a senator for 20 years and six months. When I was elected at the 1987 double dissolution I came to the chamber and found many colleagues who took kindly to this farmer and local government councillor, and I was sent as a novice to join them. Sue Knowles was already then a senator of some three years experience, so she was very mature, yet she was so young—and she still is so young. Senator Knowles leaves this place as perhaps one of the youngest voluntary retirees ever. I know that Sue has many other ideas for the future and that she certainly will continue to contribute to Australia. I remember many of those happy tennis games we used to have,
when we were younger and fitter, at the annual Christmas barbecue, both at the old place and up here.

We all know that Senator Knowles has interested herself in a wide range of issues before the Senate, particularly community affairs issues. She has been an assiduous member of the Community Affairs Legislation Committee since 1987 and chair for more than eight years. In her role on this committee, Senator Knowles showed enormous compassion and a willingness to judge a problem on its merits and to take up the cudgel with the government of the day, whether or not it was of her political party. In fact, when I was the Whip I was often the butt of strong words about the fact that people were not conducting themselves the way they should in her committee. Of course, we all know and have learnt to love the fearless parliamentary behaviour that has brought respect for Senator Sue Knowles across the chamber.

So I particularly bid farewell to Tsebin, Brian and Sue. On behalf of my wife, Jill, I know we will all remain firm friends. However, this is an organic chamber, and the departure of 15 senators who have served an aggregate of 192 years and four months is a substantial generational change indeed.

There are, of course, 15 new senators coming in, and we will have to see what sort of contribution they make. But, here and now, I wish all retiring honourable senators well in whatever lies ahead, whether it is retirement, new challenges, a new yacht or a desire to return to parliamentary life or go back on the farm. Good luck to all of you in whatever you wish to do. As contributors to this place, you have all enhanced it and the broad governance of Australia. You can all be very justly proud of what you have done for this place. I am sure that what you have done and achieved here will remain with you always. Good luck to you all.

COMMITTEES
Membership

The PRESIDENT—I have received letters from party leaders seeking to vary the membership of certain committees.

Senator COONAN (New South Wales—Minister for Communications, Information Technology and the Arts) (6.44 pm)—by leave—I move:

That senators be discharged from and appointed to committees as follows:

Finance and Public Administration References Committee—
Appointed—Substitute member: Senator Carr to replace Senator Moore for the committee’s inquiry into government advertising

Foreign Affairs, Defence and Trade References Committee—
Appointed—Substitute member: Senator Bartlett to replace Senator Ridgeway for the committee’s inquiry into the Chen Yonglin and Vivian Solon cases.

Question agreed to.

Legal and Constitutional Legislation Committee Reference

Senator BARTLETT (Queensland) (6.45 pm)—I move:

(1) That the provisions of the Migration Amendment (Detention Arrangements) Bill 2005 be referred to the Legal and Constitutional Legislation Committee for inquiry and report by Thursday, 23 June 2005.

(2) That the committee have leave to meet during the sitting of the Senate on Thursday, 23 June 2005 for the purpose of considering the bill.

We have heard almost 24 hours worth of speeches about people departing this place. The vast majority of them emphasised the importance of the Senate as a house of review and the necessity to ensure that the
Senate keeps up that task. This motion refers to ensuring that there is at least a minimal opportunity for a Senate committee to scrutinise a piece of legislation surrounding one of the most contentious and important issues in Australia today: migration detention.

The Migration Amendment (Detention Arrangements) Bill 2005 was introduced into the House of Representatives just yesterday, following an agreement announced by the Prime Minister at about 4.30 pm on Friday afternoon last week. It was debated last night and today in the House of Representatives—I presume it passed through there; I have not heard—and it is intended to be put on for debate tomorrow in this chamber.

As someone whom I trust senators would recognise has followed issues surrounding this for quite a long period of time—basically since the day I came into this chamber eight years ago—I have seen a number of times when legislation has been pushed through as a bandaid to deal with a political fix or to grasp a political opportunity, and people have paid the price down the track because of a lack of recognition of what was actually being agreed to at the time. Many of those pieces of legislation have covered the migration area.

I am not going to put myself or the Democrats in a position where we are going to be accused of holding up this legislation and therefore be accused of keeping people behind razor wire for longer than they would otherwise be because we would not pass it speedily and instantaneously on the demand of the government, so we are not going to stand in the way of it being brought on for debate tomorrow night. But I do believe that the Senate would be served well and better, and the public would be served better—I even dare to suggest that poor old long-suffering DIMIA bureaucrats would be served better—if there were an opportunity to more clearly explore the detail and the reality behind the content of this legislation and what it will mean in practice. Frankly, I believe it will also save the Senate time during the debate on the legislation.

The purpose of Senate legislation committees is to explore the detailed legislation outside this chamber, ask questions of relevant departments and, ideally, ask questions of people in the community who may have expertise or an interest in it or would be affected by it. We will not have that opportunity in this case, but at least questions can be asked of the relevant department and officers about the specifics behind it before we get into this chamber, before we pass it and before it is inflicted on the public and the people that it is going to impact upon.

There are many examples where information that has come to light during Senate committee hearings has impacted on ensuring the legislation is improved or repaired. If not that, at least inadvertent stuff-ups in how it is implemented are avoided by questions becoming clearer in the relatively objective and dispassionate arena of Senate committee inquiries. Frankly, it cuts across the sentiments that have been widely expressed by a number of people over the last 24 hours to pass up the opportunity to at least have a few hours with DIMIA officials to go through what reality is involved in this legislation. We can speak on what the legislation has in it at more length tomorrow night, but it is relatively straightforward in that it deals with only a couple of issues.

One of those issues is giving the minister for immigration yet another discretionary power and creating yet another DIMIA euphemism to add to the hundred others that are already in place. We now have people being moved into community arrangements. They were called ‘community detention arrangements’ in the Prime Minister’s state-
ment last Friday and they are now called something else in the legislation, but it basically means people in the community. Under what circumstances, the detail surrounding it and how the administrative procedures will operate are all things that nobody is clear on, beyond the general presumption that it will mean that people will move out from behind the razor wire to somewhere somewhat more comfortable. What conditions will be attached to them and how those conditions will be determined—all of those related matters—are still up in the air. Those questions can be asked of the minister tomorrow night in the committee stage here in the chamber. To save time, I think it would be better to ask them in the legislation committee outside of this chamber so that less of that needs to be gone through in detail tomorrow.

I presume that the government is not supporting this quite reasonable proposal, but I certainly hope that we do not get complaints tomorrow night about the number of questions that are asked of the minister. I am probably being naive, because I am sure—as has often happened in the past—when you do ask questions in the chamber about how this stuff is supposed to work in practice, after a couple of questions the irritation level rises and you get the typical government response: ‘Why are you asking me all these questions? It’s our legislation. We’ll implement it however we see fit. Stop wasting time.’ To labour the point, as we have heard from a whole range of people over the last 24 hours, querying how legislation is going to work in practice, asking questions and getting it on the record from the people who are charged with implementing it is not a waste of time; it is in the public interest. I suggest that it is in the government’s interest as well.

It seems to me that the circumstance of rushing any bill through this place is unfortunate, let alone a bill on an area that is already known to be widely dysfunctional and creating manifest injustices. I suggest that to do so without grasping a limited but nonetheless potentially very valuable opportunity to question the relevant officials about how it will work in practice borders on recklessness and a dereliction of duty. I think it is a serious matter to pass up the opportunity, however rushed, however limited and however inadequate, to have a committee examination of this, simply because it is a done deal and it is going to happen anyway. The attitude is: ‘Let’s just put it through and get it over and done with.’

It is that sort of attitude that has led to the total mess and massive injustices that we have in the migration area. There is no willingness to confront the imperfections—to be polite—that are contained within the legislation. I have been involved in at least two Senate inquiries, going back five years, that have highlighted manifest problems with the way ministerial discretion is exercised. There are problems to do with not only inefficiencies and inconsistencies but also political interference and political atmospherics affecting the decisions, as well as all of the broader problems. Both of those inquiries have produced significant recommendations. One of them produced mostly unanimous recommendations, including from the two Liberal senators on the committee. None of them have been followed up by this government. Instead we have had a widening of the ministerial discretion power that has been shown to work so ineffectively.

This legislation adds another bandaid to the ever teetering, ever more incoherent Migration Act. I will not comment on the bill, but I do think that, because of the rushed nature of it and the debate about whether it resolves the so-called issue of extended detention and whether there needs to be more change, it is important to take the opportunity, before the legislation is railroaded
through this place rather than after, to clarify some of the issues on the record, under parliamentary privilege, in the important arena of the Senate committee system. I think that the least the Senate could do on such an important issue that has dominated the concerns of so many Australians over a long period of time would be to show the courtesy of having even a perfunctory examination of some of the real issues of public policy that arise in this legislation.

Senator LUDWIG (Queensland) (6.55 pm)—Yesterday the Senate established an inquiry into the operation of the Migration Act, referring it to the Senate Legal and Constitutional References Committee. I was pleased to cosponsor that motion, along with my colleagues Senator Bartlett and Senator Nettle. However, Labor cannot support the motion we have before us. This motion seeks to refer the Migration Amendment (Detention Arrangements) Bill 2005 to the Senate Legal and Constitutional References Committee. Labor do not support this motion, on the grounds of both true logic and commonsense.

I will start with the argument on the ground of commonsense. As it stands, the Migration Amendment (Detention Arrangements) Bill 2005 does not go far enough. That is clear. In the House of Representatives, Labor has already moved further amendments to the bill to bring about a better series of reforms. The bill represents policy on the run. The delay between the Prime Minister’s announcement and the introduction of this bill most likely represents the Office of Parliamentary Counsel burning the midnight oil in a desperate attempt to draft the Howard-Georgiou compromise, if we can call it that. The motion we have before us would supplement this furious policy on the run with an inquiry on the run, and what purpose does that serve? It seems that the purpose would be to drag DIMIA bureaucrats before the committee for a couple of hours, when it is more than likely that the advisers of Howard and Georgiou came up with this bill and that the drafting instructions were given to the parliamentary counsel. I am not convinced by what Senator Bartlett has proposed. I do not think that there would be any great service in questioning DIMIA officials in relation to the bill.

The Senate Committee of the Whole will provide an opportunity, as Senator Bartlett has correctly pointed out, to ask questions. There is also the second reading debate, which allows senators to put their views. I am sure that Senator Bartlett will contribute to that debate. In addition, the government can take on board those issues that Senator Bartlett has raised this evening and will raise during the second reading debate, in its summary of that debate. The government can contribute some of the answers to Senator Bartlett then.

We have a proposal from Senator Bartlett which would effectively lead to a rushed inquiry. We would not have to go through the usual processes which the Senate excels at—that is, calling the inquiry, advertising the inquiry, receiving submissions and conducting public hearings interstate and here in Canberra. That is the type of inquiry that the Senate does so well. None of that can happen in the frame that we have unless Senator Bartlett is willing to stop the bill and quite possibly keep some people in detention centres longer than would otherwise be the case. I know that Senator Bartlett, who has championed this cause admirably, does not believe that to be the best path. He told a rally on Friday that although the government’s changes were a con job ‘anything that helps a single person is a step forward’.

On the other hand, this bill will go through the normal Committee of the Whole procedure. Senator Bartlett can be assured of
that. He has foreshadowed that he will take the opportunity to ask questions of the minister in that debate. On the ground of common-sense, it is clear that this motion should have been rethought and withdrawn. Given that we are now having a debate on this motion, I could have appealed to Senator Bartlett’s sense of logic, but, as I said, yesterday Senator Bartlett supported an inquiry into the Migration Act.

In the face of the government’s refusal to establish an inquiry with full judicial powers, it has become the Senate’s duty and responsibility to expose the incompetency of the minister and her administration of the portfolio. This inquiry will examine in detail the processing and assessment of visa applications, migration detention, and the deportation of people from Australia. It will also look at activities and involvement of the Department of Foreign Affairs and Trade and other government agencies in the deportation of people from Australia. It will look at the adequacy of health care, including mental health care, and other services and assistance provided to people in immigration detention. It will also look at the outsourcing of management and service provisions at immigration detention centres. The report is due to be given to the Senate on 8 November 2005. It will go through the process of being advertised, calling for submissions and having various interested bodies make those submissions. The committee will hear from those who give submissions. It will have the opportunity of taking evidence from them and they will have the benefit of Senate privilege.

That will of course deal with that particular Migration Act. But the subject of today’s motion is the Migration Amendment (Detention Arrangements) Bill 2005—a bill to amend the Migration Act 1958. That means that when it passes the parliament this bill will become part of that act—that is, the same act that is already under review. So to clarify the position of Senator Bartlett, as I understand it he wants a short period to question—a rush job to review what are stopgap measures now—and a second review later that will cover the same territory. We will have the opportunity during that longer inquiry to examine those issues if Senator Bartlett wants to. The first review—that is, the inquiry proposed by this motion—is therefore illogical and probably now redundant, on two grounds. Firstly, we will have the opportunity tomorrow to ask those questions of the minister. The department, as I have indicated, is probably not that helpful, given that it was probably a Howard-Georgiou compromise. Secondly, we have already agreed to a review of the Migration Act—it was passed through this parliament a short while ago. As a result of long service on the Senate Legal and Constitutional Committee and on immigration matters, I do understand Senator Bartlett’s concerns but we do not think this motion is the best way of advancing them.

Senator BARTLETT (Queensland) (7.02 pm)—I rise in the absence of any contributions from the government or anyone else on this matter. At least the Labor Party had the courtesy to outline their position, as much as I do not agree with it. It is worth putting a couple of things on the record about the motion before the chamber. Frankly, I cannot see the so-called commonsense or logic here. What seems to be suggested is that we have got an inquiry up for a Senate committee to look at the whole act, so it does not matter if we pass another piece of flawed law into that act in the meantime, because we can just add that to the mess that we are looking at. As this area more than just about any other has shown us, the trouble is that once you put these changes in it is very hard to reverse them. So what we have seen is one patch-up job after another to fix up the unworkability
of what has been rushed through. It does call to mind previous decisions by the Labor Party to refuse committee inquiries on other migration bills back in 2001. There was even one occasion when a bill was before a committee but was voted through this chamber anyway, despite the fact that it was still before a Senate committee and was to be examined.

There is also the very real risk, which I think is growing more and more by the day, based on signals around this place, that there is no guarantee the government will even cooperate with the inquiry that has been set up. There are indications that the inquiry that has been set up to look at the serious public policy questions about the Chen Yonglin matter is not being cooperated with by government senators. Of course, if they can avoid cooperating with any inquiries over the July break they can get back here in August and close down all the inquiries that are underway that they do not like, and this government has shown clearly any number of times in this area that they are not interested in giving more detailed responses. We will test that again tomorrow night. In response to their refusal to agree to this very modest request, I say to others, ‘Please do not complain tomorrow night about how long the debate on the legislation is taking in the committee stage when we have to ask all the questions that we could otherwise have asked outside of this chamber in a Senate committee hearing.’ People can note in advance that I will not be impressed if I hear any comments or complaints along those lines tomorrow night—that is, about how long the debate might be taking.

It is true that this legislation is the result of negotiations between government politicians: Mr Howard, Mr Georgiou and his colleagues. I take the opportunity to note the strength of their work in this area, but it will not be implemented by Mr Howard on a day-to-day basis. Quite frankly, given what is on the public record about how this area operates, the vast bulk of the changes will not be implemented by the immigration minister either, who is probably still coming to grips with what has been agreed to over her head by the Prime Minister. The changes will still be implemented on a day-to-day basis by DIMIA officers. I remind the Senate that,
according to the Prime Minister’s own statement, the overall management of these changes will be overseen by an interdepartmental committee chaired by the Secretary of the Department of the Prime Minister and Cabinet.

This whole process—part of which is reflected in the legislation—will be overseen by public servants, including those in the Prime Minister’s own department, yet somehow we have the suggestion that questioning them about how they believe it will operate is redundant or irrelevant, because it has all been decided by politicians and they are the ones who will decide how it operates. Frankly, I think that is a remarkable and bizarre suggestion. I made it quite clear in my first contribution to this debate that this is not about holding up the legislation. I do not think it is a satisfactory arrangement. Senator Ludwig kindly quoted my comments to the rally. I did not see him there—you should come along next time, Senator Ludwig—but there were some Labor Party people there with ‘Labor for refugees’ T-shirts on. I have not seen you wearing one lately, Senator Ludwig, but I am sure you have one in your bottom drawer. It is nice to know that people were listening to my words.

Anybody getting out of detention is good, even if it is from razor wire detention to community detention. It is usually better, although it does depend on the conditions attached to it, and that is one question that needs to be asked. But that fact should not be used as a reason to say, ‘We’d better pass this legislation because it will mean a few people will get out of detention, and we’ll just have to accept all of the inherent bad law components attached to it as part of the price we have to pay for getting a few people out of detention now and alleviating the pressure on the government and assisting those cases.’ In speaking to this motion I said that we are not about holding up the bill. We will debate it tomorrow night—as much as I am uncomfortable with that—because I am not going to be accused of keeping someone in detention any longer than they need to be.

I remind the Senate of a similar parallel to the start of this whole very unsatisfactory process that has led to a lot of suffering on the part of a lot of innocent people, and that was the legislation to provide safe haven visas for people when the Kosovo conflict was under way. There was a big push from the public to do something. Night after night, they could see those people out in the fields in Kosovo, desperately needing refuge, and they were pressuring the government to do something and the government was resisting. Rather than take the obvious step of accepting a group of people here—even back in 1998, I think—the government could not cope with the idea of bringing people in who might then decide to stay without the government having control over the situation. So overnight the government created this special safe haven visa that said that we would let people come here, but only if they signed something saying they would go away again when we told them to.

The Senate was placed in the impossible position of either pointing to all of the inherent dangers and flaws in that process—frankly, it was a forerunner to the temporary protection visas—and in the problems of only letting people in here who were fleeing desperate situations, so obviously they did not have any meaningful decision making or voluntary choice about the matter, or saying, ‘You either stay in this completely unsafe, horrendous situation or you sign this piece of paper in front of you and get some safety.’ Of course you are going to sign the piece of paper and then worry about what will happen next.

The obvious unsatisfactory nature of that visa was quite clear, but the Senate was in a
position where, if we tried to amend the bill or hold it up at all, the government would say, ‘You’re preventing these people in desperate situations from getting help.’ So the impossible politics of that situation meant that the Senate agreed to pass the bill. Many people in the Australian community have suffered and are still suffering from the lack of control over their lives that resulted from that decision. It was fine for some—they came here, it was fine for them to go back and it all worked fine. But, inevitably, some people did not believe it was safe to go back.

The government wanted to send them back and put that continual pressure on them. There were lots of different quick fixes, side deals and short-term arrangements to deal with the political and public pressure on those people who had already suffered a lot by being forced back. And there are still people here today in Australia, many years later, who are still suffering as a consequence of accepting that quick-fix solution because of the impossible position we were placed in.

We will be in that position again tomorrow in passing this bill, and we will do it again. I suspect there will be victims of the process again, but the alternative is worse. But, as a result of that, instead of Labor saying, ‘There’s no point even looking at it; there’s no point in talking to the public servants and department officials who are going to be implementing it,’ it probably would be useful to them because, quite frankly, they probably have not figured out or heard what is going on yet, given how quickly this legislation has been pushed together. Even if this were another area of law that was not so notorious for being a shambles, this process would raise question marks about putting together this sort of thing so quickly in such a politicised atmosphere and then just expecting some poor department officials to administer it, let alone a department with so many question marks over it.

Frankly, it is a missed opportunity, but I think they are very dubious arguments put forward by the opposition in relation to it. I suspect it is more the case that the quicker this debate is over with for the Labor Party the better. We all know the embarrassments they are suffering with the inadequacies of their shadow minister in this area. Mr Laurie Ferguson has a lot of knowledge about immigration issues, but he clearly does not grasp where this debate is at at the moment, the very real and major problems that people are facing and the serious problems with the whole law and the act as it stands.

The Labor Party are caught in the dilemma of having massively varying opinions within their own caucus about how to deal with this issue. Quite frankly, they are left in a situation where the government is looking more compassionate and more coherent on this issue than the Labor Party, which is quite extraordinary. That is unfortunate, given how many people within the Labor Party care about this issue and are working on this issue—not least the people I referred to earlier who were wearing the T-shirts I referred to earlier. One has to think that that is the real agenda here: ‘Let’s not have any more questions highlighting what a mess it all is and Labor’s incoherence as part of that; let’s just get the debate on, get the bill passed, get it over with and hope people start talking about something else—anything that does not highlight further what a shambles the Labor Party are on this issue.’

It is a completely unsatisfactory situation, and I think this latest decision to refuse even the most basic examination of an important area of public policy—an area that has already been shown to be dysfunctional—is a very disappointing and unsatisfactory decision. There is a general convention in this place—or there used to be, and I suspect it will disappear even further in coming months—where, if a senator believed a bill
was worth sending to a committee, even for a very quick examination, people usually agreed to that. That is what the committee process is about—examining in the sort of detail that is not appropriate for debate in this chamber in the committee stage. Whilst this is an unusual situation, it is still an example where that convention has been ignored. There is no alternative that could have been put forward, other than this extremely truncated inquiry.

Frankly, I think this is an unhealthy step in terms of the lack of recognition of the Senate’s role—let alone, on a range of other levels, that the Labor Party will not support this. It makes it all the harder to argue in the future for the necessity of examining legislation when parties take exemptions from those conventions when it is politically convenient for them. We will have to make those arguments much more forcefully, I fear, when the government gets control of this Senate. This sort of stepping back from that simple principle on this occasion, for what I can only presume are political reasons, is not going to help in relation to that convention and the important requirement that we all still have to ensure the Senate retains its strength as a proper house of review.

Question negatived.

TAX LAWS AMENDMENT (IMPROVEMENTS TO SELF ASSESSMENT) BILL (NO. 1) 2005

Report of Economics Legislation Committee

Senator McGAURAN (Victoria) (7.17 pm)—On behalf of the Chair of the Economics Legislation Committee, Senator Brandis, I present the report of the committee on the provisions of the Tax Laws Amendment (Improvements to Self Assessment) Bill (No. 1) 2005 and a related bill, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

BUSINESS

Rearrangement

Senator McGAURAN (Victoria) (7.18 pm)—by leave—At the request of the Chair of the Economics Legislation Committee, Senator Brandis, I move:

That business of the Senate order of the day No. 3, relating to the presentation of the report of the committee on Tax Laws Amendment (2005 Measures No. 1) Bill 2005, be postponed till the next day of sitting.

Question agreed to.

COMMITTEES

Employment, Workplace Relations and Education References Committee

Report

Senator CROSSIN (Northern Territory) (7.18 pm)—I present the final report of the Employment, Workplace Relations and Education References Committee on Indigenous education funding, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator CROSSIN—I seek leave to move a motion in relation to the report.

Leave granted.

Senator CROSSIN—I move:

That the Senate take note of the report.

I am conscious of the fact that I probably have less than one minute to speak to this report, but I have made a decision that we want to actually see this report tabled so that we can publicise it. I do not have enough time to go into the contents of the report. Perhaps there will be an opportunity for me to do that tomorrow night in the adjournment debate. In the time that I have available, I very quickly want to acknowledge the 55 schools and the 150 people who appeared before us during this inquiry, including at
Wulagi, Maldon Park, Milingimbi, Elcho Island, Ross Park Primary School, Larapinta Primary School, the school at Port Hedland, Jigalong, Le Grange, Kirwan High School, Yarrabah and Cairns West. From the bottom of my heart, and with the passions that I have about this subject, I thank those teachers, principals and parents who welcomed us into their school.

They know the outcomes of this report and they know that, in time, history will show that, despite what Brendan Nelson said in last year’s 2003 report to the parliament—that is, that we should never lose sight of the greatest need in education faced by this country, improving outcomes for Indigenous students—this report clearly shows that that is not what is going to happen under the government’s reforms to these programs. It clearly shows that, once again, this government will fail Indigenous children in meeting its commitments to their education. I seek leave to continue my remarks.

Leave granted.

Senator BUCKLAND (South Australia) (7.21 pm)—I seek leave to incorporate a speech from Senator Carr in relation to the Employment, Workplace Relations and Education References Committee report on Indigenous education funding. My colleagues opposite have seen the speech.

Senator McGauran—As a matter of process, we would like to see the speech first. Senator Buckland, I have not seen the speech.

The ACTING DEPUTY PRESIDENT (Senator Moore)—Senator McGauran, you saw the speech yesterday. The appropriate processes were fulfilled yesterday when we thought this bill was coming on.

Leave granted.

Senator CARR (Victoria) (7.21 pm)—The incorporated speech read as follows—

Mr President, I seek leave to speak to Report of the Employment, Workplace Relations and Education References Committee on Indigenous education funding.

It is important to note that this is a unanimous report—it has the support of the Government Senators on the Committee.

It is in fact a report that unanimously condemns the Government’s policy development and implementation in relation to key Indigenous education programs.

The Committee found—particularly at its hearings at public and private schools—a clear pattern of poor program design and administrative bungling.

These failures of government have led to mistrust in communities and the disengagement of Indigenous parents. The Committee in fact found that:

It is difficult to escape the conclusion that in this instance the process of change has alienated people affected by it.

The Government’s prior record in relation to Indigenous education was one of neglect. Now serious mismanagement has been added to its repertoire.

Broader approach to Indigenous affairs

It is important that this dismal finding is placed in the broader context of the Government’s approach to Indigenous affairs and reconciliation.

Senators will be aware that Reconciliation Australia recently held a workshop in Old Parliament House to mark Reconciliation week. The workshop was attended by many prominent Indigenous and non-Indigenous Australians.

Some of the key players in Reconciliation Australia clearly wanted to use this workshop to establish a new era of so-called bipartisanship in Indigenous affairs—a bipartisanship based on accepting the Government’s rhetoric and the Government’s actions without criticism.

The Prime Minister also wanted to use the opportunity to trumpet his new commitment to Reconciliation.

The reactions were mixed.

Can we really be expected to believe that the Prime Minister and his government are finally
going take the lead in the movement towards reconciliation?
I don’t think it is unreasonable to be sceptical.
The Coalition’s record, both in its nine years of government and prior to that when it was in opposition, is not one that would inspire Indigenous Australians to immediate trust and goodwill.
To date, the Coalition, by and large, has shown little capacity to empathise with Indigenous Australians and to recognise the lasting impact of dispossession and the destruction of families caused by the policies of previous governments.
The Prime Minister’s failure—and that of his Government—is essentially a failure of imagination.
In his Redfern speech, Paul Keating challenged non-Indigenous Australians to put themselves in the shoes of Indigenous people.
Tellingly, after discussing some of the injustices suffered by Indigenous Australians, Keating said: Imagine if we had suffered the injustice and then were blamed for it.
We all know that the Prime Minister is a master of dog whistle politics.
Over nine long years in government, his aim has not been to build understanding of past injustices and the underlying reasons for the disadvantage currently faced by Indigenous Australians.
He has instead—ever so subtly—directed the blame at Indigenous Australians themselves.
This Government has been in place for nine long years.
It is unreasonable for the Prime Minister to expect that Indigenous Australians—or indeed the Opposition—will simply forget the Coalition’s past statements and actions and accept its new-found commitment to reconciliation.
Indeed, it is arrogant in the extreme to expect such trust to be placed in a Government which has not yet earned it.
The Prime Minister and his Government must understand this, and work to build the trust of Indigenous Australians, if they are to have any hope of leading the country to reconciliation.
Unfortunately, their failures in designing and implementing changes to Indigenous education program are just another example of their failure to engage with, to trust—and to win the trust of—Indigenous Australians.
The impact of dispossession, etc
As I have said before, there is no doubt that the Government is pursuing a new balance of power in Indigenous affairs.
There is no doubt that the Government’s broad approach is one of assimilation.
The Prime Minister has been consistent in his view that Indigenous Australians should be, in his words “treated equally”.
What he really means is “treated the same”.
The fact is that the impacts of dispossession, marginalisation and racism are very real. They cannot be ignored in the debate on how to address Indigenous disadvantage.
To simply treat Indigenous children, families and communities in “the same” as everyone else will be to perpetuate the disadvantage that they face.
This was recognised by the many Indigenous leaders to speak at the Reconciliation Australia workshop—including Noel Pearson, who spoke eloquently about the impact of racism on his people.
New research has also drawn out the lasting impacts of dispossession and the destruction of Indigenous families.
Research by the Telethon Institute for Child Health Research in Western Australia has shown how the impacts of the removal of children from their families reach into the second, third and fourth generation.
The Institute’s founding Director, Professor Fiona Stanley, outlined some of these findings at the launch of the National Day of Healing on 25 May this year. She gave an impassioned speech in which she said:
I believe that all Australians acknowledge that Aboriginal people have on average, worse outcomes in health and social situations. I do not believe that most acknowledge that the history of colonisation, and its aftermath, including the forced removal of children, has been the most significant reason for today’s picture of health and other problems.
And I also believe that few Australians realise that an important part of the way forward and the solutions to today’s Aboriginal problems will come from acknowledging and managing the historical pathways to poor outcomes.

One of the historical pathways to disadvantage is marginalisation—disengagement and a lack of trust in government and mainstream service providers.

It is nothing short of scandalous that the mismanagement of Indigenous education programs—the very programs which should be helping to address the impacts of intergenerational disadvantage—is now contributing to the further disengagement of Indigenous parents.

The inquiry found that the changes to funding arrangements have threatened to undermine parents’ full involvement in the education of their children.

It also found that professional educators consistently provided evidence to the Committee that the changes may arrest progress in achieving improvements to levels of literacy and numeracy among Indigenous students.

Findings of the Report and comparison with National Report on Indigenous Education and Training

The National Report to Parliament on Indigenous Education and Training 2003 was tabled on 4 May 2005.

In his foreword, Dr Nelson says in regard to the 2005-2008 quadrennium:

We will be directing more funding to assist the most disadvantaged students in Australia—Indigenous children living in remote areas. And we will be expecting more from mainstream educational services to improve outcomes for Indigenous students, especially those living in our cities.

We intend to build on a foundation of programs and approaches that we know work. … We will be asking individuals and communities that have achieved results to act as lighthouses for others to show them the way.

This up-beat description of the changes to Indigenous education funding could hardly be further from the reality of its implementation.

Directing tutorial assistance to remote students

The Committee has found that the Government’s strategy of directing greater funding to students living in remote areas has severely reduced the funding available to schools in regional or so-called ‘provincial’ areas which teach students from remote and very remote communities.

During the election and in its current Budget, the Government has trumpeted its new ‘mobility’ programs—actively encouraging students to leave their communities to attend metropolitan schools.

It is ironic, then, to realise that schools which are currently serving such students have been among those suffering most from the changes!

Indeed, the Committee has recommended that the tutorial assistance policy be amended to ensure that students from remote areas who are enrolled at boarding schools in cities remain eligible for the funding that goes to students in remote areas.

ASSPA programs

One would assume that the case studies presented in the Indigenous Education Report 2003 would provide a guide to the kinds of schools and programs that are considered successful and could be put forward as “lighthouses”.

So let’s take a look at the primary school case studies. Both demonstrate the benefits available to schools and students under the previous ASSPA program.

The first is Rawa Community School in outback WA. The programs implemented by this school include healthy eating (breakfast and lunch); language; computing; music; a youth centre; and camps and trips (both cultural and to the broader community).

This case study shows the impact of, among other things, breakfast and lunch programs and cultural trips.

By contrast, evidence presented to the Committee showed confusion within the Department of Education, Science and Training—and therefore within schools and communities—about whether nutrition programs would be eligible for funding under the new arrangements.

Excursions and trips to country were also under threat in many schools.
Overall, confusion reigned about what would be funded and what would not, in the move from ASSPA to PSPI.
The end result for many schools was six months with no funding for programs which they considered essential to their success in retaining students, improving attendance and therefore improving literacy and numeracy outcomes.
The second primary school case study in the National Report was the Djidi Djidi Aboriginal School in Bunbury, also in WA.
This community-based government primary school promotes Aboriginal culture in a number of ways. In particular, the case study includes reference to the “active and hardworking ASSPA Committee that spent their funds on supporting school initiatives and programs such as reading and sport resources”.
This is no longer the case. This school no longer has an ASSPA Committee.
Instead—if it is like the schools who presented evidence to the Committee—it will have a group of disillusioned parents whose ongoing involvement with the education of their children has been placed at risk by a Government which, at its core, does not trust Indigenous people to make decisions about money.
How can these schools be lighthouses when the Government has switched off the power to the very programs which made them shine?
Conclusion
Mr President, one of the worst aspects of this inquiry process has been the unwillingness of Minister Nelson to respond to the Committee’s interim report, tabled on 16 March.
The Committee tabled that report only because of its extreme concern—arising from its visit to the Northern Territory—that the implementation of the new funding arrangements was placing the education of Indigenous students at risk.
The final report has confirmed this earlier assessment.
While DEST has tried to address some of the issues raised during the inquiry—particularly in relation to the inconsistent advice provided to schools by its officers—major problems remain with both the policy and its implementation.

I would like to conclude by reiterating a point made in the preface of the report.
The point is that no-one elected to Parliament could help but be depressed to find that confidence in the processes of government among school communities has been damaged by the lack of consultation and respect for communities; poor program design; and abysmal implementation which have characterised the introduction of these new funding arrangements.
The Government, and Minister Nelson in particular, should be ashamed of the findings of this inquiry and I call on them to act promptly to address its recommendations.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Moore)—Order! It being approximately 7.20 pm, I propose the question:

That the Senate do now adjourn.

Parliamentary Group on Population and Development

Senator ALLISON (Victoria—Leader of the Australian Democrats) (7.22 pm)—I seek leave to incorporate the statement I wish to make tonight. I have provided copies to the whips.

Leave granted.

The statement read as follows—

I rise tonight to make a statement as Deputy Chair of the All Party Parliamentary Group on Population and Development—soon to be named the Parliamentary Group on Population & Development. Earlier this week the Senate passed the following motion, also put up on behalf of the group. It was that the Senate:
recognizes that July 11, 2005 is World Population Day and that the days theme is equality empowers
recognizes that the empowerment of women will greatly help to alleviate global poverty
acknowledges that 500,000 women die each year due to the lack of adequate reproductive health services
July 11 is one day in the year that we should be reflecting on what is happening to populations in developing countries and more particularly in our region.

Our group was formed in 1995 to support and promote the Program of Action after the International Conference on Population and Development, held in Cairo in 1994.

The overarching aim of the Program of Action is to raise the quality of life for all people through appropriate population and development policies and programmes aimed at eradicating poverty and achieving sustained economic growth in the context of sustainable development.

The Program of Action affirms that advancing gender equality and equity, the empowerment of women, the elimination of all forms of violence against women, and ensuring women’s ability to control their own fertility are ends in themselves; indeed they are ‘cornerstones’ of development.

The theme of World Population Day 2005, Equality Empowers, is central to our group’s advocacy, particularly in the context of equality for women. Equality for women in broad terms calls for the same access to services and opportunities that most men have had for so long.

When women are empowered in this way there is a positive flow-on to their families and their communities, and as consequence, the burden of poverty and the harmful effects on the environment are alleviated.

For example; Australia supports a program in South East Asia that addresses both environment and reproductive health concerns through the provision of smokeless stoves. There are many benefits, some of which are less deforestation in rural areas and lower uterine prolapses for women from carrying heavy loads.

Empowering women means that they can input and participate in development activities and importantly, share equally in the benefits that result. Empowering women also means that girls must have the right to attend school.

Sadly, 65 million (or 54 per cent) of an estimated 121 million children globally, currently out of school, are girls and 600 million women are illiterate, compared to 320 million men.

We must change this appalling statistic. Investment in girls’ education is generally acknowledged as the single-most important catalyst for poverty reduction and development.

Empowering women also means providing economic opportunities:

- We must remove barriers to women’s equal participation in the workforce.
- Economic life opens up opportunities for women to earn more income, which benefits them, their families and ultimately their countries.

Women’s political participation must also be a strategic priority because where women’s share of seats in political bodies is less than 30 per cent, countries are less inclusive, less egalitarian, and less democratic. [Australia’s rate is 35%]

Empowerment for women also means having access to reproductive health services. Women should have the means and ability to space their children, to earn income without compromising their health, the means to protect themselves from violence and from contracting HIV/AIDS.

Access to these services saves the lives of hundreds of thousands of women — ensuring the most fundamental right of all is upheld, the right to live.

With the world population climbing to 6.5 billion, the largest group of young women ever is entering their childbearing years making access to these services more critical.

Lack of access to these services causes consequences that our own families and friends can only imagine, if at all. For instance, high rates of death in pregnancy and childbirth, the acceleration of HIV/AIDS and other serious health risks, like fistula, anaemia and septicaemia — most of which are preventable. To quote some alarming statistics: Over 500,000 women die from pregnancy related complications each year. This figure is just below twice the number of all births in Australia in the last year. Again, I stress these are all preventable.

Every minute worldwide, 389 women become pregnant — 190 of these pregnancies are unwanted, 650 people become infected with a curable sexually transmitted infection and 10 people become infected with HIV, half of them women...
Every year, 14 million teenage girls give birth. Some 200 million women in the developing world have an unmet need for effective contraceptives and an estimated 6,000 youth a day become infected with HIV/AIDS—one every 14 seconds—the majority of them young women.

In our region, East Timor—70% of Timorese women do not know where to obtain contraceptive information or advice and as a consequence has one of the highest fertility rates in the world. On average more than 8 children per woman. The poverty of many of the East Timorese people is well known.

It is estimated that guaranteeing access to family planning alone could reduce maternal deaths by 25 per cent and reduce child deaths by 20 per cent. Simply ensuring skilled attendants at births could reduce maternal deaths by 74 per cent.

To quote Jeffrey D. Sachs, Special Adviser to the United Nations Secretary-General on the Millennium Development Goals,

Reproductive health services are not just desirable in and of themselves—which they certainly are—but are absolutely critical tools for alleviating poverty, and in particular for achieving the Millennium Development Goals, which are the overarching international framework for trying to alleviate the suffering of the poorest people in the world.

However it is not all doom and gloom. There has been progress.

Gender equality and women’s empowerment are issues increasingly recognized in global and national declarations and commitments to human rights and human development. Canada and The Netherlands for example have announced massive increases in their aid budgets to agencies which are committed to empowering women.

Australia supports the ICPD Programme of Action, the Beijing Platform for Action, and the Millennium Development Goals. These are mutually-reinforcing development platforms that affirm women’s human rights and acknowledge that solving the world’s most pressing problems demands the full participation and empowerment of the world’s women. We in Australia can do more by following through on our commitments made at these fora.

In the 2005 Australian budget there was an increase in funding for UNFPA which is very welcome money. I congratulate the Federal government in recognizing the importance of funding agencies that are committed to principles of reproductive health and rights for women.

Similarly, Australia must use its unique position in our region to advocate for the empowerment of women. We should work to ensure that the human rights of women and girls are respected, protected and promoted through gender-sensitive polices and legislation and through the provision of appropriate services.

Through these actions we can begin to address one of the root causes of worldwide poverty and inequality.

Superannuation

Senator WATSON (Tasmania) (7.22 pm)—Tonight I wish to issue a warning to employers in the strongest terms: that they pay superannuation contributions on behalf of their employees on time. The warning comes about as a result of a recent Administrative Appeals Tribunal decision in the matter of William Williams v Commissioner of Taxation [2005] AATA 113. In this case, Mr Williams and his wife operated a business in Queensland which employed a number of employees for the June 2001 and June 2002 financial years. Mr Williams made late superannuation contributions on behalf of the employees for those years and, as a consequence, the Commissioner of Taxation issued default assessments for a superannuation guarantee charge. The commissioner did not pursue any penalty as the contributions were in fact paid and were only slightly late.

Mr Williams then appealed the decision, seeking that the Administrative Appeals Tribunal review the decision of the commissioner to issue default assessments when the contributions had been made, although they were made late. The commissioner submitted that, as an employer, Mr Williams had an obligation under the Superannuation Guarant-
tee (Administration) Act 1992 to pay the superannuation contributions on behalf of his employees annually and on time. The legislation has now be changed and it requires that payments be made quarterly. Under the act as it was, where contributions are late, a charge made up of the contributions, interest and an administrative fee automatically applies. And the important point is that the commissioner has no discretion to either waive the charge or extend the period of payment. Therefore, the commissioner had no option under the act other than to issue default assessments, which he did.

The tribunal affirmed the commissioner’s decision, agreeing that he had no discretion to waive the superannuation guarantee charge where the employer had not paid on time. This is in addition to the ordinary payment. The tribunal noted that this would amount to Mr Williams paying the contribution effectively twice. However, it found there was no avenue for the tribunal, as such, to prevent this. The commissioner does have the power to, of his own accord, repay the charge on an ex gratia basis, but the tribunal cannot order this. The tribunal also noted that the trust deed for the superannuation fund could provide for a repayment of contributions in a situation such as occurred in this case, but it would depend purely on the terms of the trust deed. The tribunal expressed its displeasure with the commissioner’s decision but indicated that it had no choice but to affirm it.

This case serves as a clear warning to employers to pay their employees’ contributions on time. The ramifications for making late payments are harsh, as the Williams case plainly shows the Commissioner of Taxation has no discretion to waive the superannuation guarantee charge. This means that an employer will have no alternative but to pay the contributions twice and may not be able to recoup any of the double payment. As stated previously, the commissioner does have the power to make an ex gratia payment but this is completely within his discretion and is by no means assured. The other way is to attempt to recoup it from the superannuation fund, but this depends entirely on the terms of the trust deed.

To add further to the sting, it has been held in another case, Benross Pty Ltd and Liora Pty Ltd v Commissioner of Taxation [2005] AATA 63, that this double payment cannot be used to offset future late or unpaid contributions. It is therefore imperative that the trust deed for the superannuation fund provides for repayment to an employer of overpayments in these sorts of circumstances, as it can quite easily happen. It is in the interests of fairness to do so, but failure to provide for such repayment could place an employer in severe financial hardship or even, in the case of a large company, bankruptcy. This would in turn place pressure on the fund and even lead to loss of membership. The legislation is very strict, and there is no scope for either the Australian Taxation Office or the courts to relax the rules.

Following changes to the legislation which took effect from 2003, employers are now required to make quarterly superannuation contributions, due on 28 October, 28 January, 28 April and 28 July each year. Where the due date falls on a weekend, public holiday or bank holiday, then the due date will be the next business day. But the same rules apply if you are late, even though we have moved from annual to quarterly contributions.

In the last budget the government announced a measure that is intended to provide a little relief from this double payment for employers. I remind the Senate that, under these new arrangements announced in the budget, the government will allow employer contributions made for an employee
to a superannuation provider within 30 days of the superannuation guarantee due date to be used to offset the portion of any superannuation guarantee charge for that quarter that relates to the employee. That is quite a significant concession—up to an extra 30 days. These arrangements will apply to late payments of contributions made on or after 1 January 2006. So, in the meantime, the harsher rules do prevail. The moral for employers is: beware; the consequences for late or incorrect payment of employees’ superannuation contributions are indeed grave.

Additionally—and this is a new matter—while so much focus has been placed on choice, Australians should be reminded not to restrict their focus just to fees and charges, as there are other big considerations such as the adequacy of insurance. This is particularly important for people in high-risk industries, like the construction industry.

A recent report of the Superannuation Complaints Tribunal reminded me of this. Although it was not necessarily dealing with the question of adequacy, it indicated that the majority of complaints dealt with issues relating to death benefits—in particular, as I said, for people employed in hazardous industries. That comes out of that sort of problem. Over 24 per cent of the complaints related to death benefits. There are two messages to be sent to trustees: firstly, they need to ensure that there is adequate insurance provided to members and, secondly, they need to ensure that there is an adequate dispute resolution mechanism in place. I also remind the trustees of a comment from the chairman of the tribunal, Mr Graham McDonald, that trustees must ensure clear explanations are given to members in order to keep complaints to the Superannuation Complaints Tribunal to a minimum.

Acting Deputy President Cherry, knowing of your interest in super and its future it might be interesting to try and gaze into the crystal ball and ask where to from here for superannuation. I think we are going to see a decrease in corporate superannuation funds. That is not surprising. It has been going on for some time. But also there is emerging concern among trustees—particularly of small and medium sized funds—that, because of the very stringent and tight regulatory regime, we could see some hundreds of funds disappear over the next two, three or four years as some of those trustees look to merge their funds into other funds. Recently, the STAR fund merged with the large RTA fund of Australia. That was very significant.

There is one emerging issue trustees do need to note, and that is that as these moneys become significantly large there is always the prospect of fraud. We have looked at this. We have had two cases in the last couple of years which had the potential to rob millions of dollars from members. I refer to one with ComSuper, where on the eve of a public holiday a lot of money suddenly switched into a Swiss bank account. Investigations are proceeding, and have been proceeding, but there has been no particular outcome. In a New South Wales fund involved with the coal industry, a number of cheques somehow were stolen. Trustees have a special responsibility to protect the members’ interests from fraud. In relation to superannuation, this government is making many improvements, particularly in the education role.

(Time expired)

Report of the Joint Standing Committee on the National Capital and External Territories

Senator LUNDY (Australian Capital Territory) (7.32 pm)—I rise tonight to make comment on a report that was prepared by the Joint Standing Committee on the National Capital and External Territories some time ago. In fact, it was tabled in 2004. It
was titled *A national capital, a place to live.* But it was only recently that the government deigned to respond to this report—in May 2005, in fact; nearly a year later. I echo the calls of my senatorial colleague Senator Kerry O’Brien and our shadow minister for territories when he levelled a fair and reasonable criticism of the Howard government—and in particular of the Minister for Local Government, Territories and Roads, Mr Jim Lloyd—for that rather tardy response to a very important report.

It is a very important report to the people of Canberra. It is a report that inquired into the role of the National Capital Authority, for a very important reason: after 15 years of self-government the committee felt that it was necessary to look at what the arrangements were between the federal planning authority, the National Capital Authority, and the Australian Capital Territory planning authorities.

The inquiry was prompted because of the time that has passed and in recognition of the growing maturity of the planning processes and community consultation and so forth in the ACT. It was also prompted because there was a number of quite controversial disputes, debates and public conversations about the relationship between the two jurisdictions. What we found through the course of the inquiry as witnesses came forth was that there was quite a deal of consternation about overlap between the two planning jurisdictions and about the conflict that existed between the territory planning authorities and the National Capital Authority—and, indeed, about political conflict, as it was seen that the federal Liberal government was being antagonistic towards planning decisions made by the Australian Capital Territory Labor government. On many layers, there were problems occurring.

We sought evidence from the broadest set of witnesses we possibly could and we got an enormous number of responses to that invitation, including from many organisations, individual residents, academics, planning experts, the Australian Capital Territory government and the National Capital Authority. The National Capital Authority made numerous presentations to the committee. We had submissions from the Canberra Business Council; Canberra property owners; the ACT Sustainable Rural Land Group; the ACT Heritage Council; the Property Council of Australia, ACT division; the National Trust of Australia; the Housing Industry Association; the Planning Institute; the North Canberra Community Council; the Institution of Engineers; Save the Ridge Inc.; the Australian Institute of Landscape Architects; the Canberra Community Action on Acton Inc.; and, as I mentioned, many individuals. We touched so many different perspectives that the committee was able ultimately to make a series of reflections on planning in the ACT. I would just like to work through the main areas that we covered and refer to the recommendations before I turn to each of the responses by the Howard government to these recommendations.

The important thing to stress about this inquiry is that it was trying to take a very sensible and practical approach to what the best balance would be between the powers of the National Planning Authority and those of the territory authority. I—and I believe that every member of the committee who was involved—can genuinely say today that we were not trying to make any political points through this inquiry. There were several opportunities to do that on a number of the issues and I can assure you that I never backed away from that, but the outcome of this inquiry and the recommendations contained within it were very much a compromise and a setting of the right balance between the
national and territorial planning authorities that oversee the planning of Canberra.

The first recommendation really captured some of the frustration experienced by the committee in its relationship with the National Capital Authority. The recommendation was that all of the amendments proposed to the National Capital Plan be referred to the committee for its consideration. That particularly related to the ones that are not referred, which are all in the Parliamentary Zone. It was a recommendation that was designed to increase the accountability of the National Capital Authority. That was disagreed by the government. They did not see it as necessary to improve the accountability of the National Capital Authority and wanted to retain some discretion. I think that is unfortunate.

The second recommendation was a very important one. It sounds quite esoteric. It was to have a more integrated approach between the federal and territory planning authorities. It was actually a very important one because so many of them, particularly the ‘big vision’ plans, the Griffin Legacy and the Canberra Spatial Plan, which was an ACT initiative, did not really take into account each other’s issues, concerns or overarching visions. Fortunately, the government has agreed with that recommendation, but we are yet to see how that integration will actually work more effectively.

The next two recommendations of the committee went to how that integration could work effectively. The government’s response was that they noted those recommendations pending further consideration. Briefly, recommendation 3 was that three of the six members be appointed from other states and territories on a rotational basis. That was to make sure that that national capital flavour was viewed not just from an introverted Canberra perspective and, indeed, a vested interest here in Canberra but that it had some outward-looking input, if you like, into how Canberra presents as the national capital to the rest of Australia.

Recommendation 4 was that the act be amended to include the provision for an independent appeals process against National Capital Authority decisions regarding works approvals in addition to the current option for review under the Administrative Decisions (Judicial Review) Act 1997 of the Commonwealth. That is because there is no right of appeal for those decisions. Those decisions, once they are made, only have that judicial review pathway in which to be challenged. That is really out of kilter with the custom, practice and tradition—and, indeed, the law and process—of ACT territorial planning matters. This was designed to bring the same rights available to people dealing with developments under ACT law into the Commonwealth law.

Recommendation 5 is that the federal government negotiate with the ACT government to initiate reciprocal representation on the respective boards of the National Capital Authority. As I said, recommendations 3, 4 and 5 were noted pending further consideration. The government referenced the Review of Corporate Governance of Australian Government Statutory Authorities and Office Holders, or the Uhrig report, and the fact that the portfolio bodies would be assessed against the principles of that particular review. The government is saying that they will use that process to assess the issues that we have raised in our recommendations. We will not know, and I have no idea, how the Uhrig report details will be made public or if they will specifically relate back to this report and response. Moving on, recommendation 6 is:

That, in collaboration with the Territory Government, the Federal Government initiate an independent and comprehensive review of the Na-
ional Capital Plan on the basis of the implementation of the recommendations of this report and the need for a more integrated approach by both planning authorities.

This was arguably the most important recommendation. It says that it is time to review it. The next three recommendations, which related to specific issues, were critical and set the ball rolling in terms of the overall review. Recommendation 7 was that the planning of arterial road systems be removed from the National Capital Plan and allowed to go under the ACT government territory planning rules; recommendation 8 was that the National Capital Plan be amended so that designated area status that is territory land is uplifted, with a few exceptions; and recommendation 9 was that the National Capital Plan be amended to incorporate a set of agreed principles for land that is called ‘special land’ under the National Capital Plan. They were all rejected. Each of them quite specifically deals with the overlap between the two jurisdictions and with the core of the criticisms and frustrations expressed through the witnesses to this inquiry.

There were two other specific recommendations. One was noted and one was disagreed with. The one that was disagreed with related specifically to the appalling situation that State Circle residents have been left in, which I will have to talk about another time, and also noted that further consultation is needed. I thought that was unfortunate. I thought it was a no-brainer for the government to agree to the same level of consultation for residents living under NCA control as residents living under territory control. (Time expired)

Boggo Road Gaol Historical Society

Senator MOORE (Queensland) (7.43 pm)—Yesterday evening I began making some comments about a group of volunteers who have given up their time to look at the preservation and educational aspects of a Brisbane city icon—the Boggo Road Gaol precinct. I have been given the opportunity to continue these remarks this evening. What I wanted to bring home to the community through the discussion yesterday evening was the double value of the involvement of volunteers looking at a valuable historical aspect combined with the genuine ability of an educational process to draw people’s attention to the particularly horrific and very personal issue, in many ways, of capital punishment.

As I said, this group of volunteers was stimulated by some work of some ex-officers who had worked at Boggo Road in the capacity of prison guards. They had learned through their own experiences about a range of issues to do with incarceration and its forms and also questions about the whole value of the justice system. They thought that, by sharing their knowledge and skills, they would be able to work together to encourage people across the state of Queensland and those people who are able to visit the area to widen the debate and, at the same time, maintain the quite extraordinary physical presence which is the Boggo Road precinct.

Last evening I mentioned John Banks, who has now been given the title of president for life. He is an ex-officer and gives extraordinary amounts of his time to the gaol, working with people and trying to develop ways to keep the whole project going. He has been joined by his son—I suppose these things are family occasions—Michael, who is the treasurer on paper but who tends to take on a lot of the PR aspects. He has developed a fine range of public speeches whilst he has been involved in PR exercises to draw attention to the precinct, as well as the various projects, such as the very effective and quite traumatic project of making
some kind of marker for the graves of prisoners who were executed at the precinct.

Added to this is the skill of a volunteer anthropologist who is able to look particularly at the historical aspects of the justice system, and also at the history of the precinct. Chris Dawson takes on that role, and he also brings a family aspect to his job. Very often when you go to the precinct you meet Chris, who is there doing whatever anthropologists do, and he is accompanied by his small son. There is something particularly affecting about the very large, awesome physical site and watching a two-year-old run quite happily, laughing, in an area which has seen so much pain and trauma. The echoing laughter of Chris’s boy as he runs around somehow even makes the experience of being there more poignant. One thinks about the families of previous people who walked there as prisoners—in some cases very long-term prisoners—and also of those people who were caught up in the horrors of the various forms of capital punishment: not only hanging but all the other forms of punishment that took place.

The most amazing group of volunteers has gathered around these people. It is really interesting when you talk with them about what stimulates these men, who all have different backgrounds—and their families, because their partners and kids become involved as well—and about what is the attraction of working on such a project. That is the kind of question that we often ask of volunteers in many community activities: what draws them to this kind of work? And of course you get a wide range of responses. There are some people who have worked in the criminal justice system, who have learned, as part of that experience, about the different things that have occurred and the way justice operates, and who have developed a real interest in looking at and sharing the history.

At the Boggo Road site they have developed a living art museum made up of artwork created by prisoners over a long time. There are different paintings, different leatherwork and messages that have been scrawled on walls: poignant messages that talk about the feelings of people who have been locked away. There is various prison regalia, both uniforms worn by the officers who worked there and the various ‘uniforms’ that were worn by prisoners. When you look at a historical project that covers a period of over 100 years, you see almost a living history of the Queensland community.

As I said last evening, just walking through this building and its grounds creates enormous personal conflict. You can wander through the area and the very large, impressive buildings which are now open to the public. You can wander through and see the size of the cells in which people lived for very long periods. In the history of the Queensland justice system, and seemingly at Boggo Road, there were very few short sentences. We have on record histories of men—because the Boggo Road site that is now open to the public was exclusively a male prison—who were imprisoned for periods over 20 years.

Somehow, when you walk into the building, there is a coldness about the place. You see the thick bars, wire and the various forms that were designed specifically to imprison. This is the kind of experience that the volunteers want to share with the wider community for a whole range of reasons. For some it is just interest in how it works, in how long people were there and in notorious prisoners or people who are famous in our history for various reasons—not always good. But one of the key groups of people who take the opportunity to visit the gaol is school groups. There is a mixed message there as well. There certainly is a very strong view that if you see exactly what breaking the law can
lead to it might lead to an understanding of rights and wrongs and living in the community. If we look at the way the prison service has changed over the years, we can see the way that community attitudes and understanding have been affected.

One of the other things that come out is the sorry statistics of the unduly large numbers of people from Aboriginal and islander backgrounds who are currently incarcerated in the Queensland justice system. This is not new. In fact, as I said last evening, looking at the range of prisoners who were executed in Queensland before we removed the capital punishment process in 1922, the large majority of those people were of Aboriginal or islander backgrounds. That very point creates a discussion point which, as always when you have the opportunity to work with schoolchildren, creates excitement and interest in knowledge, from which we can all benefit because somehow.

When you are involved in a group discussion with kids, they make you think differently about issues you thought you knew. Hearing children ask questions about why people from one particular race are more likely to be imprisoned and why there is not a more inclusive justice system must improve the knowledge and experience of the wider community of Queensland. That is the kind of argument from volunteers who work together at Boggo Road when they are talking about why their work is important and what they can do to improve general information sharing across our state.

As I mentioned last night, Queensland was the first state, and the first place in the whole Commonwealth, that abolished capital punishment. That is something we have to keep talking about because, if we do not, we might somehow lose the advantages we have obtained by reaching this fine position in Australia. I want to quote from a Queensland parliamentary debate. This was a two-hour speech, but I am not doing the whole one tonight. You look disappointed, Senator Colbeck! It is from a Queensland MLA, Joseph Lesina, in the Queensland parliament in 1889. Boggo Road was already there. This gentleman got to his feet in the beautiful Queensland parliament building and made the following comment:

The criminal is not a wild beast ... he is an erring brother whose feet have wandered from the narrow path which we all weakly strive to follow. To take his life is not the way to cure him; you only brutalise him. It has been condemned by history as a failure ... If I should fail it is only I who have failed for somebody else, as surely as the sun will rise tomorrow, will take the matter up where I leave it. I feel perfectly sure that it will not be many years longer before the humanitarian feeling which is now spreading through this colony, and all civilised countries, will demand once and for all the abolition of the death penalty.

It took a while, not until 1922, before Queensland followed through with the sentiments in that speech. What we need to do, and what we need for the children who are visiting places like Boggo Road now, is to ensure that never again will that particular horror of the death penalty happen or be discussed in our community.

Senate adjourned at 7.53 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number]

Australian Land Transport Development Act—Determination of charge rate for the financial year 2003-04 [F2005L01533]*

Regulations 2005 (No. 1) [F2005L01501]*.
Australian National University Act—
  Chancellorship Statute 2005 [F2005L01575]*.
  Faculties and Faculty Boards (Institute of Advanced Studies) Statute—Faculty and Faculty Board (Research School of Astronomy and Astrophysics) Rules (No. 2) 2005 [F2005L01566]*.
  Halls of Residence Statute 2005 [F2005L01577]*.
  Pro-Chancellorship Statute 2005 [F2005L01574]*.
Corporations Act—ASIC Class Orders—
  [CO 05/542] [F2005L01566]*.
  [CO 05/611] [F2005L01569]*.
Customs Act—Tariff Concession Orders—
  0503521 [F2005L01538]*.
  0503968 [F2005L01583]*.
  0503990 [F2005L01585]*.
  0503991 [F2005L01586]*.
  0503992 [F2005L01587]*.
Environment Protection and Biodiversity Conservation Act—Amendment of lists of specimens taken to be suitable for live import, dated 6 June 2005 [F2005L01549]*.
Hearing Services Administration Act—
  Hearing Services Rules of Conduct Amendment Rules 2005 (No. 1) [F2005L01559]*.

Migration Act—Select Legislative Instruments 2005Nos—
  131—Migration Agents Amendment Regulations 2005 (No. 1) [F2005L01500]*.
Migration Agents Registration Application Charge Act—Select Legislative Instrument 2005 No. 132—Migration Agents Registration Application Charge Amendment Regulations 2005 (No. 1) [F2005L01498]*.
Governor-General’s Proclamation—
  Commencement of Provisions of an Act
  Australian Passports Act 2005—Sections 3 to 58—1 July 2005 [F2005L01517]*.
* Explanatory statement tabled with legislative instrument.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Pan Pharmaceuticals
(Question No. 370)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 8 March 2005:

With reference to the recall on 28 April 2003 of products manufactured by Pan Pharmaceuticals:

(1) How many serious adverse events were reported in the 12 months prior to the recall.

(2) Of the 62 serious adverse events occurring in individuals who consumed products for which Pan Pharmaceuticals was an approved manufacturer and that were reported in the 12 months prior to the Pan Pharmaceuticals recall, what proportion of that total number of adverse events reported do those 62 reports represent.

(3) Can the Government confirm that, for those 62 adverse events possibly associated with Pan Pharmaceuticals, it is not possible to say that Pan Pharmaceuticals was definitely the manufacturer as it was only one of a list of approved manufacturers for those products; if so, what action was taken with other possible manufacturers to investigate their manufacturing processes.

(4) Can the Government confirm that when adverse drug reactions are reported, it is the practice that all medications that a person may be taking are listed and that it is common for people to be using multiple products at the one time; if so, of the 62 serious adverse events occurring in individuals who consumed products for which Pan Pharmaceuticals was an approved manufacturer and that were reported in the 12 months prior to the Pan Pharmaceuticals recall, how many of the 62 reports had other medications listed.

(5) If there were other products also listed in the adverse events reports, what action was taken to investigate these other products.

(6) How was it determined that the adverse reaction was caused by the Pan Pharmaceuticals product and not another product that the person had taken.

(7) Are these adverse reports the only evidence to demonstrate an ‘imminent risk of death or serious injury’, and the reason for the Pan Pharmaceuticals recall; if not, what other evidence is required; if so, have there been other products which have had a similar number of adverse event reports and were these products recalled.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) The Adverse Drug Reactions Advisory Committee (ADRAC) received 9672 reports of suspected adverse drug reactions (“adverse events”) in the 12 months prior to the Pan recall. During this period, the information entered into the computer did not include a coding for serious reports. Thus, the computer system does not permit searching of all of these reports to identify those classified as serious. The original reports for the products that could possibly have been manufactured by Pan have been assessed to determine whether they were serious events or not.

(2) and (3) The Therapeutic Goods Administration (TGA) has conducted a further review of the adverse drug reaction reports. Excluding Travacalm, a total of 66 serious adverse reaction reports were received for products consumed in the 12 months preceding the Pan recall. Of these, 20 reports were sent to ADRAC prior to the recall. These 20 reports represent 0.21% of all suspected adverse drug reactions in that period. No batch numbers were provided for these 20 reports.
Of those reports received after the Pan recall on 28 April 2003, there were eight with batch numbers confirming the products implicated had been manufactured by Pan. For medicines with more than one possible manufacturer, the batch number is needed to confirm the site of manufacture of the product actually associated with the report. In its absence it is not possible to say where the product was manufactured.

Adverse reaction reports are one of a number of factors taken into account when scheduling audits. Other factors include the level of compliance of the manufacturer at the previous audit, the nature of the deficiencies identified previously, the type of products manufactured, recalls, tip offs and laboratory testing.

(4) and (5) All medications identified by the reporter or by review by TGA staff or by the ADRAC as possible causes of the reaction are entered into the computer record and coded as “suspected” or, in some instances, “interacting” medications. All medications coded in this way are searchable by the routine computer programs. Medications mentioned in the report that are not identified as being suspected of possibly causing or interacting to contribute to the adverse event by the reporter, by review by TGA staff or by the ADRAC are generally entered into the computer record and coded as “other” medications. There were 40 of the 66 reports in which at least one other medicine was recorded as being taken.

(6) Each report was assessed according to a standard protocol. A copy of the protocol for assessment of causality for each medication is provided in Attachment A.

(7) No, the decision to recall product manufactured by Pan Pharmaceuticals was made on the basis of the Good Manufacturing Practice (GMP) audits of Pan Pharmaceuticals undertaken by the TGA and on the advice of an independent Expert Advisory Group (EAG) that advised the TGA in relation to the public health and safety risk posed by the products manufactured by Pan Pharmaceuticals.

The audits undertaken by the TGA revealed widespread and serious deficiencies and failures in the company's manufacturing and quality control procedures, including systematic and deliberate manipulation of quality control test data. These failures meant that the TGA could have no confidence in the quality of any products manufactured by the company since the last audit of the company in May 2002.

The findings and recommendations of the EAG from its meeting on 23 April 2003 were that the multiple failures of GMP identified in the auditor's report, in the opinion of the EAG, created risks of death, serious illness, and serious injury; that the risk would increase over time; and that the risk could be realised at any time.

Acting on this advice the TGA recalled the products manufactured by Pan Pharmaceuticals.

Attachment A

Causality Assessment

All reports are classified by ADRAC according to the likelihood that the reactions were caused by the drugs being taken. Reports are assessed individually without reference to previous reports or the published literature. There are four Causality Assessments:

1. Certain
2. Probable
3. Possible
4. Causality unclear – Reports listed as “causality unclear” are not displayed in the computer printouts provided = General listed

The criteria used by the Committee in determining causality ratings are consistent with WHO criteria and are:
1. Certain
(a) a reaction in association with a single drug which was confirmed by rechallenge
(b) a reaction in association with a single drug which is confirmed by laboratory data specifically implicating that drug
(c) a reaction onset is immediately following drug administration (within five minutes if injection was the method of administration and during infusion)
(d) a reaction which has precise spatial correlation with administration (e.g. at the exact site of skin patch or injection, vaccine site reaction, injection site abscess and eye application)

2. Probable
(a) temporal or spatial (e.g. skin) correlation with the administration of a single drug
(b) a reaction in reasonable temporal association with a single drug and recovery on withdrawal of the drug if no other drug is withdrawn and no treatment is given
(c) an uncommon clinical phenomenon associated with the administration of a single drug and the reasonable exclusion of other factors.

3. Possible
(a) more than one drug is suspected; and/or
(b) the reaction has not recovered, or the outcome of the reaction is not recorded; and/or
(c) recovery follows treatment (usually in addition to withdrawal of the drug); and/or
(d) recovery follows withdrawal of more than one drug; and/or
(e) time relationship is not clear; and/or
(f) data are incomplete; and/or
(g) an alternative explanation exists
(h) (Note a Certain or Probable Causality (i.e. meeting the usual criteria) may be downgraded to possible if a reasonable or possible alternative explanation exists)

4. Unclear (General List)
(a) Where a clinical event may well be explained as arising from factors related to underlying disease or other non-drug aetiology
(b) Where there is no reasonable temporal association between the use of a drug and the clinical event
(c) Where a reaction occurs at a dose not normally used
(d) Where the report does not contain enough information for an adequate assessment (e.g. no minimum data set)

Community Care Programs
(Question No. 501)

Senator Allison asked the Minister representing the Minister for Ageing, upon notice, on 11 April 2005:
(1) In the decision to re-tender community care programs including respite care, continence advice, telephone information and carer support what consideration was given to older people, people with disabilities and their carers, and risks to continuity of care.
(2) Given that the competitive tendering that was attempted in the 1980s and 1990s resulted in dislocation of clients and, in some cases, a poorer quality of care, how will these problems be avoided in the new arrangements.
(3) How, in particular, will the specific expertise of organisations that currently provide services through the National Respite for Carers Program, relating to dementia, Indigenous issues and cultural and linguistic diversity be maintained and/or enhanced by competitive tendering.

(4) What level of importance will be attached in the competitive tendering process to the close relationships formed between community care clients and carers and service providers.

(5) Has the Government assessed the difficulty of service providers meeting the statutory employment conditions with new contracts planned to come into effect from 1 July 2005; if so, what were the findings.

(6) What evidence is there that tendering these services will result in more, rather than less, service integration.

(7) How will tendering for the National Respite for Carers Program be managed given the fact that it currently provides top-up funding for many Home and Community Care and Day Therapy Centre services.

Senator Patterson—The Minister for Ageing has provided the following answer to the honourable senator’s question:

(1) to (7) The Request for Application (RFA) and Request for Tender (RFT) processes are part of the Australian Government’s reform agenda that aims to improve the quality of community care for older Australians, Australians with disabilities, and their carers, by streamlining service delivery, making it easier to access services, and enhancing the quality of care provided.

For all parts of the RFA process, the Summary of Requirement states that applications will be viewed favourably where they propose collaborative models of service provision that demonstrate a capacity to realise efficiencies and alignment where feasible, and ensure streamlined delivery of services in line with the Government’s strategy document, A New Strategy for Community Care - The Way Forward.

The RFA applications offer existing providers an opportunity to improve services. They are encouraged to draw on their expertise and experience to rethink how services are currently delivered, and propose more streamlined, collaborative and responsive models of service provision that better meet their community’s changing needs. Applicants for respite services are asked to demonstrate how they would meet the needs of carers from special groups, such as carers with culturally and linguistically diverse backgrounds, carers with Aboriginal and Torres Strait Islander backgrounds, carers who are financially disadvantaged, or living in rural and remote areas.

The Government has allocated funds to support transitional arrangements should such arrangements be needed.

Investment Review of Health and Medical Research Report

(Question No. 546)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 19 April 2005:

With reference to the Investment Review of Health and Medical Research’s final report, Sustaining the virtuous cycle for a healthy, competitive Australia:

(1) What plans, if any, does the Government have to implement the recommendations contained in the report and what is the timeframe for implementation.

(2) Given Access Economic’s estimate that for every $1 invested in health research and development there is a $5 return to the Australian economy, and Australia’s placement near the bottom of the Organisation for Economic Cooperation and Development’s (OECD) league table for research
spending, does the Government intend to increase the level of funding to support health and medical research in Australia: if not, why not; if so, by how much and when.

(3) How will the Government guarantee that Australia remains ‘a world leader in health and medical research’ and continues to produce ‘on a per capita basis, [a] research output … twice the OECD average’, as stated by the Minister in the foreword to the report.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) The Australian Government has already responded to the recommendations in the Investment Review of Health and Medical Research (Grant Review) report by providing:
- $31.24 million in 2003-04 to fund a number of important health and medical research infrastructure projects.
- $200 million over seven years from 2004-05 for overhead infrastructure to all independent medical research institutes that receive competitive National Health and Medical Research Council (NHMRC) grants.
- a further commitment of $52 million announced later in 2004 for research in the health priority areas of cancer and diabetes in the coming years.

Additionally, the Australian Government is considering the recommendations made by the Review on the governance arrangements for the NHMRC. New governance arrangements will allow for a more timely response to emerging health issues.

The existing Council of the NHMRC has also been asked to consider the Grant Review recommendations to improve research grants processes and will report to the Minister for Health and Ageing on their achievements later this year.

(2) The Australian Government has already more than doubled its investment in health and medical research since 1999 and continued to increase funding in the 2004-05 Federal Budget.

The Australian Government will establish a taskforce to advise on leveraging more funds from the private sector in order to increase the overall pool of funds available to Australian health and medical research.

(3) The Australian Government has made the single biggest increase in health and medical research funding by a federal government. Moreover, this increase in funding needs to be seen in the context of the Australian Government’s overall commitment to science and innovation, including $5.3 billion dollars provided over seven years for this purpose in the 2004-05 Budget under its Backing Australia’s Ability program.

Tobacco Advertising
(Question No. 582)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 3 May 2005:

(1) When will a report resulting from the review of the Tobacco Advertising Prohibition Act 1992 be made publicly available.
(2) Can the Minister account for the delay in the production of this report.
(3) Can a list of the groups and organisations that made submissions to the review be made publicly available; if not, why not.
(4) Will copies of submissions to the review be made publicly available; if not, why not.
(5) What advice was contained in the submissions on the need for changes to the Act.

QUESTIONS ON NOTICE
(6) (a) Can a copy be provided of the evidence used to determine that ‘gains made by making amendments to the Act would be insignificant’, as stated in the media release by the Parliamentary Secretary for Health and Ageing on 7 April 2005; if not, why not; and (b) who provided this evidence and/or advice.

(7) Given that the Government has indicated it will not make any changes to the Act, how does the Government intend limiting public exposure to tobacco advertising through new and emerging forms of tobacco promotion such as the internet, text messaging, via vending machines, within movies etc.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) The Government did not prepare a report on the review of the Tobacco Advertising Prohibition Act 1992. Wide public consultation was undertaken in order to provide advice to the Minister.

(2) Not applicable.

(3) Yes. However, this would be at the discretion of the submitting organisation or individual.

(4) There is no intention at this time to make submissions to the review publicly available. The release of submissions would require the permission of the submitting organisation or individual.

(5) The majority of submissions addressed issues at either a general or technical level relevant to particular stakeholders and/or organisations and individual interests. For example, 331 out of the approximately 400 submissions received were from model car enthusiasts concerned that the Act may be changed to prohibit the manufacture and/or trade of model cars with tobacco livery. The other issues most often raised in the submissions included exemptions for some international sporting events, inconsistencies between State and Territory legislation, new methods of communication and promotion, and the depiction of smoking in films and television.

(6) (a) and (b) Generally, the review found that the Act is working well to protect the Australian public from advertising messages. Data from the Australian Institute of Health and Welfare 2004 National Drug Strategy Household Survey, show that the proportion of the population aged 14 and over who smoked daily declined by two percentage points between 2001 and 2004, to 17.4%. These new figures are among the lowest of any country in the world.

(7) The Australian Government Department of Health and Ageing will continue to vigilantly enforce the Act. The Government will continue to monitor public exposure to tobacco promotion and the effectiveness of the legislation, particularly as it applies to new and emerging forms of tobacco promotion.

Episiotomy

(Question No. 900)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 11 May 2005:

(1) (a) What data does the Government have on the incidence of episiotomy in uncomplicated vaginal births in Australian hospitals; and (b) what data does the Government have on the incidence of adverse health outcomes resulting from the use of episiotomy.

(2) Is the Government aware that according to a review of scientific evidence published in the Journal of the American Medical Association (4 May 2005), the routine use of episiotomy does not achieve any of the goals it is commonly believed to achieve.

(3) Is the Government aware that this review found that when providers restricted their use of episiotomy, women were more likely to give birth without perineal damage, less likely to need suturing, and more likely to resume intercourse earlier.
(4) Is the Government aware that the review also found that women who experienced spontaneous tears without episiotomy had less pain than women with episiotomies and that the evidence showed that episiotomy did not protect women against urinary or faecal incontinence, pelvic organ prolapse or difficulties with sexual function in the first 3 months to 5 years following delivery.

(5) What plans does the Government have to put in place arrangements so that many women with uncomplicated births avoid a procedure that is of no benefit to them.

Senator Patterson—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) (a) The Government has national data on the incidence of episiotomy in all vaginal deliveries, but not on its use in uncomplicated deliveries. There are two data sources:

• the National Perinatal Data Collection maintained by the Australian Institute of Health and Welfare’s National Perineal Statistics Unit, in collaboration with the states and territories. This covers statistics on the status of the perineum after all vaginal deliveries, including use of episiotomy, by state and territory, since 1991. The data is published in the annual report series, Australia’s Mother and Babies.

• the National Hospital Morbidity (Casemix) Database which is managed by the Australian Government Department of Health and Ageing in conjunction with the states and territories. This covers data on procedures conducted in public and private hospitals on admitted patients since 1991-92, including episiotomy. This data is available on the Department’s web site from 1996-97 onwards.

The latest data available indicates that episiotomy was performed in 16.2% of all vaginal deliveries in Australian hospitals in 2002. This is half the rate of episiotomies performed in the United States (30-35%) reported in the Journal of the American Medical Association paper (Hartmann et al, 4 May 2005).

(b) The Government does not have data on the incidence of adverse health outcomes resulting from the use of episiotomy.

(2) Yes

(3) Yes

(4) Yes

(5) There are no specific plans to target episiotomy rates, but the Government supports a range of measures to improve the quality and safety of health care and ensure the transfer of the best available evidence into current clinical practice. These measures include funding the national data collections that provide reliable data for monitoring and quality control purposes, the National Institute of Clinical Studies which plays a key role in promoting the use of research evidence in the health care system, and free access to high-quality information on evidence-based health care for providers and consumers through the Cochrane Library and HealthInsite web sites.

Pregnancy Counselling

(Question No. 906)

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 12 May 2005:

With reference to organisations that receive public funding for pregnancy counselling and/or family planning:

(1) Does the government have any plans to impose caps on the amount of funding that can be provided to non-government organisations that are involved in advocacy or awareness-raising.
(2) Does the Government have any plans to prohibit organisations that are involved in advocacy or awareness-raising from receiving public funding.

**Senator Patterson**—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) No.
(2) No.

**Community Development Employment Projects**

(Question No. 913)

**Senator Chris Evans** asked the Minister representing the Minister for Education, Science and Training, upon notice, on 19 May 2005:

With reference to the Community Development Employment Projects (CDEP) Scheme:

(1) (a) In what circumstances are Indigenous CDEP Scheme participants eligible to apply for ABSTUDY; and (b) for each of the financial years 2001-02, 2002-03, 2003-04 and 2004-05 to date, how many Indigenous CDEP participants: (i) applied for ABSTUDY, and (ii) received ABSTUDY.

(b) (i)(ii) Centrelink has advised they do not collect the information as asked in the question. They do, however, collect a point-in-time count of CDEP participants who at the time of extraction were also in receipt of ABSTUDY. Using this methodology an average has been calculated to give an indicative figure for each period as follows:

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>ABSTUDY</th>
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<tr>
<td>2001-02</td>
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</tr>
<tr>
<td>2002-03</td>
<td>2289</td>
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<td>2320</td>
</tr>
<tr>
<td>2004-May 05</td>
<td>2042</td>
</tr>
</tbody>
</table>

* Note: An average for the period June 2004 to May 2005 has been used to give an indicative figure.

(2) (a) Under Social Security Law, CDEP participants are unable to access two income support payments at the same time. For this reason, all CDEP participants are precluded from applying for Austudy.

(b) (i) Centrelink has advised they do not collect the information specified in the question due to the fact that a customer is not eligible for Austudy assistance if they are a CDEP participant. (ii) No CDEP participants received Austudy at any period as they are precluded from obtaining two income support payments under the Social Security Act 1991.

QUESTIONS ON NOTICE
(3) Austudy is a payment under the Social Security Act 1991 which precludes people accessing two income support payments at the same time, as such all CDEP participants are precluded from Austudy assistance.

(4) There are no current plans to amend the Social Security Act to allow people to access two income support payments at the same time. CDEP was introduced as a special measure for Indigenous Australians. ABSTUDY, which sits outside of the Social Security Act 1991, allows CDEP income to be tested under the personal income test for study outside of a person’s CDEP obligations. This is in recognition of the historical inequities and disadvantage Indigenous Australians, as a group, have experienced. This has resulted in Indigenous Australians experiencing lower education outcomes as compared with non-Indigenous results.