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- NORTHERN TASMANIA 92.5 FM
- DARWIN 102.5 FM
FORTY-SECOND PARLIAMENT
FIRST SESSION—SECOND 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 Hon. Alan Baird Ferguson
Deputy President and Chair of Committees—Senator John Joseph Hogg
Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Leader of the Opposition in the Senate—Senator Hon. Nicholas Hugh Minchin
Deputy Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig
Manager of Opposition Business in the Senate—Senator Hon. Christopher Martin Ellison

Senate Party Leaders and Whips
Leader of the Australian Labor Party—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Australian Labor Party—Senator Hon. Stephen Michael Conroy
Leader of the Liberal Party of Australia—Senator Hon. Nicholas Hugh Minchin
Deputy Leader of the Liberal Party of Australia—Senator Hon. Eric Abetz
Leader of the Nationals—Senator Hon. Nigel Gregory Scullion
Deputy Leader of the Nationals—Senator Hon. Ronald Leslie Doyle Boswell
Leader of the Australian Democrats—Senator Lynette Fay Allison
Leader of the Australian Greens—Senator Robert James Brown
Leader of the Family First Party—Senator Steve Fielding
Government Whips—Senators Kerry Williams Kelso O’Brien, Ruth Stephanie Webber and Dana Wortley
Liberal Party of Australia Whips—Senators Stephen Parry and Judith Adams
The Nationals Whip—Senator Fiona Joy Nash
Australian Democrats Whip—Senator Andrew John Julian Bartlett
Australian Greens Whip—Senator Rachel Siewert
Family First Party Whip—Senator Steve Fielding

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(1) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. Santo Santoro, resigned.
(2) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, resigned.
(3) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(4) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Susan Mary Mackay, resigned.
(5) Chosen by the Parliament of South Australia to fill a casual vacancy vice Hon. Robert Murray Hill, resigned.
(6) Chosen by the Parliament of South Australia to fill a casual vacancy vice Jeannie Margaret Ferris, died in office.
(7) Chosen by the Parliament of South Australia to fill a casual vacancy vice Hon. Amanda Eloise Vanstone, resigned.
(8) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Hon. Ian Gordon Campbell, resigned.
(9) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Hon. Paul Henry Calvert, resigned.
(10) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Robert Francis Ray, resigned.

PARTY ABBREVIATIONS
AD—Australian Democrats; AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Liberal Party; FF—Family First Party; LP—Liberal Party of Australia; NATS—The Nationals

Heads of Parliamentary Departments
Clerk of the Senate—H Evans
Clerk of the House of Representatives—I C Harris
Secretary, Department of Parliamentary Services—A Thompson
RUDD MINISTRY

Prime Minister
Hon. Kevin Rudd, MP

Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion
Hon. Julia Gillard, MP

Treasurer
Hon. Wayne Swan MP

Minister for Immigration and Citizenship and Leader of the Government in the Senate
Senator Hon. Chris Evans

Special Minister of State, Cabinet Secretary and Vice President of the Executive Council
Senator Hon. John Faulkner

Minister for Trade
Hon. Simon Crean MP

Minister for Foreign Affairs
Hon. Stephen Smith MP

Minister for Defence
Hon. Joel Fitzgibbon MP

Minister for Health and Ageing
Hon. Nicola Roxon MP

Minister for Families, Housing, Community Services and Indigenous Affairs
Hon. Jenny Macklin MP

Minister for Finance and Deregulation
Hon. Lindsay Tanner MP

Minister for Infrastructure, Transport, Regional Development and Local Government and Leader of the House
Hon. Anthony Albanese MP

Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate
Senator Hon. Stephen Conroy

Minister for Innovation, Industry, Science and Research
Senator Hon. Kim Carr

Minister for Climate Change and Water
Senator Hon. Penny Wong

Minister for the Environment, Heritage and the Arts
Hon. Peter Garrett AM, MP

Attorney-General
Hon. Robert McClelland MP

Minister for Human Services and Manager of Government Business in the Senate
Senator Hon. Joe Ludwig

Minister for Agriculture, Fisheries and Forestry
Hon. Tony Burke MP

Minister for Resources and Energy and Minister for Tourism
Hon. Martin Ferguson AM, MP

[The above ministers constitute the cabinet]
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<tr>
<td>Minister for Home Affairs</td>
<td>Hon. Bob Debus MP</td>
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<tr>
<td>Assistant Treasurer and Minister for Competition Policy and Consumer Affairs</td>
<td>Hon. Chris Bowen MP</td>
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<tr>
<td>Minister for Veterans’ Affairs</td>
<td>Hon. Alan Griffin MP</td>
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<tr>
<td>Minister for Housing and Minister for the Status of Women</td>
<td>Hon. Tanya Plibersek MP</td>
</tr>
<tr>
<td>Minister for Employment Participation</td>
<td>Hon. Brendan O’Connor MP</td>
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<tr>
<td>Minister for Defence Science and Personnel</td>
<td>Hon. Warren Snowdon MP</td>
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<tr>
<td>Minister for Small Business, Independent Contractors and the Service Economy and Minister Assisting the Finance Minister on Deregulation</td>
<td>Hon. Dr Craig Emerson MP</td>
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<tr>
<td>Minister for Superannuation and Corporate Law</td>
<td>Senator Hon. Nick Sherry</td>
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<tr>
<td>Minister for Ageing</td>
<td>Hon. Justine Elliot MP</td>
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<tr>
<td>Minister for Youth and Minister for Sport</td>
<td>Hon. Kate Ellis MP</td>
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<tr>
<td>Parliamentary Secretary for Early Childhood Education and Care</td>
<td>Hon. Maxine McKew MP</td>
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<tr>
<td>Parliamentary Secretary for Defence Procurement</td>
<td>Hon. Greg Combet AM, MP</td>
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<td>Parliamentary Secretary for Defence Support</td>
<td>Hon. Dr Mike Kelly AM, MP</td>
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<tr>
<td>Parliamentary Secretary for Regional Development and Northern Australia</td>
<td>Hon. Gary Gray AO, MP</td>
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<tr>
<td>Parliamentary Secretary for Disabilities and Children’s Services</td>
<td>Hon. Bill Shorten MP</td>
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<td>Parliamentary Secretary for International Development Assistance</td>
<td>Hon. Bob McMullan MP</td>
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<td>Parliamentary Secretary for Pacific Island Affairs</td>
<td>Hon. Duncan Kerr MP</td>
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<td>Parliamentary Secretary to the Prime Minister</td>
<td>Hon. Anthony Byrne MP</td>
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<tr>
<td>Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion</td>
<td>Senator Hon. Ursula Stephens</td>
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<td>Parliamentary Secretary to the Minister for Trade</td>
<td>Hon. John Murphy MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Health and Ageing</td>
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<td>Parliamentary Secretary for Multicultural Affairs and Settlement Services</td>
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## SHADOW MINISTRY

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<tr>
<td>Leader of the Opposition</td>
<td>Hon. Brendan Nelson MP</td>
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<tr>
<td>Deputy Leader of the Opposition and Shadow Minister for Employment</td>
<td>Hon. Julie Bishop MP</td>
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<tr>
<td>Deputy and Shadow Minister for Business and Workplace Relations</td>
<td>Hon. Warren Truss MP</td>
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<tr>
<td>Leader of the Nationals and Shadow Minister for Infrastructure and Transport</td>
<td>Senator Hon. Nick Minchin</td>
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<tr>
<td>Leader of the Opposition in the Senate and Shadow Minister for Defence</td>
<td>Senator Hon. Eric Abetz</td>
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<td>Deputy Leader of the Opposition in the Senate and Shadow Minister for Innovation</td>
<td>Hon. Malcolm Turnbull MP</td>
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<td>Hon. Ian Macfarlane MP</td>
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<td>Hon. Tony Abbott MP</td>
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<td>Shadow Minister for Families, Community Services, Indigenous Affairs and</td>
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<td>Senator Hon. Helen Coonan</td>
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<td>Shadow Minister for Agriculture, Fisheries and Forestry</td>
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<td>Shadow Minister for Human Services</td>
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<td>Shadow Minister for Education, Apprenticeships and Training</td>
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<td>Senator Hon. Chris Ellison</td>
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<td>Senator Hon. George Brandis</td>
</tr>
<tr>
<td>Shadow Minister for Resources and Energy and Shadow Minister for Tourism</td>
<td>Senator Hon. David Johnston</td>
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<td>Shadow Minister for Regional Development, Water Security</td>
<td>Hon. John Cobb MP</td>
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[The above constitute the shadow cabinet]
SHADOW MINISTRY—continued

Shadow Minister for Justice and Border Protection; Assisting Shadow Minister for Immigration and Citizenship
Hon. Chris Pyne MP

Shadow Special Minister of State
Senator Hon. Michael Ronaldson

Shadow Minister for Small Business, the Service Economy and Tourism
Steven Ciobo MP

Shadow Minister for Environment, Heritage, the Arts and Indigenous Affairs
Hon. Sharman Stone MP

Shadow Assistant Treasurer and Shadow Minister for Superannuation and Corporate Governance
Michael Keenan MP

Shadow Minister for Ageing
Margaret May MP

Shadow Minister for Defence Science, Personnel; Assisting Shadow Minister for Defence
Hon. Bob Baldwin MP

Deputy Manager of Opposition Business in the House and Shadow Minister for Business Development, Independent Contractors and Consumer Affairs
Luke Hartsuyker MP

Shadow Minister for Veterans’ Affairs
Hon. Bronwyn Bishop MP

Shadow Minister for Employment Participation and Apprenticeships and Training
Andrew Southcott MP

Shadow Minister for Housing and Shadow Minister for Status of Women
Hon. Sussan Ley MP

Shadow Minister for Youth and Sport
Hon. Pat Farmer MP

Shadow Parliamentary Secretary Assisting the Leader of the Opposition and Shadow Cabinet Secretary
Don Randall MP

Shadow Parliamentary Secretary Assisting the Leader of the Opposition in the Senate and Shadow Parliamentary Secretary for Northern Australia
Senator Hon. Ian Macdonald

Shadow Parliamentary Secretary for Health
Senator Hon. Richard Colbeck

Shadow Parliamentary Secretary for Education
Senator Hon. Brett Mason

Shadow Parliamentary Secretary for Defence
Hon. Peter Lindsay MP

Shadow Parliamentary Secretary for Infrastructure, Roads and Transport
Barry Haase MP

Shadow Parliamentary Secretary for Trade
John Forrest MP

Shadow Parliamentary Secretary for Immigration and Citizenship
Louise Markus MP

Shadow Parliamentary Secretary for Local Government
Sophie Mirabella MP

Shadow Parliamentary Secretary for Tourism
Jo Gash MP

Shadow Parliamentary Secretary for Ageing and the Voluntary Sector
Mark Coulton MP

Shadow Parliamentary Secretary for Foreign Affairs
Senator Marise Payne

Shadow Parliamentary Secretary for Families and Community Services
Senator Cory Bernardi
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The President (Senator the Hon. Alan Ferguson) took the chair at 9.30 am and read prayers.

**BUSINESS**

**Rearrangement**

Senator LUDWIG (Queensland—Manager of Government Business in the Senate) (9.31 am)—I move:

That intervening business be postponed till after consideration of business of the Senate order of the day no. 2, relating to the reference of bills to committees.

Question agreed to.

**SAME-SEX RELATIONSHIPS (EQUAL TREATMENT IN COMMONWEALTH LAWS—SUPERANNUATION) BILL 2008**

**TAX LAWS AMENDMENT (MEDICARE LEVY SURCHARGE THRESHOLDS) BILL 2008**

**NATIONAL HEALTH AMENDMENT (PHARMACEUTICAL AND OTHER BENEFITS—COST RECOVERY) BILL 2008**

**TAX LAWS AMENDMENT (LUXURY CAR TAX) BILL 2008**

**A NEW TAX SYSTEM (LUXURY CAR TAX IMPOSITION—GENERAL) AMENDMENT BILL 2008**

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**EXCISE LEGISLATION AMENDMENT (CONDENSATE) BILL 2008**

**EXCISE TARIFF AMENDMENT (CONDENSATE) BILL 2008**

**NATIONAL FUELWATCH (EMPOWERING CONSUMERS) BILL 2008**

**NATIONAL FUELWATCH (EMPOWERING CONSUMERS) (CONSEQUENTIAL AMENDMENTS) BILL 2008**

**TAX LAWS AMENDMENT (2008 MEASURES No. 3) BILL 2008**

**COMMONWEALTH ELECTORAL AMENDMENT (POLITICAL DONATIONS AND OTHER MEASURES) BILL 2008**

**Referral to Committees**

Debate resumed from 17 June, on motion by Senator Ellison:

No. 1—

(1) That:

(a) the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008 be referred to the Legal and Constitutional Affairs Committee for inquiry and report; and

(b) any related bill or bills that may be introduced to give effect to the recommendations of the Human Rights and Equal Opportunity Commission’s report Same Sex: Same Entitlements, dated May 2007, also be referred to the Legal and Constitutional Affairs Committee for inquiry and report together with the following matters:

(i) the definition of ‘couple relationship’;

(ii) empirical evidence from the states concerning the existence, recognition and relative numbers of interdependent relationships, other than de facto (whether heterosexual or same-sex) and marital relationships;

(iii) whether the definition of ‘couple relationship’ should be amended to incorporate other interdependent relationships and, if so, whether the definitions should be broadened to
include those relationships or whether a separate definition is required,

(iv) the fiscal implications of the statutory recognition of other interdependent relationships for superannuation and taxation purposes,

(v) the definitions of ‘child’ and ‘child of a couple relationship’,

(vi) the legal and fiscal implications of the definitions referred to in (v), particularly as they relate to the rights, obligations and liabilities of co-parents (i.e., the parent in a couple relationship that does not have a biological connection to a child of that relationship), and

(vii) all other matters considered necessary by the committee.

(2) That the committee is not to conclude its consideration of the matter contained in subparagraph (1)(a) until it has concluded its consideration of the matters in subparagraph (1)(b).

(3) That the committee must hear evidence, inter alia, from:

(a) the Attorney-General’s Department;
(b) the Department of Finance and Deregulation;
(c) the Relationship Registries of Tasmania, Victoria and the Australian Capital Territory;
(d) the Human Rights and Equal Opportunity Commission; and
(e) the Law Council of Australia (Family Law Section).

No. 2—

(1) That the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008 be referred to the Economics Committee for inquiry and report not before 26 August 2008, together with the following matters:

(a) the impact of changes to the thresholds on the number of Australians with private health insurance (PHI), including an examination of how many will abandon their policies as a result and how many will not take up PHI in the future;
(b) the modelling underpinning the decision and the veracity of that modelling;
(c) the anticipated impact on PHI premiums and PHI products offered;
(d) the impact of the change on the cost of living and the consumer price index;
(e) including the threshold, PHI rebate and lifetime health cover on increasing PHI membership;
(f) the anticipated impact of changes to the threshold on:
(i) the public hospital system including waiting lists and the financial requirements of state governments,
(ii) the ongoing viability of PHI, and
(iii) private hospitals.

(2) That the inquiry hear evidence in all capital cities and from, inter alia, the private health insurance sector about the impact of the measures in the bill on the industry and on the public hospital system.

No. 3—

(1) That the National Health Amendment (Pharmaceutical and Other Benefits—Cost Recovery) Bill 2008 be referred to the Community Affairs Committee for inquiry and report not before 18 August 2008, together with the following matters:

(a) the impact of the Pharmaceutical Benefits Scheme (PBS) cost recovery on:
(i) patients’ timely and affordable access to medicines,
(ii) the Australian pharmaceutical industry,
(iii) new products and innovation, and
(iv) the independence of the Pharmaceutical Benefits Advisory Committee;
(b) cost recovery mechanisms in other countries;
(c) how cost recovery will improve the timeliness and effectiveness of the cur-
rent PBS process for listing new medicines; and

(d) the modelling and consultation underpinning the decision.

(2) That, in conducting its inquiry, the committee hear evidence, inter alia, from the pharmaceutical industry, generic medicines industry, consumer and patient health groups, the Department of Health and Ageing, the PBS Evaluation Units and the Australian Medical Association and other medical bodies.

No. 4—

(1) That the following bills:

Tax Laws Amendment (Luxury Car Tax) Bill 2008
A New Tax System (Luxury Car Tax Imposition—General) Amendment Bill 2008
A New Tax System (Luxury Car Tax Imposition—Customs) Amendment Bill 2008 and
A New Tax System (Luxury Car Tax Imposition—Excise) Amendment Bill 2008,
be referred to the Economics Committee for inquiry and report not before 26 August 2008, together with the following matters:

(a) the incidence of the luxury car tax (LCT) and the effect of the proposed increase in the LCT rate on rural and regional communities, small business families and tourism operators;

(b) the effect of the LCT increase on the prices of vehicles, the affordability of motor vehicles, the cost of living, and the consumer price index (CPI);

(c) the expected impact of the increase in the LCT rate on vehicle demand and the likely consequences for government revenues including from the LCT, goods and services tax (GST) and stamp duty;

(d) the growing incidence of the LCT over time and the adequacy of current arrangements for indexing of the LCT threshold, in comparison with alternative measures including the CPI, average weekly earnings and the increase in the retail price of motor vehicles;

(e) the rationale for taxing 'luxury' cars at a higher rate than other goods and services;

(f) the effect of the LCT and the proposed increase in the LCT rate on Australian vehicle manufacturers and vehicle importers and distributors;

(g) the overall taxation burden on ownership and operation of motor vehicles including customs duty, GST, LCT stamp duty and excise on fuel;

(h) the effect of the LCT and the proposed increase in the LCT rate on the adoption of vehicle safety features and environmental technologies; and

(i) the extent to which the LCT is viewed as a non-tariff barrier by other car exporting countries.

(2) That:

(a) as a minimum, the committee hold hearings in Melbourne and Adelaide and hear evidence, inter alia, from Australia’s vehicle manufacturers, importers and distributors as well as from the Federal Chamber of Automotive Industries, the Australian Automobile Association, the Motor Trades Association of Australia, the Victorian Automobile Chamber of Commerce, the Motor Trades Association of Queensland and the tourism industry; and

(b) the committee also take into account submissions to, and recommendations of, the Bracks’ Review of Australia’s Automotive Industry.

No. 5—

(1) That the Excise Legislation Amendment (Condensate) Bill 2008 and the Excise Tariff Amendment (Condensate) Bill 2008 be referred to the Economics Committee for inquiry and report not before 26 August 2008, together with the following matters:
(a) the impact of the changes on retail prices of domestic gas and electricity in Western Australia, and any consequent effect on consumer prices;

(b) the impact of the decision on the industry generally and on the exploration for petroleum products in Australia; and

(c) the impact of the decision, and the decision-making process, on domestic and international investment confidence in Australia.

(2) That the committee must conduct hearings in Western Australia and hear evidence from, inter alia, industry bodies and joint venture partners on the North West Shelf.

No. 6—

(1) That the National Fuelwatch (Empowering Consumers) Bill 2008 and the National Fuelwatch (Empowering Consumers) (Consequential Amendments) Bill 2008 be referred to the Economics Committee for inquiry and report not before 29 September 2008, together with the following matters:

(a) the impact of the proposed Fuelwatch scheme on the price consumers will pay for motor fuel (including unleaded petrol, diesel and LPG) in metropolitan areas, regional centres and rural Australia;

(b) the economic benefits and costs of the proposed Fuelwatch scheme to consumers in metropolitan areas, regional centres and rural Australia;

(c) other economic costs of the proposed Fuelwatch scheme, including the compliance costs of the scheme for industry, particularly independent retailers;

(d) the impact of the proposed Fuelwatch scheme on competition between motor fuel retailers and the operation and viability of independent motor fuel retailers;

(e) intraday price volatility in the retail market, established price cycles in each state and territory, and consumer awareness of price cycles;

(f) the impact of Fuelwatch on discounting, as well as the amplitude and duration of price cycles, including any penalties that will apply to motor fuel retailers for not fixing prices for 24 hour periods;

(g) the potential use under the Fuelwatch scheme of sophisticated pricing strategies by motor fuel retailers who have more than one retail outlet, and how they may take advantage of the 24 hour rule;

(h) independent analysis of the overall economic benefits and costs of the proposed Fuelwatch scheme;

(i) independent analysis of the differences in motor fuel prices between Western Australia and other Australian states and territories, with particular reference to volumetric or consumption-weighted prices; and

(j) the legal basis for the legislation.

(2) That, in conducting its inquiry, the committee:

(a) hear evidence in all capital cities and in such major rural and regional centres as may be determined by the committee; and

(b) hear evidence, inter alia, from independent retailers, motoring bodies with knowledge of the retail motor fuel market, business organisations with an interest in motor fuel prices and independent think tanks and economists who have knowledge of retail pricing arrangements in the motor fuel industry.

No. 7—

That the provisions of Schedules 1 and 2 of the Tax Laws Amendment (2008 Measures No. 3) Bill 2008 be referred to the Economics Committee for inquiry and report not before 18 August 2008.

No. 8—

That the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008 be referred to the Joint Standing Com-
committee on Electoral Matters for inquiry and report on 30 June 2009 in conjunction with the committee’s inquiry into the 2007 Federal Election.

upon which Senators Bartlett and Nettle had moved by way of an amendment in respect of motion No. 1:

At the end of subparagraph (1)(a), add “by 24 June 2008”.

Omit paragraph (2).

Senator LUDWIG (Queensland—Minister for Human Services) (9.31 am)—Where I left the debate yesterday was this: the Liberals are ditherers in respect of these committee references. They are not providing and will not provide an answer on what they will do and what they would prefer to do with these bills. What they are now doing is putting them off to the never-never because they do not want to deal with them now; they do not want to explain to the Australian public what their position on these bills is. Effectively, they are now abrogating their responsibility as an opposition to hold the government to account. They are not going to have the numbers post 1 July. So what they will then do is refer these matters to the next Senate so that they do not have to come to a concluded view, so they do not have to actually say, ‘What we stand for is X or Y.’ What they are actually going to say is, ‘What we’d prefer to do is give the minor parties, the Greens’—and of course not the Democrats—‘the ability to stand up and say what they believe in’—while the Liberals hide behind.

One of the bills, the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008, is in a special category of its own because it does not have a reporting date. Its actual reporting date is some time off into the future, depending upon a whole range of packages coming forward. In truth, it is not a reference; it is an abrogation of their responsibility to refer a matter to a committee to consider and report back on to the Senate. They are not doing that.

This bill is an important bill for the Senate. It is an important bill for the government. We have had an argument about the bill’s issues for a very long time, and the bill provides certainty for a certain area of people who are on superannuation benefits or who might benefit from them. Here we have a referral of it to a Senate committee. That is undesirable as any delay in implementing the reforms in the bill would see the continuation of discrimination against same-sex couples and their children in acts governing the Commonwealth defined benefits superannuation scheme and in related taxation and regulatory acts. Say a scheme member died, for argument’s sake. Until the acts are amended his or her same-sex partner or the children of such a relationship will not be entitled to receive reversionary death benefits.

This cannot occur until the bill is passed and proclaimed. There will be a gap by which people could suffer detriment, and the opposition are not prepared to close that gap. What they are going to do is extend that gap, widening it to the never-never. Commencement of the legislation at the beginning of the 2008-09 income year will immediately extend the concessional tax treatment of death benefits to recipients under Commonwealth superannuation schemes. This bill covers the first stage of the reforms and is confined to superannuation. It is not a difficult issue for the opposition to come to grips with. There will be an opportunity for Senate committee consideration of the reforms more broadly. No-one is saying that the Senate should shut itself away from looking at reform packages as they come forward, but this one is a finite measure, it is a confined measure, it relates to superannuation and it should start by 1 July. There will be an opportunity for the Senate to look at the reform
packages more broadly as they come forward when draft legislation covering the remaining reforms is introduced in the spring sittings.

There are of course significant legal and practical difficulties with backdating. The opposition might say, ‘Let’s just backdate it.’ Well, superannuation trustees are required to make payments under the law as it stands, not under what it might be in the future. If payments were to be made now, either to certain beneficiaries or to a deceased’s legal estate, it would be very difficult to unwind those payments at a future date when the law changed. In practical terms, when you are talking about reversionary benefits, you are usually talking about a fortnightly or, at the least, a monthly pension payment. The Rudd government is committed to giving people access to those benefits as soon as possible. Backdating this access will not help anyone meet their day-to-day financial considerations, yet that is the position that the opposition are now putting forward as a proposal by sending this off to the never-never. It should not be done, and they should make a practical decision to support the provisions of this bill from 1 July and not refer it. There will be time for greater consideration of all these bills in the future.

The changes to the Medicare levy surcharge represent a measure to be introduced for one simple reason: to remove an unjust tax slug on working families. That is what it is about. It is not a complex policy issue; it is about the removal of an unjust tax slug on working families. Opposition senators will be aware that this penalty on high-income earners to encourage them to take out private health insurance was first introduced in 1997. The penalty applied to people earning $50,000 and above. That was because of the very simple fact that, 11 years ago, $50,000 was seen as a little bit more than an ordinary income—and even a high income. Because of that simple fact Labor has acted now to ensure that working families are no longer hit with a tax penalty that was never meant for them. As a result, we now have the opposition, again, not ensuring that that would occur. They are referring the matter to a committee. They are not going to deal with it by 1 July; they are going to ensure that working families continue to get an unjust tax slug.

I will conclude with those matters. I will not use up all of the available time. This is an important debate. The opposition are being completely unrealistic about the proposals that they are now putting. They should be supporting the budget bills, supporting those bills that have a start-up date of 1 July, including the same-sex bills, because of the challenges that face those people who have superannuation. They should not disadvantage those people. They should also take the grand policy position of saying, ‘We actually do support changes to same-sex relationships; we actually do recognise that society has moved on.’ But instead they are going to refer the matter off to the never-never.

Senator FAULKNER (New South Wales—Special Minister of State and Cabinet Secretary) (9.38 am)—Today we see the true colours of the coalition. I particularly want to concentrate on the decision of the opposition to block the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008. To delay the bill by more than 12 months reveals, on the one hand, all the opposition’s hypocrisy and willingness to sacrifice the health of our democracy on the alter of partisan politics. On the other hand, the government is committed to a transparent and accountable electoral system. To achieve this, we have introduced the bill that I have mentioned. This bill contains five urgent measures to address critical weaknesses in the act’s current funding and disclosure regime. These new measures include
ensuring all donations over $1,000 to political parties and candidates are subject to proper public scrutiny and that donations are reported in a more timely manner.

The bill also bans overseas and anonymous donations and prevents political parties and candidates from making a profit from public funding. These measures are straightforward, they are positive, and they ought to be uncontroversial. But the opposition, under Dr Nelson, want to use their Senate majority to block these necessary and urgent reforms and send them to a committee until, at the earliest, the financial year after next—in other words, to send this bill into legislative limbo. They want one whole year—a minimum 12 months—to pretend to look at this simple bill. This charade clearly shows their contempt for our electoral system and their determination to turn their backs on any effort to clean up the system. It proves that the opposition clearly do not support transparency and accountability of our electoral laws. This proves the opposition do not want the Australian public to know who gives how much money to which party.

The decision to block this bill raises two questions for Dr Nelson. The first is: does Dr Nelson honestly think that less accountability, less transparency, less integrity benefits our democracy? The second is: what do Dr Nelson and the opposition have to hide? Clearly, the answer to the second question is: a lot of money and where it comes from. In marked contrast to Dr Nelson and the coalition, the government believe that reforming our political funding and disclosure regimes to ensure the Australian public knows where political parties and candidates get their money is both critically important and a matter of urgency. We want this bill to commence on 1 July this year. We want to start cleaning up these problems now. We want these measures in place for the 2008-09 financial year. There are strong reasons for acting now. There is no reason for delay on this bill.

The first measure in this bill will reduce the donation disclosure threshold from $10,500 to $1,000. This will mean that every political donation above $1,000 will be exposed to public scrutiny, as should occur in any electoral system with integrity. For 2004-05, when the donation disclosure threshold was $1,500, 1,286 donor returns were lodged with the AEC. For 2005-06, when the previous government raised the disclosure threshold to $10,000, only 317 donor returns were lodged. So just in the space of a year the number of donor returns subjected to public scrutiny dropped by three-quarters. And in 2006-07 the number of donor returns dropped again to 194, less than one-sixth of the number of donations disclosed when the threshold was $1,500 in 2004-05.

With this bill Dr Nelson had a chance to make a clean break with the pathetic record of the Howard government. He had an opportunity on this bill to show some leadership. He had the opportunity to demonstrate that he stood for transparency and accountability rather than obfuscation and secrecy, but Dr Nelson dogged it. By deciding to block this bill, Dr Nelson has shown his true colours. He has revealed that either he is, like Mr Howard before him, a sworn enemy of integrity in our electoral laws or else he is so pathetically weak he is a complete captive of the self-interest of the Liberal Party hacks and operators. One way or another, Dr Nelson and the opposition seem to believe the Australian public has no right to know when someone is attempting to buy political influence. They believe these backroom contributions should remain in the shadows. We in the government could not disagree more strongly. We think these donations should be exposed to the light of public scrutiny. From 1 July this year, all donations of $1,000 or
more—an amount most Australians consider substantial—should be made reportable to the Australian Electoral Commission and disclosed publicly, and that would happen if the opposition decided to pass rather than block this bill.

It is worth taking just a moment to look back at the coalition’s record on donation disclosure thresholds. Before the Howard government’s changes to the Electoral Act in 2006, all donations over $1,500 had to be disclosed. As soon as the coalition got the numbers to have control of the Joint Standing Committee on Electoral Matters, they produced a recommendation supported by those impartial witnesses, Liberal Federal Director Brian Loughnane and Nationals Federal Director Andrew Hall, that the threshold should be raised to $10,000. The ethical gymnastics the coalition majority had to engage in on this were amazing. It was death defying. The JSCEM report states:

... there is a need for transparency to reduce the potential for undue influence and corruption in the political system.

Yes, so far so good. But in the very next sentence they take a sharp right turn and leave the road of logic, saying the committee:

... believes that such transparency would still occur under higher disclosure thresholds.

Yes, that is right. The coalition-controlled JSCEM majority reported that they believed that hiding more donations would have no impact on transparency. They may be kidding themselves but they are not fooling us; they are not fooling the Australian public. It seems that the Liberal and National parties have a different definition of transparency to that of the Australian Labor Party but, more importantly, to that of the Australian public. They think it means hiding more of the cash flowing to political parties. Certainly, as their opposition to this bill shows, they think it is an optional extra for a healthy democracy.

Well, the government does not. The government believes that transparency is essential to the health of our democratic system, and we believe also that the Australian public has a right to know who is funding political parties.

The second measure in this bill will remove the loophole whereby people can make donations of just less than the threshold to different branches and divisions of a political party and thereby avoid any disclosure obligations. Clearly, this loophole undermines the purpose of having a donation disclosure threshold in the first place. The government wants to remove this loophole from 1 July this year. The government wants to end this rort. The opposition, in stark contrast, supports these rorts continuing and supports them continuing into the never-never.

The third measure in this critically important bill places new reporting requirements on political parties and others who are involved in the political process. Political parties will be required to report after every six-month period rather than within the current 12-month period. The time frame for submitting these reports will also be reduced from 16 weeks to eight weeks, with the AEC publishing these reports as soon as reasonably practicable thereafter. That change will address the scandalous situation that we have today. Just think of this: as I speak today, almost seven months after the last federal election, we still have no idea who gave what to political parties and candidates before and during that campaign. In fact, under the current system, the Australian public would not find out about these donations until February next year, 15 months after last year’s federal election. If the provisions of this bill that is being deferred or blocked or just abandoned by the Liberals had been in place for last year’s campaign, donations to the major political parties would now be public knowledge. I worry that only a party with some-
thing to fear or something to hide would want to block a bill that increases the number of donations that are reported and makes those reports more timely.

The fourth measure in this bill will ban overseas and anonymous donations. The government believes that money from overseas should not be able to purchase influence in Australia’s political system. Foreign donations lie outside the jurisdiction and the investigative powers of the Australian Electoral Commission. We can never be sure who is ultimately behind those donations. In a similar way, allowing political parties and candidates to accept anonymous donations undermines proper regulation of our electoral system. And in the past many political parties have accepted political donations from overseas. Yes, the Labor Party have. So have the Liberal Party. So, I understand, have the Greens and the Democrats. But there seems to be a very important difference here, because the Labor Party want to stop this practice as soon as possible. I certainly hope and believe that the Australian Democrats and the Australian Greens will join us to attempt to prevent overseas donations from 1 July this year. But the question for Dr Nelson and the opposition is: why do they not support banning overseas and anonymous donations right here and right now? This is something that other Western democracies did long ago, and I believe all senators would understand that their electoral systems are much better for it.

The fifth and final measure in the bill that the opposition is blocking ties public electoral funding to campaign expenditure. This will mean that political parties and candidates cannot make a profit from election funding. Most Australians would be appalled to think that anyone could stand for election to make a profit rather than make a difference, but that is what the law allows to occur today and the government is determined to put a stop to this practice. We want this bill passed now so that the Gippsland by-election is the last ever opportunity for anyone to abuse the electoral system, treating it purely as a source for profit. By blocking this bill, Dr Nelson and the Liberals stand united with anyone who wants to keep their snout in the trough of public funding.

The opposition pretends to question why the government has introduced this bill when we are also in the process of developing a green paper which looks more comprehensively at electoral reform. The answer is simple—even Dr Nelson and Senator Ronaldson should understand it if they were not being so deliberately obtuse on this—this bill addresses major shortcomings which have been identified in our electoral laws for a very long time. And, given the fact there is such awareness of these problems, it is incumbent upon any government—and I believe the parliament—to fix them. These problems must be fixed. They must be fixed and they must be fixed now. If the opposition supports accountability and transparency, if it believes in having integrity in our electoral laws, then it must allow this bill to be debated and it must vote for this bill. But, on the other hand, if Dr Nelson and the opposition block this bill then what they are doing is saying that they support secrecy, they support keeping hidden the shadowy attempts to purchase political influence.

If the opposition block this bill then they can only do so because they believe it is okay to rort the system and hide donations, that it is absolutely fine to sell out Australian democracy to the highest bidder, that abusing our electoral system to make money is just fine. That is what the opposition are on about. In short, if the opposition block this bill they will stand condemned for acting in self-interest rather than in the national interest, for sabotaging the chances to address critical and urgent shortcomings in our elec-
toral laws, and for thumbing their noses at decency, integrity and transparency in our electoral system. *(Time expired)*

**Senator RONALDSON** (Victoria) (9.59 am)—I must admit I am disappointed with the performance of my opposite number today in relation to this matter. The first thing I will say is that Senator Faulkner knows full well that we are not blocking this bill. I thought it was unfortunate that he actually got to the stage where he was making this a partisan issue as opposed to a realistic debate on extensive campaign finance reform. And to talk about Dr Nelson’s role in this, regretfully, did not allow him the opportunity to then talk about the failed opportunities of Mr Rudd. I was not going to talk about it today but I will, given the matters that have been raised by Senator Faulkner, the minister responsible.

On 11 March there was one person in this place who had the opportunity to support comprehensive campaign finance reform. That was the Prime Minister of this country—the man who apparently is now interested in this, but only post Wollongong. Only post the sex and bribery scandal has the Australian Labor Party become involved in this debate. A notice of motion put up on 11 March in my name on behalf the coalition talked about comprehensive finance reform. Who supported it? Senator Bob Brown on behalf of the Greens supported that notice of motion; the Democrats supported that notice of motion; Senator Fielding supported that notice of motion. Who was the one person that failed to support a comprehensive motion in relation to campaign finance reform? It was the Prime Minister of this country.

The Prime Minister of this country snubbed his nose at campaign finance reform. The Prime Minister of this country made it quite clear that he wanted a knee-jerk response to the Wollongong sex and bribery scandal that precluded comprehensive finance reform. The opportunity was here for the Australian Labor Party and Prime Minister Rudd to support the Senate, the majority in the Senate—the coalition, the Greens, the Democrats and Family First. They failed to do so. I will not go through the full notice of motion, but it discusses disclosure amongst other things. I find it quite extraordinary what we have heard from the minister in here today—I love it, as someone said last night, when the poacher becomes the gamekeeper, as we have seen with Senator Faulkner. It is not lost on my colleagues and I suspect it is not lost on anyone else.

The Australian community needs to know that the minister himself has a green paper due for release in July and one of the specific matters to be raised is disclosure. On 29 May, the minister said:

Parliamentarians, political parties and any number of people involved in the political process are trying to ensure that they have my ear on this. But my focus has been to work with agencies on the green paper. I accept that a consultative approach is important. I can assure you I will be giving opportunities for the Labor Party, the Liberal Party and other political parties to have an involvement here and express views.

Minister, what you have failed to explain to the Senate today is why you have got this quite specific piece of legislation coming forward now when you have got a green paper that quite specifically refers to disclosure. In fact, you have two green papers in relation to these matters driven again by the non-government parties in this place, driven by those of us who actually want substantial and comprehensive campaign finance reform. You have these two green papers but you come in today and insist on one particular piece being pulled out of it—to cherry pick it—for your own domestic political purposes, so you can be seen to be doing some-
thing in response to the Wollongong sex and bribery scandal. This is not proper process. If you were serious about this, Minister, you would let your own green paper process determine the outcome of this campaign finance reform.

The joint standing committee, as you are well aware, Minister, is looking at this quite comprehensive and substantial reference from the Senate in relation to campaign finance reform. As the Leader of the Greens has said before, we need to have everything on the table. I agree entirely with him. We need to have this on the table. With talk about involvement of community and involvement of political parties, why would this minister pull out one particular aspect of campaign finance reform? It is for cheap political purposes. It is to respond to a position that his state colleague, Premier Iemma, has found himself in, where there have been substantial abuses of the process—appalling abuses of the process. This minister, at the bidding of the Prime Minister, has plucked out one particular part of campaign finance reform and put it on the table to be seen to be doing something.

This is the same minister who has a green paper in relation to the very issues that we have been chastised about today. It beggars belief that the minister can come in here today and invoke some sanction against the Leader of the Opposition when he has only, through the Senate, refused to endorse a reference in relation to campaign finance reform. And they lack the integrity to even divide over it. It was all done under the table over the other side—whisper, whisper. ‘We won’t divide on this, but we are going to put it on the record that we oppose it.’ What a lack of intestinal fortitude that was. It is either good enough to divide on or it is good enough to support. You just want to put it on the record by saying, ‘Look, we oppose it.’ If you were so serious about it, why did you not divide on it? Why did the Chief Government Whip not divide on this as opposed to doing it under his breath? What a complete and utter lack of intestinal fortitude.

Minister, through you, Mr Acting Deputy President, you have green papers in relation to disclosure and other matters. If you are serious about this, why not follow the lead of the Senate—the Greens, the Democrats, Family First and the coalition—and have comprehensive finance reform discussion? Why not let the committee that since 1983 has been addressing these matters do its job? It is chaired by the government. It has representatives from all the major and minor political parties. They are the ones whom we have entrusted with the decision-making process in relation to electoral matters since 1983. Why is it that this government now refuses to endorse the integrity of that committee? The reason it has broken the rules on that is that this is a matter in which it believes it requires something to be done to cover its own back in relation to the appalling activities of certain members of the ALP in New South Wales.

What Senator Faulkner failed to disclose to the Senate today was that three members of his own executive, Mr McCllelland and Mr Griffin in the other place and Senator Conroy, actually supported an increase in disclosure levels to $5,000. Why weren’t we told that today? Why didn’t Mr Rudd, through Senator Faulkner, acknowledge to the Senate that his own party supported an increase in the disclosure levels to $5,000? Why weren’t we told that today? Why wasn’t Mr Rudd prepared to acknowledge, through Senator Faulkner, that his own party had supported an increase in disclosure levels?

Senator Faulkner—What’s he talking about?

Senator RONALDSON—What I am talking about, Minister, is your own party.
Three members of your executive wanted to increase disclosure to $5,000, and you have the gall to come in here today and attack the Leader of the Opposition in relation to disclosure levels. What an utter disgrace!

I am not going to take up the full time available. The opposition is quite clear on this. We put forward a comprehensive notice of motion in relation to campaign finance reform. We invited the rest of the Senate to join us in relation to that. To their very great credit, the Democrats, the Greens and Family First took up the invitation to support those comprehensive terms of reference. The Australian Labor Party refused to do so. In his first test in relation to comprehensive campaign finance reform, the Prime Minister of this country refused to act. He was given the opportunity; he refused to act.

This minister acknowledges that he has two green papers that are to be brought forward in July and September. The first one relates to the very matter that we are discussing today. Why would you bother having a green paper and then bring in legislation? Again, it beggars belief. One would have to look at the motives behind it to see why it would be done. There is only one motive; it starts with W—it is Wollongong. It is this desperate Prime Minister’s attempt to be seen to be doing something.

We categorically reject the allegations made today. We challenge the Labor Party to finally take up the challenge that, with the minor parties, we have put through to have comprehensive reform. We challenge the Australian Labor Party to let the Joint Standing Committee on Electoral Matters do the work it has been doing on a bipartisan basis since 1983. We challenge the Australian Labor Party to stop playing games with campaign finance reform, to join the rest of us in getting something serious done and putting it on the table and to stop bringing into this place piecemeal bits of legislation that it has cherry-picked for its own cheap political purposes.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (10.12 am)—The Australian Greens do not support the prospect of an obstructionist Senate. However, we have always believed that the Senate has a crucial role in the Australian bicameral parliament as a house of review. In essence, the debate this morning is about that role. In the coming years we are going to do everything we can from the crossbench to review initiatives in the Senate—those from the government in particular because it is the elected government of the country but also those that arise from the coalition or the cross-benchers—and to improve those initiatives in the interests of the Australian people.

We will also be an innovative component of this Senate. We have a large list of legislative initiatives on the board and there will be more from the Greens. We do not see ourselves as being simply arbiters between the government and the coalition except in the role of getting better outcomes on behalf of the nation. We see the Greens’ role also as being innovators where the big parties fail to take initiatives which can benefit Australians as a whole. Of course, that means in the fields of social justice, the environment, the enhancement of democracy, which we have just heard some of the debate about, and achieving a more peaceful world, particularly on an increasingly dangerous planet threatened with overpopulation, environmental degradation and the spread of and increased expenditure on extraordinary armaments.

We have a proposal from the opposition—which has the majority in the Senate and which can, no matter which way we vote on this matter, presumably prevail through the use of those numbers in the coming two
weeks—that eight measures being proposed by the government be sent to committee and effectively delayed some months, until at least the resumption of Senate sittings at the end of August, with the new Senate and the return of the balance of power to the cross-bench.

In the matter of the electoral reform that Senator Faulkner and Senator Ronaldson have been debating, there is a proposed delay of at least one year before it comes back to the Senate. The Greens will not be supporting a delay on this matter, which was extensively canvassed in the parliament by current senators in 2006, when the Howard government brought its reforms into play and the Greens opposed them. Labor’s move to restore the previous situation is one that we support. Innovation in the area of electoral reform, which is badly needed, is something that we will back. So we will not be supporting the initiative from the opposition in that regard.

I can say, however, that we will support the sixth matter, which is that the National Fuelwatch (Empowering Consumers) Bill 2008 and the National Fuelwatch (Empowering Consumers) (Consequential Amendments) Bill 2008 be referred to the Senate Standing Committee on Economics for report by September this year. We Greens have been very strong in advocating publicly much greater action by the government—after 11 years of failure by the Howard government—to deal with the matter of transport in Australia and getting a better prospect of future ability for Australians to move to and from work and across the country in an age of increasing oil costs and threatening climate change. Our emphasis has been for there to be much greater investment in fast, efficient, cheap public transport.

The government’s budget fails on that score. As you know, Mr Acting Deputy President, 75 per cent of the transport budget goes into greater expenditure on roads—tollways in particular—and a lot of the 25 per cent that goes into rail and other forms of transport will simply go to the coal industry to help it export more coal to be burnt elsewhere around the world to magnify the problem of climate change. We believe that problem should be tackled in part in this country by a reorientation of our transport systems to concentrate not on getting coal to export facilities but on getting people to work on time cheaply and efficiently, no matter where they might live in this country. People need to be able to travel with a world-standard public transport system—a big difference from the situation now. The country lags right at the back of the field at the moment.

So we will be supporting a look at the competing arguments, which have raged in the public arena, about the proposal for Fuelwatch. Let the Senate get the competing points of view and the factual information, particularly that deriving from Western Australia, and report back here by September so that we can have some resolution of this initiative which the government says is going to reduce fuel prices. The opposition ostensibly says—and I hope I am not misrepresenting the opposition; someone can correct me if I am—that Fuelwatch will actually increase fuel prices. We do not have a resolution of that. Let the Senate have an inquiry to determine that particular matter. That is part and parcel of the committee system—to look at just such matters as that, gain the information from the public and report back to the Senate so that we can much more wisely vote on the matter.

My colleague Senator Nettle will speak shortly on the first matter, which is to do with the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008. The opposition, while in government, did nothing on this
enormous injustice in federal law for 11 years. It seems a matter of concern to us that, through this process, the opposition wants to delay government action which is imminent now.

There are some tax bills listed here that fix anomalies or otherwise improve delivery of fairness in taxation. There is the National Health Amendment (Pharmaceutical and Other Benefits—Cost Recovery) Bill 2008. The Greens believe that cost recovery is a reasonable thing. The government is looking at recovering $9 million to $14 million from the pharmaceutical corporations that use the services involved here. This is a system that delivers $6 billion in benefits to Australians, who have arguably the best pharmaceutical system in the world. It is envied by many other countries. Cost recovery from the big corporations for the work that the Pharmaceutical Benefits Advisory Committee does in assessing drugs being brought into that system and therefore subsidised by the government is not only reasonable; it is long overdue.

The Greens support the Tax Laws Amendment (Luxury Car Tax) Bill 2008. We have looked at it and we have assessed it. It will come down to a political decision rather than one made on the basis of facts to be derived from any Senate inquiry. I am sure the opposition has really made up its mind on that matter, and so have the Greens.

I will just go to the last matter again, which is the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008. To put it simply, the Howard government amendments in 2006 turned a political donation system which we think was unsatisfactory into one which was much worse in terms of accountability and transparency for Australian voters. This bill goes back at least to that 2006 situation. We support the measures and believe they should happen now and not wait for another year for the review of the committee looking into the 2007 election. Mind you, that committee has a lot on its plate and we will be expecting great things from it. We support the government’s move here and we think the opposition should support it as well. The matter, as I said earlier, was debated extensively in 2006. This is an obstruction by the opposition, using its numbers before the turnover of the Senate. It is something that may be rectified in the new Senate. That will come down to the crossbench, I presume, and some new initiative from the government after we resume in August.

I finish by saying again: the Greens intend to consider matters brought before this Senate rigorously, with great responsibility and with recognition that we are not just a debating chamber taking political points of view; we owe it to the Australian people to get outcomes. What we see here today is a move by the opposition, which still has the majority numbers, to prevent outcomes which are reasonable in the main. We will support the opposition in the Fuelwatch reference to committee, but in regard to the other seven matters we will oppose the initiatives from the opposition.

The ACTING DEPUTY PRESIDENT (Senator Marshall)—Senator Brown, just to clarify with you, at the moment the intention of the Senate is to deal with all the matters together. If you need to request that the matters all be dealt with separately, or simply that one matter be dealt with separately, you should do that now.

Senator BOB BROWN—I am sorry. I was under the impression that we would be dealing with them separately. In that case, I ask that No. 6, the Fuelwatch matter, be dealt with separately.

Senator MURRAY (Western Australia) (10.24 am)—I will not detain the Senate for
long because our whip will have principal carriage of these matters. I want to make remarks with respect to three main issues that concern me in this debate. The first is relevant to my own portfolios of tax and accountability, and that is the presence of tax bills in this reference. As you know, the Democrats are very strong supporters of the committee system and believe that it is a great aid to intelligent legislating in this chamber. We do support matters being referred to committees, but what we have with these tax bills is an indication of an ongoing problem that has been there in previous years. I would particularly urge the Manager of Government Business and also the Manager of Opposition Business to think about this issue. We have the budget and then, from the Senate perspective, we have the Senate estimates. The tax bills are considered in the House in their two-week sitting period when it is Senate estimates and then they arrive in the Senate to be considered in the final two weeks of June sittings. Often they need to go to committee, they are complex, they are technical, they raise issues of policy and there are often big financial consequences to them. The two-week June sitting period is insufficient to examine those bills through committee. The consequence is that they get referred out to August. But often they are time sensitive—namely, they relate to a financial year and so on. It is because the budget is jammed up against the sitting period which is just prior to the end of the financial year.

Somehow that process needs to be worked out whereby the Senate can get an instant reference when those bills hit the House in those two weeks when we are in estimates, so they have got time to go to committee and so on. I have no objection at all to the coalition referring these tax bills away—although, like my whip, I find their wording odd when they say ‘report not before’ a particular date, which seems to be awfully bad English. Another one says ‘report not before’. It seems unusual to me. Committees should be able to decide when they report, providing it is by a certain date. Leaving that aside, there is the issue whereby tax bills which arise from the budget should be able to go to committee and be considered in time for this period. I urge the Manager of Government Business to convey to the Senate and perhaps the Senate Procedure Committee some mechanism whereby the Senate could have a reference immediately they hit the House in the two weeks sitting after the budget. That is the first issue I wanted to raise.

The second issue I raise refers to item 1 of this notice of motion, concerning the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008. Firstly, there is no reporting date for that reference, and also the reporting date for the reference at No. 8 is so far out as to be ludicrous. What we see here is procedural filibuster. This is filibuster by committee; it is putting off to the never-never something you do not want to happen. I think it is outrageous. I do not complain overly much about matters being referred to committee if people feel strongly about it, but to have a nonsensical reporting date which is not relevant to the issue at hand simply because you do not like, or want to deal with, the issues concerned is, I think, a blight on the opposition. I do hope they have the sense to come back to this chamber with a date for reporting on item 1 and to bring forward the date for reporting on item 8.

I feel so strongly about this that I would urge the government to bring back the Senate in July for the specific purpose of changing the dates of reporting. Let us put it to the Senate when the coalition no longer controls it. I do know that the previous government brought back the entire parliament once to change ‘a’ to ‘the’, which was profoundly
unnecessary. But in this case I would urge, in the interests of great equity and great urgency, the government to consider the Senate being brought back to change those dates. This is an outrageous abuse of the Senate process and is a filibuster by committee.

The other thing that I want to say with respect to the same-sex bill is that, again, I have no objection to the larger issues being discussed, but there are time sensitive matters concerned with that bill and it should have been dealt with by the end of June. I want to associate myself strongly with the contribution made by the Democrats Whip, Senator Bartlett, yesterday on this matter. I thought that his remarks were entirely appropriate and accurate. It has been my view for a long time that, although there are some wonderful advocates for equality, equity and fairness within the coalition, those with homophobic tendencies still carry the day and are fighting a rearguard action in these matters. I would urge the coalition to start to deal with this matter, which does arouse, it seems, great antagonism within their ranks, on a conscience basis. Let us get it out of the road on a party basis; let it be dealt with on a conscience basis. I am absolutely certain that on that basis Liberal, Labor and the minor parties will join together to pass these sorts of bills. They are long overdue, and the rearguard action being fought by those with these prejudices needs to be defeated and put aside. I feel very strongly about a matter of continuing injustice in that area.

The third item I want to deal with is the political donations area. I want to associate myself with the remarks made by the Special Minister of State, who is here in the Senate. I want to commend him for his courage and his advocacy in being able to persuade his party to take some quite adventurous and quite courageous steps towards greater accountability in the political donations area. I have no objection whatsoever to the reference, which I support, to the Joint Standing Committee on Electoral Matters for the whole matter to be looked at more broadly and widely. That is not at issue. What is at issue is this particular bill, which deals with matters that have been extensively discussed previously by the Joint Standing Committee on Electoral Matters and in this chamber—and have been reviewed.

Members of the Senate might not all be aware that I have sat as a member of the Joint Standing Committee on Electoral Matters since 1996, so I know what it is about. Members of the Senate might also not recall that I moved, eventually with the support of Labor, a reference for a wholesale review of political donations to the Joint Standing Committee on Electoral Matters. Members of the Senate might not recall that the committee was so slow that it was held over—it was indeed another filibuster by committee, I might say—from one parliament to another and eventually reported. But the fact is, there was a major report on the entire area of political donations by the Joint Standing Committee on Electoral Matters in recent years. There is no senator in this chamber who knows more about how hard it is to get reform in this area than I—

Senator Faulkner—I might pick a bone with that one, Senator.

Senator MURRAY—although I do acknowledge and recognise that I have had warriors on my side, such as Senator Faulkner, and I am pleased to see Senator Ronaldson joining in. Hopefully he means what he says and actually does support wholesale reform. But that is with regard to the entire architecture. What we are dealing with here are the specific pillars that will support the political donations structure whilst that broader review goes on—the broader review through COAG and the broader review through JSCEM. I think that the way in
which this reference has been framed is deceitful, because it attempts to conceal the real motive, which is to delay reform that, if enacted, would clean up and improve our political donations regime.

So I want to indicate that I and the Democrats are strongly opposed to referring this bill, at No. 8 on the Notice Paper—the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008—to JSCEM until 30 June 2009. We would support a short reference within the Senate if that was necessary. We would even support, although we would regret, a reference through to August. But a reference through to June 2009 is just a disgraceful and deceitful reference, in my view, which conceals the real motive—and that motive is that this reform is absolutely, fundamentally, thoroughly and completely resisted by the coalition. It would be far better to put the bill to the vote and have it debated on the floor. That would be far more honest than this process of reference.

I hope, with those remarks, that you will gather that I feel there is a long-term issue with the way in which tax bills are presented at the end of year which needs, I think, to be addressed through Senate procedures. I hope, Minister, that you are taking that on board and will carry it through to the Senate Standing Committee on Procedure. It is an issue. We have the budget and then we have just these two weeks to deal with the tax bills. We do need more time to refer. Secondly, I do hope that these same-sex superannuation reforms are dealt with far more expeditiously, and thirdly I wish strength to the arm of the minister in getting his political donations reforms through.

Senator Faulkner—I have already spoken in the debate. My point of order is to request, if I could, that under standing order 84(3) the eight questions that are before the chair be put separately. Senator Brown has already raised this in relation to at least one of the matters. I request, in relation to order of the day No. 2—these matters that have been adjourned from yesterday on eight separate questions—on behalf of the government, that they be put under standing order 84(3) and that those complicated questions be divided and put separately.

Senator Ellison—On the point of order: the Manager of Government Business and I had discussions about this yesterday, and I agree with that course of action.

The ACTING DEPUTY PRESIDENT (Senator Bartlett)—My understanding is that under standing orders any senator can request that questions be put separately, and that shall be done.

Senator NETTLE (New South Wales) (10.38 am)—I want to speak on the reference of Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008 to the never-never, which is the opposition’s proposal in relation to this matter. I will start by reading out a letter, which I received some time ago in relation to proposals by the ACT to introduce civil unions legislation. I will read the letter from this individual and then discuss the impact that this legislation would have on him. He wrote to me two years ago and said:

I am a 58-year-old gay man who has been living in Canberra with my partner (of a similar age) for the past 14 years. We are both ex-serviceman. His was a long career in the army, mine a short one as a National Serviceman from 1969 to 1971. We have both worked extensively in the Australian Public Service; in my case, in Social Security, Health and Veterans Affairs portfolios for many years.

Each of us has at various times held Top Secret security clearances either in the military or in sensitive public service portfolios.
Both of us have lived the majority of our lives in situations where our relationship was considered to be criminal in one state or another.

Throughout my partner’s military career he kept his sexuality utterly secret, since the alternative (till the early 1990s) would have been summary discharge from the Services. I was more fortunate in that the public service reformed its attitude a little earlier.

Governments were happy to accept our contribution to the national good, but for many years they did so on the condition that we lied about our personal lives and pretended to be something we were not. As for entitlements, we were expected to be grateful for not being arrested.

Those days of hypocrisy and persecution are largely past. But whilst all Australian states and territories have now decriminalised same-sex relationships, we are not accorded recognition by social security, superannuation, health and taxation systems controlled by the federal government. Though we pay for our share, we don’t receive our share. And our schools are still reluctant to teach kids that gay sexuality is ok, and many teachers turn a blind eye to victimisation and bashing.

I have once experienced being the target of gay-hate violence. Half a dozen thugs with baseball bats attacked me just a few years ago here in Canberra. If I weren’t both lucky and prepared to stand up for myself, I would have died that night. Some of my friends have been less fortunate.

The continued existence of this sort of anti-gay violence is due in great measure to those who seek to impose on the entire community their narrow view of what is ‘moral’, and who seek to use gays as scapegoats to blame for society’s ills. I recall all too well the attempt by some religious groups in the 1980s to blame gay men for HIV/AIDS and to cynically use HIV as a weapon to try to drive society back into the sectarianism and hypocrisy that characterised the 1950s.

Certain religious groups still have no hesitation in promoting the most appalling and dishonest anti-gay propaganda in the name of ‘family values’. But as I recall, the Nazis also claimed to be committed to family values, and were equally intolerant of freedom of choice. Tens of thousands of homosexual men were interned by the Nazis, and many of them perished in concentration camps. It was not the first time we have been used as scapegoats by political and religious fanatics, nor was it the last time.

I consider myself to be a highly moral and principled person, a quality I attribute to the nurture of my late parents. My family have always been absolutely supportive of me and my partner, and my siblings often travel to stay with us at Christmas or new year.

I have made (and am continuing to make) a significant contribution to the society in which I live. Those with whom I have worked have always respected my contribution and have had no difficulty with the fact that have I am an openly gay man. Likewise, those with whom I am involved in amateur sport at ACT and national levels respect me for my contribution and my honesty, not because I am or I am not gay.

I am proud to be an Australian, and thankful that over the past 30-40 years our country has gradually become a fairly tolerant and welcoming place for most people.

But every step of the way over the past thirty-four years attempts to remove the punitive and discriminatory laws that made me and my partner second-class citizens have been met by ideological bigots claiming that to remove such discrimination would somehow damage the rights of those who suffered no such ill-treatment. What poppycock.

I’m truly sick of the whingeing and whining that comes from the religious conservatives every time someone obstructs a little of their pathological crusade against gay men.

The proposed ACT legislation does not equate civil unions with marriage. To complain, as the Attorney-General has done, that it implies ‘equality’ shows just how much influence religious bigots have over a supposedly secular federal government.

Living in Canberra I am also sick of the disadvantage every ACT resident endures. Namely, having substantially less representation in federal parliament than Tasmania which has hardly more population than we do, and having our legislation and
planning decisions threatened or overturned by federal government bully-boys.

Whether on this issue or any other, it is intolerable that Australian citizens in the two territories do not have true self-determination in the manner that people in the states do. Those of you who come from states might care to think how you would feel if the federal government could over-ride your state’s laws.

As I said, this letter relates to the ACT legislation, but he continues:

My partner and I still have our military service medals. Sometimes I wonder if we should send them back, since our contribution to the military service of this country is apparently not considered sufficiently worthy to accord us the entitlements that most people take for granted.

He continues on the ACT legislation in particular and goes on:

It’s high time the federal parliament stopped avoiding the issue of its discriminatory laws. We are all citizens and there should not be one law for my brother and a different law for me.

He says:

I am happy to take unpaid leave from my job to come and see any MPs or Senators at Parliament House, so that they can meet in person one of the many people who has had to fight tooth-and-nail all his life to get some measure of fairness from governments. Someone who for most of his life was arbitrarily classified as a criminal, denied the protection of the law, and refused the entitlements that my siblings are given automatically.

He concludes the letter by saying:

I sincerely wish you and your family the same peace and security that I seek to have accorded to myself and my partner.

I wanted to read that letter out because that is just one of many individuals who have a right to their entitlements—entitlements that other people in heterosexual relationships have. These are people who are public servants in this country would have that discrimination removed if this piece of legislation is able to pass in our parliament. I recall when this legislation was first proposed that the opposition said that they would be supporting it. Yet now we are in a situation where they are proposing to refer it to a committee with no reporting date. I want to know what opposition members are going to say to people such as this gentleman about whether or not they deserve their entitlements.

The issue to do with interdependent relationships is an issue that has been talked about many times in this chamber. Some change has been made and there is more change that needs to be made. But simply because one group of people—people in interdependent relationships—are being denied entitlements does not mean that we should deny other groups of people their entitlements as well. People in same-sex relationships have had their entitlements denied to them forever. That discrimination has not been removed.

There has been discussion and public debate about the removal of this discrimination for decades. Discussion about removing this discrimination has probably been going on for the whole of my life and longer. So for the opposition to say, ‘We need a bit more time to think about this,’ is just extraordinary. I am 34 years old and I reckon for the whole of my life there has been discussion on this issue about removing these entitlements. I do not really think that sending it off to a committee is going to change the nature of that discussion or indeed parties’ views in relation to that discussion. In fact, we heard the Leader of the Opposition say that the opposition would be supporting these reforms. So why does the legislation need to be sent off to a committee which has absolutely no reporting date? The opposition are saying that they want this matter dealt with and that the committee should not conclude until all issues relating to same-sex entitlements have been dealt with.
One of the issues that I have talked about a lot in this chamber in relation to same-sex entitlements is that of recognising same-sex marriage. I like to be optimistic, generally, about the removal of discrimination, but I am not holding my breath waiting for both of the two major parties in this country to accept that same-sex couples have the right to be recognised under the law that people in other relationships do. Are the opposition really saying that they want all reforms that relate to same-sex couples sent off to a committee until everything that relates to same-sex couples has been dealt with? Does that mean this has to wait until both the major parties decide that they want to support same-sex marriage—as I believe they inevitably will, as we see more and more countries doing that around the world.

This reference is quite extraordinary, saying, ‘We want this matter dealt with in a committee until all these matters have been resolved.’ There are many matters that relate to same-sex discrimination. HREOC identified many and the government have identified more; there are others that were dealt with by HREOC and there are others, such as the issue of marriage, which the government are not proposing at this point in time to make a change to as well. So it is just extraordinary to be proposing that the legislation be sent to a committee, where it will stay until all these matters are dealt with. It is just not acceptable to treat same-sex couples, or indeed the parliament, in this way.

The government—for all their many failings that I might point out on another occasion, and indeed have—indicated prior to the election that this was an issue on which they were going to move, that they were going to remove the discrimination that was identified by HREOC. We heard the Leader of the Opposition say, when the government introduced the legislation, that the opposition would be supporting it. Why can’t these people—like the gentleman who wrote the letter I just read out—have their entitlements? Why should their entitlements be sent off to the never-never land where maybe, down the track—if finally both the major parties get with the program and recognise same-sex marriage—they can deal with it? It is just not an acceptable way to operate.

Senator Bartlett moved yesterday to put in a reporting date that relates to the same-sex superannuation legislation. That reporting date is Tuesday next week, which would allow this legislation to be dealt with. I join him in supporting this particular proposal, and the Australian Greens will be dividing and voting to ensure that the same-sex superannuation legislation has a short committee, reporting on Tuesday of next week, so the legislation can be dealt with and so that it can be in place by 1 July, which is the government’s intention in relation to this legislation. If it is not supported, we will not support this indefinite reference for all same-sex matters.

The need to remove this discrimination is an issue that many of us in the parliament have given many speeches on, and very little action at all has occurred. That was because of the failure of the Howard government, the now opposition, to move in this arena. The one instance that Senator Bartlett pointed to last night in relation to same-sex superannuation, which did include interdependence, is probably the only example we can point to where we saw some action from the Howard government on this issue. Finally, after all this time, we now have an opportunity to remove some of that discrimination, and the opposition are proposing to send it off into the never-never. Well, that is not acceptable. The Greens will never support that, because the Greens do not support discrimination.

For us, this is a matter of principle. We do not think people should be discriminated
against on the basis of their sexuality. We do not think that certain public servants and certain members of the military should not be able to access the entitlements that their colleagues can simply because of their sexuality. That principle, for the Australian Greens, applies right across the board. That is why it includes marriage. We take the principal position of not supporting discrimination. It is one of the really fundamental elements on which civilised Western democracies all around the world are based—not supporting discrimination. We in Australia are a long way off being able to hold our heads high on this matter, because we still have so many areas of federal law where people are discriminated against on the basis of their sexuality.

Here is an opportunity being presented to us. We finally have a government that in one small arena is saying, ‘Let’s just remove this little bit of discrimination,’ and the Greens say: ‘Yes; thank goodness! About time!’ It is not like it is not something that we have been debating for, as I say, my entire life. It is not something that needs to be sent off to a committee so that the details can be pored over. I understand Senator Bartlett outlined in the chamber yesterday all of the inquiries into these matters in the past. It is a matter that needs to be dealt with. That is why a short inquiry that enables us to look specifically at this bill and to pass the legislation before the end of this financial year, so that it can come into effect by 1 July, is appropriate. The Greens are joining Senator Bartlett in moving an amendment to bring in a reporting date so that on Tuesday next week we have a report about superannuation for same-sex couples.

There are issues that relate to that legislation that we would like to deal with. One issue that I would like to see dealt with in a short Senate committee is that this legislation does not require the discrimination to be removed in private superannuation firms; it deals specifically with Commonwealth public servants. It deals with judges, veterans and Commonwealth public servants but it does not deal with other same-sex couples throughout our community who have their superannuation in private superannuation firms. It allows private superannuation firms to, if they choose to, remove the discrimination but it does not actually require them to.

Certainly the impression that the gay and lesbian community has been left with as a result of the advocacy by the former opposition, now government, the Labor Party, is that they were intending to remove the discrimination that same-sex couples face in the community in their entitlements—in things like superannuation. So it is disappointing for the Australian Greens to see that this government legislation does not in fact require private superannuation firms to stop discriminating against same-sex couples. It allows them to, if they choose to, remove that discrimination but it does not require them to do so. So, even if this legislation were to pass, we would still see same-sex couples who had their superannuation in private superannuation firms facing discrimination.

So there are genuine matters to do with this legislation that the Greens would like to see an inquiry into. I would like to understand how many same-sex couples with superannuation in private superannuation firms would continue to be discriminated against in relation to their entitlements were this legislation to pass. There are matters that we think are important to be discussed in a committee context. They are matters that we think can be dealt with within the timetable that the government has outlined. That is why we do support sending this to an inquiry—as that we can look at some of those matters and can also raise, as we have many times before, the issue in relation to interde-
pendent couples. But we do not support sending this legislation off into the never-never, which is what is being proposed by the opposition.

We will be joining Senator Bartlett in moving the amendment to say: let’s have a report back next Tuesday; let’s have a short period of time for an inquiry to look at some of these matters. Yes, they are really important matters. I would like to see more discussion on the issue of why people in same-sex relationships cannot have discrimination removed by private superannuation firms but I am prepared to have a shorter inquiry so that we can see this change come into place. That is what we are going to be supporting. But we will never support a proposal which is about continuing discrimination, and that is what the opposition is proposing. We need to remove discrimination not just in relation to Commonwealth public servants and their superannuation but in all areas of federal law where same-sex couples are discriminated against. Get with the program, guys! Countries all around the world have been removing this discrimination. Countries around the world are recognising that, particularly in relation to areas like marriage, we need to remove discrimination. As I said before, I am an optimist; I think we will remove that discrimination in Australia. But I am not going to wait to remove all of the other areas of discrimination until both the major parties get on board with removing discrimination in relation to marriage, and that to me is what the opposition is proposing to do. It is just extraordinary. We cannot support it.

The Greens, as I said before, do not support discrimination. We want that removed. This bill is an opportunity for us to remove just one small arena where discrimination exists—in relation to superannuation and death benefits for Commonwealth public servants. We are going to seize this opportunity with both hands. We want to support this. We do not want to be told by the opposition that, perhaps because of the internal homophobia that they are dealing with within their party, they want to send it off to the never-never. That is no good. We have had 12 years of your homophobia holding back this removal of discrimination. Now is the time we need to remove that discrimination. The Greens want to be a part of that. The Greens will be a part of that. We will be supporting the removal of discrimination in all areas of federal law, including in marriage, and we do not want the opposition trying in a last-ditch effort to send off this discrimination, to say discrimination and homophobia can continue to be a priority for the opposition. That is not acceptable. The public have voted against that, and we need to see this discrimination removed. (Time expired)

Senator ELLISON (Western Australia) (10.58 am)—At the outset I totally reject the comments of Senator Nettle on the reference of the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008 to the Committee on Legal and Constitutional Affairs. We are not attempting to send any of this into the never-never not to be dealt with. This reference clearly puts the pressure on the government to bring forward those related bills that it said it would which relate to the Human Rights and Equal Opportunity Commission report. As we know, if you deal with legislation which is closely related to other legislation on its own without consideration of other provisions in other pieces of legislation, you can well end up with unintended consequences.

Senator Nettle said the Greens are vitally concerned with antidiscrimination—as is the coalition. But we want to get it right; that is the difference. We do not want to rush it through in two weeks. We do not want to have a one-day, Friday, committee, as is sug-
gested by the Democrats amendment. We want to make sure that we get an opportunity to consider the other bills which will be closely related to this bill. In an endeavour to make it abundantly clear to those who have misunderstood this, I can foreshadow an amendment by the coalition that the committee have a reporting date of 30 September or after consideration of these other related bills, whichever is the sooner. That makes it absolutely clear that we are not in the business of sending this into the never-never; nor were we. What we are saying is that the committee can report by 30 September or after having received these other related bills, whichever is the sooner.

What that does is put the pressure right back on the government, which has been espousing its antidiscrimination stance, and it says, ‘Okay, you go to work, as you say you are hard workers and it is all 24/7, and let’s see some bills come back when we come back to the Senate at the end of August. Let’s see these related bills so that the Senate Standing Committee on Legal and Constitutional Affairs can consider those bills with the same-sex relationship bill and ensure that we get it right.’ We in the coalition are not about rhetoric; we are about achieving an outcome which is equitable, appropriate and also one that works. If we take this in a piecemeal fashion, we will have unintended consequences. Senator Nettle cited the example of a person who was complaining about discrimination by social security in relation to same-sex couples. That is precisely one of the issues we will be looking at. We will be looking not only at superannuation but also at the impacts on taxation, social security and other areas of Commonwealth legislation. So I can foreshadow that the coalition will be moving that amendment to make it absolutely clear that we want the time to consider this legislation carefully with other related legislation and that there is a finite term to that consideration. We had always intended that. But we the coalition are not the government. It is the government that has to bring forward those other bills, and now the pressure is on the government to do that.

I turn to some other comments made by the government in what was a desperate attempt to try to deny that this is anything but an appropriate course of Senate scrutiny. Senate Evans referred to ‘economic vandalism’ by the coalition. I stress again that many of these measures were not even mentioned in the election policies of the government. Some of them are not even budget measures. The Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008 is not a budget bill, nor is the electoral reform bill in the first instance. There are other measures which require close scrutiny.

In relation to the luxury car tax, I remind the Senate that during estimates hearings it became apparent that the department concerned had not even been asked to do any modelling. It was the same with condensate—a $2.5 billion measure but no modelling was asked for. In relation to the Fuelwatch initiative, no less than four departments advised the government against that course of action. So this government brings forward these measures, for which in some cases no modelling has been sought and for which you have overnight drafting of a bill which departments briefed against, and this government then says that for the Senate to ask for scrutiny of the bills is obstructionist and economic vandalism.

It is the government that is guilty of a total disregard of proper process in putting together what is complex legislation, particularly in relation to the finances of this country. That is where the blame lies. It is with the government because of its negligence in
putting together these packages without any
aforethought, without any consultation and,
in one case, in complete defiance of the ad-
vise of no less than four departments. If you
are talking about economic vandalism, you
have only to look to this budget. What you
have is net increased expenditure of around
$15 billion and an increase in taxes of $20
billion in round terms. If that is not economic
vandalism when the government says we are
experiencing inflation, then I do not know
what is.

All we are asking with these references is
that the Senate committees charged with
these references have appropriate time to
carry out the scrutiny of those respective
bills and that the stakeholders who have such
a vital interest be given an opportunity to
make submissions to those committees. We
also have the completely rigged figures from
the government in relation to how much all
this will cost. It started out at a loss of
around $300 million. Now it is down to $220
million. I demonstrated yesterday that, after
the briefing by Treasury, it is abundantly
clear that an amendment to the excise bill
dealing with condensate could easily take
care of the related back excise that is dealt
with on a monthly basis. You could extend
that to two months or three months on a one-
off basis if you wanted to. That would take
away the $180 million that the government is
talking about. Just one small amendment
would take away that potential loss to reve-

This is a chance for the Senate to demon-
strate that it is a house of review, that it does
take these things seriously and that simply
referring these bills to Senate committees in
a two-week turnaround period is not suffi-
cient. As I said earlier, we have agreed to
those essential bills which are much needed
and which involve a large amount of money.
We have agreed to them being dealt with in
this fortnight, with a one-day Senate hearing.
That is appropriate for those bills; for these
bills, it is not. The opposition’s amendment
in relation to the same-sex bills is one which
will provide certainty—if there are any who
had that doubt—and which will put it beyond
doubt that we want this dealt with, but we
want it dealt with in consideration of those
other bills which the government has prom-
ised will be forthcoming. I commend these
motions to the Senate. As indicated earlier,
we will take a vote on them separately. We
also foreshadow the amendment which the coalition whip will be moving with respect to motion No. 1.

The PRESIDENT—The question now is that the amendment moved by Senators Bartlett and Nettle be agreed to.

The Senate divided. [11.13 am]

(The President—Senator the Hon. Alan Ferguson)

Ayes…………… 30
Noes……………. 35
Majority………. 5

AYES

Allison, L.F. Bartlett, A.J.J.
Bishop, T.M. Brown, B.J.
Brown, C.L. Campbell, G.
Collins, J. Crossin, P.M.
Evans, C.V. Forshaw, M.G.
Hogg, J.J. Hurley, A.
Kirk, L. Lundy, K.A.
Marshall, G. McEwen, A.
McLucas, J.E. Milne, C.
Moore, C. Murray, A.J.M.
Nettle, K. O’Brien, K.W.K.
Polley, H. Sherry, N.J.
Siewert, R. Stephens, U.
Sterle, G. Stott Despoja, N.
Webber, R. * Wortley, D.

NOES

Abetz, E. Adams, J.
Barnett, G. Bernardi, C.
Birmingham, S. Boswell, R.L.D.
Boyce, S. Brandis, G.H.
Bushby, D.C. Chapman, H.G.P.
Colbeck, R. Coonan, H.L.
Cormann, M.H.P. Eggleston, A.
Ellison, C.M. Ferguson, A.B.
Fielding, S. Fierravanti-Wells, C.
Fifield, M.P. Fisher, M.J.
Johnston, D. Kemp, C.R.
Macdonald, I. Macdonald, J.A.L.
Mason, B.J. McGauran, J.J.J.
Minchin, N.H. Parry, S. *
Patterson, K.C. Payne, M.A.
Ronaldson, M. Scullion, N.G.
Troeth, J.M. Trood, R.B.
Watson, J.O.W.

PAIRS

Carr, K.J. Nash, F.
Conroy, S.M. Joyce, B.
Faulkner, J.P. Lightfoot, P.R.
Ludwig, J.W. Humphries, G.
Wong, P. Heffernan, W.

* denotes teller

Question negatived.

Senator PARRY (Tasmania) (11.15 am)—by leave—I move as an amendment to motion No. 1:

(2) That the committee is to report on 30 September 2008 or after the consideration of any related bills mentioned in paragraph (1)(b), whichever is the sooner.

Question agreed to.

The PRESIDENT—The question now is that motion No. 1, as amended, be agreed to.

The Senate divided. [11.17 am]

(The President—Senator the Hon. Alan Ferguson)

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

AYES

Abetz, E. Adams, J.
Barnett, G. Bernardi, C.
Birmingham, S. Boswell, R.L.D.
Boyce, S. Brandis, G.H.
Bushby, D.C. Chapman, H.G.P.
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Minchin, N.H. Parry, S. *
Patterson, K.C. Payne, M.A.
Ronaldson, M. Scullion, N.G.
Troeth, J.M. Trood, R.B.
Watson, J.O.W.
The question before the chamber now is that proposed reference No. 3 of the National Health Amendment (Pharmaceutical and Other Benefits—Cost Recovery) Bill 2008 be agreed to.

The Senate divided. [11.21 am]

(The President—Senator the Hon. Alan Ferguson)

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

AYES

Abetz, E. Adams, J.
Barnett, G. Bernardi, C.
Birmingham, S. Boswell, R.L.D.
Boyce, S. Brandis, G.H.
Bushby, D.C. Chapman, H.G.P.
Colbeck, R. Coonan, H.L.
Cormann, M.H.P. Eggleston, A.
Ellison, C.M. Ferguson, A.B.
Fielding, S. Fierravanti-Wells, C.

The question agreed to.

The PRESIDENT—The question before the chamber now is that proposed reference No. 2, relating to the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008, be agreed to.

The Senate divided. [11.21 am]

(The President—Senator the Hon. Alan Ferguson)

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

AYES

Fifield, M.P. Fisher, M.J.
Johnston, D. Kemp, C.R.
Macdonald, I. MacGauran, J.J.
Mason, B.J. Parry, S. *
Minchin, N.H. Payne, M.A.
Patterson, K.C. Scullion, N.G.
Ronaldson, M. Troeth, J.M.
Watson, J.O.W. Wortley, D.

The question agreed to.

The PRESIDENT—The question before the chamber now is that proposed reference No. 2, relating to the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008, be agreed to.

The Senate divided. [11.21 am]

(The President—Senator the Hon. Alan Ferguson)

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

AYES

Fifield, M.P. Fisher, M.J.
Johnston, D. Kemp, C.R.
Macdonald, I. MacGauran, J.J.
Mason, B.J. Parry, S. *
Minchin, N.H. Payne, M.A.
Patterson, K.C. Scullion, N.G.
Ronaldson, M. Troeth, J.M.
Watson, J.O.W. Wortley, D.

The question agreed to.

The PRESIDENT—The question before the chamber now is that proposed reference No. 2, relating to the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008, be agreed to.

The Senate divided. [11.21 am]

(The President—Senator the Hon. Alan Ferguson)

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

AYES

Fifield, M.P. Fisher, M.J.
Johnston, D. Kemp, C.R.
Macdonald, I. MacGauran, J.J.
Mason, B.J. Parry, S. *
Minchin, N.H. Payne, M.A.
Patterson, K.C. Scullion, N.G.
Ronaldson, M. Troeth, J.M.
Watson, J.O.W. Wortley, D.

The question agreed to.

The PRESIDENT—The question before the chamber now is that proposed reference No. 2, relating to the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008, be agreed to.

The Senate divided. [11.21 am]

(The President—Senator the Hon. Alan Ferguson)

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

AYES

Fifield, M.P. Fisher, M.J.
Johnston, D. Kemp, C.R.
Macdonald, I. MacGauran, J.J.
Mason, B.J. Parry, S. *
Minchin, N.H. Payne, M.A.
Patterson, K.C. Scullion, N.G.
Ronaldson, M. Troeth, J.M.
Watson, J.O.W. Wortley, D.

The question agreed to.
The Senate divided. [11.24 am]
(The President—Senator the Hon. Alan Ferguson)

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Question agreed to.

The PRESIDENT—The question is that proposed reference No. 4 of the Tax Laws Amendment (Luxury Car Tax) Bill 2008 and associated bills be agreed to.

The Senate divided. [11.28 am]
(The President—Senator the Hon. Alan Ferguson)

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| Boyce, S. | Brandis, G.H. | Bushby, D.C. | Chapman, H.G.P. |
| Colbeck, R. | Coonan, H.J. | Cormann, M.H.P. | Eggleston, A. |
| Ellison, C.M. | Ferguson, A.B. | Fielding, S. | Fierravanti-Wells, C. |
| Fifield, M.P. | Fisher, M.J. | Johnston, D. | Kemp, C.R. |
| Minchin, N.H. | Murray, A.J.M. | Parry, S. | Patterson, K.C. |
| Payne, M.A. | Prendiville, M. | Scullion, N.G. | Stott Despoja, N. |

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Question agreed to.

The PRESIDENT—The question is that proposed reference No. 5 relating to the Exercise Legislation Amendment (Condensate) Bill 2008 and a related bill to a committee be agreed to.

The Senate divided. [11.31 am]

(The President—Senator the Hon. Alan Ferguson)

Ayes............ 39
Noes............ 27
Majority........ 12

AYES

Johnston, D. 
Macdonald, I. 
Macdonald, J.A.L. 
Mason, B.J. 
Minchin, N.H. 
Murray, A.I.M. 
Parry, S. *

Bishop, T.M. 
Brown, C.L. 
Collins, J. 
Evans, C.V. 
Hogg, J.J. 
Hutchins, S.P. 
Lundy, K.A. 
McEwen, A. 
Milne, C. 
Nettle, K. 
Polley, H. 
Siewert, R. 
Sterle, G. 
Wortley, D. 

Heffernan, W. 
Humphries, G. 
Joyce, B. 
Lightfoot, P.R. 
Nash, F. 

* denotes teller

NOES

Brown, B.J. 
Campbell, G. 
Crossin, P.M. 
Forshaw, M.G. 
Hurley, A. 
Kirk, L. 
Marshall, G. 
McLucas, J.E. 
Moore, C. 
O’Brien, K.W.K. 
Sherry, N.J. 
Stephens, U. 
Webber, R. *

Bishop, T.M. 
Brown, B.J. 
Collins, J. 
Evans, C.V. 
Hogg, J.J. 
Hutchins, S.P. 
Lundy, K.A. 
McEwen, A. 
Milne, C. 
Nettle, K. 
Polley, H. 
Siewert, R. 
Sterle, G. 
Wortley, D. 

Heffernan, W. 
Humphries, G. 
Joyce, B. 
Lightfoot, P.R. 
Nash, F. 

* denotes teller

PAIRS

Wong, P. 
Ludwig, J.W. 
Conroy, S.M. 
Faulkner, J.P. 
Carr, K.J. 

Bishop, T.M. 
Brown, C.L. 
Collins, J. 
Evans, C.V. 
Hogg, J.J. 
Hutchins, S.P. 
Lundy, K.A. 
McEwen, A. 
Milne, C. 
Nettle, K. 
Polley, H. 
Siewert, R. 
Sterle, G. 
Wortley, D. 

Wong, P. 
Ludwig, J.W. 
Conroy, S.M. 
Faulkner, J.P. 
Carr, K.J. 

The PRESIDENT—The question is that proposed reference No. 6 relating to the National Fuelwatch (Empowering Consumers) Bill 2008 and a related bill to a committee be agreed to.

The Senate divided. [11.35 am]

(The President—Senator the Hon. Alan Ferguson)

Ayes............ 43
Noes............ 23
Majority........ 20

AYES

Abelez, E. 
Allison, L.F. 
Bartlett, A.J.J. 
Birmingham, S. 
Boyce, S. 
Bushby, D.C. 
Colbeck, R. 
Cormann, M.H.P. 
Ellison, C.M. 
Fielding, S. 
Fifield, M.P. 

Adams, J. 
Barnett, G. 
Bernardi, C. 
Boswell, R.L.D. 
Brandis, G.H. 
Chapman, H.G.P. 
Coonan, H.L. 
Eggleston, A. 
Ferguson, A.B. 
Fierravanti-Wells, C. 
Fisher, M.J. 

CHAMBER
The Senate divided. [11.38 am]

(The President—Senator the Hon. Alan Ferguson)

Ayes............ 39
Noes............ 27
Majority........ 12

AYES
Abetz, E. Adams, J.
Allison, L.F. Barnett, G.
Bartlett, A.J.J. Bernardi, C.
Birmingham, S. Boswell, R.L.D.
Boyce, S. Brandis, G.H.
Brown, B.J. Bushby, D.C.
Chapman, H.G.P. Colbeck, R.
Coonan, H.L. Cormann, M.H.P.
Eggleston, A. Ellson, C.M.
Ferguson, A.B. Fielding, S.
Fierravanti-Wells, C. Fifield, M.P.
Fisher, M.J. Fielding, S.
Kemp, C.R. Fifield, M.P.
Macdonald, J.A.L. Fielding, S.
McGauran, J.J. Fifield, M.P.
Minchin, N.H. Fielding, S.
Nettle, K. Fifield, M.P.
Patterson, K.C. Fielding, S.
Ronaldson, M. Fielding, S.
Siewert, R. Fielding, S.
Troeth, J.M. Fielding, S.
Watson, J.O.W. Fielding, S.

NOES
Bishop, T.M. Brown, C.L.
Campbell, G. Collins, J.
Crossin, P.M. Evans, C.V.
Forshaw, M.G. Hogg, J.J.
Hurley, A. Hutchins, S.P.
Kirk, L. Lundy, K.A.
Marshall, G. McEwen, A.
McLucas, J.E. Moore, C.
O’Brien, K.W.K. Polley, H.
Sherry, N.J. Stephens, U.
Sterle, G. Webber, R. *
Wortley, D. 

PAIRS
Heffernan, W. Wong, P.
Humphries, G. Ludwig, J.W.
Joyce, B. Conroy, S.M.
Lightfoot, P.R. Faulkner, J.P.
Nash, F. Carr, K.J.

* denotes teller

Question agreed to.

The PRESIDENT—The question is that proposed reference No. 7 relating to Tax Laws Amendment (2008 Measures No. 3) Bill 2008 be referred to a committee.
Question agreed to.

The PRESIDENT—We move to proposed reference No. 8—that the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008 be referred to a committee.

Senator Fielding—Mr President, a point of clarification: what is the date on that referral coming back?

The PRESIDENT—I will read the whole question, which is: that the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008 be referred to the Joint Standing Committee on Electoral Matters for inquiry and report by 30 June 2009 in conjunction with the committee’s inquiry into the 2007 federal election.

Senator Fielding—Mr President, I would like to move an amendment to that motion.

The PRESIDENT—I read the whole question, which is: that the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008 be referred to the Joint Standing Committee on Electoral Matters for inquiry and report by 30 June 2009 in conjunction with the committee’s inquiry into the 2007 federal election.

Senator Fielding—Mr President, I would like to move an amendment to that motion.

The PRESIDENT—Senator Fielding, the debate is closed. You did not foreshadow an amendment, so you will have to seek leave to move an amendment.

Senator Fielding—I seek leave to move an amendment.

The PRESIDENT—Is leave granted?

Senator Bob Brown—I would like to hear what the amendment is before we vote on that matter.

Senator Fielding—The amendment is for the reporting date to be before November 2008.

The PRESIDENT—Senators have heard the amendment. Is leave granted for Senator Fielding to move the amendment?

Leave granted.

Senator Fielding (Victoria—Leader of the Family First Party) (11.43 am)—I move:

Omit “by 30 June 2009”, substitute “before November 2008”.

Senator Bob Brown (Tasmania—Leader of the Australian Greens) (11.43 am)—Mr President, the Senate is being asked to agree to an unspecified date before November. If we are going to proceed with the matter, I suggest that the senator specify the reporting date that he wants the Senate to consider.

The PRESIDENT—If I heard the amendment correctly, Senator Fielding moved that it should be before November. If it is before November, the date would have to be 31 October or before.

Senator Bob Brown—I just want to comment on the process here. We can make a determination on this, but it is inappropriate that the Senate be asked to deal with an amendment like this outside the debate.

The PRESIDENT—Senator Brown, because Senator Fielding has moved the amendment and you have already spoken, you can only take a point of order or seek leave to make further comments.

Senator Bob Brown—I haven’t spoken on the amendment.

The PRESIDENT—Yes, you did. You spoke a few minutes ago. You are allowed to speak only once. After he moved the
amendment you stood on your feet and spoke. The question is that the amendment moved by Senator Fielding be agreed to.

Honourable senators interjecting—

Senator Murray—Mr President, although I supported the motion for an earlier date, I did not support the division. I do not know anyone else who supported the division.

The PRESIDENT—I was sure I heard two noes. I will put the question again. The question is that the amendment moved by Senator Fielding be agreed to. Those of that opinion say aye and those against say no. I did hear two ayes. Is a division required?

Senator Murray—No.

Honourable senators interjecting—

The PRESIDENT—Order! Let’s get this clarified properly. I am going to put the question one more time. Is the amendment moved by Senator Fielding agreed to? Those of that opinion say aye and those against say no. I think the noes have it. Is a division required?

Senator Fielding—Yes.

The PRESIDENT—I am sorry, Senator Fielding; only one voice said yes.

Question negatived.

Senator Bob Brown—Mr President, I ask that the Greens support for the amendment be recorded.

The PRESIDENT—The question now is that proposed reference No. 8, relating to the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008, be agreed to.

The Senate divided. [11.52 am]

(The President—Senator the Hon. Alan Ferguson)

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Question agreed to.
DENTAL BENEFITS BILL 2008
DENTAL BENEFITS (CONSEQUENTIAL AMENDMENTS) BILL 2008
First Reading

Bills received from the House of Representatives.

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (11.56 am)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (11.56 am)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

DENTAL BENEFITS BILL 2008

The Dental Benefits Bill will allow the Government to deliver on a key part of its election commitment to improve dental health for working families and address Australia’s dental crisis.

The Medicare Teen Dental Plan is the first part of the Rudd Government’s plan for improving dental services in Australia. The second part is a new Commonwealth Dental Health Program, through which the Commonwealth will provide additional funding to the states and territories to reduce public dental waiting lists.

In the recent Budget, the Government announced funding of $780 million over five years for these two new dental programs. We are providing $490 million over five years for the Medicare Teen Dental Plan, and $290 million over three years for the Commonwealth Dental Health Program.

These significant commitments will help ease Australia’s dental crisis, end the blame game, and start addressing the parlous state of Australia’s dental health – the dire state of which should be laid at the feet of the Howard Government: they closed the Labor Government’s previous Commonwealth Dental Health Program and refused point blank to work with the states on addressing this growing problem for a decade.

Before discussing in greater detail the policies which the Rudd Government is implementing, I want to outline the magnitude of the problem which we have inherited from the previous government.

Latest estimates are that there are about 650,000 Australians languishing on public dental waiting lists. Thirty per cent of Australians are reported to have avoided dental care due to the cost of services.

50,000 people end up in hospital each year with preventable dental conditions, putting more pressure on our hospitals.

These problems with accessing affordable dental care have contributed to the dismal and deteriorating state of Australians’ dental health. Tooth decay is Australia’s most prevalent health problem, with gum disease ranking as the fifth highest. Over a quarter of the Australian adult population have untreated dental decay – untreated because they are not accessing the dental care they require.

What is most troubling is that poor dental health is starting with our kids. It then becomes entrenched as our kids transition as teenagers to adulthood.

For example, between 1996 and 1999, five year olds experienced a 21.7 per cent increase in deciduous decay. Children in lower socio-economic groups experience tooth decay at twice the rate of children in higher socio-economic groups. In New South Wales between 1994 and 2004, there was a 91 per cent increase in hospitalisation rates
for children under five for the removal or restoration of teeth — that is, the hospitalisation rate nearly doubled.

This poor dental health deteriorates even further through teenage years. According to dental health experts, there is a four-fold increase in dental decay between 12 and 21 years of age. Almost half of all teenagers have some signs of gum disease. According to the OECD, the rapid deterioration in dental health occurring in teenage years leads to the dental health of Australian adults ranking second worst in the OECD. This comes after a history of very good ratings in the past.

This alarming state of affairs is even worse among the poorest, most needy Australians. Concession card holders, such as pensioners, have lost on average 3.5 more teeth than non-concession card holders. The children of concession card holders have over 50 per cent more decayed teeth than those of non-concession card holders.

Above all, when we talk about statistics and waiting lists, preventable hospitalisations and decay rates, we must always remember we are talking about people. We are talking about Australians who sometimes have such severe dental problems that it affects not only their health, but their work and personal lives. We are talking about pensioners who may not be able to eat food comfortably or easily. We are talking about teenagers whose confidence to go out in the world to study and work is badly affected. We are talking about everyday Australians who will not visit friends, who cannot apply for a job or cannot get a job, simply because they cannot get the dental treatment that they need.

It is clear from these terrible facts that Australian working families need action on dental health. But it was the Howard Government that helped create some of these problems in the first place. One of their first acts of government was to scrap Labor’s Commonwealth Dental Health Program in 1996. They ripped $100 million a year from Australia’s public dental system — and this led to the explosion in public dental waiting lists which we see today: 650,000 people waiting, sometimes for years, for treatment.

Then, belatedly, the Howard Government introduced a dental scheme whose referral processes and eligibility criteria were so complex and restrictive that few people could access it.

I acknowledge that, for those able to navigate their way through the complicated referral process and the red tape, the program offered some help. But many people missed out — often the most needy people in our community.

For example, over four years of the previous government’s scheme, right up to 30 April 2008, in the whole of the Northern Territory, no services at all have been provided to children and young adults aged up to 24 years old.

We know that the Northern Territory has some of the poorest, most marginalised people in our Indigenous communities. We know that they have some of the worst dental health problems in Australia. But how many of these young people did the previous Government’s scheme help? No-one at all — zero. Across all age groups in the Northern Territory the picture is similarly poor — only 28 people accessing treatment over nearly four years.

In South Australia, over four years, no services at all have been provided to children up to the age of 14. Again, zero.

In Tasmania, over four years, only eight people up to the age of 24 have received services. That’s only two young people a year on average.

And the picture is similarly poor in the larger states.

In Queensland under the age of 20 accessed the previous government’s program
over four years. On average, that’s only about one young person a month over four years across the whole of Queensland.

Only 94 people in the whole of Victoria under the age of 20 have received services in nearly four years. On average, that’s only about two young people a month over four years across the whole of Victoria.

These figures are nothing to be proud of. They show clearly that the previous Government’s dental scheme has failed.

In total, over almost four years to 30 April 2008, the Howard Government’s failed scheme will have spent less than $50 million (currently only $42.8 million). This compares to $780 million of investment in the Rudd Government’s new dental programs over five years.

Moreover, even the limited support provided by the Howard Government’s failed scheme was poorly targeted. We recognise that some people here and there received assistance under the failed scheme. But the problem is that it was not a targeted program. It did not help those most in need. The poorest people with the worst dental health did not get access to the previous Government’s failed scheme. If you were simply poor and had bad dental health because of your poverty, you could not get treatment under the program. However, if you were wealthy and had a chronic disease with complex care needs, you could get access to the program. A millionaire could get access to their program – once they got through the red tape. A pensioner with an excruciating toothache got no assistance at all.

The failings of the Howard Government’s approach are manifest. They have failed pensioners. They have failed the poorest, most needy people in our community with the worst dental health. They have failed our kids and teenagers – failed to help them maintain their teeth and prevent much worse problems later on in life.

In implementing its dental commitments, the Rudd Government is helping to fix these problems. We are not going to let the Howard Government’s failed scheme continue, while the dental health problems of millions of needy Australians go unaddressed. That is why the Government is re-directing funds from this under-utilised scheme to support better targeted dental programs, such as the Medicare Teen Dental Plan and the Commonwealth Dental Health Program.

We have made a decision, as governments need to, that we should be helping the most needy people in our community first, in the most effective way possible.

We have made a decision that providing up to one million dental consultations and treatments under the Commonwealth Dental Health Program, and enabling more than one million teenagers every year to access preventative checks under the Medicare Teen Dental Plan, is a good investment for our money.

We will work with states and territories and the dental profession to expand the provision of dental care, with a focus on treatment for those in greatest need, and preventative care for eligible teenagers.

Both of our programs are squarely targeted at people who are most in need of help, many of whom couldn’t afford dental care without this assistance.

Commonwealth Dental Health Program

Under the Commonwealth Dental Health Program, the Rudd Government will be providing an additional $290 million over three years to improve access to public dental services, working co-operatively with the states and territories.

This marks a stark change from the last decade of the Howard Government criticising the states for not doing enough on dental health.

We do agree that states and territories should be encouraged to do more – but instead of just passing the buck, the Rudd Government is going to do its bit to help the states to do better.

Discussions with the states and territories about the implementation arrangements for the Commonwealth Dental Health Program are well advanced. As Health Minister, I am keen to end the blame game and to work with the states and territories to fix Australia’s dental care system, and the health system in general. We have already made a good start through COAG discussions over the last few months.

Commencing in July this year, the Commonwealth Dental Health Program will assist the
states and territories to reduce waiting times by funding up to one million additional dental consultations and treatments over the next three years.

The states and territories are well placed to ensure that this extra funding will have maximum impact. Often public dental services are the only services available to treat people with the most severe dental conditions, especially in rural and remote areas. These public dental services target the most needy people in the community, and the additional $290 million in funding will ensure that these vulnerable and needy people will be assisted.

We will be putting strict conditions on states and territories to ensure the Commonwealth’s funding goes where it is needed most. We will be requiring the states to target people with chronic disease as a priority, such as patients with cancer, cardiac patients and people with HIV/AIDS. Another priority will be people with increased oral health needs, including pre-school children and Indigenous Australians.

States and territories will also be required to at least maintain their existing efforts in dental health, and report consistently on expenditure, the number of services being provided, and the number of people on public dental waiting lists.

This means that pensioners will get more help. It means that concession card holders will get more help. It will assist the poorest members of our community, and people with the poorest dental health. It will also give priority to indigenous people, and pre-school children – groups that the Howard Government’s program so spectacularly failed.

In Government we have to make choices. And, instead of persisting with a failed dental scheme, we are choosing to provide up to a million more dental consultations and treatments for the most needy Australians.

Medicare Teen Dental Plan

The Medicare Teen Dental Plan will also commence in July 2008, subject to the passage of these Bills.

Under the Medicare Teen Dental Plan, the Government will provide up to $150 per eligible person towards an annual preventative check for teenagers aged 12-17 years in families receiving Family Tax Benefit Part A. Teenagers in the same age group receiving Youth Allowance or Abstudy will also be eligible for the program.

About 1.1 million teenagers will be eligible for the Medicare Teen Dental Plan each year.

The program will assist families to help keep their teenagers’ teeth in good health, and encourage young adults to continue to look after their teeth once they become independent and move out of home. This is an investment in preventative care.

Adolescence is a time when many young people strive for independence from their families, and move outside the parental structures which have supported their health. It is precisely at this stage in life that many young people’s dental health declines. As I noted earlier, there is a four-fold increase in dental decay between 12 and 21 years of age. Dental experts also tell us that the highest levels of reported tooth ache are in 18 to 21 year olds.

We need to stem the dramatic decline in dental health that occurs among our children in adolescence. We need to avoid the terrible health consequences this leads to in later life – which requires more expensive treatment, as well as entailing personal and social costs.

We have said on many occasions that preventative health is a key priority of the Rudd Government. The health system needs to be refocused so that it keeps people well and prevents disease. The $490 million investment that the Rudd Government is making in the Medicare Teen Dental Plan demonstrates our determination to make this priority a reality.

Under the Medicare Teen Dental Plan, we are going to encourage teenagers to care for their teeth properly – to get annual check-ups, so that any problems that might arise do not get worse further down the track. Providing preventative checks to teenagers is an effective way to maintain good oral health and reduce the need for expensive treatment in the future.

The Medicare Teen Dental Plan will operate as part of the broad Medicare arrangements, through a new Dental Benefits Schedule (DBS). The DBS will be administered by Medicare Australia and will operate in a similar manner to the existing
Medicare arrangements. However, unlike the Medicare Benefits Schedule, the DBS will be targeted to specific age groups and working families receiving Family Tax Benefit Part A.

The annual preventative dental check will include an oral examination and, where clinically required, x-rays, scale and clean, and other preventative services. These include fluoride application, oral hygiene instruction, provision of dietary advice, and fissure sealing.

Eligible families and teenagers will be automatically sent a voucher by Medicare Australia once the program commences. Once the voucher is received, the teenager can receive a preventative check from his or her dentist. Teenagers or their parents will be able to claim a rebate back from a Medicare Office, or their dentist may decide to bulk bill the dental check. Up to $150 towards the cost of the service can be reimbursed through Medicare Australia.

Eligible teenagers will be able to use their voucher to receive a preventative dental check either from a private or public sector dentist. The dental check may be performed by a dental therapist or dental hygienist on behalf of a dentist, under appropriate supervision.

The Dental Benefits Bill establishes a legislative framework for the payment of dental benefits under a new Dental Benefits Schedule.

Summing-up

In summary, the Rudd Government is delivering on its election commitments and making a $780 million investment in Australia’s dental health through the Medicare Teen Dental Plan and the Commonwealth Dental Health Program.

This marks the end of the blame game that, thanks to the previous Government, has afflicted dental health for more than a decade.

It marks the end of the buck passing and blame shifting that has prevented the poorest, most needy people accessing the dental care they need.

It demonstrates that the Rudd Government can take the tough decisions to close down ill-targeted programs which have demonstrably failed, and replace them with targeted programs that help Australians most in need, such as pensioners and concession card holders.

It also demonstrates our commitment to investing in preventive health, ensuring our kids preserve their dental health today, rather than only treating their dental problems tomorrow.

The programs demonstrate the Rudd Government’s determination to address the immediate pressures on Australia’s dental health system, the 650,000 people on public dental waiting lists who are the Howard Government’s sad legacy.

And they also demonstrate the Rudd Government’s commitment to building for Australia’s future, by encouraging our teenagers to develop good dental habits and preserve their dental health for the long term.

Together, these programs will attack the sorry state of dental health in Australia. They will address Australia’s dental crisis by delivering up to one million more consultations and treatments through the public dental health system. And, by enabling more than a million teenagers to take better care of their teeth, they will support better dental health into the future.

DENTAL BENEFITS (CONSEQUENTIAL AMENDMENTS) BILL 2008

The Dental Benefits (Consequential Amendments) Bill makes amendments to a number of other Acts, including the Medicare Australia Act 1973, the Age Discrimination Act 2004 and legislation relating to the Family Tax Benefit Part A, Youth Allowance and Abstudy programs.

These amendments are necessary for the effective operation of the Teen Dental Plan.

The amendments will ensure that the Medicare Teen Dental Plan does not breach the Age Discrimination Act, and ensure that the investigative powers of Medicare Australia may be exercised in relation to offences contained in the Dental Benefits Bill.

The amendments will also allow the exchange of information between Centrelink and Medicare Australia so that vouchers can be distributed to eligible families and teenagers.

Senator COLBECK (Tasmania) (11.57 am)—The Senate is considering the Dental Benefits Bill 2008 and the Dental Benefits (Consequential Amendments) Bill 2008. As
has been indicated in the other place by my colleague the shadow minister for health, Mr Hockey, the coalition is supporting these bills. It has long been known that dental health and general health are closely linked. Historically, public health efforts to combat tooth decay have had significant beneficial effects on general health. We are fortunate in this country to have had, for many years and in the majority of the larger population areas, enlightened local governments who have supported the provision of fluoride in our public water reticulation systems. Fluoride as an essential agent for oral health is largely unchallenged in this day and age. But it was not so many years ago that there was a strong debate in the community about its effectiveness and desirability in water supplies. The first three major cities to have fluoride in their water supplies in 1964 were Hobart, Canberra and Townsville. My home state of Tasmania had a royal commission into the question in 1968, chaired by the distinguished judge, Sir Peter Crisp, and I am proud that many of his findings paved the way for large-scale fluoridation of urban water supplies in Australia.

It has been mentioned in debate in the House of Representatives that a staggering figure of 50,000 Australians are hospitalised each year with preventable dental disease, and this is in a country where we pride ourselves on having a very good record on dental health. I was proud to be part of a government which, recognising the strong link between oral and general health, last year established Medicare dental. The uptake in the first two months of operation of Medicare dental—November and December 2007—was 16,000 services. In January this year, according to statistics provided by Medicare, 20,443 services were administered. In February the figure was 40,497 services and in March it was 94,617. Therefore, from July 2007 to March this year, Medicare dental provided something like 172,000 services. In estimates, evidence was given that the total number of services to date was more in the vicinity of 300,000 plus.

It is therefore clear not only that there is a serious need for Medicare dental but also that the take-up rate by Australians with complex oral health problems is increasing. And yet, for an inexplicable reason, the Rudd government is moving to dismantle Medicare dental. I foreshadow that I will be moving a motion to disallow changes to the relevant regulations which abolish Medicare dental. There is absolutely no logic in abolishing a public health initiative for which there is a demonstrated and growing need, and the coalition will do what we can to prevent that from occurring. The reason Medicare dental was so successful was that it allowed dental patients to get access to necessary care—something they could not get previously because of the consistent neglect of local dental services perpetrated by state governments.

We will not oppose the legislation currently before the Senate, but I foreshadow that I will be moving an amendment to provide for a review of the Teen Dental Plan established by the Dental Benefits Bill 2008 after 12 months and periodic reviews at three-year intervals. The amendment will require that the minister appoint a review panel that will comprise the Commonwealth Chief Medical Officer, a nominee of the Australian Dental Association, a nominee of the Consumers Health Forum of Australia—a body which is currently represented on the Medical Services Advisory Committee—and two other persons appointed by the minister, at least one of whom must be a qualified dentist or medical practitioner. We think that this is an entirely reasonable review mechanism and it mirrors similar provisions in other legislation. I hope that it receives support in the committee stage.
The reason that we are proposing such an amendment is that we are very concerned that the Teen Dental Plan is destined for either failure or a significant cost blow-out. The Teen Dental Plan duplicates systems already in place in the states which have been allowed by the states to run down. Some, I concede, are much worse than others. Waiting lists for dental care in the states are very long. One estimate is that there are about 700,000 Australians waiting for dental care, and that is of course an alarming figure. The bill provides that up to $150 worth of vouchers will be available to 12- to 17-year-olds receiving family tax benefit part A, youth allowance or Abstudy, for the purposes of a preventative dental check, plus a scale and clean.

The ALP, when it announced this plan, costed a check-up, scale and clean and X-ray at $240. The scheme provides no funds for subsequent treatment if a problem is detected. People will have to either go into the state dental clinics or seek private dental consultation. It is a bit like giving someone a shiny new car but then not providing the funds for the petrol. This is a scheme that has clearly not been thought through. If a dentist finds something which needs further attention, what does he or she do: refer a patient to join the end of a long queue for attention in the state dental clinics or offer to do the work themselves, for a fee? The problem is exacerbated when one notes that fewer than 10 per cent of dentists practising in Australia are in the public system.

Under the coalition’s Medicare dental, patients who were assessed by their GPs as having complex dental conditions could have a primary care plan. From this care plan they could be referred to a private dentist and receive up to $4,250 worth of treatment over two years—rather better than what the current government is proposing. Of course, with the government’s decision to raise the Medicare levy surcharge threshold, many people with private dental insurance through their private health scheme will be inclined to abandon their cover, again putting more pressure on the public system.

What the Minister for Health and Ageing really needs to do is to go back to cabinet and admit that they should rethink some of the decisions that they have made in this portfolio and take advice from the various health professionals who actually know what the problem is, rather than stick to their old-fashioned policy. Australian health policy has largely been bipartisan. The current minister is doing her level best not only to jettison that approach but also to return to an overburdened public system which simply does not have sufficient funds to provide the necessary care. As I said, we will not be opposing the bills.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12.05 pm)—We too will be supporting the Dental Benefits Bill 2008 and the Dental Benefits (Consequential Amendments) Bill 2008 for the obvious benefits they bring to Australian dental health care, which is very badly in need of a complete refurbishment. The Greens policy—and we went to the election on this—is for a national ‘denticare’ plan, paralleling Medicare and funded from the $2 billion to $3 billion which governments inject into the private health system at the moment. This would give all Australians access to a good dental healthcare system. While it would require a very careful strategy because of the enormity of this program, it is the required direction to go in for a nation which believes that everybody should have proper dental health care.

The spokesman for the opposition, Senator Colbeck, has just quoted the figure of 50,000 to 60,000 people a year who end up in hospital because they do not get basic den-
tal health care. It is an astonishing figure for one of the wealthiest countries on the face of the planet. It is very difficult to understand how it can be that we have a country where there are 600,000 to 700,000 people on waiting lists. The majority of them are poor people, including people from the ranks of the one million-plus pensioners in this country who simply cannot afford to go to private dental health care, where, if you need a root canal treatment, in 2008 you will need more than $1,000 in your pocket, and that is beyond pensioners. When pensioners do get into the public health system, they do get to the front of the queue if they are faced with an infected tooth. They do not have the option of such therapy. The alternative is the extraction of the tooth—and that is the alternative they are left with. We should not have a dental health care system that denies citizens their right to the same dental health options that another citizen would have for major treatment like that. But that is the situation that pertains in Australia.

I well remember that in 1996 one of the first acts of the Howard government was to abolish assistance to pensioners to get dental health care. It was a terrible thing to do. It has left many people, who should not have suffered, with a great deal of suffering, and not a few of those will be amongst the 60,000 people a year who are now, according to the opposition itself, ending up in hospitals because they did not get proper health care.

The Greens believe there is a lot further to go in providing across-the-board basic dental health care to all Australians. We will be pursuing not just the concept but also the reality of a ‘denticare’ system in Australia. Of course, the measure we have before us today covers a much needed area, which is dental care for teenagers to ensure that all Australian teenagers have access to check-ups and to treatment following the check-ups. But of course it should be extended to all Australians. This is what we all should be doing. All of us in this place know that dental care prevents much more serious illnesses that ultimately end up with very expensive fix-ups in the public health care system.

We will be supporting this legislation, but we want the government to go a lot further with the dental health care system in this country. It has the opportunity to do that and we would ask the government—and I ask the minister—to look at the prospect for the introduction of a ‘denticare’ system in this country. It was Labor that introduced Medicare and it is Labor that should now be looking at extending that to the dental health care system. There is only an artificial barrier between the two things. They are both part of the essential delivery of health care—and basic health care at that—to 23 million Australians. Surely that is a goal we should be achieving. I should also mention that the Greens will be supporting the amendment moved by Senator Colbeck.

Senator ALLISON (Victoria—Leader of the Australian Democrats) (12.10 pm)—The Democrats also support the Dental Benefits Bill 2008 and the Dental Benefits (Consequential Amendments) Bill 2008. The legislation provides the framework to allow for the payment of dental benefits in accordance with the Labor Party’s promise during the last election campaign for a preventive dental plan for teens. The legislation also provides for the provision of other dental benefits through the establishment of a dental benefits schedule. Unfortunately it does this at the expense of the program that was established by the previous government for dental services for people with chronic illness. I do not think we have had a reasonable explanation from the government so far as to why that program is to be cut and why this should take its place. However, the teen dental program was widely promoted by the Labor
Party during the election campaign as part of the solution to Australia’s dental problems, along with the reinstatement of a Commonwealth dental scheme similar to the one that the Howard government was very quick to get rid of back in 1997.

While we welcome the federal government’s increased role in the provision of dental care, it is difficult to see how these measures will deal with the most serious problems that exist when it comes to oral health. That is because a scheme that offers parents $150 in a rebate on a dental check-up for their teenage children will only cover half the cost of the average check-up, according to the government’s own estimates. Without funding for further appointments to treat established disease, oral examinations, a scale and clean and X-rays are going to do very little. A scale and clean contributes very little to disease prevention and X-rays can identify signs of decay and treatment needs but of course neither of those procedures will stop problems from occurring or fix any existing problems that are identified.

It is encouraging that the minister’s second reading speech included fluoride application, oral hygiene instruction, provision of dietary advice and fissure sealing as part of the check-up. But, at the end of the day, what is the point of X-rays identifying early decay if you cannot afford the fillings and follow-up sessions. There is good value in targeting teenagers because it is, after all, at the beginning of the teenage years that the last baby teeth are lost and young people get their new permanent teeth. These teeth are particularly vulnerable to decay due to the immature tooth enamel and so it is timely that teenagers are able to access dental care. But the Australian Dental Association has pointed out that teens already have relatively good dental care available to them through state and territory school programs, while Australians in their early twenties have shown a significant susceptibility to dental decay. Many young Australians in their early twenties are not privately insured, no longer have parental support and have incomes that are not high so they struggle to access the extent of care that they require.

The Democrats have on a number of occasions called for targeted assistance to provide basic dental care to young people at risk of oral disease. High levels of youth unemployment and youth poverty mean that many people go without dental treatment and experience unnecessary dental decay and long-term dental problems. The Australian Dental Association wants to see the government expand the group of people who are eligible for these vouchers to include people up to the age of 25. Of course, under the current arrangements, that would mean more people facing out-of-pocket costs for check-ups, with no follow-up or treatment.

Under the proposed Teen Dental Plan, eligible teenagers will be issued with a voucher, which will then entitle them to receive a preventive check from a private or public sector dentist. The dentist will then have similar billing options to those that are available to GPs: they will be able to bulk-bill, and the teenager and their family will have no out-of-pocket costs; or, the dentist will be able to bill the teenager and then the teenager will be able to ask Medicare to issue a cheque in the name of the dentist. The teenager will then have to get the cheque to the dentist and pay any outstanding amounts over and above the $150, which is the maximum the cheque can be made for; or, the teenager will have to pay the dental bill and get their rebate back from Medicare.

Putting aside the reality that many dentists will be put off by the administrative red tape, this approach ignores the reality that over the last decade we have seen an ever-increasing shortage of dentists. Not only is it difficult to
attract dentists to work in the overstretched public dental health services, but many people struggle to find a private dentist to see them without having to wait several months for an appointment. Experts looking at the growing gap between demand and capacity to provide dental services estimate that we need 1,500 more oral health professionals just to maintain current levels of access.

The distribution of dentists in regional and remote areas remains significantly less than in metropolitan areas. Major cities have 57.6 dentists per 100,000 of population, inner regional areas have 34.5 dentists, outer regional areas have 27.7, and in remote areas it is just 18.1 dentists per 100,000 people. It is encouraging that the dental plan proposes to allow funding for dental services to be delivered by oral health professionals such as dental therapists and dental hygienists. Increasing the number and the range of clinical services that can be undertaken by oral health professionals—instead of just dentists—should be expanded, but this, too, will not solve all of the workforce issues. We need a comprehensive dental workforce review and more Commonwealth supported places in dental schools.

The Democrats would also like to see the government introduce a dental intern program. Unlike other health professions, dental graduates are able to practise without supervision as soon as they graduate, and we argue that dental graduates should undertake a period of supervised practice before obtaining registration. These training places would be primarily in public dental programs and private practices in rural and remote areas. Such a scheme could provide dental graduates with valuable practical experience and would address some of the gaps in public dental service provision. We think that implementing a clinical placement year for overseas-trained dentists is also worthy of consideration.

The major shortage of dental specialists also needs to be addressed. Unlike medicine, there are few salaried specialty training positions. For the poor, the socially disadvantaged, the critically ill, or geographically distant there are very few—and in some cases, no—specialist services such as those provided by paediatric dentists, orthodontists, periodontists and oral surgeons. Salaried, specialty trained positions, with a requirement of two years of return-of-service in the public sector, is an idea that would ensure access for the truly needy. I think we also need to improve the salaries and conditions of dentists working in the public sector. While dentists are in short supply and are free to set their own fees, it is very hard to see why private dentists with full lists will take on new patients and bulk-bill them under this Teen Dental Plan.

That means that families will face high out-of-pocket costs, costs that will not be reimbursable by private health insurance and which will not count towards the Medicare safety net. If any of the families of teenagers who do make use of the $150 voucher can afford the extra $150 they will probably face for a dental check-up are then told that the young person needs treatment, they can always go onto the waiting list for the public dental services if they cannot afford private dental care. But given that there are half a million Australians already on those lists, waiting an average of 27 months, they will probably have to wait for quite a while for that treatment.

It is true that the Rudd government has provided $290 million over three years to the states and territories to clear public dental waiting list backlogs, but with 650,000 estimated to be on those lists this money will not go very far, particularly as the government wants the states and territories to specifically target those with chronic disease, Indigenous people and preschool children—all groups
worthy of additional resources. Given that the Rudd government has funded its dental proposals by scrapping the previous government’s scheme that provided subsidised dentistry to those with chronic illness, it is likely that public dental services will continue to be stretched by those with chronic illness who cannot afford private dental care.

Aboriginal and Torres Strait Islander people have more decay and gum disease than non-Indigenous Australians, and this starts at a very young age. There are many reasons for this poor dental health, such as poor dental care, lack of access to fluoride, greater exposure to risk factors such as smoking and poor diet, as well as higher rates of other health problems such as heart disease, diabetes, stroke et cetera, and changing lifestyle patterns. This is not to mention poor living conditions, social exclusion, poverty and unemployment, which contribute to poor health and poor oral health. Significant and sustained efforts are required to reduce these factors. We need to train Aboriginal health workers in oral health, focusing on oral health promotion. We need additional vocational and higher education places set aside for Indigenous and Torres Strait Islander people to study oral health, and we need more outreach services for remote Indigenous communities.

The dental health of preschoolers and toddlers also needs attention. There are reports that the average child starts school with three to four teeth decayed, missing or needing fillings. Some children have extensive decay, which requires hospital treatment under general anaesthetic. Access to education and information about nutrition and caring for the teeth of babies and small children can prevent much of this decay occurring. Integrating information about the importance of preventing dental disease into the care provided by maternal and child health nurses and training them in identifying the early signs of dental disease would go some way to improving the oral health of very young children.

Dealing with the oral health needs of the chronically ill, Indigenous Australians and preschoolers requires substantial investment, and unfortunately the additional funding the Labor government is handing over to the state and territory governments to prop up already floundering systems is barely more than was provided back in 1996—without any greater accountability than we have seen previously, I must say. So we may end up seeing the states and territories simply using the additional funding from the Commonwealth as a way to reduce their own funding contributions to dental health. It will be essential that the federal government holds the states and territories to their obligations when it comes to dental health. We need more investment.

Dental health should not be seen as separate from someone’s overall health—the concept that your mouth is different from the rest of your body is pretty ludicrous. There is a complex interplay between dental disease and general health, and each impacts on the other, so we need a comprehensive response to addressing oral health needs. The legislation we will deal with today addresses some coverage for teenagers and there is also some money to support the states in dental care, but it is by no means a comprehensive or long-term strategy.

Senator POLLEY (Tasmania) (12.23 pm)—I rise in the Senate today to speak in support of the Dental Benefits Bill 2008 and the Dental Benefits (Consequential Amendments) Bill 2008. We Tasmanians know only too well that there is a shortage of dentists around the country, particularly in rural and regional areas. In my home town of Launceston we are facing the rapidly declining availability of dentists due to retire-
ment—including my own dentist, who I keep encouraging to continue. The Rudd Labor government understands that seeing a dentist is simply out of the budget for many Australian working families, and that is why the Prime Minister, Mr Kevin Rudd, and Ms Nicola Roxon, Minister for Health and Ageing, announced the Teen Dental Plan as a key election commitment.

We understand that good oral health is not simply the absence of oral disease but a state of wellbeing in which an individual can eat, speak and socialise without discomfort or embarrassment. Poor oral health has a range of consequences, including pain, difficulty in eating certain foods, impaired speech, loss of self-esteem, restriction of social and community participation, and the impeding of the ability to gain employment. Generally a person’s overall quality of life is affected.

Poor oral health is also associated with an increased risk of cardiac problems, pre-term and/or low-birth-weight infants and poor diabetic control. The statistics are shocking: some 50,000 Australian people end up in hospital each year with preventable dental conditions, 25.5 per cent of the Australian adult population have untreated dental decay, and 17.4 per cent of the Australian population aged 15 and above were unable to eat certain foods because of problems with their teeth during the last 12 months. It is hard to believe that this is happening in our country. A 2007 Australian Institute of Health and Welfare report concluded:

Thirty per cent of Australians reported avoiding dental care due to cost, 20.6% said that cost had prevented them from having recommended dental treatment and 18.2% reported that they would have a lot of difficulty paying a $100 dental bill.

This is simply not good enough.

Rather than taking any responsibility, the previous coalition government passed the buck. They shifted blame. They blamed the states. They simply did not care. As usual, as I said, they passed the buck, with their arrogance. The proof was there that they were completely out of touch with the Australian community. It was in fact the Howard government that helped create some of these problems in the first place. For over a decade the Howard government did absolutely nothing about ensuring that the future needs of the dental profession would be met by our universities. As many of those sitting opposite me would remember, one of the first acts of their government was to scrap the previous Labor government’s Commonwealth Dental Health Program, ripping $100 million a year from the public dental system. This led to the explosion in public dental waiting lists that we see today.

The former health minister, Mr Abbott, claimed that the dental care in this country was ‘in crisis’ but did nothing about it. Mr Hockey said in the other place just last night that the coalition ‘understands the burden of dental disease in our society’. If this was truly the case, why was the Labor government left to deal with some 650,000 Australians on public waiting lists? The former Howard government’s dental policy was a failed scheme and very poorly targeted. Under their policy, if you had a chronic medical condition, certain heart disease, diabetes or malignancies of the head or neck, you had poor oral health or a dental condition which was exacerbating a chronic and complex disease, and you were being treated under a multidisciplinary care plan, then, and only then, were you eligible for assistance with your dental care.

The impact of the Howard government’s neglect is a very real problem facing too many Australians today. Narrow eligibility is one reason why only 7,000 people had received assistance from the program over the last three years. In my home state of Tasmania, over a period of four years, only eight
people up to the age of 24 had received the chronic disease dental service—only eight. That is an average of two people a year. This is simply not good enough; Australians deserve better. This policy of theirs was another example of how out of touch they became after 12 long years in government.

I am very proud to say that the Rudd Labor government is committed to stopping the blame game. Our Prime Minister, Mr Rudd, has assured the Australian people that the buck will stop with him, and he means it. He has hit the ground running. During the 2007 election, Labor promised to provide funding to establish two new dental programs: a Commonwealth dental health scheme and the Teen Dental Plan. The Rudd Labor government’s Teen Dental Plan, I am pleased to say, will assist one million Australian teenagers between the ages of 12 and 17 with their dental costs. The Rudd Labor government understands that Australian working families are already under financial pressure due to mortgages, childcare costs, grocery prices, petrol prices and the inflationary pressures that we have inherited from the former Liberal coalition government. They are being forced to make stark choices between dental treatment and other day-to-day necessities. The Teen Dental Plan proposes that eligible teenagers would be issued with vouchers by Medicare Australia which would entitle them to receive a preventative check from a private or public sector dentist, refundable by Medicare. While many primary schoolchildren receive school dental services, these services are not as widely available to teenagers. By targeting teenagers, the scheme will not only ease cost pressures but also encourage young adults to continue to look after their teeth once they become independent and move out of home.

The Rudd Labor government are truly committed to delivering better health outcomes for Australians through our health and hospital system. We have said on many occasions that preventative health is a key priority of the Rudd government. The health system needs to be refocused so that it keeps people well and prevents disease. The multi-million dollar investment that the Rudd Labor government are making in the Teen Dental Plan demonstrates our determination to make this priority a reality. I am pleased, as I said, that the Rudd Labor government is acting on this issue.

Everyone recognises that having healthy teeth is important to a teenager’s self-confidence, especially at a time when many are out seeking their first job. This government understands the issues that are affecting Australian working families, and affordable dental care is one of them. We have identified the problems and are now taking action to fix them. I am proud to be part of a government that is fixing this real, day-to-day issue that is affecting Australian families. I commend the bill to the Senate.

**Senator Ludwig** (Queensland—Minister for Human Services) (12.30 pm)—I thank those senators who have contributed to the debate, particularly those on our side, who have supported the dental benefit scheme and seen through the election commitment to now. I appreciate their contribution to the debate on the Dental Benefits Bill 2008 and related bill. I also, of course, thank the opposition for their support, although I think it is to be qualified with an amendment some time later. I would also like to say, in summing up the debate, that these bills will allow the government to deliver on a key part of its election commitment to improve dental health for working families and address Australia’s dental crisis.

The government has committed something in the order of $780 million over five years for two new dental programs, which have been mentioned in the second reading con-
tributions: the Medicare Teen Dental Plan and the Commonwealth Dental Health Program. Both of these programs are aimed at people who are in the most need of help, many of whom could not afford dental care without these two programs providing that assistance. In addition, the Commonwealth will work with the states and territories and the dental profession particularly to expand the provision of dental care. But the focus is on those in greatest need and the preventative care for eligible teenagers. At those early years it is important to provide that assistance.

These significant commitments will help ease Australia’s dental crisis—because we do have a dental crisis in Australia. It is about trying to end the blame game and start addressing the serious problems in oral health that the Howard government ignored for more than a decade. There are 650,000 people who would attest to the fact that the Howard government ignored their dental issues and allowed the public dental waiting lists to be left to grow to that order.

The passage of these bills will enable the Medicare Teen Dental Plan to commence next month. The government is providing $490 million over five years for the Medicare Teen Dental Plan, and the Commonwealth will provide up to $150 per eligible person towards an annual preventative check for teenagers aged 12 to 17 years in families receiving family tax benefit part A.

I did have the opportunity of listening to the second reading contribution of Senator Allison and those matters that she went to in terms of the administrative complexity. Really, when you look at what this is doing, it is providing the $150 to those families receiving the family tax benefit part A for those teenagers. The way of accessing that will be through one of the agencies within my portfolio. We will work very hard to ensure that, administratively, both the dental profession and the teenagers who will benefit receive a good outcome—and not, like under the Howard years, an outcome of being left to languish on a waiting list.

Teenagers in the same age group receiving youth allowance or Abstudy will also be eligible for the program. There are in the order of 1.1 million teenagers who will be eligible for the Medicare Teen Dental Plan each year. The Medicare Teen Dental Plan will operate as part of the broad Medicare arrangements through a new dental benefits schedule. That will contribute to ensuring that we can deal with it administratively. I can point Senator Allison to these words and say that we will work very hard to ensure that that dental benefits schedule through the Medicare arrangements will ensure that the burden is where it should be placed—that is, to alleviate the burden rather than create one.

Under the Commonwealth Dental Health Program the Rudd government will be providing an additional $293 million over three years to improve access to public dental services, working in cooperation with the states and territories. I would like to take the opportunity to underscore that remark: it is about working in cooperation with the states and territories. It is about ending the blame game. It is about ensuring that we can work cooperatively to find real solutions to help people who are in need. It does mark a stark change from the last decade of the Howard government, which spent much of its time, when you talked about state and federal relations, criticising the states for not doing enough on dental health.

Commencing in July this year, the Commonwealth Dental Health Program will assist states and territories to reduce waiting times by funding up to one million additional dental consultations and treatments over the next three years. This means that pensioners and
concession card holders will get more help. It will assist the poorest members of our community and the people with the poorest dental health, but it will provide priorities as well. Those priorities will also go to Indigenous peoples and preschool children, groups that the Howard government failed to adequately care for and address appropriately.

In summing up, I want to take the opportunity of thanking senators for their contribution to the debate on these bills. These two bills are an important milestone. They represent a new path for the future for those 650,000 people who are on waiting lists. They provide a greater opportunity for the states and territories to work with the Commonwealth. They also ensure that those people who are in need who are on waiting lists will be provided with assistance.

This reminds us of what the Liberals thought about all of this. They have never been able to accurately answer the question of why they ripped out something in the order of $100 million a year from the former Commonwealth Dental Health Program and ignored dental health as an issue for more than a decade—other than blaming states or creating a notion that they were in fact active in this area. Of course, they were active in this area. They were active in creating the waiting list of 650,000.

The Rudd government are working hard to address this waiting list through our $290 million investment in the Commonwealth Dental Health Program, but that program is not alone. We recognise that it has to work in tandem with the $490 million investment in our kids’ teeth through the Medicare Teen Dental Plan.

Unfortunately, we also understand that the opposition have foreshadowed an amendment to the bill. We will deal with that during the committee stage at some length. I will only highlight at this point that, when you look at the issues that are created by amending for such a review as the opposition have outlined, perhaps it really does highlight how they have ignored dental issues over the past 11 years.

When you look at how these programs are implemented, you see that programs such as the Medicare Teen Dental Program are implemented through Medicare. The wealth of information will flow back through to the Department of Health and Ageing. It will provide Health and Ageing, through Medicare, through my portfolio area, with the ability to ensure that the outcomes are being delivered on the ground. It will ensure that there is continual information flow between Health and Ageing, Medicare and, of course, the dental outcomes for teenagers, but also for the experience of the dental professionals. This is an area where there is close cooperation between Medicare and the Department of Health and Ageing to ensure that the outcomes do in fact realise real benefits for teenagers, that they provide better health and dental outcomes for teenagers and that they ensure for those people in receipt of the benefit that it does go to where it is needed. Medicare has a long history of working with Health and Ageing and, more particularly, the dental professionals in ensuring that all of these matters are dealt with adequately.

It is an unnecessary amendment. In fact, I think it is probably a fig leaf to explain why the opposition are now clearly supporting what is a good initiative, which they recognise as an initiative that is well overdue, one that they did not recognise needed to be done but that Labor clearly has now. So I think the foreshadowed amendment provides nothing short of a fig leaf to ensure that they can now support positive measures in this area.

We understand that the opposition is planning to disallow the closure of the former government’s failed chronic disease dental
scheme. We acknowledge that some people did get some help out of that scheme—that is clear—if, of course, they could navigate the complex referral process and red tape that abounded in it. But many people, often the most needy in the community, missed out. They did not get the assistance that they needed. I could play Senator Abetz’s game, which is: guess the figure? Guess who? For example, over four years to 30 April 2008, in the whole of the Northern Territory, we could ask: was it one, two or three, or were no services at all provided to children and young adults aged up to 24? It was the latter. No services were provided. In South Australia over the same four years, again, how many services were provided—one, two, three or none? Again, it was none. No services at all—zero—were provided to children up to the age of 14. In total, over four years to 30 April 2008, the Howard government’s failed scheme will have spent less than $50 million, compared to the $780 million that the Rudd government is investing in dental health.

It is nonsensical to disallow the motion—the closure of the failed chronic disease program needs to be put to bed—and, in doing that, the opposition miss a great opportunity to clearly support two new initiatives in this area. Of course, they have a little time to reconsider that position, and I encourage them to take that opportunity. I encourage them to reconsider it. The Liberal Party have an opportunity. They showed today that they were not responsible economic managers. They do have an opportunity to salvage some of that.

Debate interrupted.

MATTERS OF PUBLIC INTEREST
The ACTING DEPUTY PRESIDENT (Senator Barnett)—Order! It being 12.45 pm, I call on matters of public interest.

Wheat Export Marketing Bill 2008
Senator EGGLESTON (Western Australia) (12.45 pm)—I have circulated a speech for incorporation on the Wheat Export Marketing Bill 2008, which I believe has been accepted. I therefore seek leave to incorporate the speech which was distributed by our whip to all other whips.

The ACTING DEPUTY PRESIDENT—Is leave granted?
Senator Webber—I personally do not have it, but I will take your word for it, Senator Eggleston, and grant you leave to incorporate it.

Leave granted.

Senator EGGLESTON—The speech read as follows—

In the matter of public interest debate today I would like to make some brief and very general remarks about the legislation partially deregulating the Wheat Industry which has been before the Senate this week.

I support the intention of this legislation because it will I believe enable more flexible marketing of wheat which will be of particular benefit to wheat growers in my home state of Western Australia whose wheat is largely sold to the export market.

WA is the largest producer of wheat with a harvest amounting to 37 per cent of Australian’s crop, and more importantly WA is also the largest exporter of wheat in the country even though WA only has 18 per cent of growers.

In fact, unlike growers in Queensland, NSW and Victoria, where most of the wheat grown is sold to the domestic market, the growers in WA largely specifically grow for the export market, as to a lesser extent do those in South Australia.

Because of this WA farmers have a different perspective about the means by which wheat is sold on the international market to growers in the eastern states.

For growers in the eastern states international sales through the single desk structure under the auspices of AWB were a means of disposing of
the wheat left over from domestic sales. AWB paid the 80 per cent of the value of the wheat put into the single desk system up-front, providing a strong financial incentive to remain with that system.

Many WA wheat farmers on the other hand have sought some flexibility in marketing and have sought to have the ability to market outside the single desk system, with the objective of enhancing their returns.

This largely meant they were seeking to sell wheat via the WA company CBH, which has flour mills in South East Asia but was not able to purchase wheat from the Western Australian wheat farmers whose wheat CBH collected and stored: surely a bizarre situation.

WA wheat farmers also wished to have the capacity to sell wheat on spot markets in areas such as the Gulf and other parts of Asia which, under the previous regulated marketing system, they were unable to do. This was because the single desk policy gave AWB the right of veto over other exporters. The AWB of course in the interests of protecting its monopoly, was not interested in giving CBH or other exporters the right to sell their wheat independently of the single desk arrangement.

Marketing monopolies such as the single desk of AWB were more common in Australian in the past before Australian trade practices were opened up to competition.

Examples of some of the marketing monopolies which existed in Australia in the era of protection and which now have been abolished include:

- Dairy - abolished in 1974
- Egg export - abolished in 1984
- Wool - abolished in 1991
- Meat - abolished 1998

According to the I.P.A. the World Trade Organisation, Doha round of trade negotiations requires the abolition of many state trading enterprises around the world. Some examples of such trading enterprises include: In Canada: The Canadian Dairy Commission and the Canada Wheat Board, in Japan: Japan Tobacco, Japan Food Agency, and in New Zealand: Apple and Pear Marketing Board, New Zealand Dairy Board.

So as trade liberalization spreads around the world, single desk operations such as AWB are being phased out opening markets to more competition and the prospect of enhanced returns to growers as the world market is freed up.

This is an important point to emphasise, namely that there is never only one buyer on the International scene and having attended meetings with marketers in Perth, it would be seem clear that freeing up the process of marketing to new players will potentially see Australian wheat sold into countries where it has never gone before.

One of the arguments which has been raised against this new legislation is that the Ralph Committee conducted a vote on the question of deregulation of wheat exporting and a majority of wheat growers opposed the concept.

However, with respect, it has to be re-emphasised that wheat is grown on small farms in the Eastern states for the domestic market with international sales just being an add on bonus through the single desk requirement to buy all wheat presented to it, with an 80 per cent up-front payment for that wheat being made to these domestic growers. But according to ABARE, 80 per cent of the national wheat crop is produced by big farming operators chiefly in WA where wheat farms are much larger (up to 3 times) than those in NSW and Victoria. WA produces 37 per cent of Australia’s wheat although it has only 18 per cent of the growers and as already stated the WA wheat crop is largely for export.

There are some 18,000 growers in NSW, Victoria and Queensland, who regard selling wheat for export to the AWB as merely cream on the cake of their domestic sales compared to about 11,000 in WA and South Australia, which both have high levels of exports. Accordingly the Ralph Committee assessment of the opinions of wheat grower’s nation wide about changing the export system by abolishing the single desk was preordained to produce a majority in favour of no change.

Had the Ralph Committee allocated votes on the basis of one vote per tonne of wheat exported the result would not only have been a fairer indi-
cation of the opinions of growers actually involved in export but would no doubt have been in favour of change.

This bill is based on the South Australian Barley Exporting legislation which has worked well and that history should allay a lot of the fears which have been expressed about the impact of the bill.

The bill does not propose laissez faire total deregulation of wheat exports but is a step in the process of liberalizing the wheat export system providing as it does a licensing system for exporters and the opening up of bulk grain facilities for competition.

In conclusion, I welcome the legislation because it will provide greater marketing opportunities for wheat growers in my home state of Western Australian and also is a further step in the liberalization of Australian trade practises.

Zimbabwe

Senator MOORE (Queensland) (12.45 pm)—The presidential election in Zimbabwe is due on 27 June. The presidential election that is coming up in that country bears no resemblance to the information and knowledge we have in this country of what a democratic election is supposed to be. Many people in this place have spoken on the issues in Zimbabwe and I know that many people, both in this place and in the House of Representatives, have had the opportunity in the past to visit Zimbabwe, to talk with people and to look at previous election campaigns. What we know about what is going to happen in Zimbabwe on 27 June is that it purports to be a democratic process. That statement has been made across the world. Increasingly, over the last few weeks, people in the international community have become aware that the process in Zimbabwe is flawed and that the level of violence and intimidation that is going on in that country does not allow an effective democratic process to happen in less than two weeks time.

The world watched as the first round of Zimbabwean elections continued. No observers from outside the African continent and some selected countries in the world were allowed to attend the first round of Zimbabwean elections this year. That is different to previous years when I know there had been invitations to people to attend and watch. There were concerns raised about the past, but that process continued. In the elections earlier this year we were led to believe that processes were fulfilled and that efforts were made to ensure that the results were fair. We watched as the votes were counted. We waited for the results to be put on the international scene. As each day passed, the fear and the worry increased, which was actually a result of the fact that there were results in Zimbabwe that gave a change of power within the elected process. What we were told did not occur was an election of an effective president for that period and the decision was made to have a run-off election further down the track. In a similar way to what we see in other countries such as East Timor, there was an acknowledgement that there would be a run-off down the way.

From the time that was done and that announcement was made, there were outcries about how this process was going to operate. There were cries to see whether there could be international involvement in this process because it is a threshold time for the people of Zimbabwe. We know the violence. We know the starvation. We know the inflation. We know the intimidation of anyone who has been prepared to stand up with an alternative view. We hoped as an international community, in solidarity with the people in Zimbabwe, that after the years of hope and expectation there would be an opportunity for some change in power in that country this time.
However, we have the international press reporting as of Tuesday, 17 June, that the leader of Zimbabwe, Mr Mugabe, said:

We fought for this country and a lot of blood was shed. We are not going to give up our country because of a mere X.

I take it that is an X on a ballot paper. It said further:

How can a ballpoint pen fight with a gun?

This warning came a day after he declared in another public meeting: 'We are ready to go to war. We will not give up our power.' All the meetings that we see in the very controlled media that is coming out of the country show Mugabe surrounded by hundreds and thousands of people who are shouting his name and dressed in his colours, talking about the brave new world that this man is going to continue to lead Zimbabwe into.

This naturally creates a sense of fear about what is going on. It is abhorrent that, in terms of international press coverage of what is happening in Zimbabwe, there is no allowance for the international press to be there. When you see those grainy photographs that come across from The World Today and the BBC, their journalists are taking their lives in their hands by being there. They do not have approval to be there or have filming rights. They do not have approval to be taking interviews. They are trying to get out information about what is happening in that country.

To their credit, many Zimbabweans have had the strength to stand up and say what they are expecting to happen in their country. They have been forcibly moved from their land. We are not just talking about the on-going stealing of land from people who have owned land in that country for many years. Now we are talking about farm labourers, about people who over the past 18 to 25 years supported the Mugabe-led government in Zimbabwe, being moved forcibly in groups, taken away from their land, taken away from their schools, taken away from their farms and actually becoming homeless to a great extent. This is on top of the ongoing systematic starvation of people in this country. It still beggars belief that a country with the quality of land and the quality of husbandry and agriculture that existed in Zimbabwe could now be in the grips of a monumental starvation. It is not caused by drought. In other parts of the African mainland, we do have cases where natural disaster has caused very significant problems with food and food distribution. That is not the issue in Zimbabwe. The issue in Zimbabwe, amongst others—and there is no single, particular problem—is that skilled and trained farm labourers and workers have not been allowed to ply their trade. Grain has not been produced and animals have not been reared. This country is now in desperate need of support from all of us for simple things like food. That should not occur in a place like Zimbabwe.

People have been moved away from their land. In fact, that is effective disenfranchisement of those people, because the country's voting process determines that voters can only vote in their own area. If you are registered to vote in a particular area, that is the only voting place where you can vote in the run-off election. If because of violence you have been moved away from the area where you had lived, you effectively do not have a vote. This has been carried out by the army and by supporters of Mugabe's regime, and it has been done with overt violence. The process is being used to cause fear and division and to punish those areas that voted against the Mugabe regime in the first round of elections. In the past, if you look at the figures that came out of previous elections, the country areas of Zimbabwe tended to vote—to make their X on the ballot paper—for the government.
This did not occur in the last round of elections. When you look at and compare the voting patterns, you find that whole regions of Zimbabwe stood up and said: ‘We want change. We want to move into the 21st century with a different government. We think the time has come for us to entrench democracy in the country.’ That was a very brave action by those people. Sadly, many of them have suffered as a result. The small amount of international press that we have been able to get—some through formal media, which is done in a clandestine way, but increasingly and in a continual way by Zimbabweans who are using the internet, email and blogs; it is wonderful technology that was not available in past times—has been able to interact with the outside world to say what is happening. They are telling us of horror. We hear of murder. We hear of people being kidnapped. We hear of systematic rape in regional areas. All of those things are done with one intent: to intimidate, to cause fear and to stop the free process of the election that is coming up on 27 June.

Increasingly, people outside of Zimbabwe—and not just people who have immediate links with the country, though there are many people now living in Australia who have family and friends in Zimbabwe—are gathering together to see what they can do to offer support. There is very little that they can do by way of sending anything back to the country, because of the laws precluding any outside financing and any outside support. The efforts to get external aid into the country have been limited by direct intervention of the Zimbabwean government to stop the distribution of what aid is coming in. What people have been able to do is give each other support. They can tell other people about what is going on. They can try to maintain some form of a link with family in order to know where they are. People who have come to Australia feel very vulnerable because they cannot have that interaction, so we have been having a number of meetings. We had one quite recently in Brisbane where a number of young people, both black and white, who are studying in this country came together to state publicly that they come from Zimbabwe, are proud of their heritage and want to offer support to those people who are still living there.

These people have no vote. There is no attempt to allow people who are no longer living in the area to be able to access the voting system. Not only can you not vote if you are living in Australia, but also you cannot vote if you are living in Kenya, South Africa or many of the other African states to which many Zimbabwean citizens have moved in order to earn a living and raise money to help feed their families back home. Once again, the votes are not representative. I believe the system that is going to be put in place for 27 June does not represent the views, the feelings and the hopes of the people who should be looking at the future of Zimbabwe.

What the international press, other countries and the UN have been saying is that there is an expectation that the other African countries, the pan-African group—the neighbours of Zimbabwe, who have shared some of the political trials of gaining independence and working through those processes, which have often been very fraught—should be the ones leading the opposition to the intimidation and violence that is going on and should be speaking out. Sadly, that has not really been the case in many ways. We have been looking to the government of South Africa to take the lead in this area, and we have been disappointed. However, only as recently as last night, the Kenyan Prime Minister made international comment. He is one of the first of the pan-African leaders to come out and make comment about what is going on in Zimbabwe. He was quoted as saying:
The question is: do we have conditions for free and fair elections right now? The answer is no. He also called Zimbabwe ‘an eyesore, an embarrassment to the African continent’. They are strong words. I think he went on further in that discussion. Nonetheless, it shows that there is a splintering of the support for Mugabe’s regime at home in Africa.

That has been reinforced by the trade union movement. The African trade union movements have been very active over the last 50 years in trying to bring independence and freedom to various countries in southern Africa. Their role in the freedom movement in South Africa was very well documented. At the annual conference of the International Labour Organisation, which is taking place in Geneva at the moment, South African trade unions spoke out about the need for freedom and effective democracy in Zimbabwe. Mr Sithole, who is there from the Tanzanian group, said that the group was speaking on behalf of the Zimbabwean union leaders who were not able to attend the meeting. He said that they know that the elections are rigged and that efforts have to be made to move forward. He also said that the quiet diplomacy championed by South Africa’s President Mbeki is not working; there needs to be a stronger voice.

The Australian government—the previous Australian government did as well—has been working with the UN and the international community to look at diplomatic ways to address what is happening in Zimbabwe. This is something on which we have no disagreement. There needs to be strong action. I know Mr Smith and Mr Rudd have been talking about these issues with their counterparts internationally. We have some sanctions against Zimbabwe at the moment. We have visa restrictions for people with links to the Mugabe regime moving into our country. However, there need to be many more public statements about what we know of the horror of that country, where people are being killed and attacked simply because of their right to make a democratic statement. I do not make comment about what the result of the 27 June election should or will be. What we should be saying is that we expect that they will be open and fair and that people will have the right to have their vote in a fair way. We cannot stand by and let a government openly say that a gun is more important than the ballpoint. That can only be said for one reason: to intimidate people, to endanger people and to stop people from exercising their rights.

I hope that the international community will continue to speak out against the outrage which is happening in Zimbabwe. There is the problem, of course, that as soon as people who are not from the African mainland make these comments the Zimbabwean government then says that this is a remnant of colonial intervention in what is going on. We are better than that. We know that we are not speaking from any history of colonialism or intimidation. What we are saying is that we support democracy. We support people like my friend Sekai Holland, who just for being an elected member of parliament has been imprisoned and bashed, and her family has been disrupted and forced into hiding. That is not what we expect from a democratic country. We can do better and we must insist that we, the international community, continue to say: what is happening in Zimbabwe is wrong. There must be free and fair elections and there must be openness to allow people to watch what is going on so that this election, like so many others in the past, will not be stolen from the people.

Federal Election: Commitments

Senator KEMP (Victoria) (1.00 pm)—I would like to associate myself with the remarks of Senator Moore—although I am not
sure that Senator Moore will want to associate herself with the remarks I am about to make on a matter which is entirely different. It is well known there were certain features of the last election which were completely unprecedented in Australian history. One of course was the massive amounts of trade union money that was poured into election—$30 million, according to some figures I have seen. This was in fact more than the amount of money that was spent by either the Labor Party or the Liberal-National parties. We have never seen this type of funding from a private group before, and we need to think very hard about what that means for the future of this country.

Less well known is the amount of pork-barrelling that the Labor Party did, particularly in marginal electorates during the campaign. I congratulate my colleague Senator Bernardi for his very keen interest in this matter and the work that he is doing. As a previous sports minister I too have taken particular interest in this matter and I want to put a few issues on the table in this chamber today. The first thing I think we should draw to the attention of the Senate is the massive scale of pork-barrelling which occurred in the last election by the Labor Party. Minister Ellis has admitted—I admit under some pressure—that there are over 100 projects which have been funded in the sport and recreational area and are valued at over $100 million. Why do I say this is unprecedented? From the figures I have seen, the infamous Ros Kelly sports rorts was $30 million, and we all know what happened in that area—$30 million versus $100 million that was pork-barrelled by the Labor Party in the last election.

The second issue I want to draw to the Senate’s attention is that not only did the Labor Party conduct itself in this fashion but there has been a huge effort to cover up what those election promises are. Those who can hark back to the 2004 election know that Senator Lundy was very active and quite critical of the previous government because, she alleged, they spent $2 million on some 30 projects in marginal seats. Again, you contrast those sorts of figures with the over 100 projects valued at over $100 million which apparently the Rudd Labor government promised in the last election.

It is very curious because, quite in line with the mandate of this Senate and with past practice, a great attempt has been made to ask the Labor Party to tell us what those election commitments are; what were the specific commitments that they made to particular groups. Each time we have tried do this we have been stymied. If I have got time I will go through the efforts the Labor Party has taken to ensure that these figures and these projects are not put on the public record. Senator Bernardi and I have been referred to: ‘All our election promises are on the public record.’ So you go to the public record. You go to the ALP website. It does not list these particular sporting grants. You go into the websites of some Labor members of parliament—I do not want to sound too suspicious about this—and there are some remarkable gaps, which relate to the last election. In the context where a government is trying to cover up an issue, people naturally become suspicious.

I have asked my office to go through and see whether we can identify these sports and recreational grants which were promised by the Labor Party in the last election. With a great deal of work, I now have a table prepared, which lists close to 100 grants valued at close to $100 million, from memory. I seek leave to incorporate this table in Hansard.

Leave not granted.

Senator KEMP—What a curious thing! Why wouldn’t leave be granted to incorpo-
rate a list of Labor Party election promises? I would have thought that the Labor Party would be proud of these promises. It does seem very strange that they are not prepared to have this list incorporated.

I am now going to have the list shown to the minister at the table, Minister Wong, and see whether we can persuade her, in the cause of transparency and open government, to have this table included in Hansard. Obviously, we can read it into the record tonight during the adjournment debate. And obviously we will provide the table to any journalists who would want such a table. I would point out to the minister that this is simply a list of election commitments that have been made by the Labor Party in the course of the last election campaign. We do not claim it to be a comprehensive list. In fact, because it has been taken from a variety of sources—things like Labor Party newsletters, speeches by Labor Party MPs and, of course, in some cases, tips from members of the public—we would not think that this would be a fully comprehensive list, and there may well be some errors in it. But, as the Labor Party has failed to provide a clear list of its commitments in the election, it seems to me that we must do so. And, since they have encouraged Senator Bernardi and me to go to the public record, that is precisely what we have done—we have gone to the public record, as far as we were able to go. Again, I seek leave—now that the minister at the table has seen the table—to incorporate the table in Hansard.

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Is leave granted?

Senator Webber—Now that we have finally seen the document that Senator Kemp is talking about, we will grant leave, on the condition that it is actually acknowledged in this document that it was prepared by you, Senator Kemp, or by your office.

Senator Kemp—That is precisely what I said; the table—

Senator Webber—I want it marked on the document, please, Senator Kemp.

Senator Kemp—Senator Webber, if you would like to say, ‘Prepared by Senator Kemp’s office’, I am more than happy for you to do that and to have that incorporated in the table.

The ACTING DEPUTY PRESIDENT—Senator Kemp, you know the document that needs to be incorporated, and you have that document?

Senator Kemp—We have that document.

The ACTING DEPUTY PRESIDENT—The table officer will collect the document.

Senator Kemp—Okay.

Leave granted.

The document read as follows:

ALP ELECTION PROMISES SPORT AND RECREATION FACILITIES

This list has been prepared from a variety of sources as Rudd Labor has repeatedly refused to table a complete list of the promises it made in electorates during the 2007 election. This list is certainly incomplete. There are doubtless many more promises that need to be identified.

<table>
<thead>
<tr>
<th>Project</th>
<th>Funds</th>
<th>Electorate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marion Sports and Community Club</td>
<td>1000000</td>
<td>Boothby</td>
</tr>
<tr>
<td>Blackwood Football Club</td>
<td>130000</td>
<td>Boothby</td>
</tr>
<tr>
<td>Sturt Baseball Club</td>
<td>20000</td>
<td>Boothby</td>
</tr>
<tr>
<td>Tuncurry/Forster Football Club</td>
<td>?</td>
<td>Paterson</td>
</tr>
<tr>
<td>Nabiac Pool Committee</td>
<td>135000</td>
<td>Paterson</td>
</tr>
<tr>
<td>Smiths Lake Sports Field</td>
<td>200000</td>
<td>Paterson</td>
</tr>
<tr>
<td>Tea Gardens Skate Park</td>
<td>30000</td>
<td>Paterson</td>
</tr>
<tr>
<td>Project</td>
<td>Funds</td>
<td>Electorate</td>
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<td>-------------------------------------------------------</td>
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</tr>
<tr>
<td>Nelson Bay PCYC Gym</td>
<td>200000</td>
<td>Paterson</td>
</tr>
<tr>
<td>Mallabula Panthers Club House</td>
<td>15000</td>
<td>Paterson</td>
</tr>
<tr>
<td>Bathurst (City) Cricket Club</td>
<td>?</td>
<td>Macquarie</td>
</tr>
<tr>
<td>Lapstone Netball Complex</td>
<td>?</td>
<td>Macquarie</td>
</tr>
<tr>
<td>Elizabeth Aquadome</td>
<td>200000</td>
<td>Wakefield</td>
</tr>
<tr>
<td>Gawler Soccer Club</td>
<td>?</td>
<td>Wakefield</td>
</tr>
<tr>
<td>Tea Tree Gully Football Club upgrade</td>
<td>500000</td>
<td>Wakefield</td>
</tr>
<tr>
<td>Helensburgh Netball Club</td>
<td>65000</td>
<td>Cunningham</td>
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<tr>
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<td>230000</td>
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<tr>
<td>Rokeby Cricket Club</td>
<td>10000</td>
<td>Franklin</td>
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<tr>
<td>Cygnet Gymnasmium</td>
<td>35000</td>
<td>Franklin</td>
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<tr>
<td>Kingsborough Lions United Soccer Club</td>
<td>10000</td>
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<tr>
<td>Port Huon Sports Centre</td>
<td>10000</td>
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<tr>
<td>Erina Sports Precinct (Erina High School)</td>
<td>900000</td>
<td>Robertson</td>
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<tr>
<td>Surf Lifesaving Program, NSW Central Coast</td>
<td>?</td>
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<tr>
<td>Blackwater Aquatic Facility &amp; Sporting Complex</td>
<td>1000000</td>
<td>Flynn</td>
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<td>Emerald BMX &amp; Skate Park</td>
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<td>Flynn</td>
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<tr>
<td>Hegvold Stadium</td>
<td>1700000</td>
<td>Flynn</td>
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<tr>
<td>Dysart Sport &amp; Recreation Facility</td>
<td>1500000</td>
<td>Flynn</td>
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<tr>
<td>Pine Rivers Lightning Baseball Club (lighting)</td>
<td>35000</td>
<td>Dickson</td>
</tr>
<tr>
<td>Pine Rivers Netball Club (Court surface improvement)</td>
<td>300000</td>
<td>Dickson</td>
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<tr>
<td>Police Citizens Youth Club (Boxing ring and gym)</td>
<td>40000</td>
<td>Dickson</td>
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<tr>
<td>Holy Spirit Rugby League Club (improve lighting)</td>
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<td>330000</td>
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</tr>
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<td>40000</td>
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<tr>
<td>Torquay Sports Precinct</td>
<td>4000000</td>
<td>Corangamite</td>
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<tr>
<td>Quay Reserve sports lighting project</td>
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<td>Torquay Surf Lifesaving Club</td>
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<td>Corangamite</td>
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<tr>
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<tr>
<td>Forrestfield United Soccer Club</td>
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<td>Nunawading Gymnastics Club</td>
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<td>Croydon Little Athletics Centre</td>
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<td>Deakin</td>
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<td>Croydon Leisure Centre Pool</td>
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<tr>
<td>Project</td>
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<td>Electorate</td>
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<tr>
<td>49 Bega Recreation Ground</td>
<td>188000</td>
<td>Eden-Monaro</td>
</tr>
<tr>
<td>50 Bungendore Swimming Pool and Mick Sherd Oval</td>
<td>120000</td>
<td>Eden-Monaro</td>
</tr>
<tr>
<td>51 Cooma Pool Upgrade</td>
<td>525000</td>
<td>Eden-Monaro</td>
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<tr>
<td>52 Jindabyne Oval Upgrade</td>
<td>650000</td>
<td>Eden-Monaro</td>
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<td>53 Campese Oval/Taylor Park upgrade</td>
<td>1000000</td>
<td>Eden-Monaro</td>
</tr>
<tr>
<td>54 Launceston Regional Tennis Centre</td>
<td>500000</td>
<td>Bass</td>
</tr>
<tr>
<td>55 Scottsdale Bowling Club</td>
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<td>56 Tamar Rowing Club</td>
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</tr>
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<td>57 Cataract Gorge Walkways</td>
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<td>59 Blackstone Park</td>
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<td>Bass</td>
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<td>60 Bridport Walking Trail</td>
<td>150000</td>
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<td>61 George Town Sports Complex</td>
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<td>63 Low head to George Town Recreation Trail</td>
<td>750000</td>
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<td>64 Port Sorrell Surf Lifesaving Club</td>
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<td>68 Smithton Little Athletics</td>
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<td>70 Caboolture Rugby League Club</td>
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<tr>
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<td>3000000</td>
<td>Solomon</td>
</tr>
<tr>
<td>75 Mallacoota Pathways</td>
<td>550000</td>
<td>Gippsland</td>
</tr>
<tr>
<td>76 Macedonia Park</td>
<td>1000000</td>
<td>Stirling</td>
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<tr>
<td>77 Various Women’s Change Rooms</td>
<td>464000</td>
<td>Stirling</td>
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<tr>
<td>78 Campbelltown Sports Stadium Upgrade</td>
<td>8000000</td>
<td>Werriwa</td>
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<tr>
<td>79 Penrith Valley Sports Hub</td>
<td>500000</td>
<td>Lindsay</td>
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<tr>
<td>80 Leichhardt Oval upgrade</td>
<td>3000000</td>
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<td>81 Energy Australia Stadium Upgrade</td>
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<td>2000000</td>
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<td>8000000</td>
<td>Dawson</td>
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<tr>
<td>84 Dolphins Soccer Club</td>
<td>1120000</td>
<td>Dawson</td>
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<tr>
<td>85 Stage 2 Smart Stadium, Quad Park Project</td>
<td>500000</td>
<td>Capricornia</td>
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<tr>
<td>86 Beauty Point Sports Ground</td>
<td>?</td>
<td>Lyons</td>
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<tr>
<td>87 Cook Park Soccer Ground</td>
<td>?</td>
<td>?</td>
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<tr>
<td>88 Yamba Sports and Recreation Centre</td>
<td>2000000</td>
<td>Page</td>
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<tr>
<td>89 Byron Sports and Community Facility</td>
<td>1500000</td>
<td>Page/Richmond</td>
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<tr>
<td>90 Morisset PCYC Outreach Centre</td>
<td>118000</td>
<td>Charlton</td>
</tr>
<tr>
<td>91 Adelaide North East Hockey Club</td>
<td>1000000</td>
<td>Makin</td>
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<tr>
<td>92 Mt Gravatt Youth and Recreation Club</td>
<td>150000</td>
<td>Bonner</td>
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Senator Stott Despoja—I did not know it was a case where Senator Kemp could grant leave!

Senator KEMP—Well, that is what we expect: the Democrats have—

Senator Stott Despoja interjecting—

Senator KEMP—Senator Stott Despoja, we did not even know you were there, you were so quiet! But, one thing I know you have always wanted to do over the years is to be transparent and open, and for governments to be accountable. To be quite frank, I took the liberty of not thinking that you would have any problems with this at all, Senator Stott Despoja.

So here we have, as I said, at least a draft list of election promises that have been made by the Labor Party. I stress: I suspect, because of the variety of sources that we have had to use to gather this list, that there may well be some errors in that list. But this will at least get the process going so we can hear from the government and from Minister Ellis whether these promises are ones which the Labor Party has made and intends to keep.

The curious thing with all this is: they say that, in politics, the big problems in the end are the cover-ups. It is one thing to take the heat on the actual issue involved—and this issue is the massive amount of money that was pork-barrelled by the Labor Party into marginal electorates. And, of course, remember: I am only speaking about the sport and recreation grants; I am not speaking about the huge number of other programs which the Labor Party used to pork-barrel its way to winning votes in these marginal seats.

Why—you would have to ask—would the Labor Party want to cover this up? The first element clearly is that, having attacked the former government by accusing it of indulging itself in pork-barrelling, it would be rather astonishing to find that the Labor Party not only did precisely the same thing but did it by a factor of two, three, four or five times. That itself, I would suggest, would be a very interesting story. I suspect the second issue is the sheer quality of these grants. Now, it is quite possible that many of the projects which have been listed are entirely worthy projects. They may well be projects in which the money will be well used. I regret to say that the inquiries that I have made certainly reveal stories of grants and promises which seem to be very poorly based indeed. Again, if we have some time I may mention those. The third element is that this Labor Party government—unlike the previous government, which constantly increased sports funding—on coming in, said that they had to be fiscally responsible and cut sports funding extensively—

Senator Wong interjecting—

Senator KEMP—but did not say that they had pork-barrelled very extensively in the marginal electorates, Senator Wong. You see, that is the problem, Senator Wong. If you come in and say, ‘We have to cut sports funding because we are concerned about being fiscally responsible,’ and then we suddenly discover that $100 million-plus is being spent elsewhere, not unnaturally the
sporting community will ask whether this government is fair dinkum.

Of course, we know that Minister Ellis—who, I know, is a conscientious minister and seeks to work hard in her portfolio—has been asked to involve herself in this cover-up by people in the PM’s office. No-one is saying that Minister Ellis is responsible for all these grants; Minister Ellis was not in the portfolio at that time. But Minister Ellis has been drawn into this, because she is being asked to take part in the cover-up. I would urge the minister to do what I did as minister: when Senator Lundy wanted a full list of the grants—

Senator Wong interjecting—

Senator KEMP—How cutting, Penny Wong!

The ACTING DEPUTY PRESIDENT (Senator Barnett)—Order! Senator Kemp has the call.

Senator KEMP—The minister for raffles and storming Parliament House has got upset. Oh, dear, Penny Wong!

Senator Wong interjecting—

Senator KEMP—The minister for raffles and storming Parliament House! Well, Minister Wong, what I am actually trying to do is to put on record something which is relevant, I might say, to the sporting community. If you do not think that is important, I have to say that shows one of the big gaps in your own armoury, Senator.

I would say to Minister Ellis that no-one is accusing her of making these grants. These were all done by the machine men in the Labor Party. We know that Labor Party candidates in some marginal seats were given a bucket of money and were asked to go around and spend it. We are just a trifle suspicious, Senator Wong, that some of these grants may have been given on a basis which could not be justified to anyone, including the Auditor-General. So what I suspect is going to happen, and I know that my colleague Senator Bernardi is going to pursue this matter with enormous vigour, is that at one stage the Auditor-General will come into this—there is no question of that—and he will be looking carefully at the sorts of grants that were made. For example, when now Prime Minister Rudd went out to a Macedonian sports club outside Perth and promised a million dollars, what was the paperwork like? What was the proposal like? Was there a proposal which was actually there or was this just a desire to create another—

(Time expired)

Guantanamo Bay

Mr Roger Stapledon

Senator STOTT DESPOJA (South Australia) (1.16 pm)—The previous debate reminds me there are some things I may not miss about this place! In this last MPI opportunity before me, I want to discuss an issue of human rights that has been dear to the hearts of Australian Democrats. Before I do, I want to place on record, and commemorate in this place, a dear Democrat who died last month, Roger Stapledon. He was one of our founding members and was one of the key members responsible for my preselection and entry into this place. He was a founding member of both the liberal movement and indeed the Australian Democrats. He was a grassroots member but at times held positions of office, including as state president. He was a visionary. He was a good, kind man, one who will be missed very much in the South Australian Democrats. He was a generous, hospitable, very supportive and loyal to many of us over the years. I did not want to leave this place without acknowledging his support, his sharp mind and his kind soul.

Mr Acting Deputy President, the issue I want to address today in more detail is that
of Guantanamo Bay. I think you would understand that Democrats at this time are using this period for reflection on and for contemplating some of the events with which we have been most closely associated or the events which have defined our time in this place. One event that I think has left an indelible stain on our recent history has been the detention of, among others, two Australian citizens, Mamdouh Habib and David Hicks, at the US naval base at Guantanamo Bay in Cuba. For a long time the Democrats were almost pretty much alone in our condemnation of the treatment of detainees at Guantanamo Bay. We made speeches, spoke at rallies, brought up issues in parliament and moved motions, and in many respects we were a key part of the campaign to repatriate the South Australian, David Hicks.

Our concern was not about the individual per se. It was always about the fact that the rule of law should prevail. No state, regardless of its military might, should be above the law. So it was with some interest—I am not sure if satisfaction is quite the right word—that we viewed last week’s US Supreme Court decision with its landmark ruling delivered in the case of Boumediene v Bush. For the third, and hopefully final, time, the court struck down the military commission regime that the Bush administration had so steadfastly defended, at times with what I consider to be undignified complicity by the former Australian government. Around 270 detainees remain in Gitmo today. More than a fifth are apparently cleared for release but may have to wait months or even years because the US is finding it increasingly difficult to persuade countries to accept them. David Hicks remains the only detainee to have been prosecuted successfully. He may well be the last.

The US Military Commissions Act was one of the final legislative enactments of the Republican-controlled Congress in October 2006. As we know, the act expressly suspended habeas corpus rights for detainees at Gitmo, meaning of course that the detainees had no legal avenue by which to challenge the conditions of their detention, which for some represents more than six years of incarceration without access to the courts. The decision of the US Supreme Court to declare that act invalid, again, dismissed the dual fictions maintained by the Bush administration to justify the different rules at Guantanamo Bay: that the facility exists on Cuban soil and is not US sovereign territory, and that ‘enemy combatants’, as opposed to detainees, are beyond the reach of US civil courts or even the traditional military courts marshal regime—dual fictions to which the previous Australian government and other governments have subscribed. In a common-sense ruling, the US Supreme Court said that the rights protected by the US Constitution ‘cannot be contracted away’ and acknowledged that the Guantanamo Bay site was carefully chosen precisely because it was not US territory in a bid to avoid the usual legal restraints on actions of the executive.

With a US election in the wind—and I note that Senator Moore made reference as well to the fact that there is an upcoming US election—both the Democrat and Republican parties’ presidential candidates, Barack Obama and John McCain, have vowed to actually close Guantanamo Bay. I note, however, that the US President, George W Bush, said he strongly disagreed with the Supreme Court decision and he would actually consider or examine new legislation that would keep detainees locked up at Gitmo.

I understand why this Australian government would have its eyes on the next administration, but the US administration is still the Bush administration. The Australian government should, at this point, be doing everything in its powers to urge its closest ally to bring Guantanamo Bay to an end. As
the Dalai Lama remarked recently, and some of you may have seen one of his interviews where he said: 'There is an old Chinese saying that real friends can be very frank. If you just ignore your friend’s fault, you are not a good friend.' Using His Holiness’s words and example, it would be appropriate for our government to say in the strongest diplomatic terms that Australia can no longer stand by and see this particular detention facility and such abrogation of human rights, conditions and, arguably, law. We cannot allow that to be maintained any longer.

We can view the machinations in the US justice system and US politics of course with a degree of removal in this country, but, looking back and reflecting on some of the changes that we have made to our own legal system, particularly post September 11 but over the last few years, can we say with certainty that we have not damaged, undermined or eroded some of those key principles, those key civil libertarian principles and principles of freedom in our own system? I do not think that we can say that; I think there is clear evidence of where we have passed regressive measures that have impacted on our own system and the human rights of our citizens.

By placing Guantanamo Bay on Cuban soil and attempting to oust the jurisdiction of the courts, the tactics of the Bush administration do bear a resemblance and similarity to the tactics that have been used in this country, particularly in the case of asylum seekers. We would all recall very clearly the migration legislation with which this chamber dealt back in 2001 which sought to, and successfully did, excise certain parts of Australia and Australian islands for the purposes of migration law. The fact that the Rudd government claims to have dismantled the policy of the Pacific solution while maintaining aspects of this policy in relation to Christmas Island makes me question this government’s attitude to the rule of law and issues pertaining to human rights as well. The fact remains that the excision of these areas combined with of course Australia’s policy of mandatory detention of asylum seekers means that people held in detention do not have recourse to Australian courts.

If the US Supreme Court can see fit to extend habeas corpus rights to those suspected of some of the most heinous crimes, surely the same rights should be extended to those people fleeing persecution and searching for a better way of life in our country. Sadly, without constitutional or indeed legislative protection of such fundamental human rights in Australia, asylum seekers in excised migration zones cannot rely on the High Court to step in and say that the executive has indeed overstepped its mark.

Tim McCormack, the Australian Red Cross professor of international humanitarian law at the Melbourne Law School, who was an adviser to Major Mori in the proceedings of the US military commission against David Hicks, said that the central issue in the US Supreme Court ruling on Gitmo:

...involves the separation of powers—the demarcation of the limits of executive authority in responding to terrorism.

Like the case of Guantanamo Bay, I think the Democrats have often, in this place, been sole or lone voices of dissension when it comes to how this government or former governments have responded to the threat of terrorism. We have urged restraint, we have spoken out in favour of maintaining fundamental human rights and we have opposed the control order and the preventative detention regimes, which essentially, let’s face it, allow for detention at the behest of the executive—something that I think is a very perilous, very dangerous path down which to head. This, combined with revelations only this week that the Prime Minister’s office
was closely involved in the prosecution against Dr Mohamed Haneef, suggests that, like the US, the separation of powers between the courts and the executive in Australia has, in some respects, become blurred in our response to the war on terror.

The Democrats like to think of course that we have been the voices of reason in this debate. It is something that has characterised us throughout our history, having to reconcile what some people would describe as our progressive beliefs on a range of social justice and other issues with a very strong civil libertarian bent. It is something that many of us feel that we inherited—for lack of a better word—from Chipp; we are ‘chips off that old block’. That sense of maintaining or recognising individual freedoms, I understand, is a balance. I note that Senator Mason is in the chamber. He has very strong views on privacy, many of which I share, but I understand it is not a fundamental concept in its own right. There has to be balance between the national interest and the needs of the community, and balanced of course with the needs of the individual and the citizen. I am not convinced we have got the balance right. I think we have gone too far in one direction and that is something I am sure will be left to many of you to review over the years ahead.

Let us face it, more than 42 pieces of legislation—at last count anyway—have been passed post September 11. Of course, in many circumstances, there are very good reasons to analyse or revisit past laws that seek to protect us and protect our country, our national interest and individuals. But I think it is time for a parliamentary and/or independent review of such a large slab of changes to law. We do want a comprehensive review of anti-terrorism legislation and I urge those of you who remain after 1 July to consider that; there is a lot to be done.

Sadly, despite some policy changes in relation to human rights that have been undertaken by this government, this is one call that has remained unanswered. Senator Obama in the US has said that Guantanamo Bay and the decision of the US Supreme Court on Guantanamo Bay was an important step in re-establishing the credibility of the United States as a nation committed to the rule of law and ensures:

...that we can protect our nation and bring terrorists to justice while also protecting our core values.

I only hope that, even with the departure of the Australian Democrats, there will be room for such conviction politics in Australian politics and in this place after 1 July 2008. I have no doubt that there are many and varied views on some of these issues, but at some point I think we need to re-establish, reconsider and hopefully restore that balance to which I referred.

Mr Bruno Riccio

Senator FERRAVANTI-WELLS (New South Wales) (1.30 pm)—I rise today to pay tribute to a special Australian who recently passed away, Bruno Riccio OAM. Bruno was a fundraising stalwart for the Victor Chang Cardiac Research Institute for over 14 years. Together with his Freshest Group colleagues, he raised about $1.3 million for research into heart disease. The Freshest Group, through Bruno, was made a life governor of the Victor Chang Cardiac Research Institute in 2000. In 2003 Bruno was awarded a papal knighthood for his charitable work. Sadly, Bruno’s sudden death on New Year’s Eve meant that he was not able to receive his 2008 Australia Day honour, a Medal of the Order of Australia. Thankfully, he had received advice from the Governor-General of this OAM and he had accepted the honour prior to his death.

Bruno was born in the village of Grotteria in Reggio Calabria in Italy on 12 February 1944. Bruno’s father, Pasquale, moved to
Australia in 1949, leaving behind his wife Elena and his family. It was not until 1956 that the family were able to join their father in Australia. It was a migrant story like so many others. On arrival, Bruno attended a Catholic school. He spoke no English. Regrettably, his lack of English made him the object of fun and name-calling, and so Bruno decided to go to Sydney’s Haymarket and look for a job. He was 12 years of age. Bruno immediately got a job in a fruit shop in Ramsgate, receiving the princely sum of £6 per week and working from 4 am to 10 pm six days a week. The travelling from Ramsgate to Eastwood took too long, and so Bruno decided to move out of home to Ramsgate on his own to be closer to work. After six months he was offered more money working at a fruit shop in Beverly Hills. After changing jobs a few times, in 1958 he found a job in Caringbah where he stayed for three years. In 1961, at the age of only 17 years, Bruno decided to start his own business. In 1967 Bruno, then aged 23, returned to Italy for five months and met Angela, whom he married and brought to Australia. Between 1967 and 1980 he ran his shop and during this time he and Angela had three daughters, Leanne, Cathy and Daniela.

In 1980 Bruno bought the Green Apple Fruit Shop in Miranda. A year later Bruno had his first heart attack followed by open-heart surgery at Prince Henry Hospital. He was forced to sell his shop and rest. After a four-month rest period in Italy, he returned to Australia and over the ensuing years Bruno became a very successful businessman. By 1999 the family owned a number of businesses in the Sutherland shire, including fruit shops, a pizzeria and a restaurant. In 1993 Bruno was blessed with the birth of his son, Mark. It was in 1993 that Bruno founded the Freshest Group, comprising 12 shops in various suburbs. The group embarked on its first Freshest Group ball in 1994 to raise money for the Victor Chang Cardiac Research Institute. I am advised that it had been a few months before Dr Chang’s death that Bruno had spoken to him about fundraising. Bruno’s admiration for Dr Chang and his work was inspirational and absorbing. I would like to pay tribute to this group of busy shop owners who have over many years given dedicated and committed service and contributed many hours towards raising funds to ensure that Dr Chang’s important work can continue. In 2004 Bruno had a second open-heart operation at St Vincent’s Hospital. Despite this, he continued to work until 2005, when he retired from work but continued his determined efforts to fundraise for the institute.

On 3 May I had the privilege of attending the 14th Annual Freshest Group Ball at the Grand Pavilion at Rosehill Gardens. Over those 14 years about $1.3 million was raised. In recognising this fantastic achievement, can I acknowledge Bruno’s cofounders of the Freshest Group, Claude Guerrera and Frank Pascale, who are here in the gallery today. Whilst Bruno headed the organising committee for 13 years, Claude and Frank worked arduously alongside him to ensure that the annual fundraising events were a great success. With Bruno’s death, Claude, Frank and Daniela, Bruno’s daughter, ensured that the 14th ball was a fitting tribute to Bruno’s work and commitment over so many years.

An important feature of each Freshest Group ball was the support that Bruno and his committee received from Sydney Markets Ltd and the growers at the market. Bruno’s energetic and passionate dedication to finding a cure for heart disease ensured support for this very worthy cause over so many years. I know that the memory of Bruno will live on in the efforts of the Freshest Group into the future. I am sure that the support of the Sydney Markets will be there for years to come and I look forward to at-
tending and supporting more Freshest Group balls. Indeed, I am sure that over so many years Claude and Frank have well learnt to follow Bruno’s persuasive style in harnessing support for the cause.

Can I take this opportunity also to highlight some of the fantastic work that the Victor Chang Cardiac Research Institute does. The institute of course is a tribute to the great work of the late Dr Victor Chang, who was a pioneer of the modern era of heart transplantation. Dr Chang established the National Heart Transplant Unit at St Vincent’s Hospital in 1984, lobbying politicians and raising funds for its ongoing work. During the 1980s, Dr Chang became widely known as a man of vision, as a caring surgeon, as a researcher and as an ambassador for Australia and the people of South-East Asia.

During this time he nurtured a vision to establish an internationally recognised cardiac research centre at St Vincent’s, and to this end in 1990 he and others launched the Heart of St Vincent’s Appeal. As we know, Dr Victor Chang AC died tragically on 4 July 1991, aged only 55 years. The mission statement of the institute is:

The relief of pain and suffering and the promotion of well-being, through an understanding of the fundamental mechanisms of cardiovascular biology in health and disease—for the heart of Australia.

Although the institute conducts research into all forms of heart disease, it is the only one in Australia with a primary focus on heart muscle diseases. These diseases cause heart failure, which is a condition that limits the heart’s ability to pump sufficient blood around the body to match our activity needs. Heart muscle diseases cause breathlessness with even the slightest exertion and, in their severest form, require a heart transplant for survival. Heart failure can affect people of all ages and both sexes; it is the commonest cause for admission to hospital for people over 65 years and, weekly, causes the death of more than 200 Australians.

Established in 1994 with just one basic science laboratory, the Victor Chang Cardiac Research Institute has grown rapidly in its 10 years of operation and today runs eight research programs, overseeing 11 independent research laboratories. These programs address important contemporary problems such as heart development and congenital heart disease inherited heart diseases, and the regulation of heart function in response to stresses, such as high blood pressure and ageing. The combined vision of these programs is to reduce the incidence and severity of heart muscle diseases.

The successful operations of the institute are heavily reliant upon the dedication, commitment and vision provided by the Sisters of Charity, by the board of directors, chaired by the Hon. Neville Wran AC QC, and the subsidiary committees. Can I recognise the many distinguished Australians who give their time and service to ensure this important institute continues to provide much needed research in so crucial an area of health. I would also like to take the opportunity to pay tribute to the highly distinguished Professor Bob Graham, the Executive Director of the Victor Chang Cardiac Research Institute and a member of its executive management, appeals and finance committees, and to all his dedicated scientific and administrative staff.

In 2006-07 the institute celebrated the completion of its magnificent new research building which will be its permanent home. The institute’s 2006-07 annual report refers to this as ‘a new building to build better hearts’. The report states:

This has been an epic task by a legion of dedicated workers and we are indebted to all of our supporters who have made this vision a reality. As the scaffolding comes off, revealing the shapes and contour of the exterior and expanded labora-
tory spaces within, we reflect on our ambitions for this new home. It goes without saying that we want this building to be synonymous with the highest level of achievement in cardiovascular research in Australia and abroad. It will be a home for generations of smart young people that have chosen science and medical research as their careers. Hence, they will focus their curiosity and expand their knowledge. Beyond this, however, our core mission is to make a difference to human suffering. Within the walls of our new building we want to discover how to build a better heart. Can this actually be done?

Of course, the heart is the only organ that can never sleep. It is composed of billions of highly specialised muscle cells working together as an efficient pump, beating on average 70 times a minute, 100,000 times a day and almost three billion times in a lifetime. It is indeed our most vital lifeline.

Until recently, the heart has been viewed as a highly specialised organ that progressively loses its ability to repair itself if injured. With heart attacks, those muscle cells die or the pumping of the heart begins to fail. It is exciting that, in recent years, research work with adult stem cells has given rise to the possibility of repairing diseased organs such as the heart. The institute is taking up the challenge with major research efforts being undertaken to explore the potential of cardiac stem cells. Whilst the institute does attract state and federal grants, fundraising from the community is very important, especially towards high-risk research and new areas of research that are not yet mature enough to attract grant funding. The fundraising contribution of people like Bruno, Claude, Frank and the Freshest Group is vital to the institute’s continued operation.

Bruno often said to me that the Victor Chang Institute helped save his life. He was passionately, wholeheartedly dedicated to advancing its cause and raising funds. His enthusiasm and personal experience enveloped the many people who willingly assisted and supported the work of the institute. Bruno knew that the research of the institute meant that his life and those like him could be bettered. Heart problems, in one way or another, affect the lives of so many of us. Bruno is a fine example of a person who came to this country as a migrant, worked long and hard and who wanted to give back to those who helped him. Bruno was an active member of the Australian-Italian community through his support of various charitable causes. He and Angela were well known and well respected. I understand that he was also very active in his own community, including helping raise funds for Sutherland Hospital.

Bruno was a well-known identity in the Sutherland shire. The St George & Sutherland Shire Leader, in an article dated 29 January 2008, referred to him as the ‘fruit shop king’. The article also highlights Bruno’s modesty and humility, so typified by the following comment:

Philanthropist Bruno Riccio did not feel worthy of receiving the Medal of the Order of Australia. He said to his wife Angela two months before he died: ‘Isn’t this meant for people higher up in society?’

Bruno died of heart complications on New Year’s Eve, aged 63. He will live in the memory of so many in our community. He died having made a substantial contribution to the betterment of his community.

To his wife Angela; children Mark, Leanne, Cathy and Daniela; his grandchildren Vinnie, Karla and Isabella; and to his many friends and supporters I pay tribute to the support that you gave to Bruno to help him achieve what he did. He will, I am sure, always be remembered with his smiling face and his very kind and generous nature.

Motor Neurone Disease

Senator Barnett (Tasmania) (1.44 pm)—I rise today to mark a special day in
the calendar of this nation—the global day in honour of motor neurone disease, 21 June. Every year since 1997 the International Alliance of Motor Neurone Disease Associations around the world has celebrated 21 June as the global day of recognition of amyotrophic lateral sclerosis and motor neurone disease, a disease that affects people in every country of the globe. The solstice is on 21 June; it is a turning point. Each year the ALS and motor neurone disease community undertake a range of activities to express their hope that this day will be another turning point in the search for cause, treatment and cure of this awful disease. Members of the international alliance undertake a range of activities to recognise this disease. Many organise meetings of people diagnosed with motor neurone disease and carers, and some organise social events. Meetings of boards of directors undertake fundraising activities or simply reflect on being part of the worldwide fight against motor neurone disease.

The global day is important because it is one day that every member of the international alliance has in common to reflect their dedication and their role in the global fight against motor neurone disease. Many countries already have awareness days, weeks and even a month of recognising motor neurone disease. And in Australia we have the Motor Neurone Disease Awareness Week. That was celebrated just recently in Tasmania and across the country. It stimulates a period of intense effort to promote awareness of the disease.

At this juncture, I would like to pay a tribute to the Motor Neurone Disease Association in Tasmania, to its president, Tim Hynes, and specifically to its former president, Bill Braithwaite, who died recently. He was a wonderful advocate and leader for the Motor Neurone Disease Association in Tasmania over many years. Sue, his wife, was also a wonderful support and helper, and has been very kind and generous in her support not just for her husband Bill but also for the association more generally. Sue is still remembered by all members of the association. We recognise her today and thank her for her support of the association and, of course, for dear Bill over so many years. Bill was a strong advocate for people with motor neurone disease in Tasmania. In the north of Tasmania, in Launceston, we have a monthly get-together where people with motor neurone disease or their family and friends can come. My mother, Lady Sally Ferrall, is involved, and my wife is a member of the committee. My wife, Kate, regularly attends during those special monthly occasions.

I want to acknowledge that this week the global day of recognising motor neurone disease will be celebrated in the parliament. The launch of the global day will be held tomorrow morning, Thursday, 19 June, in the House of Representatives alcove. I want to note that this cruel disease affects 1,300 people across the nation and I will share some more statistics shortly. The Motor Neurone Disease Association of Australia will present the Living Better for Longer campaign at tomorrow’s breakfast and they will outline some of the ways in which the Australian government can help people living with motor neurone disease and their families. Tomorrow morning, I will welcome and launch the event together with Carol Birks, the National Executive Director of the Living Better for Longer campaign for the Motor Neurone Disease Association. Dr Robert Henderson will be speaking on the multidisciplinary clinics and Ralph Warren, who is the President of Motor Neurone Disease Australia, will share a message. We will also hear a message from the world renowned Professor, Stephen Hawking, and we will have a film clip to hear his message for the breakfast participants.
In terms of the statistics, the incidence of mortality demonstrates an increase in the number of deaths from motor neurone disease in Australia during the last decade. The ageing population and interventions that improve life expectancy for sufferers of motor neurone disease are likely to result in a steady increase in the number of people living with motor neurone disease in Australia. But each day at least one person dies from motor neurone disease and another is diagnosed in this country. The average life expectancy for a person with motor neurone disease is two to three years from diagnosis. But that can vary, and in the case of Bill Braithwaite it was for much longer—many years. For others it is shorter, but that is the average—two to three years. As I have indicated, 1,300 people are living with motor neurone disease in Australia at any given time, and 971 people were registered with the motor neurone disease associations as at 30 June 2007. In 2006-07, the motor neurone disease associations loaned 2,187 items of equipment. You might ask what sort of equipment and what type of things?

Before I do that I just want to explain what motor neurone disease is. It is a name given to a group of diseases in which the nerve cells or the neurones controlling the muscles that enable us to move around, speak, swallow and breath fail to work normally. So with no nerves to activate them, the muscles gradually weaken and waste. The patterns of weakness and rate of progression vary from person to person. It is a debilitating disease and at times—certainly right now for me—it is hard to even describe it because it has affected me personally. My father, John Barnett, died of the disease in 1985. It was first described by Jean Martin Charcot in 1869, and there is still no known cause or cure. That is a tough position to be in with such a devastating disease, and treatment options are very limited. Effective management of the disease by a variety of specialist health professionals is vital to maintaining quality of life and assisting with symptom control. In terms of the equipment: yes, there is a range of equipment, including speech devices, wheelchairs and devices that assist in the communication of one’s intentions. My wife is a speech pathologist and she has spent a good deal of time in her career offering assistance to people with motor neurone disease and with communication needs more generally.

As I said, Motor Neurone Disease is a debilitating disease that results in the deterioration and wastage of muscles over a period of time, gradually leading to death. This week, with Global Day coming up on 21 June, it is important that we recognise the work of Motor Neurone Disease Australia, which is the peak body, and of the state motor neurone disease associations around the country. Motor Neurone Disease Australia was formed in 1991 in response to the increasing number of people and their families and carers living with motor neurone disease in Australia. I am a former board member of Motor Neurone Disease Australia and was president of the association in Tasmania prior to my entry into the Senate, and obviously our family has a special interest in it. In fact, my mother was a founding member of the association in Tasmania. She got it started all those years ago in the mid-1980s when my father had motor neurone disease. I pay tribute to Mum for the care, support and love that she demonstrated to my father during those three years when he had this dreadful disease.

The Motor Neurone Disease Australia network comprises six state associations, representing all states and territories, and the Motor Neurone Disease Research Institute of Australia. Motor Neurone Disease Australia members work together to advance, promote and influence local and national efforts to achieve the vision of a world free from the
impact of motor neurone disease. By providing a national peak body for motor neurone disease in Australia, MND Australia is committed to lobbying for excellence in all services provided to all people affected by motor neurone disease, facilitating and coordinating the dissemination of information, creating reciprocal supportive and informative links with research organisations, ensuring increased awareness of the issues facing people living with motor neurone disease and enhancing the quality of life of people living with motor neurone disease. As I indicated earlier, MND Australia is a member of the international alliance of ALS/MND associations, the peak body for national organisations who support people living with ALS/MND.

Stephen Smith, the Minister for Foreign Affairs, is very supportive of people with motor neurone disease and has been an advocate for them in this parliament and I know that other members and senators likewise join together with the objective of helping wherever possible people with this disease, at both a state and a federal level. I commend the breakfast tomorrow to members, senators and the general public and place on the record that we can all do something on Global Day, 21 June, the winter solstice. You could talk about it with your friends. You could have a function or indeed donate funds to your local Motor Neurone Disease Association. You could write to your local newspaper and tell your story or that of others relating to this disease. We want people to stand up and say yes, there is no known cause and there is no known cure, but it is a disease that is worth standing up for because there are 1,300 Australians with this disease.

Sitting suspended from 1.56 pm to 2.00 pm

QUESTIONS WITHOUT NOTICE

Budget

Senator BOSWELL (2.00 pm)—My question is to the Leader of the Government in the Senate and Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, Senator Evans. In the recent budget, the government announced expanded definitions of income that will reduce many Australians’ eligibility for a range of government support programs and assistance delivered through the tax system. What government support programs and assistance delivered through the tax system will be affected by the expanded definition of income? As a result, how many people will have their support or assistance reduced in each of these programs or assistance measures? What is the value of the government’s clawback of assistance and support from Australian working families?

Senator CHRIS EVANS—I thank Senator Boswell for the question. I just want to be clear, because yesterday he asked me a different question relating to a different budget measure.

Opposition senator interjecting—

Senator CHRIS EVANS—It is important, Senator. This is quite complex. Senator Boswell, if you are referring to the changes contained in the budget brought about by this government in terms of changing the definition of income to include salary sacrifice into super, I can help you with that. If you are referring to the measure which is at the centre of a public debate about which the Treasurer and the Minister for Families, Housing, Community Services and Indigenous Affairs, Ms Macklin, held a press conference today, that is a 2006-07 budget measure, which is the one that is impacting on people working in the not-for-profit sector.

In terms of this government’s measure this year, it is a change to the definition of in-
come, which will now include any salary sacrifice into super. It closes what we regard as a loophole. Our budget measure affects only income salary sacrificed into superannuation. In relation to income salary sacrificed into superannuation, if individuals have income sufficient that they can afford to sacrifice some of their salary into a super fund and lock it away until their retirement, then it seems to us only fair that they not receive additional welfare benefits as well. As the Australian newspaper’s editorial put it this morning:

There is a strong argument that this is exactly as it should be. A decision on whether someone has the capacity to properly provide for children should include all income.

This measure was also reported by the Daily Telegraph last month, on 30 May. The column said, ‘These changes will result in a fairer welfare system.’ Our budget is designed to make income tests for various tax and transfer programs fairer and better targeted to those in need of government assistance. Around 2.2 million families with 4.3 million children receive family tax benefits. Therefore, approximately 3½ per cent of families receiving family tax benefit payments will be affected by the changes to salary sacrifice into superannuation. This also brings the treatment of salary sacrifice into superannuation into line with the rules that already exist for pensioners and the rules that already exist for the self-employed. The self-employed are already under this regime. This brings the rest of the population into that same system. It also ensures that parents cannot reduce or avoid their child support obligations by voluntarily salary sacrificing part of their remuneration into superannuation. It is making sure we test their real income. It is not the purpose of the social security system to provide further incentives, over and above those provided by the tax system, to make voluntary contributions to superannuation.

Those are the changes that are contained in this budget. I think they affect about 3½ per cent of the families who are on family tax benefits. It is part of an overhaul of the welfare system to make it fairer and brings it into line with the arrangements that currently apply for pensioners and the self-employed. These measures were announced in the Rudd Labor government’s budget some six weeks ago, and all the details are in the budget papers.

As I said, this is different from the issue that is at the heart of a public debate at the moment, which relates to the previous Howard government’s 2006-07 budget changes, which will come into effect on 1 July this year. (Time expired)

Senator BOSWELL—Mr President, I ask a supplementary question. I thank the minister for the information, but I asked specifically: what support programs are going to be affected, how many people are going to be affected and what is the value of the government clawback? I asked you these questions in a Senate estimates committee hearing when you were at the table. I have asked it about three times, in various estimates committees, and I cannot get a specific answer to my question as to how many people, what the programs are and what the clawback is.

Senator CHRIS EVANS—I thank Senator Boswell for the supplementary question and I am trying to assist him. This initiative is expected, with the others, to deliver savings in the FaHCSIA portfolio of about $250 million over four years. The number of families affected is about 3½ per cent of the 2.2 million families who are in receipt of the family tax benefit. So it does affect a small but significant number of people. We regard it as closing a loophole, bringing this cohort
into line with the rules that the previous government applied to the self-employed and to pensioners. I also want to stress that this starts on 1 July 2009. The changes that are going to affect people from 1 July this year are the changes delivered in the Howard budget brought down for 2006-07.

Budget

Senator CROSSIN (2.07 pm)—My question is to the Minister representing the Prime Minister, Senator Evans. Can the minister update the Senate on the implications for the surplus of decisions that were taken in the Senate today to delay the important passing of the budget initiatives?

Senator CHRIS EVANS—I thank Senator Crossin for that important question. It was very disappointing today that the Senate, led by the Liberal opposition, sought and successfully deferred key budget measures. Quite frankly, this does provide a serious threat to the government’s budget strategy. As you know, during the election campaign we made commitments to the Australian public to deliver on programs such as tax cuts, childcare assistance and education tax rebates—measures designed to assist working families. The other commitment we made was to be fiscally conservative—to run an economy that allowed us to maintain downward pressure on interest rates and downward pressure on inflation. We were left a very serious inflationary problem. We have sought to tackle that in the budget by running a large surplus. As the Reserve Bank noted yesterday when its minutes were released, it will be a larger surplus than expected, and one that is successfully trying to put downward pressure on interest rates and inflation to try to assist Australian families to ensure that their income is not eaten away by inflation and to ensure that they get real benefit from the tax cuts we are going to deliver on 1 July. Those economic settings are very important to the families of Australia and they are very important to the government’s attempt to deal with the economic issues confronting us.

This morning, the coalition again abused their Senate majority. One would have thought that after the last election they would have learnt their lesson. It did cost them government. Their abuse of their Senate majority cost them government, and I think they should have learnt their lesson. In abusing their Senate majority, they committed economic vandalism. Vandalism is described as ‘wilful—

Senator Abetz—Mr President, I rise on a point of order. I would invite you to carefully reflect on the words spoken by the Leader of the Government. If he has not got there yet, he is dangerously close to reflecting on a vote of the Senate.

The PRESIDENT—I will listen very carefully to his answer but at this point I think the minister is quite in order.

Senator CHRIS EVANS—It is clear to me that Senator Abetz cannot take it because he cannot defend their position. This is economic vandalism by the coalition. Vandalism is described as ‘wilful, wanton and malicious destruction’, and that is what occurred today—wilful, wanton and malicious destruction of the government’s budget. They hide behind process. They try and say, ‘Oh, it’s all about us having a look at these bills.’ Let us examine what it means. What it means is that if they do not pass these bills until September, it will cost in the order of $284 million. It will cost taxpayers $284 million. So the deferral for them to have a look, at their leisure, is going to cost almost $300 million of taxpayers’ money. That is interesting because, when we raised this with them yesterday, they said, ‘We’re not necessarily opposing these measures.’ They have not got the courage of their convictions. They are not
sure they are opposing the luxury car tax, although I do not know why they would. They are not sure they are opposing the condensate. They are just going to waste $300 million of taxpayers’ money because they cannot make up their mind, because they do not have the political courage to come to a conclusion. This decision by the coalition rips $300 million or thereabouts off Australian taxpayers. It is going to cost every man, woman and child in this country about $13 each. That is $13 each that the government will not have to spend on schools and hospitals because the coalition will not front up to their responsibilities. This is wilful, wanton and malicious destruction. If they said they were going to defeat them, then they could defeat them now. But no; they are going to defer, they are going to hide behind process and, as a result, they are going to cost the Australian taxpayer dearly. (Time expired)

Water

Senator CHAPMAN (2.12 pm)—I direct my question to the Minister for Climate Change and Water. When did the minister or her department receive the report by scientists, to which reference was made on today’s AM program, warning of a critical six-month window to save key parts of the ailing Murray-Darling Basin?

Senator WONG—I can tell the chamber that this report is amongst a number of reports and comments in the public arena over many years about the state of the Coorong, about the state of the lower lakes and the state of the River Murray. This report, as was discussed today in the media, was provided to the ministerial council in May. But I would stress that this is one of a range of issues that the government is aware of when it comes to the Coorong and when it comes to the lower lakes. That is why the ministerial council has commissioned the Murray-Darling Basin Commission to provide advice on a range of management strategies for the lower lakes, which I believe I have spoken about previously in this chamber. It is why we have also allocated $6 million for urgent pumping into Lake Albert, to deal with the acid sulphate situation in that lake as an urgent measure. More broadly, the issues associated with the Coorong and the lower lakes are a symptom of the problems that the River Murray is experiencing, and those problems—

Senator Kemp—Do something about it.

Senator WONG—I will take that interjection. Senator Kemp says, ‘Do something about it.’ I am about to tell him what we are doing. This is a situation which arises as a result of, firstly, climate change and the fact that climate change is impacting on rainfall availability through the Murray-Darling Basin. They scoff on the other side of the chamber, but we know from the CSIRO, from the sustainable yield study, that it is quite clear that we have a significant problem in the Murray-Darling Basin as a result of both climate change and drought. So what can we do about this? What the government have done is this: first, the government
achieved a historic agreement with the basin states at the COAG in March, for the first time in this nation’s history, to manage this basin as a whole, to reflect the fact that rivers run across borders—something you never achieved. What else is the government doing? Second, we are allocating $3.1 billion to purchase water for the River Murray and we have already started spending that to return water to the river, to deal with exactly the sorts of environmental problems that the Coorong and lower lakes are having. That is something you never did.

Through you, Mr President, if Senator Chapman is serious about assisting the lower lakes and the Coorong, he needs to talk to some of his people on that side, members and senators in the opposition who still do not agree with the idea of purchasing water for the river. We know that Mr Cobb has said that we should not be doing this or has raised concerns about it. We know that Senator Joyce said in estimates hearings that he does not agree with the long-term target of returning 1,500 gigalitres to the River Murray. If you, the opposition, are to have any credibility on this issue they need to deal with the opposition in their own ranks to returning water to the river.

Budget

Senator MARK BISHOP (2.17 pm)—My question is to the Minister for Superannuation and Corporate Law, Senator Sherry, representing the Minister for Finance and Deregulation. Can the minister please outline to the Senate the details of the serious threat to the revenue base of the federal budget?

Senator Ian Macdonald—Didn’t we get this exact same question yesterday?

The PRESIDENT—Senator Macdonald, we may have, but I am dealing with today’s questions and I have not heard it today.

Senator SHERRY—There are important updates on yesterday’s developments, Senator Macdonald, and I am going to remind you of them. Senator Macdonald participated in those events this morning. Over the last few weeks, but in particular today, we have seen the development and the confirmation of serious threats to the budget surplus. What we saw this morning was the referral, deferral, obstruction, blocking—whatever term we choose to use—by the Liberal opposition, who have a majority in the Senate, of a range of key measures that are important to maintaining the government’s budget surplus. What we have seen is the Liberal opposition not learning a lesson from the last election. They have a majority in the Senate and are
acting irresponsibly and recklessly and are threatening the surplus.

The Labor Party, at the last election, gave a very clear commitment to the Australian people: economic responsibility and fiscal conservatism. That is the underlying commitment we gave to our approach to fiscal management in this country, and that was reflected in the budget. It is particularly important to maintain that budget surplus because, as we know, inflation has been increasing. It is at its highest level in 16 years, and increasing inflation puts upward pressure on interest rates. That is why we built into the budget a surplus of some $22 billion. That budget needs to pass the Senate by 1 July. Unless those opposite, the Liberal opposition, who have a majority in the Senate, have a change of mind by the end of next week, important measures will be affected, which will result in a significant loss of revenue. Even if they decide to support the measures, there is going to be a significant loss of revenue, totalling some $300 million, between now and when the Senate comes back in seven or eight weeks time. Almost $300 million is a significant amount of money. It is not an amount of revenue to be taken lightly. What we have seen, and what I hope that the Australian people are seeing, is a reckless Liberal opposition that has not learned the lesson of having a majority in the Senate chamber.

Let us look at the areas where they are delaying, referring, obstructing and opposing that $300 million. Let us just look at some of the breakdown. First, there is the condensate for crude oil excise. What we are seeing is a Liberal Party that prefers to maintain a decades-old loophole that confers windfall profits on the producers of condensate. The Liberal Party prefers to maintain a decades-old loophole that confers super profits in respect of condensate. That will come at a cost of some $2.5 billion in revenue to the budget. We are not talking about small figures here. The revenue from the luxury car tax will be $22 million. From the passenger movement charge the revenue will be $27 million. From visa application charges and passport fees the revenue will be $32 million. These are consistent with our commitment to deliver budget surpluses, fiscal responsibility and fiscal conservatism. Unfortunately, the loss of and threat to this revenue will put upward pressure on inflation and upward pressure on interest rates. That is the approach of this reckless Liberal opposition: upward pressure on interest rates and upward pressure on inflation by failing to pass the government’s important budget revenue measures.

**Education Funding**

**Senator MASON** (2.22 pm)—My question is to the Minister representing the Minister for Education, Senator Wong. Is the minister aware of the refusal by the New South Wales, Queensland and Western Australian Labor state governments to contribute to the costs of implementing the so-called digital education revolution? Can the minister guarantee that the federal government will cover the $3 billion to $4 billion shortfall in the costs, as estimated by the Western Australian Premier, Mr Carpenter?

**Senator WONG**—I thank Senator Mason for his question to me in my representing capacity. I believe that the senator is referring to the Partnerships in ICT Learning report findings. He is nodding, so at least we are on the same page. We make a number of points about this. This report was commissioned in 2005 and completed in 2007. As the senator would know, it does highlight the importance of providing pre-service and in-service teachers with the skills to integrate ICT into the classroom in a useful way. It also stresses the importance of investment in hardware infrastructure and in teacher pro-
fessional development in bringing the benefits of ICT into Australia’s classrooms.

I remind the Senate that this government, consistent with our election commitments, is investing $1.2 billion over four years in the digital education revolution. We recognise that support for teachers to make effective use of ICT in learning and in teaching is a key element of this revolution. Research such as the Partnerships in ICT Learning report obviously informs those issues underlying the government’s approach to the digital education revolution and our policy, which clearly aims to improve the use of technology in teaching and learning in order to prepare young people for living and working in the 21st century.

I advise the senator through you, Mr President, that the Commonwealth is committed to working with deans of education to ensure that new student teachers achieve competence in the educational use of ICT, and also with the states and territories to ensure that existing teachers develop or upgrade their competence in the educational use of ICT. To support the DER—the digital education revolution—priority on teaching capabilities for pre-service and current teachers, a teaching for the digital age advisory group has been established to provide advice on an implementation plan for consideration by COAG in December 2008. I think that addresses the issues the senator has raised.

Senator MASON—That was not good, but it was better than Senator Carr. Mr President, I ask a supplementary question. As admitted in the recent budget estimates, why has the government failed to estimate the costs of and budget for all the additional and ongoing infrastructure costs for computers, such as rewiring schools to ensure adequate electrical infrastructure to power computers, additional air conditioning, networking the computers within a school, insurance, repair and maintenance, technical support, software upgrades, replacing stolen and damaged units and so on?

Senator WONG—In the answer to the primary question I addressed the process through COAG that the government has established. I would make the point that this is a government that is delivering its election commitment of $1.2 billion to provide computers. The Deputy Prime Minister has announced the first round of the delivery of that policy and announced that 896 schools from the Catholic, independent and government sectors in all states were successful in that round. The government does recognise that the on-costs for additional computers for schools is an issue that needs to be addressed, and it is an issue that is being discussed with the education authorities.

Nuclear Non-Proliferation and Disarmament

Senator BARTLETT (2.27 pm)—My question is to the Leader of the Government in the Senate, Senator Evans. I refer to the announcement by the Prime Minister during his recent visit to Japan proposing to establish an international commission on nuclear non-proliferation and disarmament, to be co-chaired by former Australian foreign minister Gareth Evans. Can the minister indicate whether any money has been allocated for the functioning of the commission and whether the commission will consist of a properly staffed secretariat? Does the comment in the joint statement of the Japanese and Australian Prime Ministers that ‘the Japanese side welcomed the idea’ indicate that the Japanese have formally agreed to participate in the commission? What other countries have been approached and have agreed to participate in the commission and in what capacity? Can the minister provide a formal terms of reference or any other job
description, if you like, that has been developed for the commission, beyond the few sentences contained in the Prime Minister’s original statement?

Senator CHRIS EVANS—I thank Senator Bartlett for the question. I will help him as much as I can and if he wants further information I am happy to take it on notice. He is right to identify that we as a government have sought to propose an international commission on nuclear non-proliferation and disarmament. We think it is a very important initiative. The objective of the commission is to reinvigorate the global effort against the proliferation of nuclear weapons and to seek to shape a global consensus in the lead-up to the 2010 NPT review conference. The commission aims to strengthen the NPT, the most significant and successful arms control instrument of the nuclear age. But we all acknowledge that recently it has been under significant strain. I know from my own dealings as a former resources and energy spokesman for the Labor Party that that strain was really beginning to show in how one dealt with these issues and in the lack of participation and commitment to the NPT shown by some countries. The 2010 review conference is an opportunity for Australia and like-minded countries to ensure the treaty continues to provide a robust framework for nuclear disarmament and non-proliferation.

I think there is broad agreement that the NPT does need strengthening—it is under increasing pressures. We have seen countries develop nuclear weapons outside the framework. North Korea has stated it has left the treaty in order to develop its nuclear weapons capability. Iran continues to frustrate the agency responsible for enforcing the treaty, the IAEA. We need to ensure a robust framework for nuclear disarmament and non-proliferation that can meet the proliferation challenges of today, and combat any further changes to the regime.

The senator asked about the composition of the commission: it is yet to be determined, but we are engaging in a dialogue with like-minded countries, including Japan, to seek their participation in the commission. The Prime Minister has already announced that the former foreign minister—and my predecessor in this role—Gareth Evans, will co-chair the commission. A secretariat will be established in DFAT over the coming weeks to support the commission’s work. Of course, it will not prevent the government from concurrently pursuing other disarmament and non-proliferation initiatives. We see the entry into force of the Comprehensive Nuclear Test Ban Treaty and the commencement of negotiations on a fissile material cut-off treaty as immediate disarmament projects.

We will continue to urge all states that are yet to do so to sign and ratify the CTBT and we will continue to work within the UN Conference on Disarmament to begin negotiations on a fissile material cut-off treaty. We think this is an important initiative. We do think there needs to be new energy and new activity around the nuclear non-proliferation objective. We hope that this will make a significant contribution over the next period to that. More information will come to hand as we further develop the concept, but the building blocks are in shape, and I am confident that Australia can play a very serious and constructive role in this task.

Senator BARTLETT—Mr President, I ask a supplementary question. I thank the minister for his answer. Is he able, either now or on notice, to indicate any date for a formal establishment of the commission and also whether the commission will have the scope to propose alternatives or changes to
the nuclear non-proliferation treaty, or the establishment of a new treaty to supersede the existing one that he has acknowledged has some problems? Can he also, as part of the statement he has made confirming the government’s commitment to increasing the effectiveness of the nuclear non-proliferation treaty, reconfirm the previously stated position of the government that it will not support uranium exports or sales to India or any other country that is currently outside or not signatory to the NPT?

Senator CHRIS EVANS—I will get whatever further information I can for Senator Bartlett. As I indicated to him, I think the debate he refers to about sales of uranium to India is one of those areas which has caused people to question the effectiveness of the treaty and whether it is currently serving our needs. I think this is important and that is why we have made the initiative that we have. I will ask the Prime Minister’s office and see what further information I can get for the senator.

Tasmania: Rail Infrastructure

Senator BUSHBY (2.33 pm)—My question is to the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, Senator Faulkner. Was the Australian government advised of Pacific National’s intention to sell their rail operations in Tasmania? If so, were discussions held with the Tasmanian government about it, when and with whom?

Senator FAULKNER—I will provide the senator with what information I have in relation to his question. I can indicate to the Senate that the government is aware that on 12 June, Asciano announced its decision to sell its rail operations in Tasmania. At this time, Pacific National has committed to continue to provide services to its customers as the sale process progresses. The Australian government is committed, of course, to increasing rail’s share of the national freight task, but decisions related to services on the Tasmanian intermodal network are matters for the state government, as the track owner, to determine.

As I understand it, it is certainly the intention of the federal government to have discussions with the Tasmanian government about our current and future funding commitments. Senator Bushby specifically asked me about advice in relation to the sale. I can say that the advice I have is the Minister for Infrastructure, Transport, Regional Development and Local Government—who I am very ably representing in the chamber—

Senator Minchin interjecting—

Senator FAULKNER—I was just checking, Senator Minchin, that you were listening. The minister, his office, and, I believe, his department had no knowledge of this matter prior to its becoming public knowledge when it was announced on Thursday, 12 June.

Senator BUSHBY—Mr President, I ask a supplementary question. Given that the government appeared to have no knowledge of this prior to the public announcement being made, can the minister confirm whether the Australian government has paid the $78 million committed by the previous government under the rail rescue package? If so, will the government be seeking confirmation that Pacific National has met all of their contractual obligations. If not, does the government intend to honour this agreement?

Senator FAULKNER—I am certainly aware that the Australian government’s share of the package is $78 million over 10 years to fund the upgrade and rehabilitation of the AusLink Tasmanian rail network. I understand the Tasmanian government is committing $40 million over 10 years for ongoing network maintenance. I also understand that Pacific National is to contribute $38 million
over eight years to upgrade its rolling stock. Under the MOU, Pacific National agreed to a 10-year operating term subject to trigger events which enable both the Tasmanian government and PN to reconsider arrangements. The trigger events here—that is, a 20 per cent or more reduction in intermodal volumes or a loss of one or two—

The PRESIDENT—Senator Faulkner, your time has expired.

Senator FAULKNER—I will take the remainder of Senator Bushby’s question on notice. (Time expired)

Same-Sex Relationships

Senator LUNDY (2.38 pm)—My question is to the Minister representing the Attorney-General, Senator Ludwig. Can the minister inform the Senate what the Rudd government is doing to remove discrimination against Australians in same-sex relationships under Commonwealth superannuation laws and if there are any obstacles?

Senator LUDWIG—This is an important question and I thank Senator Lundy for raising it in the Senate. The Attorney-General has outlined the government’s plan to remove discrimination against Australians in same-sex relationships from acts governing Commonwealth superannuation schemes. The reforms would ensure that same-sex couples are no longer denied the payment of death benefits from superannuation schemes or the tax concessions on death benefits currently made available to opposite-sex couples. These reforms honour an election commitment of the Rudd government. These reforms are long overdue. The reforms will remove the discrimination and replace it with decency and fairness. The policy will make a practical difference to the lives of a group of our fellow Australians who have suffered discrimination for far too long.

Unfortunately, senators will be disappointed in this house to hear that the coalition are delaying this long-overdue reform. Not only are they referring it to a Senate committee—they did that this morning—but they have refused even to give the committee a reporting date. Instead, the Liberals, on the other side, have moved a motion, and had it carried, preventing the committee from reporting until it has also reported on other legislation that is yet to be introduced.

Senator Abetz—Mr President, I raise a point of order. The records of the Senate will show that the minister is clearly misleading the Senate. Specifically he is trying to reflect on a vote in the Senate which in fact is not a reflection on a vote because we did set a date in relation to the inquiry.

Senator LUDWIG—I want to speak to the point of order. There is no point of order. In fact—

The PRESIDENT—I will decide whether there is a point of order.

Senator LUDWIG—I would ask you to rule that way, then. What Senator Abetz has in fact said, if you listened carefully, and I am sure we all did, was that he was raising a reflection in respect of a vote in the Senate. But he ultimately denied that it was a reflection on the vote in the Senate, before he resumed his seat. The point that I make is that it is quite factual for me to say that what has occurred in this house, what the vote was in respect of that—

The PRESIDENT—You are starting to debate it, Senator Ludwig. What is your point of order?

Senator LUDWIG—There is no point of order.

The PRESIDENT—I think, Senator Ludwig, it is my decision to decide whether there is a point of order or not. You suggested, Senator Abetz, that the senator was misleading the chamber. I do not know why you accused him of misleading the chamber,
but I do not believe there is a point of order, because Senator Ludwig is not reflecting on a vote of the chamber; he is using the opportunity of answering a question to explain his government’s position. I ask you to continue with your answer, Senator Ludwig.

Senator LUDWIG—Thank you, Mr President. Make no mistake about what this delay will mean: by delaying these reforms, the Liberals are prolonging the hardship suffered by a group of our fellow Australians. Children and other dependants of superannuation schemes and members who die before the reforms are passed will miss out on these benefits.

Let us look at what the coalition, the Liberals, are saying. What these issues show is that the actions of the Liberals are not about the policy at all. The referral is just a cover; the Liberals are in fact split on the issue. You would think, surely, that these practical reforms—simple, practical reforms to remove discrimination—would enjoy the support of the opposition. We have seen Dr Nelson flip, flop, stonewall and delay these important reforms. We should ask Dr Nelson—but he is not in this chamber—what he told Glenn Milne after taking the Liberal leadership. It is insightful. As we read in the *Australian* on Monday, Dr Nelson confided that he believed in these reforms. He said that the reforms were well overdue. Well, they are well overdue. They should start from 1 July. He was right. In fact, 12 years of neglect and inaction under a Liberal government have made these overdue. These reforms do need to start from 1 July. It is an embarrassment for the opposition to find themselves split on this issue; they cannot fix a simple superannuation issue. So why has the opposition leader apparently changed his mind? Well, of course, Dr Nelson has not changed his mind. I know there are senators opposite who do agree with the government and who actually support these reforms and want the reforms to operate from 1 July. (Time expired)

**Zimbabwe**

Senator SANDY MACDONALD (2.45 pm)—My question is to the Leader of the Government in the Senate, Senator Evans. Minister, can you inform the Senate of what measures the government has taken to send Australian election observers to Zimbabwe, to assist with the monitoring of the second round of presidential elections on 27 June, either individually or as part of the international community? If the government has not made approaches on this matter, will it undertake to do so?

Senator CHRIS EVANS—I thank Senator Sandy Macdonald for what is an important question. I do not have a brief on the particulars of the issue he raises. I did see the Minister for Foreign Affairs, Mr Smith, on *Lateline*—I think it was last night—discussing his very serious concern and the government’s very serious concern, shared throughout the parliament, over the activities of Mr Mugabe in Zimbabwe and his attempts to undermine democratic election processes. I think increasingly the international community is looking to bring pressure on him to allow the presidential election to occur fairly. I am not aware that we are sending any election observers, and I suspect that is because they would not be welcome, but I will take on notice those elements of the questions. But, given our strong stance of criticism of the regime, I suspect the provision of our election observers and the support of our electoral officials, which has been such a strong part of Australia’s international effort over the years and has been a really important role that we have played, would not be welcome on this occasion.

Clearly, it would be highly beneficial if there were independent election observers present and active, and I think anything we
can do to ensure fair elections for the presidency we should. But, as you know, Senator, the relationship with the Mugabe government is strained, to say the least. We are highly critical of them and are trying to encourage international action to examine what further we can do to apply pressure to them. But, Mr President, in terms of the specifics of his question, I will take those on notice and get back to him quickly with an answer.

Renewable Energy

Senator MILNE (2.47 pm)—My question is to the Minister representing the Minister for the Environment, Heritage and the Arts, Senator Wong. Regarding applications for the rooftop photovoltaic rebate, can the minister tell the Senate how many applications have been received since the means test was introduced in the budget? How does this number compare with the monthly numbers in the three months prior to the budget?

Senator Ian Macdonald—A very good question.

Senator WONG—I note yet again Senator Ian Macdonald’s support for an Australian Greens question. It is an interesting alliance that seems to be forming across the chamber, but anyway that is an issue that both of those parties can deal with.

Senator Milne, through you, Mr President, this issue has been canvassed at some length in estimates hearings and I think I gave some answers in that context. The Senate would be aware that the government has changed its approach to eligibility for the Solar Homes and Communities Plan, but we are delivering a total commitment of $150 million, which remains unchanged. In fact, I remind the chamber that the government has in fact brought forward $25.6 million in this budget for this plan to achieve in three years what the previous government set out to achieve in five.

Senator, through you, Mr President, I do not have the specific information that you are seeking. What I can say to her, Mr President, is that I understand that Minister Garrett has indicated that demand for this program will be monitored. I will, again, make points about this issue. Notwithstanding the concern that some have raised about this means testing, I make the point that the government, in the context of a fiscally responsible budget, did have to make some decisions about where to prioritise its expenditure and the focus, in terms of this program, is on those families who can least afford this investment. So obviously the commitment is to focus the expenditure on those families who are least able to afford it.

I again remind the Senate, in terms of support for renewable energy, that this government was elected with a set of commitments that no previous government was prepared to make in terms of support for renewable energy—something you on the other side never did—with a 20 per cent renewable energy target—you never did it—

The PRESIDENT—Please address your remarks through the chair, Senator Wong.

Senator WONG—Yes, through the chair, Mr President. There is an investment of $500 million—half a billion dollars—in a renewable energy fund—again, something the opposition in government never did. So this decision does occur against the backdrop of very substantial government investment in renewable energy.

Senator Bob Brown—Mr President, I rise on a point of order. The question was about the number of rebates in the three months before the government changed policy and since then. The minister has indicated that the minister for the environment was monitoring the situation, so I would expect that we would get an answer on that discrete question: if not on the volume since,
then what was it in the three months leading up to that, and can the minister comment on any changes? She should be explicitly answering that very easy question to answer.

The PRESIDENT—Senator Brown, I cannot order the minister to explicitly answer the question. The minister can answer the question in the manner she chooses as long as she is relevant, and I do believe she is still relevant.

Senator WONG—Through you, Mr President: as I have said, I do not have to hand the specific details of what has occurred since the policy was announced. What I am putting to the chamber on this issue is the range of programs associated with renewable energy and our specific response on this program, which is that we are meeting in full our commitment to funding this program; we are prioritising it in relation to those families and households who most need it.

Senator MILNE—Mr President, I ask a supplementary question. I note that the minister does not have the data and nor did she promise to provide it. Given that the data on photovoltaic rebates used to be on the public record and was published regularly on the website of the Department of Environment, Water, Heritage and the Arts, can the minister explain why this information is no longer publicly available? Has the government decided to keep this information secret to avoid further embarrassment because of the introduction of the means test? Has the department been told not to make this information available? If so, who made the decision for secrecy and if the decision has not been made to make it a secret, when will it go up on the department’s website?

Senator WONG—Certainly, I will seek some advice as to the provision of that information—

Senator Bob Brown interjecting—

Senator WONG—I am sorry, Senator Brown?

The PRESIDENT—Order!

Senator WONG—Okay, I will not take the interjection. I will seek advice on the issue raised. I again make the point, unlike the opposition, that we are not in the business of defending paying taxpayer’s money to millionaires to install solar panels. We are on this side of that debate.

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw to the attention of honourable senators to the presence in the chamber of a delegation from the Appointments Committee of the Parliament of Ghana, led by the first Deputy Speaker and chairman of the committee, the Hon. Freddie Blay MP. On behalf of all senators, I wish you a warm welcome to Australia and in particular to the Senate.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Same-Sex Legislation

Senator ABETZ (2.53 pm)—My question is to the minister representing the Attorney-General. I refer his attention to today’s Journals of the Senate, which indicates to us that the inquiry into the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008 will need to report on 30 September 2008 or after the consideration of any related bills, whichever is the sooner. Will the minister now withdraw his assertion that there is no reporting date in the Senate’s resolution and will he apologise to the Senate for misleading it?

Senator LUDWIG—What normally happens with respect to these matters of course is that if there were any correction made to the record, I would deal with that at the end of question time. What I can say in relation to the motion that was put in this house, at first instance there was no reporting date.
Senator Abetz is correct to say that the committee did have an amendment to that motion and that amendment, as Senator Abetz is correct to say, is that the committee is to report on 30 September 2008 or after the consideration of any related bills mentioned in paragraph 1b, whichever is sooner. That is the correct position, but the original motion did not have a reporting date. Today it was amended. It was also amended unsuccessfully by Senator Bartlett. To the extent that the motion that was put in this place did not have that date, that is correct. To the point that we are now at, it is and it has been amended to have the date. What I said was, not only are they referring it to a Senate committee but they have refused even to give the committee a reporting date in the original motion. I did not say original motion and I could correct the record to say that. Instead, of course, if we go to the substantive issue though, this really hides the substantive issue that the opposition cannot come to grips with. The substantive issue is the committee has got an issue that will not be able to report—

Senator ABETZ—Mr President, I ask a supplementary question. Can he confirm that the amendment was in fact moved by the Opposition Whip in this place, Senator Parry? Can he confirm that there is in fact a definite reporting date of 30 September or before? Will he stop dissembling and simply acknowledge that he got it wrong and apologise to the Senate?

The PRESIDENT—Order! Before calling Senator Ludwig, I should apologise to Senator Ludwig because the time clock was not set for the last question and you did not get your four minutes. I now call you to answer the supplementary question.

Senator LUDWIG—I, in fact, answered that question in respect of the first part of the question in that I had answered that the committee report was amended on 30 September 2008 or after the consideration of any related bills mentioned in paragraph 1b, whichever is sooner. If that clarifies the record and makes it clear for Senator Abetz, I am happy to put that on the record. What they are hiding from is the real issue here today. Why will they not support same-sex amendments to superannuation that will be operative from 1 July 2008? Why won’t they support that? Why are they split on it? I am sure that there are others on the opposite side who would agree that it should operate from 1 July 2008. Why are they delaying this important measure that will deny benefits to those superannuants who could receive it? (Time expired)

Workplace Relations

Senator JACINTA COLLINS (2.58 pm)—My question is to Minister representing the Minister for Employment and Industrial Relations, Senator Wong. Can the minister outline for the Senate the government’s progress in developing its new, fair and flexible workplace relations system? Is the minister aware of any impediments to its implementation?

Senator WONG—I thank Senator Collins for the question. As this chamber would be aware, the latest milestone in the government’s implementation of its new, fair and flexible workplace relations system is the National Employment Standards, which were announced by the Prime Minister and the Deputy Prime Minister this week.

This is another milestone in the development of a new, fair and balanced workplace relations system, delivering on yet another Rudd Labor government commitment, a commitment we made to the Australian people prior to the election. I have previously spoken in this place about the issues that are covered in these standards, which include maximum hours of work, the right to request
flexible work arrangements, parental leave, annual leave, personal leave, community service leave, long service, public holidays, notice of termination and redundancy and a fair work information statement.

I am asked by Senator Collins about any impediments to the delivery of these election commitments and a fair and flexible workplace relations system that the Australian people voted for at the last election. The major impediment is those who sit opposite, the Liberal opposition who, we know, are still committed to Work Choices—they cannot help themselves. We know that if they were in government they would still be pressing that extreme industrial relations framework that was rejected by the Australian people at the last election. So the key question for the Liberal opposition is: will they so arrogantly delay the development of the government’s new workplace relations system, just as they are doing with this budget? For a party that say they are a party of economic management, we see them in this place blocking budget measures, delaying budget measures with no regard for the fact that this will be a $284 million hit on the budget bottom line. That is what the Liberal opposition are engaging in.

So the question for them is whether they intend to take this sort of obstructionist and delaying approach that we are coming to expect of them in respect of these National Employment Standards. We hope the opposition will finally come to the view that this government is entitled to deliver on its election commitments, of which these National Employment Standards are one and of which this budget is one. This budget delivers on election commitments which were put to the people at the last election and, equally, these National Employment Standards are an election commitment that this government is intent on delivering upon. We promised before the last election we would deliver a new, fair and balanced workplace relations system and we say to the Liberal opposition: pass the budget and pass these standards through the parliament.

Senator Chris Evans—Mr President, I ask that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Budget

Senator ABETZ (Tasmania) (3.02 pm)—I move:

That the Senate take note of the answer given by the Minister for Immigration and Citizenship (Senator Evans) to a question without notice asked by Senator Crossin today relating to the budget surplus.

Today we have seen in the Senate, both this morning and now at question time, the government seeking to dissemble in relation to the issue of referring matters to Senate committees. Whilst this coalition had a very proud record of sending over 100 bills to Senate committees whilst we had the numbers in the Senate and in government, those opposite said that we were abusing the Senate, that we were not referring enough bills to Senate committees. That figure of 100 in our last year of government was the highest ever referral in the Senate’s history. Today, when Labor are in government, we have witnessed the fact that the crocodile tears that they shed in opposition were just that—crocodile tears. They were not genuine, they were not sincere because, as soon as they get the opportunity, they want no Senate scrutiny whatsoever in relation to the important matters that confront this parliament.

What matters do we in the coalition want to refer to Senate committees? The unfortunate history of the short term of this Rudd government is this: a government in disarray, making policy on the run. For example, increasing the tax on alcopops was announced
as a health measure, and that had not even passed through the health department. Then there is condensate tax. Do they get advice from the resources department on that? Is there any modelling? No. There is an increase in luxury car tax. Is there anything by way of modelling from the industry department or indeed from Treasury? The answer is no. The one area where they did seek advice from their departments was of course Fuelwatch, and do you know what they did, Mr Deputy President? They rigorously ignored that advice. So here we have a government that either make decisions based on no advice whatsoever or deliberately reject the advice that they receive. This is the government that came into power asserting, through its now Prime Minister, that all their policy decisions would be evidence based. Alcopops? Wrong; every credible medical organisation repudiates the Labor government’s assertions. In relation to the luxury car tax there is complete and utter repudiation by the automotive industry and sector; in relation to condensate, in relation to Fuelwatch—the list goes on and on.

And so, Mr Deputy President, guess what! We as a coalition have said that, in those areas where this government has not sought advice from departments and in those areas where the government has deliberately ignored the advice, on the rare occasion it has sought it, it would be a good idea to protect our fellow Australians by allowing these matters to be looked at by a Senate committee in its inquiry. Of course we have hubris by the tonne being spouted forth by the Leader of the Government in this place—it is spooky to think, as a side reflection, that he was actually Acting Prime Minister of this country. That is a spooky thought; but, thank goodness, it was only for a short period of time. This man comes into this chamber with all the hubris that two shoulders could bear, all the arrogance that could be personified in one person, and says, ‘We are the government. We demand that everything be put through as we demand.’ Can I remind the honourable senator what he said in this place on 14 June 2005:

... the Senate has both a right and a responsibility to debate and review legislation—this legislation and all other legislation that comes before the parliament. That is what Australians expect from this chamber.

We happen to agree with that assertion, and that is why we are submitting certain measures to Senate committees. We invite Senator Evans and the Labor Party to step down and aside from the hubris and allow the Senate to do its work.

Senator LUNDY (Australian Capital Territory) (3.07 pm)—Well, well, well. It is not really a surprise that this opposition is so gutless in its approach to Labor’s budget. We have a budget that has already been through two weeks of intense Senate estimates scrutiny. We have a process, a commitment and a mandate to take this budget through the Senate in the next fortnight, and now we have the Liberal Party deliberately vandalising the budget—it cannot be described as anything less than economic vandalism—by denying the government the capacity to maintain the revenue we need for our budget surplus but at the same time passing the aspects of the budget that will support communities. It is an exercise in the most blatant political gutless-ness and economic vandalism that this place has ever seen. It is quite phenomenal to hear Senator Abetz—and no doubt there will be others—talk about arrogance and hubris, when we spent 11 years arguing with the opposition, the former government, about the rights of the Senate to scrutinise bills. I do not think there was ever an attempt at economic vandalism such as this by the former Labor opposition to undermine the then coalition government’s budget.
The Labor budget is all about putting downward pressure on inflation by making the sorts of provisions we need to make the Australian community a strong community—but most of all we need to maintain that surplus. It is an extraordinary feat, when you think about the balance that this budget has struck in a very tough economic climate. It is a climate that we inherited from the former government, knowing that inflation rose and rose and rose under the coalition government. We find ourselves today trying to manage the difficulty on behalf of those millions of Australians who are struggling with a mortgage. This is the legacy of the coalition government to the people of Australia. Today we have seen the opposition move motion after motion to defer aspects of revenue-raising bills that relate to our finely attuned budget by referring them to Senate committees, which will have the effect of denying Labor the opportunity to complete our budget in its holistic form.

The coalition, which once proudly claimed its economic credentials, is completely forgoing its purported legacy—which I certainly do not agree with anyway, given the state of the economy—in an absolutely cheapest of the cheap political stunt. Effectively what the coalition parties have told the people of Australia today is that the cheap politics they are prepared to deploy in this place are more important than Australian families and their ability to manage their mortgages. That is the core of the issue that we are debating here today. I am surprised at the coalition senators, but I suppose they have no choice but to come in here and try to take some assertive line with this, because they have no political cover. The whole world now can see the shallowness of any claim this lot have to any economic credentials at all. It is not about economic credentials, economic stability or forward thinking for this lot; it is about cheap political stunts.

As I mentioned, the Liberal Party is undermining our capacity to deliver the $22 billion surplus. The delay of these bills does have an immediate and direct effect on this surplus, and that will have the direct and immediate effect of putting upward pressure on inflation and interest rates. I think the actions by the coalition today will stand in history as having taken another great big swipe off the surface of any cover that they may have had in terms of their economic credentials. I suppose it is a taste of what is to become the character of the now opposition on the other side of this chamber.

It is also interesting to note that, since we know that the numbers in the Senate will be changing, it is not like this lot have got the courage of their convictions to actually vote against these measures in the forthcoming two weeks of debate. They do not want to do that; they just want to defer them. That is why we describe it as economic vandalism. It is not even about the courage of their convictions, because clearly they have none.

Senator KEMP (Victoria) (3.12 pm)—That was a truly awful speech, but I still think it was bad luck that Senator Lundy was not made a frontbencher in the government. I am sure that her speech-making form will improve in coming months to prove me right. I have heard a lot of wild claims, but few more wild than the claims that I heard today in Senator Lundy’s effort. Let us go back and put a few facts on the table. There is a budget surplus of $22 billion. How did that surplus arrive? It arrived through the very hard work of people like Senator Minchin and Peter Costello. The Labor Party had very little to do with this massive surplus. In fact, given their spending and their capacity to spend, one thing we can say is absolutely certain is that that surplus will continue to erode over the years.
The proposition that somehow this surplus was an outcome of Labor government policy is a complete farce. This surplus is the outcome of policies which were put in place by the Howard and Costello government, during which, I might say, so many tax bills were opposed by the Labor Party.

Senator Ludwig—You were squandering the surplus.

Senator KEMP—I could present to this chamber a list of the taxation bills that were voted against by Senator Ludwig and Senator Lundy and indeed all the people on that side. For Senator Lundy to get up here in this chamber and complain about the performance of the senators on this side is a farce.

What have we done? We have referred eight or so bills to Senate committees for further examination and scrutiny. The Labor Party has said, ‘Isn’t this absolutely frightful?’ because this means by the farcical figures that the Labor Party puts out—no-one else’s figures—some $300 million will be lost out of a budget surplus of $22 billion. If the Labor Party wishes it some of the bills can be backdated, so I believe this figure is complete nonsense. To be lectured by Senator Lundy on responsible management of the economy is simply extraordinary. Senator Lundy was a great referrer of bills to Senate committees. I used to note as I came into this chamber, day after day, there would be Senator Lundy making sure that bill after bill was referred to Senate committees.

Senator Ludwig, think about the bills for A New Tax system, which we promised in the election and which the Labor Party opposed with enormous vigour. Not only did you send the legislation for A New Tax system to one committee, you sent it to four committees. Those committees sat on each of the bills for three months or so. We had 12 months of committee hearings into A New Tax system. In the end, they were budget bills based on a clear election promise. What happened? The Labor Party fought it to the very end and voted against it, because, as Senator Ludwig said: ‘This is going to lead to a recession. This is going to lead to cuts in the income of working families.’ Do you remember saying all those things, Senator Ludwig? And what has happened? The Labor Party have become great fans of the GST.

I regret to say that we are seeing some of the greatest examples of hypocrisy that I have ever seen in this chamber. This was the party that specialised in voting against budget bills; this was the party that constantly referred budget bills to Senate committees. So for them to come in and lecture us that we in some way are not acting responsibly has no merit whatsoever, especially after the scrutiny that was given to the GST bills. Just think of the dire consequences that the Labor Party predicted if those bills were ever passed. (Time expired)

Senator MARK BISHOP (Western Australia) (3.17 pm)—One is tempted to ask the almost rhetorical question as to when the last time was that an opposition that controlled this Senate attempted to thwart the deliberate economic intent of the government of the day by not opposing, by not objecting to, by not rejecting a series of budget bills which seek to implement the electoral commitments of the government of the day. The answer is not in years and years but in decades and decades. The real question is what is the government attempting to achieve in this series of budget bills? The answer is this: we are seeking to pass a series of bills that respect and give effect to a range of commitments to a level of 100 per cent that were given to the Australian people, and approved and endorsed by the Australian people in late November of last year. We went to the Australian people on a policy of economic reform and we put a policy based around fiscal conservatism, which the relevant Treasury
spokesman at the time repeatedly explained as large budget surpluses.

Why did we give a commitment to maintain large budget surpluses over the period of our government? It was because we knew that we had inherited a somewhat dire economic situation. Interest rates were on the rise and it was projected that they would continue to rise. We were fearful on the basis of advice from economic experts that inflation was going to take off. And as everyone in this Senate knows, if inflation becomes embedded in an economic system, it has the potential to harm and to destroy the economic welfare of millions and millions of people. We took the hard decision and explained it to the Australian people, and the Australian people endorsed large budget surpluses so that there would be a reduction on pressure to raise interest rates and there would be sufficient funds in the economy to meet necessary demand. At the same time, we had a raft of responsibly costed measures that went to a range of issues. Those matters were the subject of detailed scrutiny and examination for the best part of two whole weeks at Senate estimates, where the opposition had the opportunity to examine line by line a range of current and future government programs that went to the issues relating to spending and outlays. So they did that and they had the opportunity to receive information.

Now, in the last two weeks of the current sitting period, when the opposition still control the Senate, they use their numbers to not reject government measures—because they do not have the guts to come out and say, ‘We are going to reject those measures’—but, instead, to go down the easy path and postpone those measures. And they say that is something that has occurred in the past, that it gives the opportunity to examine legislation and that it gives the opportunity to have proper scrutiny. But what they do not explain and what they do not attempt to excuse is the wanton damage—as explained by others—that they seek to impose upon the Australian economy and on Australian taxpayers by delaying the necessary receipt of taxes for at least a period of three months to a value of almost $300 million. Not for the good reason that the particular policies are not worthwhile; not for the reason that the programs have not been endorsed; not for the reason that the particular issues have not received the support of the Australian people. No, they are not going to reject them outright when the opportunity comes. They intend to delay those measures, simply to go on a series of roadshows around Australia to re-examine—not examine—a range of measures which have been the subject of detailed and lengthy scrutiny. It is nothing other than an abuse of the Senate process to wantonly harm the current government’s budget, which was only some seven months ago endorsed by the Australian people. (Time expired)

Senator FIFIELD (Victoria) (3.22 pm)—I have heard something today that I have never heard before: a brand new economic thesis. The thesis from Senator Evans is this: Senate committees put upward pressure on interest rates, parliamentary scrutiny puts upward pressure on interest rates and the desire of a democratically elected parliamentary chamber to provide proper scrutiny puts upward pressure on interest rates. It is an economic thesis I have never heard before and I wonder if this thesis has been put to the Secretary to the Treasury or the Governor of the Reserve Bank. Has this thesis been run past them? If it were, they would laugh at the absurdity of the proposition and they would laugh at its hypocrisy.

When the coalition was first elected to office in 1996, the Australian Labor Party bequeathed it a $10 billion budget deficit. They bequeathed $96 billion in government debt.
The hypocrisy is in the fact that Labor opposed each and every measure the former government introduced to bring the budget back into balance. Some budget measures actually took us three years to get through the parliament because Labor said the savings were unnecessary. Labor said that we were taking a baseball bat to the economy. Labor said that we would king-hit the economy with our budget measures. And that was in a situation where there was a genuine inflation crisis; where there was a real fiscal crisis, not a manufactured crisis. We did balance the budget but with no help from Labor. We balanced the budget and we left Labor a budget surplus.

What is Labor’s charge against the coalition? That we left a budget deficit? No. That we left government debt? No. That we left an inflation crisis? No. Even the RBA governor says there is no inflation crisis. Yes, there is a problem and, yes, there is a plan to address it, but there is no inflation crisis. Labor’s charge is that the referral of bills to Senate committees is an abuse of the opposition’s numbers. What rot! Many of these measures were never flagged by Labor during the election campaign. Labor cannot cite mandate theory here. Labor made no mention in its election campaign of a luxury car tax, no mention of a means test for the baby bonus, no mention of a means test on family tax benefit part B, no mention of an increased tax on premixed drinks, no mention of an increase in the passenger movement charge, no mention of an increased tax on condensate and no mention at all of raising the threshold for the Medicare levy surcharge.

What the opposition are doing is what should occur in the Senate. But let us not take our word for it; let us hear what Senator Evans himself has to say. Senator Evans told this chamber in June 2005:

… the Senate has both a right and a responsibility to debate and review legislation—this legislation and all other legislation that comes before the parliament. That is what Australians expect from this chamber.

He went on:

It is our responsibility to provide an alternative view of legislation, to speak out when we think things are wrong and to fight for those people whose interests we represent.

That is what we are doing: we are speaking out; we are fighting for the interests of the people we represent. Our track record in government on referring bills to committees was laudable. In 2006, the first full year of the coalition’s Senate majority, the coalition in government supported the referral of more than a hundred bills to Senate committees for inquiry. This was the highest number of bills ever referred to committees in a calendar year and double the average number of bills referred to committees when the ALP was last in government. When the ALP was in government it was constantly demanding that bills be referred to committees. It was constantly demanding that there be more scrutiny. We are applying scrutiny. The government does not like it. It is our job as an opposition and it is the job of this chamber to review legislation to see where we can improve that legislation. Many of these measures were never flagged during the election campaign and they require greater scrutiny than those measures that were. We will provide that scrutiny. (Time expired)

Senator BARTLETT (Queensland) (3.28 pm)—Sitting on the crossbench, as the Australian Democrats have done for over 30 years, you get a different perspective. The Democrats are unique as a political party in that we have always been in a position of permanent opposition or, if you like, separate from the continuing gladiatorial contest between the two major parties. When you sit on the crossbench and look across at the government and opposition of the day making their accusations, it is sometimes pretty hard
to remember which side is on which bench. The script tends to be the same; it is just that the people swap from one side to the other and then make the accusations in reverse across the chamber.

Much of what we have heard from the Liberal opposition today matches what the Labor opposition used to say, and much of the defence and counterattack from the Labor government matches what the previous Liberal government used to say. I think that is why we get continual assertions from both sides about dishonesty and hypocrisy. Broadly speaking, people are right: there is a lot of hypocrisy. But what the role of crossbenchers has always been, and needs to continue to be even once the Democrats are gone, is to cut through that hypocrisy and cut to the basic matters.

I should make clear to the Senate, and anyone else who has been following this debate, that the Democrats did not oppose the coalition’s referrals of most of the bills that have been deemed to be budget related when we voted on that earlier today. Whilst we probably felt that some could have been dealt with next week, I think the general principle that, if a matter is complex, if it is fairly recent, and you have to make a decision about whether or not it becomes law, it is best to examine it properly, look at all the consequences and, most importantly, give the community and those with expertise in the community the opportunity to have input so that the Senate can make an informed decision. I accept that. Even though it is clearly inconvenient to the government of the day, whoever they are, to have to delay these things, it is valid to properly examine them for a reasonable length of time. The Democrats’ concern about some of the committee referrals that occurred this morning was that, in some cases, that was not for a reasonable length of time, that the attempt was being made to refer other bills that were not budget related for excessive amounts of time, clearly to try to prevent them from being addressed at all in this chamber. It is a real travesty that that was voted through by the coalition using their numbers—in most cases, I note, with the support of Senator Fielding.

The point needs to be made, nonetheless, that it is grossly absurd for the coalition to now argue that they showed some commitment to transparency in the committee process when they were in government. The public pick up on this. You can throw your misleading statistics around about having a record number of bills referred to committees in your first year of having control of this place but, as has been rightly pointed out, the coalition did misuse and abuse their majority in this place. We are seeing the final throes of that in this fortnight. Quite clearly, one of the key reasons why you lost government was that you abused your majority and pushed things through without proper scrutiny, thus allowing unpopular and extreme legislation to get through because it was not modified and examined properly, and also that people recognise and can see grotesque arrogance and perversion of due process when it happens.

It is not whether you send off 10 or 100 bills; it is whether or not the referrals are appropriate and whether people get the chance to examine them. We had Senator Kemp giving the example of the taxation legislation. Yes, it was examined by four committees over a prolonged period of time—not for a year, but for about six months—and the coalition kicked and screamed and whinged about it all the way along. They did not say, ‘Yeah, sure, great idea’; they complained every inch of the way. And if they had had the numbers, as they did later on, the tax package would have got the same treatment that Work Choices got, that Telstra got, that the Murray-Darling water package got and that the Northern Ter-
ritory emergency intervention legislation got: it would have been pushed through in the space of a week. That is what would have happened. And you would have kicked and screamed if anyone had suggested otherwise and said we were holding up budget measures and preventing the government from implementing their mandate. We all know the arguments but we all can sniff hypocrisy when it is being put forward. And that is what is being done on this occasion. (Time expired)

Question agreed to.

NOTICES
Presentation

Senator Colbeck to move on the next day of sitting:

That Health Insurance (Dental Services) Amendment and Repeal Determination 2008, made under subsection 3C(1) of the Health Insurance Act 1973, be disallowed. [F2008L00965]

Senator Polley to move on the next day of sitting:

That the Finance and Public Administration Committee be authorised to hold a public meeting during the sitting of the Senate on Friday, 20 June 2008, from 10 am to 12.30 pm, to take evidence for the committee’s inquiry into the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2008.

Senator Hurley to move on the next day of sitting:

That the Economics Committee be authorised to hold an in camera hearing during the sitting of the Senate on Friday, 20 June 2008.

Senator Hurley to move on the next day of sitting:

That the Economics Committee be authorised to hold a public meeting during the sitting of the Senate on Friday, 20 June 2008, to take evidence for the committee’s inquiry into the Tax Laws Amendment (Budget Measures) Bill 2008.

Senator McEwen to move on the next day of sitting:

That the time for the presentation of the report of the Environment, Communications and the Arts Committee on sexualisation of children in the media be extended to 25 June 2008.

Senators Allison and Kemp to move on the next day of sitting:

That the Senate—

(a) recognises that there is a growing body of scientific research demonstrating that children who receive a comprehensive, sequential music instruction gain many academic and social benefits, including findings that:

(i) playing music:

(A) builds or modifies neural pathways related to spatial-temporal reasoning tasks, which are crucial for higher brain functions like complex maths and science,

(B) improves concentration, memory and self expression,

(C) increases reasoning capacity, time management and the ability to think in the abstract, and

(D) improves the ability to think,

(ii) learning music helps underperforming students improve, and

(iii) music students learn critical teamwork and social skills;

(b) appreciates the positive link between the well-being of Australia’s youth and their appreciation and active participation in music activities;

(c) understands the special benefits that active music making has for at risk, vulnerable and Indigenous children;

(d) acknowledges the significant contribution and effort that people from all walks of life make to their local communities through music and arts initiatives, particularly those that support Australia’s youth;

(e) concedes that many Australian children, including the overwhelming majority of
children attending state schools nationally, do not have access to a comprehensive, sequential music instruction as part of their education;

(f) highlights the progress in measuring and enunciating the current scarcity of school music education, through:

(i) the Trends in School Music Education Provision in Australia report,

(ii) the National Review of School Music Education, and

(iii) the National Music Workshop;

(g) calls on all governments nationally, through the Ministerial Council on Education, Employment, Training and Youth Affairs and the Cultural Ministers Council to actively support and encourage:

(i) an increased presence and heightened importance of learning music within the various education curricula throughout Australia, and

(ii) a closing of the gap between school sectors on access to music education, and

(iii) the inclusion of meaningful and effective instruction on the delivery of school music within qualifications for school teachers; and

(h) calls on the Government to:

(i) assist all school systems nationally in their ability to deliver a comprehensive, sequential music instruction for all Australian children in the years from Kindergarten to Year 10,

(ii) increase funding for school music education programs, and

(iii) include the delivery of a comprehensive, sequential music instruction in the development of the national curriculum.

Senators Stott Despoja and Nettle to move on the next day of sitting:

(1) That so much of standing orders be suspended as would prevent this resolution having effect.

(2) That the Pregnancy Counselling (Truth in Advertising) Bill 2006 be restored to the Notice Paper and that consideration of the bill resume at the stage reached in the 41st Parliament.

(3) That the bill be restored to the Notice Paper in the names of Senators Stott Despoja and Nettle.

Senator Abetz to move on the next day of sitting:

That the Senate—

(a) notes:

(i) the devastating impact that marine pests have on our marine environment and valuable fisheries sector,

(ii) the particular damage that has been caused across Australia by the Northern Pacific Seastar (Asterias amurensis),

(iii) the support that the previous Howard Government gave to the pilot study into management of the Northern Pacific Seastar and the National System for the Prevention and Management of Marine Pest Incursions in Tasmania, and

(iv) the critical need to act to control the Northern Pacific Seastar before spawning begins in July;

(b) condemns the Rudd Labor Government for refusing to fund this urgent action; and

(c) calls on the Government to urgently reconsider its position and fund the control program.

Senator Allison to move on the next day of sitting:

That the following bill be introduced: A Bill for an Act to restrict approvals of new power stations to those operating within environmentally responsible emissions limits, and for related purposes. Environment Protection and Biodiversity Conservation Amendment (Control of Power Station Emissions) Bill 2008.
Senators Ellison, Murray and Sandy Macdonald to move on the next day of sitting:

That the Senate—

(a) notes the statements by the Government that it is gravely concerned about the deteriorating situation in Zimbabwe and that it strongly condemns the intimidation and terrorising of opposition leaders, civil society and ordinary Zimbabweans;

(b) further notes the Government’s statement that the Zimbabwean Government’s suspension of humanitarian non-government organisation activity in Zimbabwe is immoral and represents a callous move by the Mugabe regime to use food security as a political weapon against its own people;

(c) condemns the expulsion by the Zimbabwean Government of independent observers or restrictions on domestic observers for the forthcoming election, and further urges the Government to intensify its efforts, including with other concerned nations and organisations, to ensure that the forthcoming election in Zimbabwe is as fair and democratic as possible; and

(d) urges the Government to use as many international bodies, including the United Nations, to put pressure on the Zimbabwean Government to return Zimbabwe to a democratic state with the rule of law and a civil society.

Senator Barnett to move 15 sitting days after today:

That item 16525 in Part 3 of Schedule 1 to the Health Insurance (General Medical Services Table) Regulations 2007, as contained in Select Legislative Instrument 2007 No. 355 and made under the Health Insurance Act 1973, be disallowed. [F2007L04101]

Senator WORTLEY (South Australia) (3.34 pm)—On behalf of the Senate Standing Committee on Regulations and Ordinances I give notice that 15 sitting days after today I shall move:

No. 1—That the Agricultural and Veterinary Chemicals Code Amendment Order 2007 (No. 1), made under subsection 7(1) of the Agricultural and Veterinary Chemicals Code Act 1994, be disallowed.

No. 2—That the Agricultural and Veterinary Chemicals Code Amendment Instrument No. 1 (Trial Protocols) 2008, made under subsection 32(1) of the Agricultural and Veterinary Chemicals (Administration) Act 1992, be disallowed.

No. 3—That Instrument No. CASA 222/07, made under regulation 208 of the Civil Aviation Regulations 1988, be disallowed.

No. 4—That Instrument No. CASA 364/07, made under regulation 208 of the Civil Aviation Regulations 1988, be disallowed.

No. 5—That Instrument No. CASA 445/07, made under regulation 208 of the Civil Aviation Regulations 1988, be disallowed.

No. 6—That Instrument No. CASA 450/07, made under regulation 208 of the Civil Aviation Regulations 1988, be disallowed.


No. 9—That the Migration Amendment Regulations 2007 (No. 14), as contained in Select Legislative Instrument 2007 No. 356 and made under the Migration Act 1958, be disallowed.

I seek leave to incorporate in Hansard a short summary of the matters raised by the committee.

Leave granted.
The summary read as follows—

Agricultural and Veterinary Chemicals Code Amendment Order 2007 (No. 1)

Agricultural and Veterinary Chemicals Code Amendment Instrument No. 1 (Trial Protocols) 2008


Listable Chemicals Product (Joint Health Products for Dogs and Horses) Standard 2007

The explanatory statements that accompany these instruments make no reference to consultation in accordance with section 4 of the Legislative Instruments Act 2003. Further, the explanatory statement for the Trial Protocols instrument contains a footnote which explains the accepted meaning of the phrase “application for chemical products”. It would assist in achieving clarity and certainty if the interpretation section of the principal Instrument (section 4) were amended to include this definition.

Instrument CASA No 222/07 made under regulation 208 of the Civil Aviation Regulations 1988

Instrument No. CASA 364/07 made under regulation 208 of the Civil Aviation Regulations 1988

Instrument No. CASA 445/07 made under regulation 208 of the Civil Aviation Regulations 1988

Instrument No. CASA 450/07 made under regulation 208 of the Civil Aviation Regulations 1988

These instruments allow certain aircraft to operate with a reduced number of cabin attendants. The committee is seeking advice from the minister on the level of consultation undertaken prior to the making of these instruments.

Migration Amendment Regulations 2007 (No. 14), Select Legislative Instrument 2007 No. 356

This instrument makes various amendments to certain visas and visa subclasses in the principal Regulations. The amendments made by Schedule 1 to this instrument commence retrospectively. They reintroduce the power of the Minister to grant refunds of certain visa application charges. The amendments are intended to correct an error introduced by a previous set of amendments, and are of beneficial effect. The explanatory statement provides no advice about the mechanisms by which applicants who became entitled to a refund during the period of retrospective operation will be made aware of their right to request a refund.

Senators Troeth and Humphries to move on 23 June 2008:

That the following bill be introduced: A Bill for an Act to appoint an independent reviewer of terrorism laws, and for related purposes. Independent Reviewer of Terrorism Laws Bill 2008 [No. 2].

COMMITTEES

Selection of Bills Committee

Report

Senator O’BRIEN (Tasmania) (3.35 pm)—I present the fifth report of the 2008 Selection of Bills Committee. I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

Report No. 5 of 2008

(1) The committee met in private session on Tuesday, 17 June 2008 at 12.49 pm.

(2) The committee resolved to recommend—

That—

(a) the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2008 be referred immediately to the Finance and Public Administration Committee for inquiry and report by 24 June 2008 (see appendix 1 for a statement of reasons for referral);

(b) the Passenger Movement Charge Amendment Bill 2008 be referred immediately to the Legal and Constitutional Affairs Committee for inquiry and report by 24 June 2008;

(c) the Renewable Energy (Electricity) Amendment (Feed-in-Tariff) Bill 2008 be referred immediately to the Environ-
(d) the Tax Laws Amendment (Budget Measures) Bill 2008 be referred immediately to the Economics Committee for inquiry and report by 24 June 2008; and

(e) the Unit Pricing (Easy comparison of grocery prices) Bill 2008 be referred immediately to the Economics Committee for inquiry and report by 2 September 2008 (see appendix 3 for a statement of reasons for referral).

(3) The committee resolved to recommend—

That the following bills not be referred to committees:

- Commonwealth Securities and Investment Legislation Amendment Bill 2008
- Crimes Legislation Amendment (Miscellaneous Matters) Bill 2008
- Customs Tariff Amendment (Tobacco Content) Bill 2008
- Defence Home Ownership Assistance Scheme Bill 2008
- Defence Home Ownership Assistance Scheme (Consequential Amendments) Bill 2008
- Dental Benefits Bill 2008
- Dental Benefits (Consequential Amendments) Bill 2008
- Evidence Amendment Bill 2008
- Family Assistance Legislation Amendment (Child Care Budget and Other Measures) Bill 2008
- Farm Household Support Amendment (Additional Drought Assistance Measures) Bill 2008
- First Home Saver Accounts Bill 2008
- First Home Saver Accounts (Consequential Amendments) Bill 2008
- Health Care (Appropriation) Amendment Bill 2008
- Income Tax (First Home Saver Accounts Misuse Tax) Bill 2008
- Income Tax (Managed Investment Trust Transitional) Bill 2008
- Income Tax (Managed Investment Trust Withholding Tax) Bill 2008
- Indigenous Affairs Legislation Amendment Bill 2008
- Judiciary Amendment Bill 2008
- Law Officers Legislation Amendment Bill 2008
- National Health Amendment (Pharmaceutical Benefits Scheme) Bill 2008
- Parliamentary (Judicial Misbehaviour or Incapacity) Commission Bill 2007 [2008]
- Private Health Insurance Legislation Amendment Bill 2008
- Social Security and Other Legislation Amendment (Employment Entry Payment) Bill 2008
- Tax Laws Amendment (Election Commitments No. 1) Bill 2008
- Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2008

The committee recommends accordingly.

(4) The committee deferred consideration of the following bills to its next meeting:

- A New Tax System (Luxury Car Tax Imposition—Goods) Amendment Bill 2008
- A New Tax System (Luxury Car Tax Imposition—Excise) Amendment Bill 2008
- A New Tax System (Luxury Car Tax Imposition—General) Amendment Bill 2008
- Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008
Appendix 1
Proposal to refer a bill to a committee
Name of bill:
Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2008) budget and Other Measures Bill 2008

Reasons for referral/principal issues for consideration:
The effect of changes in schedule 6 to the income definition for Family Tax Benefit A and B and the Child Care Benefit to include the reportable fringe benefit total of an employee. This change will particularly affect employees working for public benevolent institutions.

Possible submissions or evidence from:
The Charities Tax Advisory Service
Charity organisations such as
St Vincent de Paul
Red Cross
The Salvation Army
Australian Council of Social Services
Australian Services Union
Catholic Health Australia
St John Ambulance Australia
Committee to which bill is to be referred: Community Affairs
Possible hearing date(s): 20 June 2008
Possible reporting date: 5 June 2008

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Appendix 2
Proposal to refer a bill to a committee
Name of bill:
Renewable Energy (Electricity) Amendment (Feed-in-Tariff) Bill 2008

Reasons for referral/principal issues for consideration:
This Bill has significant implications the renewable energy sector, existing electricity generators and retailers, and the Office of the Renewable Energy Regulator.

Possible submissions or evidence from:
Existing and potential wind, solar PV, solar thermal, geothermal, biomass and wave generators.
Energy sector experts/ academics, including international experts familiar with kV!, Legislation abroad.
Committee to which bill is to be referred: Environment, Communication and the Arts Committee
Possible hearing date(s): August 2008
Possible reporting date: Early October
Appendix 3
Proposal to refer a bill to a committee
Name of bill:
Unit Pricing (Easy comparison of grocery prices) Bill 2008
Reasons for referral/principal issues for consideration:
Family First introduced the Unit Pricing (Easy Comparison of Grocery Prices) Bill 2008 to save families money by making it mandatory for supermarkets to display a per unit price, such as per kilogram or per litre, on all grocery items sold.
A recent Family First survey uncovered that in one supermarket:
- a Pauls 3 litre milk container was actually more expensive per litre than a Pauls 2 litre milk container
- a Coles 1kg tin of fruit salad was .32% more expensive per kg than the smaller 825g
- a 600g jar of Vegemite costs 50% more per kilogram than the 150g jar.
The cost of food a big part of every family’s budget and unit pricing will help Australians save money at the checkout. By making it mandatory for supermarkets to display unit pricing on grocery items it will provide families with fair and transparent pricing so they can get the best value for their dollar. It is often hard to calculate which items are cheapest with different sizing making quick and easy comparison difficult on a busy shopping day. The bill sets out a detailed national, unit pricing scheme. An inquiry would allow feedback from families, community groups and industry.
Possible submissions or evidence from:
Consumer Action Law Centre, Coles, Choice, Aldi, Queensland Consumers Association, Australian Retail Association, Woolworths, National Association of Retail Grocers (NARGA) and various others such as welfare, consumer and community advocate groups.
Committee to which bill is to be referred: Economics Committee
Possible hearing date(s): 18 and 19 August 2008
Possible reporting date: 2 September 2008

Senator O’BRIEN—I move:
That the report be adopted.

Senator PARRY (Tasmania) (3.35 pm)—I would like to move an amendment to the Selection of Bills report. I will just reach for a copy of the report.

The DEPUTY PRESIDENT—Here it comes now, Senator Parry.

Senator LUDWIG (Queensland—Minister for Human Services) (3.36 pm)—I can move mine first, Mr Deputy President.

The DEPUTY PRESIDENT—Senator Parry, if you are deferring to Senator Ludwig, I will give Senator Ludwig the call.

Senator LUDWIG—I move that the following amendment to the amendment to the Selection of Bills Committee report that the Legal and Constitutional Affairs Committee report by 2 September 2008—

The DEPUTY PRESIDENT—I am just a bit confused. You cannot move an amendment to an amendment.

Senator LUDWIG—I did say that, ultimately.

The DEPUTY PRESIDENT—You are amending the report?

Senator LUDWIG—I did say that, ultimately.

The DEPUTY PRESIDENT—You did say you were moving an amendment to the amendment. You are not moving an amendment to the report?

Senator LUDWIG—Perhaps I could say it again: I move the following amendment to the Selection of Bills Committee report.

The DEPUTY PRESIDENT—That is in order.

Senator LUDWIG—I move:
At the end of the motion, add “and, in respect of the Evidence Amendment Bill 2008, the provisions of the bill be referred to the Legal and Con-
stitutional Affairs Committee for inquiry and report by 2 September 2008”.

Opposition senators interjecting—

Senator LUDWIG—It is in respect of the evidence bill.

The DEPUTY PRESIDENT—Senator Ludwig has now moved his amendment.

Senator Parry interjecting—

The DEPUTY PRESIDENT—Senator Parry, this is real musical chairs. It is becoming very confusing in the running of the debate in the chamber.

Senator PARRY (Tasmania) (3.37 pm)—I appreciate that, Mr Deputy President. I seek leave just to make a brief statement.

Leave granted.

Senator PARRY—I do apologise to the chamber. The amendment was put on my colleague’s desk. We will be opposing the amendment by Senator Ludwig and we will be proposing an amendment that will read that ‘it report not before 25 September 2008’, for the same bill. I just foreshadow that, and I know you have an amendment before the chamber.

The DEPUTY PRESIDENT—I will take that as foreshadowing an amendment. We need to deal with Senator Ludwig’s amendment first. I call Senator Ludwig.

Senator LUDWIG (Queensland—Minister for Human Services) (3.38 pm)—Thank you, Deputy President. I do not want to make it any more confusing than it is, but the situation is this. The Selection of Bills Committee report would be amended by the opposition to refer the Evidence Amendment Bill 2008 to a committee to report at the date that Senator Parry outlined, as I understand it. The government will not oppose the reference to the Senate Standing Committee on Legal and Constitutional Affairs, but we do think that a report at the end of September is unacceptable. We think an earlier reporting date would be preferable, and that is 2 September 2008.

The DEPUTY PRESIDENT—The amendment before the chair at this stage is Senator Ludwig’s amendment for a reporting date of 2 September.

Senator BRANDIS (Queensland) (3.39 pm)—Can I say that the opposition did try to sort this out with the minister’s office. We asked for a reporting date of 25 September simply because, although this legislation is not controversial in a party-political sense, it is extremely complex legislation which proposes alterations to the rules of evidence in 11 particular respects. It is my view that, in order to do the scrutiny of the bill justice, it is necessary for that committee, which is already burdened with other weighty inquiries in the near future, to have a little more time.

This is not intrinsically urgent. The uniform evidence legislation arises from a report of the Australian Law Reform Commission which was delivered in 2006. It is not credible to say that any mischief would be done by the postponement of the operation of the amendments to the Evidence Act by another three weeks in order to give the Senate the opportunity to scrutinise what are very technical amendments, which have attracted not a lot of public comment but a great deal of attention from the bar and the professional associations, who will no doubt want to make submissions to the inquiry and have them considered properly.

Senator STOTT DESPOJA (South Australia) (3.40 pm)—I just want to say that the Democrats do not have a problem with the proposed longer inquiry. I do not think anyone has actually sought our views or felt a need to liaise with us, given that this is an issue post 1 July, but I would like to acknowledge that we have had some concerns with some of the matters that are contained
within that legislation. I think it was initially popped into the non-controversial legislation category and was due to be debated on Thursday of this week. So we are glad to see this referred to committee. Obviously it is much of a muchness now as to whether or not it reports as proposed by the government or indeed by the opposition, but I do not think a few extra weeks would be a particular problem. Having said that, I will not be there to do the debate, but I am actually very glad that we are not going to be dealing with this through a ‘non-controversial’ lunchtime period, because I think that the legislation deserves more analysis, more scrutiny and potentially some debate and amendment.

Senator LUDWIG (Queensland—Minister for Human Services) (3.41 pm)—by leave—I will just make a few short comments about this bill in response. The government are clearly of the view that we would prefer to have the bill dealt with in non-controversial legislative time and the bill pass by 1 July. There is no mistake about our position on that. Faced with the position that the opposition do not agree with that and have shifted the date to some time late in September, we took the opportunity of arguing, as we are doing now, that an earlier reporting date would at least make the legislation available earlier.

The reason is that the Evidence Amendment Bill 2008 is, in truth, largely technical in nature. A number of amendments have been made to address developments in case law. The bill also seeks to promote harmonisation in evidence law between Australian jurisdictions. The bill is based on the model evidence bill endorsed by the Standing Committee of Attorneys-General, SCAG, in July 2007.

Considering the nature of the proposed amendments and the consultation processes that were conducted to develop the evidence reforms to this point, the referral, in our view, is not warranted. The consultation included an 18-month review on the operation of the uniform evidence laws regime, conducted by the Australian, Victorian and New South Wales law reform commissions. That is the 2005 ALRC report Uniform evidence law. The Law Reform Commission found no major structural problems with the evidence acts or with the underlying policy and made recommendations to finetune the evidence acts. Numerous consultations were held in every state and territory, and 130 written submissions were considered.

Commonwealth, state and territory jurisdictions worked cooperatively to develop a model evidence bill to implement a majority of the Law Reform Commission recommendations. During the development of the model evidence bill, an expert reference group provided advice on the model bill. New South Wales have already enacted changes to the Evidence Act 1995 based on the SCAG endorsed model evidence bill and are waiting for the Commonwealth bill to be passed before they can commence their act.

There may be some comment from the opposition that this bill does not address the implementation of a general confidential relationship of privilege beyond journalists or the provision extending client legal privilege and public interest immunity to pre-trial hearings. Of course, it is appropriate that the government consider these issues relating to privilege as it develops its response to the Australian Law Reform Commission report Privilege in perspective, which was tabled earlier this year. Journalist shield laws are also being considered separately by the government.

The extension of the compellability provisions to same-sex couples may attract, as we have seen today, some attention. These issues are in fact better examined in the context of
the examination of the second same-sex relationships bill 2008, relating to the removal of same-sex discriminatory references in a variety of Commonwealth laws. I thought it was worthwhile putting that in context for the opposition, particularly the shadow Attorney-General, to help them understand our position. We do not agree to the reference. However, faced with the reality of the numbers in this place, we are trying to seek cooperation to find at least an early reporting date so that we can meet the New South Wales requirements and they can bring their legislation into place. I understand the Senate Standing Committee on Legal and Constitutional Affairs does have a heavy workload. I have served on that committee in the past and it is not unusual for it to have a heavy workload. That is recognised. I am confident that the legal and constitutional committee can adequately deal with this in the time available to ensure that the New South Wales laws are not unduly delayed.

The DEPUTY PRESIDENT—Before we proceed, is it easier if we proceed by way of the consideration of Senator Ludwig’s amendment to allow you to move your amendment, Senator Parry, or do you want to speak in the debate? I am not trying to curb the debate. What looms as the easiest way?

Senator PARRY (Tasmania) (3.46 pm)—by leave—I was just going to make a simple explanation, if I can, in relation to the comments of Senator Ludwig. It is just important to note that our Selection of Bills Committee meeting on 17 June this week was moved to a different timeslot. We were rushed out of the chamber to a meeting. We considered some 42 pieces of legislation at that meeting. When you are dealing with that much legislation, sometimes the scrutiny of every individual piece of legislation is not what it should be. The particular bill was originally listed in the non-controversial portion of the report but, after examination and reflection after the meeting, we came to the conclusion that it needs to be referred, as we have discussed. I just wanted to set the background as to why it was not dealt with in the Selection of Bills Committee meeting in the first instance.

Senator BRANDIS (Queensland) (3.47 pm)—by leave—This should never have been thought to be a non-controversial piece of legislation merely because, as I said before, it might not be controversial in a party-political sense. It certainly needs detailed scrutiny for the very reasons Senator Ludwig adverted to—that is, it is a highly technical bill. A bill that affects the conduct of criminal and civil trials in relation to a range of important evidentiary rules is of the first importance. Senator Ludwig, who represents the Attorney-General in this chamber, may not be aware that the bill has been heavily criticised in some respects by, for example, the New South Wales Bar Association. Given the far-reaching effect upon the liberties of the subject and the conduct of the judicial system of some of the recommendations of the ALRC which are adopted by this legislation, it is the very sort of bill which needs proper scrutiny by this chamber. Nothing that has come from Senator Ludwig has persuaded me that there is any timespan or deadline, whether emanating from New South Wales or any other jurisdiction, which necessitates consideration earlier than a reporting date of 25 September.

The DEPUTY PRESIDENT—I think I have been very tolerant of the debate backwards and forwards. I think we should really crystallise this debate by putting Senator Ludwig’s amendment.

Senator LUDWIG (Queensland—Minister for Human Services) (3.49 pm)—We have actually gotten out of order. I need to withdraw my amendment, though it was nevertheless important to have this debate to
set out our position. I will withdraw my amendment so that Senator Parry can put his amendment. We can then at least set the record straight for the Clerk of the Senate. I am sure he would be pleased if we do that.

The DEPUTY PRESIDENT—You are withdrawing your amendment, Senator Ludwig?

Senator LUDWIG—I am. We will simply vote against Senator Parry’s amendment.

The DEPUTY PRESIDENT—Is leave granted to withdraw?

Leave is granted.

The DEPUTY PRESIDENT—Unanimity has broken out!

Senator PARRY (Tasmania) (3.50 pm)—As an amendment to the Selection of Bills Committee report that we are considering now, I move:

At the end of the motion, add “and, in respect of the Evidence Amendment Bill 2008, the provisions of the bill be referred to the Legal and Constitutional Affairs Committee for inquiry and report not before 25 September 2008”.

The DEPUTY PRESIDENT—Senator O’Brien, you can now close the debate.

Senator O’BRIEN (Tasmania) (3.50 pm)—I trust that I will not cause someone to seek leave to speak again in this debate. It has almost been a debate by leave. The reality is that this report, which I presented, has been circulated for some time. You will see that in item 3, the Evidence Amendment Bill 2008 is clearly delineated as a bill that is not to be referred to committees. The process of the committee was to go through the bills and ask for a determination that a bill be referred, not be referred or be deferred. So there are three options in that process. There was a very clear decision that this bill not be referred. That does not deal in any way with the rights of any senator to request that a bill not be dealt with in non-controversial legislation time. That is a different question.

I understand that it was communicated to the government that the opposition were happy to have this bill dealt with in that time this Thursday. I see Senator Brandis is shaking his head, but that is the information that I believe had been conveyed to the government. There may have been a breakdown in communication somewhere, but the reality is that the committee’s report is an accurate reflection of the meeting of the committee and that, at no stage during the meeting of the committee, was it suggested in any way that this bill might be referred or deferred. My recollection is that it was determined that it not be referred. Clearly very late in the piece, someone’s attention has been drawn to concerns which may have existed before the meeting but certainly were not drawn to the attention of the meeting. For the purposes of the processing of legislation before the committee, one can accept that from time to time matters slip through unnoticed but, on the other hand, there is a responsibility on all parties to bring to the meeting a position on what they wish to be done with legislation. That is so that, when this report comes before the chamber, we do not get into this sort of situation. That is so that it is an accurate reflection of the parties’ positions in relation to legislation so that the Selection of Bills Committee report can be adopted and we can process the necessary references and determine that bills not be referred in the way that is normally the process.

The DEPUTY PRESIDENT—I understand that Senator Parry seeks leave. It is a bit unusual.

Leave granted.

Senator PARRY (Tasmania) (3.53 pm)—I appreciate the chamber’s indulgence. I will be very brief. Senator O’Brien is correct. The way the committee report reflects it is accu-
rate. However, I did indicate that the committee time had changed. Due scrutiny of the entire list is a little bit more problematic when the committee time changes at short notice. There were over 40 matters discussed at that committee meeting. To have everyone digest and understand the complexities of each of those pieces of legislation or those bills is difficult in itself. I indicate that the Greens and the Democrats were also present at that meeting and did not raise any issue with that particular bill. The complexity of that particular bill had escaped the notice of all parties. I want to just indicate that, whilst we like to facilitate the processes in the best way we can, we have had a slightly disrupted week for a variety of reasons. That committee was one of those occasions, with a change of time and a large volume of bills to be considered.

Question agreed to.

Original question, as amended, agreed to.

NOTICES

Postponement

The following items of business were postponed:

General business notice of motion no. 100 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to crimes against women in Iraq, postponed till 19 June 2008.

General business notice of motion no. 102 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to global warming, postponed till 24 June 2008.

General business notice of motion no. 103 standing in the name of the Leader of the Australian Democrats (Senator Allison) for today, relating to Western Sahara, postponed till 19 June 2008.

General business notice of motion no. 109 standing in the name of the Leader of the Family First Party (Senator Fielding) for today, proposing the introduction of the Poker Machine Harm Minimisation Bill 2008, postponed till 19 June 2008.

COMMITTEES

Economics Committee

Reference

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.56 pm)—I, and also on behalf of Senator Murray, move:

(1) That the Senate—

(a) notes the report by CHOICE on charities, published online in March 2008, that highlights the wide variability and inconsistency in the way that charities disclose information to the public; and

(b) acknowledges that the 27 recommendations from the inquiry into the definition of charities and related organisations, which reported in 2001, have not been implemented.

(2) That the following matters be referred to the Economics Committee for inquiry and report by the last sitting day of November 2008:

(a) to investigate the relevance and appropriateness of current disclosure regimes for charities and all other not-for-profit organisations;

(b) to identify models of regulation and legal forms that would improve governance and management of charities and not-for-profit organisations and cater for emerging social enterprises; and

(c) to identify other measures that can be taken by government and the not-for-profit sector to assist the sector to improve governance, standards, accountability and transparency in its use of public and government funds.

Question agreed to.
SKILLS SHORTAGE

Senator ALLISON (Victoria—Leader of the Australian Democrats) (3.56 pm)—I move:

That the Senate—

(a) notes that the statement by the Australian Industry Group, the Australian Council of Trade Unions, the Australian Education Union, Group Training Australia and the Dusseldorp Skills Forum ‘Facing up to Australia’s Skills Challenge’, in which priorities are proposed for:

(i) a focus on improving the quality and increasing the number of Australians with vocational education and training qualifications which meet future industry and workforce needs,

(ii) the centrality of industry,

(iii) improved youth engagement and attainment,

(iv) the crucial role for student support and for intermediaries,

(v) national workforce development and existing worker strategies,

(vi) genuine competency-based progression and improved apprenticeship completions,

(vii) a review of traineeships,

(viii) a public and industry investment strategy for vocational education and training,

(ix) a clear vision for flexible and responsive vocational education providers, and for the future of technical and further education in particular, and

(x) a focus on the skills needed for a low carbon economy; and

(b) calls on the Government to adopt these priorities and to seriously consider the strategies suggested in the statement as soon as possible.

Question agreed to.

COMMITTEES

Environment, Communications and the Arts Committee

Reference

Senator SIEWERT (Western Australia) (3.57 pm)—I seek leave to amend business of the Senate notice of motion No. 1 standing in my name relating to a reference to the Senate Standing Committee on Environment, Communications and the Arts.

Leave granted.

Senator SIEWERT—I move the motion as amended:

That—

(1) The Senate notes the continuing decline and extinction of a significant proportion of Australia’s unique plants and animals, and the likelihood that accelerating climate change will exacerbate challenges faced by Australian species.

(2) The following matter be referred to the Environment, Communications and the Arts Committee for inquiry and report by 27 November 2008:

The operation of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and other natural resource protection programs, with particular reference to:

(a) the findings of the Australian National Audit Office, Audit report no. 38 of 2002-03, Referrals, Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999;

(b) lessons learnt from the first 10 years of operation of the EPBC Act in relation to the protection of critical habitats of threatened species and ecological communities, and the potential for measures to improve their recovery;

(c) the cumulative impacts of EPBC Act approvals on threatened species and ecological communities, for example on Cumberland Plain Woodland, Cassowary habitat, Grassly White Box Woodlands and the Paradise Dam;
(d) the effectiveness of responses to key threats identified within the EPBC Act, including land-clearing, climate change and invasive species, and potential for future measures to build environmental resilience and facilitate adaptation within a changing climate;

(e) the effectiveness of Regional Forest Agreements, in protecting forest species and forest habitats where the EPBC Act does not directly apply;

(f) the impacts of other environmental programs, for example Envirofund, Green Corps, Caring for our Country, Environmental Stewardship Programme and Landcare, in dealing with the decline and extinction of certain flora and fauna; and

(g) the impact of program changes and cuts in funding on the decline or extinction of flora and fauna.

Question agreed to.

**Foreign Affairs, Defence and Trade Committee**

**Meeting**

Senator O’BRIEN (Tasmania) (3.58 pm)—At the request of Senator Bishop, I move:

That the Foreign Affairs, Defence and Trade Committee be authorised to hold a public meeting during the sitting of the Senate on Friday, 20 June 2008, from 9.15 am, to take evidence for the committee’s inquiry into the review of reforms to Australia’s military justice system by the Australian Defence Force.

Question agreed to.

**Privileges Committee**

**Report**

Senator BRANDIS (Queensland) (3.58 pm)—I present the 134th report of the Committee of Privileges, entitled *Effective repetition*.

Ordered that the report be printed.

Senator BRANDIS—I move:

That the Senate endorse the principles outlined in paragraph 1.18 of the report to guide any amendment to the Parliamentary Privileges Act 1987 to address the issue of effective repetition.

This advisory report relates to a matter outstanding from the previous parliament, when former President Calvert asked the committee to consider undertaking an inquiry into the subject of effective repetition. The committee has maintained a watching brief on this issue for some time in the wake of several court decisions which appeared to read down the previously accepted scope of parliamentary privilege as it relates to the freedom of speech in parliament as expressed in article 9 of the Bill of Rights of 1688, incorporated into Australian law by section 49 of the Constitution and section 16 of the Parliamentary Privileges Act 1987.

The concern was particularly provoked by a decision of the Privy Council in July 2004 in the case of Buchanan v Jennings. In that case Mr Jennings, a member of the New Zealand House of Representatives, in the course of a parliamentary debate made observations which, had they been made outside the chamber, would have been defamatory of the plaintiff, who was a senior official of the New Zealand Wool Board. The report of an interview with Mr Jennings published in a newspaper some two months later included the statement that what he had said in the House of Representatives he did not resile from. Mr Buchanan issued proceedings for defamation, pleading Mr Jennings’s words used in the House of Representatives. He also pleaded that Mr Jennings, by saying what he had said to the newspaper reporter, had adopted, repeated and confirmed as true the words said in the House outside the House.

The Privy Council, on appeal from the New Zealand Court of Appeal, held that a member of parliament could be liable in defamation if the member made a defamatory statement in parliament which was protected by absolute privilege under article 9 of
the Bill of Rights and later affirmed the statement without repeating it on an occasion which was not protected by privilege. The Privy Council went on to hold that the right of members of parliament to speak their minds in parliament without any risk of incurring liability as a result was absolute but that that right was not infringed if a member, having spoken his mind and in so doing defamed another person, thereafter chose to repeat his statement outside the parliament; and merely to refer to and affirm without repetition the statement outside parliament was effectively to repeat it and therefore to deprive the member of the protection of parliamentary privilege.

Several decisions of Australian superior courts also suggest the trend evident in the decision of the Privy Council to narrowly confine the scope of parliamentary privilege in cases of effective repetition. I refer, in particular, to the 1992 decision of the Supreme Court of Victoria in Beitzel v Crabb and the 1996 decision of the Queensland Court of Appeal in Laurance v Katter. Although, in both of those cases, settlements were reached before the matters came to trial, it is clear from the reasons for judgement in the interlocutory appeals that the courts favoured a narrow reading of section 16 of the Parliamentary Privileges Act. A subsequent decision of the Queensland Court of Appeal, Erglis v Buckley in 2004, although raising a somewhat different point in the context of the equivalent Queensland provision, section 8 of the Parliament of Queensland Act, is consistent with that trend of judicial authority to narrow the scope of the operation of parliamentary privilege.

In an earlier decision of the Privy Council in 1994, Prebble v Television New Zealand Limited, Lord Browne-Wilkinson, when considering the factors at play in arriving at the right balance between parliamentary privilege and the right to be protected from defamatory speech, said:

There are three such issues in play in these cases: first, the need to ensure that the legislature can exercise its powers freely on behalf of its electors, with access to all relevant information; second, the need to protect freedom of speech generally; third, the interests of justice in ensuring that all relevant evidence is available to the courts. Their Lordships are of the view that the law has been long settled that, of these three public interests, the first must prevail.

That has always been the understanding of this parliament, but it is a position from which the subsequent decision of the Privy Council in Buchanan v Jennings and the decisions of the Australian courts to which I have referred suggest that there has now been a degree of retreat.

Privileges committees in Australia and across the Tasman have recorded their concern at these developments and, at the urging of the Western Australian Legislative Assembly’s Procedure and Privileges Committee, the Western Australian Attorney-General has raised the question of a uniform Australian legislative response to the issue at the Standing Committee of Attorneys-General. The Western Australian Speaker also wrote to fellow presiding officers to encourage consideration of the issue, presented most recently by Buchanan v Jennings, by their houses.

Rather than undertake a further inquiry with no new material to draw upon, the Privileges Committee believed that it was important to record for the Senate its views on where the legislative line might appropriately be drawn and where the balance of the factors adumbrated by Lord Browne-Wilkinson in Prebble v Television New Zealand Limited ought to be struck. Consequently, this report contains analysis of the cases and of the scope of section 16 of the Parliamentary Privileges Act 1987. As I said
earlier, it derives from article 9 of the Bill of Rights, which it expressly incorporates into Australian law via section 16(1).

It is the committee’s view that section 16 of the act, on a proper reading, should preclude a conclusion of the kind reached in Buchanan v Jennings. The committee as a whole did not go so far as to recommend that section 16 be amended now, but it did agree on a set of principles to inform any amendment of section 16 should it be considered necessary or desirable in the future to do so to protect parliamentary privilege against further judicial incursion or erosion. These principles are articulated, in particular, in paragraph 1.18 of the report and I urge honourable senators to study them. They are summarised by the fifth dot point in that paragraph, which reads:

• The purpose of the amendment—
  if one is thought to be necessary—
  would be to declare (for the avoidance of doubt) that subsection 16(3)—
  of the Parliamentary Privileges Act 1987—
  applies to any reference outside parliament by a person to (or affirmation or adoption of) words spoken or written, or actions taken, in the course of proceedings in parliament by that person, provided that the reference, affirmation or adoption is made without elaboration.

In other words, the committee believes that a person should be able to refer to or affirm something they said or did in the course of proceedings in parliament without incurring liability for an action in defamation—provided they do not elaborate upon those words outside the chamber. Should such an amendment to the act be considered desirable by the Standing Committee of Attorneys-General, the committee has come up with what it considers to be, in effect, the appropriate drafting instructions.

Parliamentary privilege is an ancient institution. It is embodied, as I said earlier on, ultimately in article 9 of the Bill of Rights of 1688, which reflected the triumph of parliamentary government over executive power at the time of the Glorious Revolution. It was introduced into Australian law by section 49 of the Constitution and codified by the Parliamentary Privileges Act 1987. It is only very recently that there has been this clear trend of judicial authority, culminating now in this unanimous decision of the Privy Council in Buchanan v Jennings, which potentially renders at nought the protection of freedom of speech in parliament by exposing members of parliament to action for defamation if they merely refer, outside the chamber, to remarks made inside the chamber without elaboration. The Privileges Committee considers that is wrong. It considers that that trend of judicial authority violates the principles of parliamentary privilege—an ancient and important right—and, for that reason, the report declares the Senate’s position in relation to this matter and, in doing so, adds to the opinio juris on the point.

Question agreed to.

Australian Commission for Law Enforcement Integrity Committee Report

Senator GEORGE CAMPBELL (New South Wales) (4.09 pm)—I present the report of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity on the examination of the annual report for 2006-07 of the Integrity Commissioner, together with the Hansard recordings of proceedings, and documents presented to the committee.

Ordered that the report be printed.

Senator GEORGE CAMPBELL—I move:

That the Senate take note of the report.

I am delighted to table the report of the Parliamentary Joint Committee on the Austra-
lian Commission for Law Enforcement Integrity on the inaugural annual report of the Integrity Commissioner, 2006-07. The Australian Commission for Law Enforcement Integrity—or ACLEI, as it is more commonly known—was established on 30 December 2006 to provide independent oversight of Commonwealth agencies with a law enforcement function.

It is important to note that ACLEI was set up in response to serious corruption risks and not in response to perceived corruption practices. Its establishment reflects the intent to enhance integrity in law enforcement at a national level and provide greater assurance to the general public. The Australian Federal Police, the Australian Crime Commission and the former National Crime Authority currently fall under ACLEI’s jurisdiction. Other Commonwealth agencies with a law enforcement function are able to be brought within ACLEI’s jurisdiction by regulation.

As a foundation document, the annual report provides a very informative review of the history that led to the formation of ACLEI, including the path to establishing state based law enforcement integrity agencies and concerns with the limits of existing national integrity mechanisms. The committee was satisfied that the annual report of the Integrity Commissioner, 2006-07, complies with all reporting requirements. Given the infancy of the organisation, the inquiry provided the committee with an opportunity to satisfy itself that the development of the structures and processes that enable ACLEI to conduct its work are on track.

It was clear from the evidence received during the inquiry that additional resources are required for ACLEI to undertake its increasing workload. I am pleased to note that this was recognised in the 2008 budget, with an allocation of additional funding of $7.5 million over four years. As ACLEI continues to establish its various functions and move to full corporate functionality, the committee will monitor the following: (1) developments on the implementation of workplace and corporate initiatives and internal governance mechanisms, and (2) trends and issues in matters notified and referred.

I commend Professor John McMillan for his significant achievements as Acting Integrity Commissioner in the first six months of ACLEI’s establishment, and extend this commendation to the current Integrity Commissioner, Mr Philip Moss, and to his staff. As ACLEI is the first Commonwealth integrity body of its kind, those entrusted with the task of establishing ACLEI are, to an extent, dealing with uncharted territory. The magnitude of this task should not be underestimated.

I would like to thank ACLEI, the AFP and ACC witnesses who gave their time to give evidence at the public hearing for this inquiry. I also thank my fellow committee members and the secretariat for the work they have put into producing this report. Finally, I would like to note my appreciation of the open and cooperative manner that the Integrity Commissioner, Mr Philip Moss, has taken in his dealings with the committee. The committee looks forward to building a productive working relationship with Mr Moss and officers from ACLEI.

Question agreed to.

Scrutiny of Bills Committee

Reports

Senator ELLISON (Western Australia) (4.13 pm)—I present the fifth report of 2008 of the Standing Committee for the Scrutiny of Bills and I lay on the table Scrutiny of Bills Alert Digest No. 5 of 2008. I also present the report Work of the committee during the 40th Parliament, February 2002 to August 2004.

Ordered that the reports be printed.
Senator ELLISON—I move:

That the Senate take note of the reports.

I seek leave to have the tabling statement incorporated in Hansard.

Leave granted.

The statement read as follows—

Today, in addition to tabling the Committee’s Fifth Report of 2008 and Alert Digest No. 5 of 2008, I am pleased to table a Report on the Work of the Committee during the 40th Parliament.

This 40th Parliament Report discusses the scrutiny work that the Committee carried out between February 2002 and August 2004, and also provides statistical data. The report should prove particularly useful to Ministers and their advisers, as it contains examples of how the Committee applies the scrutiny criteria set out in Standing Order 24.

As outlined in Chapter 1 of this report, during the 40th Parliament the Committee had cause to express concern at the quality of the explanatory memoranda accompanying many of the bills that came before it. Unfortunately, this has become a bit of a Committee refrain, and we find ourselves, during this 42nd Parliament, still frequently lamenting the quality of explanatory memoranda.

During the 40th Parliament, in addition to its legislative scrutiny work, the Committee also finalised an inquiry into the application of absolute and strict liability offences in Commonwealth legislation. This inquiry was referred by the Senate in June 2001. The Committee’s report on that inquiry, along with the Government’s response, is discussed in Chapter 7 of this report.

The Scrutiny of Bills Committee depends on the contributions of many people. During the 40th Parliament, the Committee was ably chaired by Senator Barney Cooney. The Committee also had many distinguished members – Senator Winston Crane, Senator Guy Barnett, Senator Trish Crossin, the late Senator Jeannie Ferris, Senator David Johnston, Senator Jan McLucas, Senator Gavin Marshall, Senator Brett Mason and Senator Andrew Murray.

One of those members, Senator Murray, is still with the Committee today. In fact he has served on the Committee continuously since July 1996 and his contribution to the work of the Committee is particularly noteworthy. His intelligent, constructive, and common sense approach to legislative scrutiny will be sorely missed when he retires later this month.

The effectiveness of the Scrutiny of Bills Committee is also dependent on the responsiveness of both Ministers and Senators. It is when the Reports and Alert Digests issued by the Committee are considered and acted upon by Ministers and the Senate that the work of the Committee has its greatest effect, both in improving the legislation considered by the Parliament, and in improving the quality of debate in respect of that legislation.

On behalf of the Committee, I would like to put on record our thanks to all those who have helped us achieve what we have.

I commend the Report to the Senate.

Question agreed to.

Australian Crime Commission Committee Report

Senator HUTCHINS (New South Wales) (4.14 pm)—I present the report of the Parliamentary Joint Committee on the Australian Crime Commission on the examination of the annual report for 2006-07 of the Australian Crime Commission, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator HUTCHINS—I move:

That the Senate take note of the report.

I am pleased to table today the Parliamentary Joint Committee on the Australian Crime Commission’s report on the Australian Crime Commission’s annual report for 2006-07. The Australian Crime Commission reports that, in the past financial year, it has delivered efficient criminal intelligence and operational services during a period of substantial growth. Having conducted a thorough inquiry, the committee agrees with the commission’s assessment of its performance, noting in addition the high quality of and
compliance with the annual reporting requirements.

Generally, the commission has continued to refine and improve its intelligence and information systems and services, which are well received by clients of the commission. The commission has significantly disrupted and deterred serious organised criminal activity with its conduct of six special intelligence operations, four special investigations and three intelligence operations and task forces in 2006-07. Particular mention must be made of the following, with which the committee was particularly impressed: the significant enhancement of the Australian Criminal Intelligence Database; the production and release of the Organised crime in Australia product; the annual launch of the high-quality Illicit drug data report; and the immediate establishment of the National Indigenous Violence and Child Abuse Intelligence Task Force.

The ability of the commission to appropriately target the dynamic and changing nature of criminal activities throughout Australia was noted in the committee’s report, as was the dedication of people working for the commission. For the most part, the commission has worked in an effective and professional manner with oversight bodies and other law enforcement agencies. A point of concern for the committee, however, was the occasional lack of communication between it and the commission. The committee believes that, had certain matters been drawn to its attention, the commission could have avoided some considerable embarrassment and the urgent intervention of the parliament late in 2007 in respect of the Australian Crime Commission Amendment Act 2007, currently the subject of an inquiry by the committee.

The committee has identified two matters for attention and has made recommendations accordingly. One matter is the composition of the Australian Crime Commission board and the other matter is the conduct of certain witnesses at Australian Crime Commission examinations. The composition of the Australian Crime Commission board is a continuing matter for the committee. The board currently functions effectively but, given the amount of work requiring financial expertise and ATO cooperation, it would be desirable to include the Commissioner of Taxation on the board. The committee heard that some individuals are employing delaying tactics at examinations to frustrate law enforcement efforts. The committee found this concerning and, without examining the issue in detail or drawing any conclusions, recommended that the government expedite its response to the Trowell report. That report, tabled in March of this year, proposed the amendment of the Australian Crime Commission Act 2002 to provide the commission with the power to certify persons for contempt for not fulfilling their statutory obligations. The committee hopes that its recommendations will enhance the performance of the Australian Crime Commission board and help resolve an operational difficulty for the Australian Crime Commission.

The committee thanks Mr Milroy and officers of the Australian Crime Commission, Commissioner Keelty and ACT Chief Police Officer Commissioner Phelan, officers of the Australian Crime Commission board, officers of the Commonwealth Attorney-General’s Department, and Mr John McFarlane for their contributions to this inquiry. The committee looks forward to continuing its productive working relationship with the Australian Crime Commission. I commend the report to the parliament.

Question agreed to.
MINISTERIAL STATEMENTS

National Product Safety Reform

Indigenous Legal Aid Funding

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (4.19 pm)—I table two ministerial statements relating to national product safety reform and Indigenous legal aid funding.

AUDITOR-GENERAL’S REPORTS

Report No. 41 of 2007-08

The ACTING DEPUTY PRESIDENT (Senator Carol Brown)—In accordance with the provisions of the Auditor-General Act 1997, I present the following report of the Auditor-General: Report No. 41 of 2007-08: Performance audit: Management of personnel security: follow-up audit.

TAX LAWS AMENDMENT (ELECTION COMMITMENTS No. 1) BILL 2008

INCOME TAX (MANAGED INVESTMENT TRUST WITHHOLDING TAX) BILL 2008

INCOME TAX (MANAGED INVESTMENT TRUST TRANSITIONAL) BILL 2008

COMMONWEALTH SECURITIES AND INVESTMENT LEGISLATION AMENDMENT BILL 2008

First Reading

Bills received from the House of Representatives.

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (4.21 pm)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have one of the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator CHRIS EVANS (Western Australia—Minister for Immigration and Citizenship) (4.22 pm)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

TAX LAWS AMENDMENT (ELECTION COMMITMENTS No. 1) BILL 2008

This bill delivers on a very important election commitment to slash the withholding tax rate that applies to non-resident investors.

This bill represents the final stage of the implementation of this election commitment which was first announced in last year’s budget reply by the now Prime Minister.

Schedule 1 to this bill replaces the existing 30 per cent non-final withholding tax regime applying to certain distributions from Australian managed investment trusts to foreign investors with a new withholding tax regime.

The importance of this measure to Australia’s future prosperity should not be underestimated. This measure is a key plank of the government’s aim to make Australia a financial services hub. It will ensure that Australia remains a world leader and at the cutting edge of funds management.

The financial services industry makes a large contribution to Australia’s wealth and has huge potential to contribute even more to the Australian economy. The finance and insurance sectors currently contribute more than 7 per cent of GDP. This makes it the third largest industry in the Australian economy. The sector employs around 4 per cent of Australia’s workforce, or around 400,000 people, and contributes about $30 billion in tax revenue through corporate and personal income taxes.

Some people would be surprised to learn that Australia in fact has the fourth largest onshore managed fund market in the world with assets
worth approximately $1.4 trillion under management, primarily due to the compulsory superannuation introduced by the Keating government.

This puts Australia in a uniquely fortunate position to become a financial hub and export financial services to the world.

Due to the huge size of funds under management, Australia has developed a number of natural advantages in funds management.

Australia has built up a good reputation in funds management with a well respected and experienced regulatory regime, a skilled workforce, and being strategically placed in the Asian time zone.

However, despite all these advantages, incredibly less than 3 per cent of the fees derived by Australian managed funds are attributable to foreign investment. Added to this is the fact that of the small amount of foreign funds under management here most of this is derived from investors in a narrow range of countries, in particular the United States and the United Kingdom.

It is clear to this government and to the industry that the financial services sector has an immense untapped potential for growth particularly within the Asian region.

The domestic market has grown by more than 460 per cent since 1992 and the pool of funds is forecast to grow to $2.5 trillion by 2015, and the growth of funds under management in Asia is expected to grow significantly.

With Asian economies booming and the growing middle classes in China and India looking for investment opportunities Australian funds are well placed to manage their money.

An Access Economics report last year demonstrates the export potential of Australian funds management. The report found that, under a ‘business as usual’ forecast, the financial services industry would, by 2010, export just over $1.5 billion out of total sales for the sector of just under $50 billion.

But if the share of exports in the finance sector increased gradually from its current level of 3 per cent to 10 per cent by 2010, exports by the sector would be $3.3 billion higher by 2010, Australia’s GDP would be $1.9 billion above ‘business as usual’ levels by 2010, and there would be an extra 25,000 jobs in the economy, including 3,500 in the finance sector.

However, the current high 30 per cent withholding tax rate, which was imposed by the former government, prevents Australian managed funds from attracting foreign investment.

Reducing the withholding tax rate will substantially improve the competitiveness of Australian managed funds and help Australia realise its potential and boost financial services exports.

This measure will give Australia one of the lowest withholding tax rates in the world which will significantly boost the attractiveness of Australian managed funds, particularly property trusts for foreign investors.

I do not pretend that Australia will become a London or New York, but we can build on our solid foundations in the industry and become an Asian financial services hub and compete effectively with the likes of Singapore, Hong Kong and Dubai. And we can grow an Australian industry to ensure that our bright and skilled young people can have world class jobs in Australia and are not forced to go overseas to gain valuable experience.

The new withholding tax regime will apply predominantly to distributions by Australian funds of Australian source rental income and capital gains but also to income not associated with land such as some foreign exchange gains or gains from traditional securities. The current flow through treatment for foreign source income will continue.

The rate of withholding tax will depend on the residency of the foreign investor. Residents of countries with which Australia has an effective exchange of information agreement on tax matters will be subject to a reduced final withholding tax rate of 7.5 per cent, once the measure is fully implemented. This rate goes beyond the government’s election commitment and ensures that Australia’s funds management industry is well placed to attract and retain future foreign investment, assisting it to reach its full potential in a growth sector.

In the first year, the rate of tax will be 22.5 per cent, dropping to 15 per cent in the second year.
However, in that first year, residents of effective exchange of information countries will be eligible to claim deductions for expenses relating to their distributions. This will assist in the transition to a flat and final withholding tax regime.

Residents of countries with which Australia does not have an effective exchange of information agreement will be subject to a 30 per cent final withholding tax. This enhances the integrity of the measure and sends a clear signal of the government’s non-tolerance of international tax evasion and avoidance.

Efforts to prevent international tax evasion are substantially enhanced by the ability of countries to exchange information relevant to tax matters. Australia does not have this capacity with many countries, with some actively trading on their scope to offer individuals and businesses anonymity.

The list of countries with which Australia has effective exchange of information will be prescribed by regulation.

Schedule 2 to this bill will exempt from income tax the Prime Minister’s Literary Awards, to the extent that the awards would otherwise be assessable income.

The Minister for the Environment, Heritage and the Arts announced on 28 February this year that these awards would be tax exempt and this bill delivers on that commitment.

The Prime Minister’s Literary Awards provide an annual cash prize of $100,000 in each of two literary award categories, for a published fiction book and a published non-fiction book.

Whether the award is assessable depends on the recipient’s circumstances and, in particular, the recipient’s assessable income.

To ensure that award winners receive the full benefit of this award, this measure will ensure that the award is tax exempt.

Full details of the measures in this bill are contained in the explanatory memorandum.

INCOME TAX (MANAGED INVESTMENT TRUST WITHHOLDING TAX) BILL 2008

This bill sets out the other rates of tax that apply to residents of information exchange countries for the second and later income years. Such foreign investors will be subject to tax at the rate of 15 per cent for the second income year of the measure following royal assent and 7.5 per cent for later income years.

This is a final rate of tax, with no provision to claim deductions for expenses.

This bill also imposes a 30 per cent final withholding tax on residents of countries with which Australia does not have effective exchange of information, with application from the first income year of the new regime.

Full details of this bill are contained in the explanatory memorandum already presented.

INCOME TAX (MANAGED INVESTMENT TRUST TRANSITIONAL) BILL 2008

This bill sets out the transitional rate of tax that applies to residents of countries with which Australia has effective exchange of information on tax matters for the first income year of the new withholding tax regime. Such foreign investors will be subject to tax at 22.5 per cent on their distributions from Australian managed funds but will be eligible to claim deductions for expenses associated with their investment.

This is an important step in assisting investors to transition from the current non-final withholding tax regime to the new final withholding tax regime.

Full details of this bill are contained in the explanatory memorandum already presented.

COMMONWEALTH SECURITIES AND INVESTMENT LEGISLATION AMENDMENT BILL 2008

The bill will strengthen the efficient operation of the Treasury Bond market by increasing Treasury Bond issuance and extending the collateral accepted for securities lending of these bonds.

It also provides for the safe investment of the proceeds of increased issuance in conjunction
with management of the Government’s cash balances, using a wider range of high quality investment instruments than at present. These measures will help maintain the role played by Treasury Bonds in the smooth functioning of Australia’s financial markets.

**Issuance of Treasury Bonds**

The Government’s commitment to strong fiscal discipline means that there is no need to issue debt securities to finance spending. However, a liquid Treasury Bond market plays an important role in the Australian financial market. The Treasury Bond and Treasury Bond futures markets are used in the pricing and hedging of a wide range of financial instruments and in the management of interest rate risks by market participants. They thereby contribute to a lower cost of capital in Australia. Without these markets, the financial system would also be less diverse and less resilient to the shocks that can emerge from time to time.

This has been demonstrated over recent months, when these markets provided important anchors for Australia’s financial system as it responded to the impact of credit and liquidity concerns sparked off by the sub-prime housing crisis in the United States.

The Government is committed to ensuring that the Treasury Bond market continues to operate effectively and therefore play this important role in the Australian financial market. Following consultations with market participants about the adequacy of the volume of Treasury Bonds on issue, the Government has decided to increase Treasury Bond issuance.

The volume of fixed coupon Treasury Bonds on issue is currently around $50 billion. It has been around this level for the past five years.

Other Australian financial markets have grown substantially over this period, as has the size of the Australian economy.

Reflecting these trends, the demand for Treasury Bonds has also grown. Over recent months, demand for the bonds has intensified due to the strength of the Australian economy and exchange rate, together with global credit concerns that have increased the demand for high quality securities.

As a result, the Treasury Bonds available on issue have become more tightly held and it has become more difficult for dealers to obtain some lines of stock and maintain an active market in them. Some increase in their issuance is needed for the market to continue to operate effectively.

This bill provides a new standing authority for borrowing by the issue of Commonwealth Government securities, subject to a limit on the total volume of securities on issue at any time not exceeding $75 billion. This will allow an increase in the volume of fixed coupon Treasury Bonds on issue by around $25 billion over their current level.

The amount and timing of future issuance will depend on market needs. In 2008-09 the Government will add around $5 billion to the Treasury Bond issuance of $5.3 billion that was already planned and detailed in the 2008-09 Budget.

The additional issuance will be targeted at bond lines that are in the shortest supply in the market. The Government will continue to monitor market conditions to determine whether further issuance is required.

Any future increases within the overall $75 billion ceiling will be announced by the Government and implemented by a direction tabled in both Houses of Parliament.

The Government’s decision to increase Treasury Bond issuance at this time is consistent with the decision of the previous government, announced in the 2003-04 Budget, to maintain the market for Commonwealth Government securities.

In announcing that decision, the previous government noted that this would entail ensuring sufficient securities remain on issue to support the Treasury bond futures market. The increased issuance of Treasury Bonds will not adversely affect the Government’s overall financial position since the increase in bonds on issue will be offset by an increase in financial

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assets on the Government’s balance sheet from the proceeds of the additional issuance.
The returns on these assets will also offset the interest costs from the increased issuance.

Investment
The proceeds from the increased issuance will be managed and invested by the Australian Office of Financial Management in conjunction with its present cash management activities.
The Office has experience and expertise in managing fixed interest financial assets.
At present the Office invests surplus Commonwealth cash in term deposits with the Reserve Bank of Australia.
The bill will extend the range of eligible investments that the Treasurer can make under the Financial Management and Accountability Act to include investment grade debt securities, and provide for the Treasurer to give directions to delegates on classes of authorised investments and matters of risk and return.
However, the bill provides that the Treasurer must not give a direction that has the purpose, or is likely to have the effect, of requiring delegates to invest in a particular company, business or entity.
This is to ensure that investment decisions are based on sound financial criteria.

Securities lending
The Australian Office of Financial Management operates a securities lending facility to facilitate the efficient operation of the Treasury Bond market.
This facility allows financial market participants to borrow particular Treasury Bonds for short periods when they are not readily available from other sources.
It thereby helps bond market intermediaries to trade and make two-way prices for all Treasury Bonds. Collateral is required, and a fee is charged.
Currently, when seeking to borrow, other CGS is required as collateral.
This has constrained access to the facility when such securities have been in short supply.
Following consultations with financial market participants the Government has decided to allow a wider range of collateral to be accepted by the facility.
At present, the securities lending facility operates using the Treasurer’s investment powers under the Financial Management and Accountability Act.
The bill provides a separate authority for the Treasurer to enter into securities lending arrangements for the loan of CGS.
The bill requires that collateral must be received for any securities lending and lists collateral that may be accepted, including cash and investment grade securities.
The bill requires the Treasurer to give a direction on the kinds of collateral that may be taken from within the categories listed in the bill.
The list is sufficiently wide to cover the same assets as the Reserve Bank of Australia currently accepts as collateral in its market operations.

Conclusion
These various measures will strengthen the markets for Treasury Bonds and the futures contracts that depend on them.
They will thereby contribute to the effectiveness and efficiency of Australia’s financial markets more broadly and to the resilience and robustness of our financial system.
These measures demonstrate the Government’s determination to ensure the efficient operation of Australia’s financial markets.
Further details on the changes outlined in the bill are contained in the explanatory memorandum.

Debate (on motion by Senator Chris Evans) adjourned.

Ordered that the Commonwealth Securities and Investment Legislation Amendment Bill 2008 be listed on the Notice Paper as a separate order of the day.

ALCOHOL TOLL REDUCTION BILL 2007 [2008]

Report of Community Affairs Committee

Senator STERLE (Western Australia) (4.23 pm)—On behalf of the Chair of the Senate Standing Committee on Community
Affairs, Senator Moore, I present the report of the committee on the Alcohol Toll Reduction Bill 2007 [2008] together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

DENTAL BENEFITS BILL 2008
DENTAL BENEFITS (CONSEQUENTIAL AMENDMENTS) BILL 2008
Second Reading

Debate resumed.

The Acting Deputy President (Senator Carol Brown)—The question is that the bills be now read a second time.

Question agreed to.

Bills read a second time.

In Committee

Bills—by leave—taken together and as a whole.

(Quorum formed)

Senator Colbeck (Tasmania) (4.28 pm)—As outlined in my speech during the second reading debate, I move opposition amendment (1) on sheet 5495 in respect of the Dental Benefits Bill 2008:

(1) Page 47, after line 14, at the end of the bill add;

68 Review of Operation of Act

(1) The Minister must cause an independent review of the operation of this Act to be undertaken as soon as possible after the first anniversary of the commencement of this Act.

(2) Further independent reviews of the operation of this Act must be made as soon as practicable after the third anniversary of the commencement of this Act and at three yearly intervals thereafter.

(3) The Minister must cause a copy of the report of each review mentioned in subsection (1) and (2) to be tabled in each House of the Parliament within 15 sitting days of the day on which the report is given to the Minister.

(4) The review must be conducted by a panel which must comprise not less than 5 persons, including;

(a) a person occupying the position of Commonwealth Chief Medical Officer;

(b) a person nominated by the Australian Dental Association;

(c) a person nominated by the Consumers’ Health Forum of Australia;

(d) two other persons nominated by the Minister, at least one of whom must have qualifications in medicine or dentistry.

This amendment will require a review of the operation of the act after 12 months and at three-yearly intervals thereafter. The reviewer will be required to report to the minister who in turn must table a copy of the report in both the Senate and the House of Representatives. The amendment provides that the review shall be conducted by five persons: the Commonwealth Chief Medical Officer; a nominee of the Australian Dental Organisation, which is the peak organisation of the profession; a person nominated by the Consumers’ Health Forum of Australia, which is a highly respected independent consumers group and which is currently already represented on the Medical Services Advisory Committee; and two other persons appointed by the minister, at least one of whom must be a dentist or a medical practitioner.

I think this is an important amendment to this legislation, given what we have seen, particularly through our interrogation on this legislation at estimates over the last six months. When the proposal was first put by the government prior to the election, when they first made their election promise, the Teen Dental Plan was to be costed at some $510 million. At February estimates we
found that the cost had been revised down to $325.8 million. We saw a subsequent press release from the Prime Minister and the Minister for Health and Ageing suggesting that it was $360 million. The budget papers we saw presented on budget night talk of $490.7 million over five years, which equates to somewhere in the order of $350 million. So there appears to be quite some confusion within the government as to the cost of this particular measure.

We know from estimates that there was no consultation with the states on this particular proposal prior to the election. We also know that there are school dental and teen dental programs that operate in every state in Australia—to varying degrees of success, I might add—and that this legislation provides a new program that potentially cuts across them. The government has not at this point in time conducted any discussions, that we have been advised of at any rate, on how this program will interact with those programs, what the impact on the state programs might be and whether or not this legislation will provide opportunities for the states to withdraw from them, although we have assurances from the government that it intends to ensure that the states do not start withdrawing their funding from their existing programs.

I think that, given the significant variance in information that we have had from the government on this program and given the fact that they still appear to be working out how the program will interact with existing dental programs and the dental community in the states, it is appropriate that we have some sort of review process put in place. This review process, as I said in my speech in the second reading debate, matches other instruments that have been attached in the past to other pieces of legislation. I think that the group that we have suggested as part of this process is one that allows the government some flexibility in its compilation and gives the minister some capacity for choice in the membership. I think it is important that the government have that flexibility. The review also covers some of the checks and balances that were not undertaken in the development of this scheme prior to the election and it does provide some capacity for the parliament to see how this new scheme will interact with existing schemes in the various states. It is quite obvious that, not having had the consultations that they needed to have, that understanding just does not exist at this point in time within the government.

This amendment also provides the government with the opportunity to follow the review process, to modify the scheme if necessary and to refine it so that it provides better dental outcomes—which, I think we all agree, is the intention of the legislation. That is why the opposition is supporting the legislation. But, if there is some need to refine the scheme to prevent the states from withdrawing from their existing programs and effectively cost-shifting to the Commonwealth, or if there is some need to refine it so that it actually interacts with the private sector or other schemes more effectively, I think that is a positive move and a positive contribution that the opposition can make to this particular scheme at this point in time, given the lack of consultation and the lack of discussion that has occurred to date. This amendment allows the government to put the scheme into operation from its proposed date of 1 July.

I do note that the government believe that the reporting through Medicare will be sufficient, but all that basically does is give them the raw numbers; it does not allow for discussion with the states and territories to understand what the interaction between this scheme and the other schemes is. I think that is an important addition to this particular program. Given the enormous range of costings that we have seen for this program from
the government, since their initial promise through to the budget, and given some questions that exist within the industry as to what this program will really cost, I think it is appropriate that initially there is an investigation of the scheme after 12 months and then that there are further investigations at three-year intervals.

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (4.35 pm)—The government sees no need for this amendment. I query why the opposition would move such a useless amendment if they are interested in knowing how these particular dental programs will roll out. These payments will be administered by Medicare Australia, and statistics on the operation of the program will be compiled by Medicare Australia and provided to the Department of Health and Ageing and other government agencies. The opposition spokesperson knows that as a government we are committed to making sure these programs that we introduce do in fact work. I think he acknowledged that in his contribution just before. We will be monitoring this program extremely closely and making amendments to the program if in fact we need to do so. But, more importantly than that, the statistics will be published every month on the Medicare Australia website so that everybody—dentists, doctors, families and even the opposition—will be able to review the progress of the program month by month.

The opposition amendment talks about a review after a whole year. You do not have to wait for a whole year; after the first month, at the end of July, you will be able to have a look at the website and see how we are travelling. I suggest that waiting for a whole year would be a waste of time. As well as that I am sure the dental profession will be extremely active in reviewing from its perspective the progress of the program and letting the government and the public know what they think.

An obvious question though—and Senator Colbeck might want to respond to this, but I hope I am not inviting a debate—is why the previous government did not see any need for a review of the dental benefits that it introduced as part of its extended primary care items. There was no formal review of that particular program. Indeed, there was no need for a review mechanism for everybody to realise what a total flop that particular program was. The Minister for Human Services, Senator Ludwig, said in his speech on the bill this morning that less than $50 million was spent on those items over four years. That was the commitment of the previous government. Compare that to the real commitment to Australia’s children and their dental health that we are undertaking through this and other programs.

There will be plenty of opportunities for review of the success of this program. Month by month statistics will be placed in the website and anyone, including the opposition, has the opportunity to review it. There is no need for regular formal reviews of this sort, outside of the usual accountability mechanisms.

With respect to the continual questioning—irrespective of the fact that we answer the questions—about the costings, Senator Colbeck knows, because we talked about this at length at estimates, that the costings for this particular program were available before the election. They were initially conservative but were then lowered by the process of the Charter of Budget Honesty. We canvassed this at estimates. We have provided answers to the opposition on this particular question, but it is not in the interests of the opposition to listen to the answers.

Furthermore, at estimates we reminded the opposition that this program is demand
new dental benefit schedule.

This is a sensible program. We do appreciate the fact that it will start on 1 July with the support of the opposition, but we do think that this review mechanism will not work and is in fact an expensive waste of time.

Senator COLBECK (Tasmania) (4.40 pm)—I could not let an opportunity go by—provoked as I was by Senator McLucas—to remind her that the government did promise to spend $800 million on dental care during the term of this parliament. I acknowledge that she has provided responses to me in respect of the value of this program but, as I indicated in my previous contribution, we have now had four numbers for this amount. My concern is to hold the government to its promise that it would spend $800 million on dental care during this term. It is nowhere near that at this point in time. Senator McLucas’s response was essentially as I predicted: check the website and you will see what the numbers are.’ I do not necessarily want to get into a long debate over this because I do understand that the government wants to have its legislation passed, so I am quite happy to leave it at that after having made my point.

Question agreed to.

Bills, as amended, agreed to.

Dental Benefits Bill 2008 reported with amendment; Dental Benefits (Consequential Amendments) Bill 2008 reported without amendment; report adopted.

Third Reading

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (4.44 pm)—I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.
FIRST HOME SAVER ACCOUNTS BILL 2008
INCOME TAX (FIRST HOME SAVER ACCOUNTS MISUSE TAX) BILL 2008
FIRST HOME SAVER ACCOUNTS (CONSEQUENTIAL AMENDMENTS) BILL 2008

Second Reading

Debate resumed from 17 June, on motion by Senator Faulkner:

That these bills be now read a second time.

Senator POLLEY (Tasmania) (4.45 pm)—As I was saying yesterday, the Rudd Labor government is fixing the problems created with housing affordability under the previous coalition government. We now have a Minister for Housing, Tanya Plibersek, backed up by departmental capacity in the Department of Families, Housing, Community Services and Indigenous Affairs. The previous government did not even have a housing department, nor a minister for housing. That is how concerned they were over the affordability issue facing working Australians. They just did not care; they were so out of touch. I think it has been demonstrated since the last election that the coalition still have not learned—they are still arrogant, they are still out of touch, and they have not listened to the Australian people.

On this side of the house, the Rudd Labor government have got clear goals in pushing policy forward. We want more Australians to own their own homes. We want enough housing supply to meet the demand. We want first home buyers to have a bigger deposit when they are able to buy their first home. We want a more affordable rental market that attracts private sector investment. We want to reform the system of public and community housing, and we want to halve the rate of homelessness. Homeownership is not just about ensuring people have a place to live; homes are also financial assets. For many Australians, their home is their largest asset, accounting for, on average, 55 per cent of their wealth. Owning a home gives us the certainty of a roof over our heads when we retire, making it a little easier when we do retire. But, even more importantly, it certainly helps those that are reliant on a pension.

I am confident that these measures will help young Australians realise the dream of homeownership, and I am proud to be part of a government that is willing and ready to address the real issues that are facing our country like petrol and grocery prices, the housing crisis and the health system. We had 12 years of neglect from the former government, and they left us with a legacy of inflationary pressures on all Australians, particularly working Australians. It has been left to the Rudd Labor government to come in and clean up the mess that was left by the former Howard coalition government. The Australian government under Kevin Rudd has a vision for Australia’s long-term future. This legislation is an important part of that vision, and I commend the First Home Saver Accounts Bill 2008 and related bills to the Senate.

Senator BARTLETT (Queensland) (4.48 pm)—The Democrats support the First Home Saver Accounts Bill 2008 and related bills, and that is a matter of record. As recently as a couple of days ago in speaking to a Senate committee report, I spoke on this issue of providing more support to people in the area of housing. The proposal for the first home saver accounts is a welcome one.

It has been a long-standing concern of mine and the Democrats that there has not been adequate attention paid at the national level to provide more assistance to people to help them deal with the housing affordability crisis, nor has enough attention been paid at
the national level to try and reduce the problem of housing affordability as a whole. I am sure the government is not suggesting that First Home Saver Accounts on their own will be the solution to the difficulties that first home buyers face, but I do think they will provide some assistance for some people. Anything that helps move things forward should be supported, but it should not be done so uncritically. I think that is the key part of this area, and it is still one of the unanswered questions with regard to the federal government. It is indisputably a positive thing, that they now have a minister specifically responsible for, and focused on, housing issues. It is also indisputably a positive thing to have greater resources attached to the bureaucracy at the national level to support the minister—people who are specifically focused on and have responsibility for housing issues.

One of the problems that we have had in the past—in part because that has not existed—has been a lack of data and a lack of examination of the consequences of measures. That must apply to this new measure. We need to closely monitor how it operates, not just in terms of how many individual people access it and then uncritically wave a flag and say, ‘All of those people have now been helped by this account,’ without any examination of the wider issues. We also need to try and assess the consequential impacts of this account. Some of these things are hard to nail down precisely, but I think we need to make an effort.

One of the valid criticisms of the First Home Owner Grant has been that it was potentially inflationary—I think undoubtedly inflationary. In some areas all it has done is provide some extra capacity for demand to push up the price in terms of available housing. That issue was addressed in the recent report by the Senate Select Committee on Housing Affordability. I remind the Senate and those interested in this issue that it is a very worthwhile and unanimous report. I would encourage people to study and examine it. The same possible consequence can potentially be one amongst other consequences that occurs as a result of this measure.

Personally I would like to see, as I stated in this place the other day, the First Home Owner Grant scheme being wound back, targeted much more precisely, means tested and applied to lower cost housing only—rather than being open to all comers whatever their income, their resources and the cost of the house they are buying. We should be targeting these measures at people that need assistance rather than providing grants or tax breaks for people that are already doing well. That is something that I think also needs to be monitored with regard to the first home saver accounts.

Certainly there is some criticism—perhaps ‘concern’ is a better word—that this measure might end up providing more taxpayer subsidies to people who are well-off than those who are less well-off. That is not necessarily in itself a reason not to do it, but I think it depends on the extent of that disparity. Let us not forget that what we are doing through this process is dedicating some tax expenditure to assisting people to afford homes. In the past we have suffered from massive amounts of money going in and purportedly being spent on housing measures without any real assessment of whether or not they are effective in terms of value for money for the taxpayer, in terms of affordability, in terms of not making the problem worse and in terms of being targeted at those most in need.

We have not done a lot of those assessments in the past. We certainly have not done them for the First Home Owner Grant, and that has been a problem—that we have not
even had the data there to make the assessment. People have had to speculate to some extent. I think the concerns as a consequence of those speculations are valid, but it has been quite unsatisfactory. We have had sizeable amounts of public money spent through that grant without a lot of effort put into gathering the data about how it is applied, what its impacts have been, whether it has gone to people most in need, whether it has had a positive or a negative net effect on housing affordability and all of those sorts of things. When we are giving tax breaks to people we need to closely assess the total cost, the net impact and the benefit for individuals and for the public.

It is on a totally different scale and in a different context, but nonetheless I think it is valid to draw the comparison with the capital gains tax exemption on the family home. That is something that, according to the report of the Senate committee inquiry into housing affordability that was tabled the other day, is estimated to cost as much as $20 billion a year. That is an estimate, and, frankly, I am still astonished that there is so little effort put in by Treasury and others to more accurately measure the extent of that tax break. Whatever it is—whether it is $20 billion or substantially less—it is a hell of a lot, and it is a lot more than the money provided for public housing, for the First Home Owners Grant and rent assistance. If you add all of those, the result is still nowhere near the cost of that single tax exemption. I know no-one from either of the major parties is going to suggest that that tax exemption be scrapped. I use it simply to point out that an exemption in itself is not necessarily a good thing and certainly not necessarily the most cost-effective thing. That exemption is clearly far more beneficial for people who are well-off. It is a regressive tax break. It may have other social good attached to it, but we should at least be clear about the pluses and minuses.

The same should apply to this legislation. On balance it is definitely a plus. One extra reason I think it is a plus is that it reinstates a savings culture, which has disappeared to a large extent in recent times, for a range of measures. It is now much more easy to access a housing loan without having saved a sizeable deposit. People can use the aforementioned home owners grant and just whack it straight onto a deposit or, in some cases, use it in lieu of a deposit. That is good in terms of helping people purchase a house, in terms of the immediate consequence, but if it means people taking on board more debt than they can really manage then you are probably not really doing them a favour in the long run. You also are potentially creating unhelpful consequences for the overall cost of buying a home. If you have more money available and able to be borrowed than people can really afford, that can have the effect of unhelpfully and excessively stimulating demand, and that just makes it more difficult for everybody. So I think the impact of encouraging a savings culture through this is significant on its own, regardless of all of the other impacts the legislation may have. I know it is not the only measure the federal government is putting forward with regard to housing and purchasing a home, or indeed housing more broadly.

I welcome this and the other measures that have been put forward. I still think a lot more needs to be done, I might say, and done quite urgently. Some of that involves taking decisions that are potentially politically difficult. But, when you compare that to the enormous hardship that a lot of Australians are suffering at the moment because of the high cost of housing, particularly the high cost of renting, you see that those difficult political decisions need to be confronted. It was the refusal to confront those over the years that led us to
the mess we are in today. We support the legislation and we hope that its impact and effects are monitored closely.

Senator STERLE (Western Australia) (4.58 pm)—I seek leave to incorporate remarks from Senator Wortley.

Leave granted.

Senator WORTLEY (South Australia) (4.58 pm)—The incorporated speech read as follows—

Mr President, I rise to speak to the First Home Saver Accounts Bill 2008 and related bills.

The purpose of this bill and the related legislation is simple: it is designed to help many Australians realise the dream of owning their own home.

As we know the cost of housing has skyrocketed over the past decade ... that-the dream has become more and more remote for families, couples and singles around the nation ... more and more of a struggle for many people just wanting a modest place to call their own...a place to call home.

It doesn’t seem that long ago in my home state of South Australia that $250,000 would buy an extremely well-appointed house in Adelaide or an inner-city suburb.

The real estate pages make it clear that these days a similar property would fetch anywhere between $500,000 and $800,000.

A 3-bedroom unit that sold for $102,000 in 1995, was snapped up at $321,000 in 2007.

The picture is clear. It’s tough for people trying to break into the market in 2008.

Median Adelaide house prices for the March quarter this year, according to the Real Estate Institute of South Australia, were more than $350,000.

Eight years ago, in March 2000, the median price for a metropolitan house was around $130,000.

The reality is, that would-be first homebuyers still are battling to gain a foothold on the path to owning their own home.

In the bills before us today, ...

The Government is honouring a promise to the Australian people to work for better housing affordability ... to bring the dream back within reach.

The main bill before us establishes First Home Saver Accounts, which are low-tax accounts aimed at giving aspiring homebuyers a boost.

The accounts are an uncomplicated, tax-effective means by which Australians can save up for their first home, resulting from the partnership of low taxes and Government contributions.

They aim to give a hand to those working hard and saving hard for their first home.

The Government will add 17 per cent on the first $5000 put in by individuals, meaning that through the scheme, a couple on average incomes will be able to save a deposit of more than $88,000 after five years.

That’s up to $12,600 more towards the cost of a home than the same couple would save using an ordinary deposit account, naturally dependent on returns.

As an added benefit, the First Home Saver Accounts will provide young people with a real incentive to save.

This is not only a Government determined to reform, revamp, repair and re-energise a society ...

The Rudd Labor Government is a government that, unlike its predecessor, believes in listening to the people who elected it ... and working towards a better, fairer, more inclusive nation for the young people of today and tomorrow.

This Government believes in working with the Australian people ... that’s why, after broad consultation, this policy has further been improved.

The resultant legislation makes for a program that is more straightforward—and, crucially, fairer.

Among these changes for the better, we’ve removed the $1000 upfront contribution and the link to residency.

This will make it simpler for people who don’t currently have savings, to open an account and get a foot in the door of home ownership.

In another sensible, simplifying move, the Government has moved to an overall indexed account balance limit of $75,000, rather than the $10,000 annual contributions limit previously proposed.
Another important aspect of the scheme is that parents and grandparents will be able to put money into accounts for their children and grandchildren.

And parents who want to open an account for their child also will benefit from the removal of the required $1,000 upfront deposit.

These factors will see further benefits to those saving for their first home.

The second bill in the package, puts forward consequential amendments needed to establish the First Home Saver Accounts.

These amendments largely relate to tax and corporations law.

Individual contributions to the First Home Saver Accounts are not taxed as they come out of participants’ income after tax.

The government’s contributions to the accounts will not be subject to tax.

There are other tax savings, too, with these special new accounts.

Withdrawals to buy a first home will not be taxed, while earnings on the accounts will be taxed to the account provider at 15 per cent.

With a regular account, the individual account holders would be taxed on any earnings at their marginal income tax rates.

To ensure those taking part don’t misuse the accounts, the third bill in the package establishes the First Home Saver Account Misuse Tax, which will be applied to recoup any benefits improperly obtained.

Overall, these bills give people striving for their first home a chance to gain this important asset.

They will give Australians a chance to take part more fully in society and to build more economic and social stability for themselves and their families.

I commend these bills to the Senate.

Senator McLUCAS (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (4.58 pm)—First of all, I thank the various senators for their contribution to this debate. The introduction of the First Home Saver Accounts Bill 2008 and related bills marks an important new beginning in housing policy in Australia. Homeownership is important to the wellbeing of Australians, and the accounts will help more Australians to once again realise the dream of homeownership. The biggest barrier to homeownership is saving for the deposit. First home saver accounts will provide a tax-effective way for Australians to save through a combination of a 17 per cent government contribution and a low 15 per cent tax rate on earnings. For example, a couple who were both earning average incomes and putting aside 10 per cent of their income into individual first home saver accounts would be able to save more than $88,000 after five years. That is almost $13,000 more than they otherwise would have.

The government’s First Home Saver Accounts initiative is part of our responsible approach to economic management, as it encourages young Australians to save. The government is investing around $1.2 billion over four years in the First Home Saver Accounts policy, including administrative costs. This is part of a package of measures, costing $2.2 billion over four years, to boost housing supply and assist those most in need, namely first home buyers and renters on low and moderate incomes. This includes the Housing Affordability Fund, which will assist local governments to reduce the cost of providing new housing related infrastructure and improve planning processes; the National Rental Affordability Scheme, which will provide investors with incentives to construct rental housing for low- and middle-income households with rents 20 per cent below the market level; and a better approach to land release with the identification of surplus Commonwealth land which could be developed into additional new housing.

Through these measures, the government is taking the initiative to provide housing affordability for all Australians.
I would also like to clarify some points raised by opposition speakers in relation to the bill. It was suggested that the first home saver accounts do not allow for fluctuating incomes. That is not correct. In order to withdraw money from a first home saver account, contributions of at least $1,000 must be made in each of at least four financial years. The requirement is not that contributions must be made in the first four financial years or even four consecutive financial years. Individuals will not have their accounts closed if they are unable to contribute for a year or two. If an individual finds themselves in a position where they are unable to contribute for a year or so, their account will remain open. When they are again in a position to be able to contribute, they may do so. The government contribution will be paid on any amount of personal contributions up to a maximum of $5,000 per year. It is not necessary to contribute a minimum of $1,000 to receive a government contribution. There is no requirement for an individual to hold an account for four years before they receive a government contribution.

A speaker referred to comments made about the level of complexity of the first home saver accounts in response to the consultation paper issued by the government in February 2008. The government has listened to industry and the community. The final policy design announced by the government in the 2008-09 budget has simplified the overall operation of the first home saver accounts for individuals, account providers and the tax office. These changes will make it easier for account providers to offer the accounts and for account holders to understand how they operate. The most important of these changes is the flat 17 per cent government contribution on the first $5,000 of personal contributions, which has streamlined and simplified the contribution arrangements. First home saver accounts will receive significant tax concessions, along with government contributions designed to assist individuals to save for their first home. Given these benefits, it is important that there be laws and compliance measures in place to ensure first home saver accounts are being used solely to assist with the purchase of a first home. The government has worked with the potential providers to ensure compliance costs are minimised.

Once again, I thank those who contributed to this debate. I commend the bills to the Senate.

Question agreed to.

Bills read a second time.

Third Reading

Bills passed through their remaining stages without amendment or debate.

COMMITTEES

Corporations and Financial Services Committee

Meeting

Senator STERLE (Western Australia) (5.04 pm)—by leave—I move:

That the Parliamentary Joint Committee on Corporations and Financial Services be authorised to hold a public meeting during the sitting of the Senate today, to take evidence for the committee’s inquiry into the continuing oversight of the operations of the Australian Securities and Investments Commission.

Question agreed to.

TAX LAWS AMENDMENT (MEDICARE LEVY AND MEDICARE LEVY SURCHARGE) BILL 2008

Second Reading

Debate resumed from 16 June, on motion by Senator Faulkner:

That this bill be now read a second time.

Senator COLBECK (Tasmania) (5.05 pm)—The Senate is considering the Tax Laws Amendment (Medicare Levy and
Medicare Levy Surcharge) Bill 2008. This bill increases the Medicare levy low-income threshold for individuals and families and the low-income threshold of the Medicare levy surcharge to ensure that low-income individuals and families will continue not to be required to pay the Medicare levy or surcharge. The arrangements to ensure that low-income families are not inadvertently required to pay the Medicare levy, by linking the low-income threshold to the consumer price index, have been in place since the Medicare levy itself was introduced, by the Hawke government, in 1984. The taxable income levels below which no Medicare levy is payable are regularly adjusted to take account of the movements in the CPI. Different low-income thresholds are set for individuals, couples, families and pensioners who are under age pension age.

The bill proposes that the low-income exemption threshold be set at $17,309 for an individual without dependants and whose income does not exceed this amount. The threshold for a pensioner under the age pension age will commence at $22,922. An escalating scale of levels of the low-income threshold will be introduced for families, according to the number of children and/or eligible dependent students in the family unit and according to the level of income. The opposition supports this bill, consistent with the bipartisan approach which has been taken to ensure those on low incomes are not required to pay the full levy.

Senator McLucas (Queensland—Parliamentary Secretary to the Minister for Health and Ageing) (5.07 pm)—I thank Senator Colbeck and other senators for their contribution to the debate on the Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2008. The bill will increase the Medicare levy low-income thresholds for individuals and families in line with increases in the consumer price index. The low-income thresholds and the Medicare levy surcharge provisions will similarly be increased. These changes will ensure that low-income individuals and families will continue to be exempt from the Medicare levy or surcharge. I note that indexation of the Medicare levy has enjoyed bipartisan support for a number of years. The bill will also increase the Medicare levy threshold for pensioners below age pension age to ensure that where these pensioners do not have an income tax liability they will also not have a Medicare levy liability. The amendments will apply to the 2007-08 year of income and later income years. Again, I would like to thank Senator Colbeck for his contribution. I commend the bill to the Senate.

Senator Allison (Victoria—Leader of the Australian Democrats) (5.08 pm)—I did intend to speak and I am sorry I did not make it to the chamber in time. I seek leave to have my speech in the second reading debate incorporated in Hansard.

Leave granted.

The speech read as follows—

I rise to speak on the Tax Laws Amendment (Medicare Levy and Medicare Levy surcharge) Bill 2008.

Although this Bill relates strongly to another Bill—the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008, the Senate is not considering them jointly. The changes in these Bills are intended to make sure that low income individuals are paying the right amount, given their circumstances, when it comes to levies and surcharges. Since its introduction Medicare has always been part-funded by a Medicare Levy.

And there has always been a low income cut-off threshold below which no levy is payable. These thresholds have always been regularly adjusted to take into account increases in the CPI. This adjustment has never been contentious and has enjoyed support across the Chamber.
And the Democrats support it again. As we support the proposed increases to the thresholds for the Medicare Surcharge levy.

The Medicare Levy Surcharge was brought in by the Howard Government in 1996. This additional 1% surcharge on taxable income only applies to those people that are classed as 'high-income' earners and that do not have private health insurance.

The Howard Government brought this extra tax in as part of its rescue package for the private health insurance industry.

As we all know, when it was first introduced the threshold for the Medicare Levy Surcharge were set at $50 000 for individuals and $100 000 for couples and families.

The current Government is proposing to adjust these thresholds to $100 000 for individuals and $150 000 for couples and families.

This is a notable jump in the threshold values but as they have not moved for 10 years that is to be expected. These thresholds have not changed since they were first introduced. They have been frozen for a decade. When most other similar measures have been adjusted for the changing circumstances, these have stood still.

Indeed if we want to avoid this situation arising again in the future – where more and more people get caught up and have to pay this extra tax until the Government of the day brings in a big change to the thresholds so that they can look magnanimous - then it would be sensible to put in place a system that regularly adjusts the Medicare Levy Surcharge thresholds in line with CPI as we do for the standard Medicare Levy.

The Democrats would welcome amendments to the Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008, when it eventually comes before the Senate which do exactly that.

Threshold limits should be set at the right position so that they target the right people and they should be adjusted regularly to take into account changing circumstances.

It is true that the proposed changes to the Medicare Levy Surcharge thresholds have attracted some criticism.

The Private Health Insurance Industry and the AMA have been highly critical of these changes—suggesting that there will be a dramatic reduction in the number of individuals either taking up or maintaining their private health insurance.

In contrast the Australian Private Hospitals Association sees private health insurance membership ‘growing strongly’ in the next few years.

It is interesting to note that the proposed acquisition by health insurer BUPA Australia of its competitor MBF remains on-track, despite the announced changes to the Medicare Levy Surcharge—suggesting that longer-term damage to private health insurance is not envisaged by all in the sector.

It is possible that some people will make different decisions about private health insurance because of these changes.

But there are still several disincentives to stop individuals from opting out of private health cover or delaying taking out membership of private health insurance.

The Rudd Government has left untouched the Lifetime Health Cover Loading and the 30% private health insurance rebate introduced by the previous Government.

Lifetime Health Cover Loading in particular is a nasty stick that the Howard Government introduced and research has shown that between 42% and 75% of the overall increase in PHI membership that resulted from the Howard Government’s industry rescue package was because of Lifetime Health Cover Loadings.

It has been suggested that if people drop out of private health insurance because of the changes to the thresholds this will put more pressure on our public hospitals.

However, there is little evidence to suggest that these measures take pressure off the public health system.

Research indicates that those people who enrol in private health insurance in response to the so-called incentives that the Howard Government introduced

- the 30% rebate, Lifetime Health Cover Loading and the Medicare Surcharge
• actually behave more like people without private health insurance.

That is, they use public hospitals rather than private ones so that they don’t have to pay the out-of-pocket expenses that they would be subject to if they used their private health insurance.

Also individuals who purchase private health insurance in order to avoid the ‘penalty’ of the MLS tend to be young and healthy and tend to have low rates of hospital use in any case.

The reality is that private health insurance has always been primarily the domain of the wealthier parts of the population.

The increase in the number of people with private health insurance because of the various carrot and stick incentives was mainly in the richest 20%. Among the poorest 40% of the population there was little if any impact on the number of people who could afford PHI—even with the rebate.

And the less well-off continue to stay out of PHI.

If some people exit the private health insurance system because of changes to the Medicare Levy Surcharge thresholds or do not enter it in the first place, this is a better reflection of their attitude to PHI in any case.

The opposition keeps trumpeting that they are advocates for choice for Australians.

If that is true then they would support the changes proposed in these Bills.

Increasing the thresholds for the levies gives more people a real choice about whether they want PHI—about whether they think it is value for money.

Fewer people will be forced into it by penalties.

The Democrats only wish that the Rudd Government had the courage to tackle the other so-called reform measures introduced by the previous Government.

Despite costing billions of dollars every year and almost universal agreement among health experts that the rebate, and indeed private health insurance, is inequitable and inefficient, the Rudd Government seems intent on continuing with the 30% rebate.

And there has been no indication of their intent with regard to the Lifetime Health Cover Loading.

The Democrats have moved amendments in the past to undo both of these measures.

That doesn’t mean the Democrats are opposed to a private health sector.

Private health services are an important part of our system but funding private sector providers directly—rather than going through the inefficient and inequitable private health insurance industry—would still provide support to the private health sector and it would save the administration costs.

It would also give the Government some control over costs—something that private health insurance has not been able to do.

As far back as 2004 the OECD paper examining private health insurance in Australia reported that private funds do not exercise control over the quality, quantity or appropriateness of care provided and private health insurance has led to an overall increase in health utilisation as there are few limits on expenditure growth. This situation has changed very little in subsequent years.

There is a wealth of evidence that demonstrates that the larger the private health sector the higher the overall health costs to the community.

If the Rudd government intends to continue supporting the Howard Government’s private health care liabilities, it has a responsibility to make sure that costs are contained.

It also has a responsibility to limit the use of taxpayer subsidies.

Measures such as the PHI rebate do not improve access to health care—either in the public or private system—they are simply a subsidy for the PHI industry—a subsidy worth billions of dollars every year.

Much of this money does not make it to the private hospitals—which is why a direct subsidy to private hospitals is a more efficient and equitable means of supporting private health care delivery—and would save millions of dollars a year.

Private health insurance will continue to play a part in people’s health choices should they wish to pay for it but the Government has a responsi-
bility to ensure that our public system is well funded and accessible by all.

We do not want to go back to a time when people had to have private health insurance to make sure they could get decent services.

Nor do we want to see even greater erosion of the principles that underlie our health system.

Universality of access on the basis of need not ability to pay has been an underlying principle of the National Medicines Policy, the PBS and Medicare since their inception.

Yet the precedent set in this year’s budget for means testing PBS listed items and Medicare benefits raises serious concerns about what direction we may see health care reform take under the Rudd Government.

There are tough questions that need to be addressed about the rationing of health care but these are debates that should be had with the community.

And they should be had out in the open—not introduced by stealth.

If the Rudd Government intends to move away from universality and towards a means tested public health care system, this should be made explicit.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE BUDGET AND OTHER MEASURES) BILL 2008

Second Reading

Debate resumed from 16 June, on motion by Senator Faulkner:

That this bill be now read a second time.

(Quorum formed)

Senator BERNARDI (South Australia) (5.11 pm)—I rise to speak about the Family Assistance Legislation Amendment (Child Care Budget and Other Measures) Bill 2008.

One of the disturbing aspects of this bill and, in fact, much of the legislation that has been put forward by this government is the fact that it is subject to means testing. A means test, quite frankly, is a very mean test. Some people who went in to the previous election expecting to be able to benefit from particular election promises or the continuation of existing policies would have voted accordingly. They have been let down by what I regard as an uncaring and mean government.

A means test is an example, in this particular bill, of a mean government because it is a secret test. It was a test that was sprung on the public subsequent to the election last year. It is pretty clear that the Rudd government won office under many false pretences. It took policies to the election and it failed to disclose the complete nature of the policies. It changed them immediately afterwards—we have had numerous examples of this.

To the members opposite, I repeat the words of Mr Abbott in the other place, ‘If a business went public with this policy without the secret fine print, the business would now be before the courts of this country for breach of contract,’ because the fine print has made an enormous difference to what is going on here.

The move to a 50 per cent rebate is certainly welcome. However, it is going to present hard-pressed operators of childcare services with an opportunity to increase their prices. I note the flamboyant rhetoric about using every means at the government’s disposal to prevent that from happening. However, when pressed, it just seems to be more smoke and mirrors and there is very little that the government can do to prevent it. The government maintains it has a mandate for this and so the opposition do not intend to oppose the aspect of the bill with regard to the 50 per cent out-of-pocket childcare costs. However, we are concerned about families who are going to have to pay increasing
childcare fees, because we believe that operators will put their fees up in anticipation of the government’s future contribution in this regard. I shall leave my comments there.

Debate (on motion by Senator McLucas) adjourned.

VALEDICTORIES

Senator GEORGE CAMPBELL (New South Wales) (5.15 pm)—I hope that they have the television on at home or I will be in trouble. I wish to commence my remarks by acknowledging the kind and not so kind comments directed at me by opposition senators last evening. I want to take the opportunity to wish retiring Senators Watson, Patterson, Kemp, Chapman, Macdonald and Lightfoot the best of luck for the future, and I commend them for their contribution to this chamber. I hope Chappie’s golf will improve now that he has finally bought himself a new set of golf clubs. It must have been painful getting the money out of his pocket to pay for them! I also must say that, if I had any doubts about whether or not it was the right time to go, it was when Kemp said that even he thought I was a good bloke. When I start to get praise from a conservative like Rod Kemp, then it is time for me to go!

I would also like to take the opportunity to acknowledge the contributions of Senators Murray, Stott Despoja, Allison and Bartlett and Senator Nettle to the work of the Senate and to also wish them all the best for the future. I have spent a lot of time travelling around the country with Senator Murray, particularly on industrial relations type inquiries, and we got to know each other pretty well. We spent three or four weeks together in Europe at the European institutions back in 2004 and he was lovely company. His wife was better company, but he was lovely company too! I will miss him, because I did enjoy some of the debates we had over industrial relations and I think that I did help to turn him around a bit from where he was in 1996 when the Howard government was elected—I would not claim that it was total, but I did help to turn him around a bit on those issues. I have also travelled the country with Natasha, and I just want to acknowledge her patient advocacy on behalf of the students of this country. They are going to miss her; they are going to miss Natasha’s advocacy on their behalf.

I arrived in this country on 1 March 1965 as a young migrant—a ten-pound tourist, as we were known in those days.

Senator Allison—A Pom!

Senator GEORGE CAMPBELL—A Belfast Pommie, they used to call me. My first act when I got here was to walk across the Sydney Harbour Bridge. My second act was to go and join the union, and I can proudly say that I have been a financial member of that union since 3 March 1965—some 43 years. Hopefully I will continue to be a financial member, if they put me in the retired members association, for the rest of my period on this earth. I think that I have made no mean contribution to the development of the union over the years that I have been a member. I lived in Sydney for some six months. I could not get work on the waterfront in those days; it was going through a bad period. I spent most of my time hustling on pool tables around RSL clubs and so forth to pay the rent. Fortunately for me, in those days I could actually see the ball, so I was not a bad snooker player. I would not pay the rent the way I play these days. I can assure you. I moved to Melbourne in October 1965, worked in the naval dockyards for a period of time and joined the party in Melbourne in 1966. I have been a member of the party ever since.

Senator Hutchins—That’s the Labor Party.
Senator GEORGE CAMPBELL—The Labor Party. What, are you suggesting that I might have joined some other parties! Stephen, wash your mouth out! That was a period of continuous activism for me of some 42 or 43 years and I hope that that activism is not coming to a conclusion. In fact, this is the first year since 1966 that I have not been a delegate to a Labor Party conference, other than when I have not been in the country. It is the first time that I have not represented the union at a Labor Party conference either in Victoria of Sydney for some 43 years. It may be the end of my political contribution in that sense, but hopefully it will not be.

I have been fortunate, I think, because I lived through what was a very exciting period in the labour movement during the late sixties and the seventies and eighties. There were many other exciting things that happened in Melbourne, and I am particularly talking about union activities, that I did not necessarily want to live through but which I did, as some of my colleagues would know from the stories I have told them of those times. I was involved in issues such as the anti-conscription campaign in Victoria, which was also a national campaign, during the Vietnam War. I do not know if I am exposing myself or not, but I did harbour a couple of activists—that is, people who were avoiding the draft—during that period. I spoke to a bloke out at the Department of Labour and National Service, as it was back in those days, when, I think, Billy Snedden was the minister. I spoke to this bloke back in the seventies when I became secretary of the union. He said, ‘You know, we knew you were harbouring those people.’ I said, ‘What people?’ He said, ‘Those blokes that were avoiding the draft. We didn’t want to arrest you. We didn’t want to arrest them. You were more trouble than you were worth. As long as we knew where you were, then we were confident we had the situation under control.’ All the hopes I had of being a martyr, all for the cause, all went down the drain!

Senator Minchin—It’s not too late!

Senator GEORGE CAMPBELL—It was an exciting period, Senator Minchin, the anti-Vietnam War movement. The moratorium is a day that I will never forget. It was one of the most exciting days for anyone who was involved in the labour movement—to see 100,000 people virtually fill Bourke Street in Melbourne. That is a memory that will stay with me for a very long period of time.

I was involved in issues like the abolition of the penal powers when Clarrie O’Shea was arrested. They were bad laws. They were defied, ultimately, and they were defeated. Ultimately, in a democracy that is what you do or you allow your democracy to degrade. I hope we do not have to face circumstances like that in the future, but we have also got to be prepared, if that occurs, to put up or shut up and take the fight on.

The election of the Whitlam government was obviously pretty exciting for Labor Party members in those days, after some 23 years of conservative rule, and I was pretty heavily involved in that process. In fact, I was a member of the Victorian central executive that Whitlam sacked in 1970. I got elected onto that executive at the same time as Bob Hawke. We both lasted three months. He went on to be Prime Minister and I finished up in the Senate, so we must have been doing something right during that period of time.

I remember that time because I topped the poll at the state conference for the election of members of the executive and I did it mainly because I moved a resolution defying the Crimes Act on conscription. That resulted in me getting the unanimous vote of the conference to go onto the executive. I still pull
those tricks but I have not done any for quite some time. But it worked out to be very successful.

I was also pretty heavily involved in the negotiation of the accord during the eighties, and many of the issues that arose out of the accord process, particularly the introduction of universal superannuation. I was pleased to see that Bill Kelty, in the last honours list, got acknowledgement and recognition for the work that he did over that period. To a large degree, many of the issues that emerged out of that accord period that have been lasting reforms for workers and which workers have benefited from were driven by Bill, and it was Bill’s energy that ultimately carried them over the line.

I was involved in two rewrites of the arbitration act—one back in 1988 after the Hancock review and the other in 1993 that led to the introduction of collective bargaining—as a member of that committee. There are many other events and circumstances of that period which I recount and was fortunate enough to be involved in.

I was also pretty privileged over that period and served on many government committees. I was a member of the Economic Planning Advisory Council and the Australian Shipbuilding Board from 1975 to 1980. I was a member of the Shipbuilding Consultative Group from, I think, 1984 to 1988. I was deputy chair of the Australian Manufacturing Council. I was on the Telecommunications Industry Development Authority, along with Tony Staley, and that was a particularly rewarding period. It was after the deregulation of the telecommunications industry, and our role was to ensure that the local industry did not go down the gurgler, as it did in the seventies as, a result of that deregulation. I think we did a fairly substantial job of ensuring a healthy telecommunications industry has survived in this country.

I served on the National Industry Extension Service, which is now being reintroduced by the Rudd government under another name in the department of industry to provide resources to small businesses to assist them to adapt to new technologies, new methods of production. I was on the National Investment Council also during that period.

I have been lucky that I have been able to make a contribution not only in my chosen fields of endeavour within the trade union movement and in politics but also to the development of our community more broadly in those areas that I have outlined.

One thing I did was lead a sit-in in Old Parliament House back in 1976—the first and only time I think there has been a successful sit-in in Parliament House—of 2,000 shipyard workers, because the Fraser government were closing down the shipbuilding industry. There were two security guards. Of course, we were able to stay there for quite some time because two to 2,000 did not equate to even odds. But it was conducted with decorum. We made our point, and the protest finished. Sitting in King’s Hall in Old Parliament House in 1976, I never thought I would be sitting here in the Senate from 1998 through to 2008. It was probably the furthest thing from my mind in those days.

I have regarded it as a privilege to be able to play an active role in the political and industrial affairs of the nation and to give something back to the country that has given me so much. A prominent member on the other side, who happens to be in the chamber, once described me as one of the few remaining conviction politicians left in this place. That is a badge I wear with honour, Senator Brandis. I do not see how you can convince others to support your position if you are not convinced yourself that your position is the correct one. I have never shrank in all my years in the labour movement from
taking the opportunity to get up and argue my point of view and to fight for positions that I held dearly and believed in.

Having been so actively involved over such a long period of time, there is a temptation in these types of speeches to make comparisons between different eras. I have been fortunate to live through all of the modern eras of the labour movement: the Whitlam period, the Hawke period, the Keating period and the Rudd government. Whilst I am disturbed by the approach of the current government on a number of issues, not the least of which is industrial relations, you will excuse me if I keep my counsel to myself because I think the appropriate place to make those arguments is in the internal structures of the party, and there are ample opportunities provided within the Labor Party for one to argue one’s point of view on whatever issues one wants to argue.

In the period I have been here, there has been no joy being in opposition. There is no joy in opposition; it is only hard work for little result. But I have to say I am glad that, if I was going to serve a period in opposition, it was in the Australian Senate, because the Senate committee structure provides an opportunity for people to make a contribution to develop a policy agenda in a way in which, to my knowledge, no other parliament does.

I have served on a number of committees and have been involved in a number of committee reports, some of which are still gathering dust but some of which had an impact. I think the ability that those committees and that committee structure gives one to get out and mix with the general community and to meet people from all walks of life—whether it be looking at the status of teachers, which I did with Senator Allison and with Senator Stott Despoja, dealing with the issue of students and student unionism or looking at the issue of the skills divide—helps broaden our knowledge and experience of what is going on out there but helps also, I think, to take to the Australian community the fact that their politicians are concerned about the issues confronting them, are listening and are prepared to come down and listen to their arguments in whatever their particular field is. So, despite the fact that opposition is not a very good environment to be in, there is no doubt that the Senate structure goes a very long way to providing a bridge for those in opposition to be able to play a constructive role in the affairs of the parliament through those processes. I do hope that the current government, while enjoying the fruits of political victory, never lose sight of what it is like to be in opposition. That thought alone, Chris, should ensure that you keep firmly on the right track. I know that you will carry the message back into the cabinet room.

Honourable senators interjecting—

Senator GEORGE CAMPBELL—I am fortunate; I only did 10½. I am sure you will take the message back into the cabinet room and make sure that they do not make some of the mistakes that some on the other side did and open the door for the return of a conservative government.

I should take the opportunity to pay tribute to Senator Webber and Senator Kirk, who are also leaving the Senate on 30 June 2008. A warning, Senator Parry: you will note that the three senators who have been disenrolled on this side all occupied the Opposition Whip’s offices for three years. I do not know if there is a jinx on that room. The Opposition Whip before me also went in circumstances that were less than gracious. I am just warning you. Maybe it is time to look at moving on. Take over a committee chair or something, but be careful: watch
who is coming in the back door as well as
who is coming in the front.

I want to pay tribute to Ruth and to Linda.
They were deputy whips when I was Opposi-
tion Whip. Ruth has been a particularly good
friend and comrade over a number of years.
We have shared more than one meal together
and hopefully we will share more than one
meal together in the future. There will be
opportunities for our paths to cross and to
continue the friendship that we have estab-
lished. I think it is a travesty of justice that
both Linda and Ruth have been disendorsed.
Old warhorses like me are fair game; we
have been around long enough. You live by
the sword, you die by the sword and you ac-
cept the consequences. If you want to play
the political game then you take the conse-
quences of it, and sometimes the conse-
quences can be substantial.

I think it is a travesty of justice, as Senator
Johnston said last night, that both Senator
Webber and Senator Kirk lost their endorse-
ments. There was no basis for it. They have
been active members of the Senate; they
have played a substantial role in their com-
mittees from what I have seen. Linda’s
knowledge, particularly, of immigration is-
sues has been invaluable. Many of the con-
tributions she has made in this chamber have
been invaluable, and so have Ruth’s. I think
sometimes we do not always get it right. I
have enjoyed the company of both of them
and I hope that they are able to establish,
outside of this place, new careers which are
both rewarding and well rewarded.

There are two things I do want to do be-
fore I finish my remarks—again, I am run-
ing over time. One is to acknowledge my
staff, who have served me over the past 10½
years. Their work and support has been in-
valuable and, more importantly, it has been
appreciated. I particularly want to thank two
people, Felicity and Karen, both of whom
commenced working for me as 16-year-olds
at the metalworkers and both of whom now
have adult children of their own. Both fol-
lowed me into the political arena and wanted
to work for me here. I cannot understand
why, but they did. So I must have been doing
something right as a boss, although perhaps I
did not always know what that was. Their
loyalty to me has been above and beyond the
call of duty and I appreciate their contribu-
tion no end.

I also want to thank the Senate staff: the
Clerk, Harry Evans; the chamber clerks; the
committee secretariats; the chamber atten-
dants; the security staff; and the Comcar
drivers and their allocators, Michael and Ian.
They certainly make this place a much more
pleasant place to be, and this job would be
much more difficult without them. Their
support has been appreciated, and I publicly
acknowledge the contribution that they also
make to the work of the Senate. Senator
Marshall has asked me to acknowledge him
for his mentoring role and for putting up
with me for the past six years! Gavin, you
are going to be miserable without us. Finally,
Mr President, can I conclude my remarks by
saying thanks for the memories.

Senator KIRK (South Australia) (5.38
pm)—May I begin, Mr President, by con-
gratulating you on the professional manner
in which you have performed the role of
President since you assumed the role last
year. I note that you are the sixth South Aus-
tralian to hold the office of Senate President
and I take this chance to say that you do our
state proud in the manner in which you per-
form this important role. I would also like to
thank you for hosting a dinner for retiring
senators tomorrow evening. It is a sign of
your respect for the institution of the Senate
that you honour us by inviting us to dine
with you in the last days of our time in this
place.
To begin with, tonight I would like to make some comments about my fellow senators who will be retiring with me on 30 June this year. I listened with interest last night to the speeches of Senators Watson, Patterson, Kemp, Chapman, Macdonald and Lightfoot. I congratulate and acknowledge them for the contribution they have made to the Senate, to their respective states and to the community over their many years of service. In fact, the number of coalition senators who paid their respects to their colleagues during the extended debate last night is a mark of the regard in which they are all held. I would also like to thank Senators Mason, Birmingham, Colbeck, Adams, Eggleston, Johnson, Barnett and Coonan, who made kind and generous comments about me last night. Thank you also to those coalition colleagues who have written me personal notes in the last few weeks and months. I very much appreciate that. I also take this opportunity to recognise Senators Bartlett and Murray, who have made a significant contribution to this place in their respective areas of interest. I have admired the dedication of Senator Bartlett, particularly in advocating for the fair treatment of refugees and asylum seekers, and Senator Murray’s expertise in corporate and taxation matters and his understanding and advice in relation to the rules relating to political donations.

I must also mention my Labor colleague Senator George Campbell, who as Chief Opposition Whip in the last parliament provided me with much guidance and advice in my role as deputy whip. I would also like to thank him very much for the very kind words that he said about me this evening. I would like to wish you well in your retirement, George, and I hope you enjoy travelling the world—as you have indicated that you may well do—and lowering your golf handicap.

In my first speech in this place I acknowledged the contribution of the early pioneering women who preceded me. Tonight I want to make special mention of the five female senators who will be retiring from here with me on 30 June. Together they are a remarkable group and are in large part responsible for some of the most critical social reforms in this place in the past few years, if not in this parliament’s history. Without these women and their stance on matters which are regarded by the major parties as matters of conscience, these changes may never have occurred. Of course I refer to Senators Webber, Allison, Stott Despoja, Nettle and Patterson.

Senator Webber is a Labor colleague and a friend who has made a major contribution during her Senate term. She is a feisty and passionate woman who, together with Senator Moore, led Labor women in the debates surrounding the stem cell legislation and RU486. I would like to acknowledge the leadership she has shown recently in agitating for the much needed changes to AusAID guidelines which currently prohibit Australian aid contributing towards abortion services and education overseas. On a personal note, I would like to thank her for her friendship, encouragement and kindness over the past six years since we entered the Senate together. I am sure that she will continue to make a significant contribution wherever she chooses to go and whatever activities she pursues when she leaves this place.

Senator Patterson has been a great supporter of women not only from her own party but across the party divide. I would like to acknowledge and thank her for, amongst her other achievements, the introduction of her private members bill which introduced the second raft of stem cell legislation in 2006. Some people may wonder why it is that I am thanking her for proposing this bill, my support of which contributed to my involuntary retirement—nevertheless, I do. Senator Allison is another strong woman and
effective senator from Victoria who has played a significant role on a range of issues, particularly RU486 and more recently the AusAID guidelines. I would like to thank her for her leadership of women and for the enormous contribution that she has made. Senator Nettle entered the Senate with me in 2002 and she has also made an enormous contribution in her six-year term. She is one of the hardest working and most passionate senators in this place and I have admired her tireless work advocating for fair treatment for asylum seekers and refugees. If every senator had her dedication and capacity for work, this place would indeed be an extraordinary legislature.

Last but not least I wish to acknowledge my friend and fellow South Australian Senator Natasha Stott Despoja. I first knew of Senator Stott Despoja when we were both students at the University of Adelaide. For many years I watched as she entered and began to make her incredible contribution to the Australian political landscape. She does not know this but she was in large part an inspiration to me to leave my comfortable existence as a legal academic and pursue a career in public life. Senator Stott Despoja’s contribution to the Senate, to the profile of women in politics and to the Australian community at large is almost unparalleled, and her departure from this place will leave a gaping hole. She has been an invaluable support to me and I look forward to continuing our friendship and extracurricular activities well beyond 30 June—

Senator Stott Despoja—That sounds suspicious!

Senator KIRK—It does a bit! I won’t elaborate. I wish her and Ian and their gorgeous children Conrad and Cordelia the very best for the future.

The five women that I have just mentioned are a great loss to this place, and together with the retirement of Senator Vanstone and the untimely death of Senator Ferris, the face of the Senate will change dramatically from 1 July 2008. In saying this I intend no disrespect to continuing and incoming senators. I merely make the point that the historic changes to legislation that occurred in recent years may not have happened but for the presence of the women to whom I have referred. When it is recalled that the Prohibition of Human Cloning for Reproduction and the Regulation of Human Embryo Research Amendment Bill passed the Senate by only one vote, I think my point is made.

In my maiden speech in the Senate on 28 August 2002 I said that I joined the Australian Labor Party as a student because I was attracted to the party’s policies and philosophies, which reflected the values that had been instilled in me by my parents and my background. These core values include: the right of individuals to develop and apply their talents and abilities for self-advancement, supported by high standards of public education and training; an unqualified opposition to discrimination based on race, colour, ethnic origin, gender or sexuality; recognition of the prior possession of Australia by the Aboriginal people; belief in and assistance for developing the Australian population through family support and further migration, including a substantial intake of refugees; the right of workers to organise and bargain collectively, supported by a robust, independent and fair industrial relations system; and the belief in a strong, democratic and republican system of constitutional government underpinned by strict separation of powers and adherence to the rule of law. It was these beliefs that motivated me to stand for election to this place and I said in my maiden speech that I would dedicate myself to their promotion and advancement.
In the past week or so I have gone back and read many of the speeches I have delivered in the Senate since my first speech in August 2002. I am pleased to say that the record shows that I have consistently adhered to my beliefs and principles and refused to waver from them even when put under enormous pressure to do so. I have spoken a number of times about the importance of access to, and adequate funding for, higher education, a fair system of industrial relations, equality of treatment for all regardless of race, colour, ethnic origin, gender or sexuality, the rights of our Indigenous people, respect for the rule of law, adherence to principles of international law and maintaining and protecting our system of constitutional government.

A major theme of my first speech was the need to maintain a strong separation of powers between the legislative, executive and judicial branches of government. I took the opportunity whenever I could during my contribution to debates in this chamber and in committee inquiries to ensure adequate judicial oversight of executive action and to limit restrictions on judicial review of administrative action. I continue to maintain my long-held view that Australia should progress to an independent republic, and I hope that this will be realised under the stewardship of Prime Minister Rudd.

I very much look forward to the community consultation and discussion that the government has indicated that it intends to facilitate about whether Australia should adopt a statutory or constitutional bill or charter of rights. I acknowledge that there are strong arguments on both sides of this debate. I very much look forward to participating in that.

I am proud of the private senator’s bill that I introduced last year, reflecting a private member’s bill introduced by the Hon. Duncan Kerr in the House of Representatives. This bill seeks to introduce an independent commission to consider and make recommendations in relation to referrals to it from the parliament of allegations of judicial incapacity or misconduct. Our existing system lacks an independent and transparent mechanism for the consideration of complaints against serving federal judicial officers. This bill would provide a much-needed process for the examination of such allegations. I hope that, after my departure, some consideration will be given to adopting this bill.

I am particularly proud of the stance I have taken on human rights issues during my time here, including my advocacy for the removal of children from immigration detention, for the rights and fair treatment of refugees and asylum seekers, for justice for David Hicks and for an end to child abuse and mistreatment in our community. As convenor of Parliamentarians Against Child Abuse I have advocated for the establishment of a children’s commissioner and a national child protection framework.

One of the most rewarding parts of this job has been my work on the Senate Standing Committee on Legal and Constitutional Affairs. I have relished the opportunity to conduct detailed scrutiny of legislative measures and to hear from experts in the field about the impact of policy on individuals and communities. The Senate’s committee system is perhaps the greatest feature of this institution, in my view, and its importance to the democratic process cannot be understated. I have considered it a privilege to have been an active participant in this critical aspect of our system of governance.

Like Senator Campbell, 5½ years of my time here was spent in opposition—for him, of course, it was much longer. I was of course delighted to see the election of a La-
The Prime Minister has been a strong supporter of mine over many years and I am privileged to be able to call him not only a loyal colleague but also a friend.

I would like also to congratulate and acknowledge the Deputy Prime Minister, Julia Gillard, who is a remarkable woman and another person who has always been incredibly supportive of me. I would like also to recognise the Attorney-General, Robert McClelland, who has long been a supporter of mine. He is hardworking and a very diligent lawyer and he is most deserving, in my view, of the job of first law officer of Australia.

There are of course many other colleagues and ministers that I would like to be able to mention, but time does not permit me to do so today. Someone said to me the other day that I am fortunate to leave this place with the respect of my colleagues. I am indeed lucky to have earned the respect of so many people in this place but, most particularly, the respect of those people whom I respect.

I would like to express my thanks to those who have worked in my office over the years and without whom it would not have been possible for me to have carried out my work as a senator. I thank Sevi Livaditis for keeping my Adelaide office running smoothly. I thank Jane Backhouse for her work, in particular on child protection issues, and Jenny Lee for her research on Indigenous matters. I would also like to thank tonight my principal legal researcher and parliamentary assistant, Johanna Palenskus, who is an exceptionally talented young woman. She has been of great assistance to me, particularly in the preparation of my private senator’s bill. I also thank Josh Peak, who travelled from Adelaide today to be here. I thank him for his commitment to the Labor cause and for his campaigning skills, which were so evident during last year’s federal election. Josh has a very bright future, and I am sure his many talents will be recognised by the powers that be. Thank you to Nick Studdert, who is also here today. He is my only Canberra based staffer. I would like to thank him for his diligence in my parliamentary office and his enthusiasm and willingness to undertake all kinds of tasks—with the exception of washing the dishes. I would like to single out just two of my former staff who have made a really important contribution: Tania Baxter and Xanthe Kleinig. Both of these ladies made a significant contribution to my speeches over the years on social issues, children’s rights, children in detention and human rights more generally, and I thank them both.

I would also like to thank everyone in the ALP who has supported me over the years and given me the opportunity to represent the people of South Australia in this place. I thank all of my Labor colleagues for being here today. I very much appreciate you all coming along. I would like to make special mention of Senator Ursula Stephens and her husband, Bob, who were very kind to me in my first years here in Canberra. They made me feel very welcome and helped me to settle in.

I would like to thank everybody who supported me here in the chamber, particularly, of course, Harry Evans, Rosemary Laing, Cleaver Elliott, the chamber staff and everybody else who makes our life so much easier—Comcar drivers, security, Hansard and of course the Parliamentary Library as well.

I would like to thank my mother and father for being here today and also my brother, Steven. I thank them for their love and encouragement throughout my life. I would also like very much to thank Karin MacDonald, who is a member of the ACT
Legislative Assembly, for coming along this evening to support me. It is very much appreciated. Finally, I would like to say a big thank you to David Waweru and Eva Milekovic for the very non-political perspective on the world that they bring, which gives me so much balance, and I also thank them for being the special people and friends that they are to me.

I am very much looking forward to my life beyond the Senate, when I will be able to pursue my passion for the law and law reform, which really drives me and has for many, many years. Finally, I would just like to say that, like Damocles himself, I will gladly depart this palace and return to a simple life in the knowledge that an existence with a sword hovering over one’s head, suspended by only the thinnest of threads, although it is privileged, is not one to be envied.

Senator CHRIS EVANS (Western Australia—Leader of the Government in the Senate) (5.56 pm)—I want to make some remarks on behalf of the Labor Party and the government to our retiring senators. I regret that retiring senators always give their best speech as their last speech, and that is a bit of a hard act to follow, but I do want to make some remarks on behalf of their Labor colleagues. A senator’s opportunity to serve in this place is very much a function of their political party’s decision making. Senators are subject to the vagaries of the views of party members and the shifting focus of power inside their political parties. We are all subject to those forces. Senators’ careers can come to an end due to factors other than their personal performance and contribution.

Tonight I pay tribute to the contribution of three of our Labor senators, who in my view have made significant contributions to the parliament, to the parliamentary Labor Party and of course to the Australian Labor Party. Their service has been appreciated by their colleagues and the labour movement, and their comradeship and company has been appreciated by us all. I want to make the very clear point that the end of their period as senators is not, in my view, the end of their contribution to the Labor Party or to public life. I think all three of them have a lot to offer in the years to come—even George, who might be a little more fixated on retirement than he need be or should be. I still think there is a role for him in the movement, as there is clearly for Linda and Ruth.

Talking about Senator George Campbell, as George said, he was elected as a New South Wales senator in 1997 after a long career in the labour movement. In opposition, he was parliamentary secretary to the shadow minister for innovation, industry and trade from 2001 to 2004, and then of course he took on the most important job in the parliament, that of the Opposition Whip, for four years, which he did with great distinction. George’s is a classic migrant-made-good story. George came to this country from Belfast in 1965. It is lucky that the English standard requirements then were much lower, because otherwise George may not have got in! George had a tremendous career in the trade union movement and rose to the height of National Secretary of the Australian Manufacturing Workers Union, which is a tremendous achievement—a very strong union but also a union in which the internal battles are well fought. To provide leadership for a lengthy period as national secretary is a tribute to him. He also, of course, served as a senior vice-president of the ACTU and provided leadership in the ACTU for many years. He has been on the national executive of the Labor Party for about as long as I can remember. I do not have the exact dates.

Senator George Campbell interjecting—
Senator CHRIS EVANS—Yes, you get less for murder. It is a tribute to your contribution. Without hyperbole, George has been one of the most significant labour movement figures of the last 20 years. He has been a very significant figure. He has held the highest elected offices in the trade union movement. He has provided national leadership inside the Australian Labor Party. Although we do not talk of such things anymore, he has been a leader of the Left of the Labor Party and the Left inside the labour movement for a very long time and a dominant figure in that movement.

As George pointed out, he has done it tough through the dark years in opposition. I hasten to add that he did not do it as tough as some of us but it is a shame that he has not enjoyed longer in government. He played a very critical role in opposition. I say this as a former whip, but it actually is a very key function in opposition in terms of maintaining morale and organisation through what were very dark days for us. I think the current opposition are going through some of those days themselves and learning that they are not pleasant. It can be a very tough time. The role of the whip and the role of providing leadership in the Labor Party are very important. George provided that leadership. I know that when I became Leader of the Opposition in the Senate I very much appreciated the role he played—his good-heartedness, his willingness to provide support and his willingness to jolly the troops along when sometimes they were being a little on the fractious side or needed counsel. While George talks of golf and travel, I think he has more to contribute. I think the labour movement and public life would benefit from his continuing to make some contribution.

He made a correct decision when he married a Western Australia girl, Kerrie, and we wish her all the best with George. George, your contribution to the parliament has been a significant one and your contribution to the labour movement has been an even more significant one over a very long period of time. It is something which you should be very proud of. I know your colleagues are very proud of you and your contribution. We hope that your post-Senate career is rewarding and your lifestyle is also rewarding. I understand that your golf handicap does need a lot of work! All the best.

I would like to also acknowledge Senator Linda Kirk, from South Australia. Linda, as she indicated, has only had one term with us in the Senate, but it has been an impressive one. Just listening to Linda tonight reinforced the view I had of her. Linda had a strong background as a constitutional lawyer and a legal academic, and she has applied those skills in her contributions in the Senate in a very consistent way. She is one of those members of parliament who have used every opportunity to advance her policy interests and the things she believed in. Some of us can be a bit erratic, particularly when we have been made shadow minister for various things, but Linda is one of those people whose contribution, if you look back over her six years in the Senate, has been consistent, principled and effective. I think she can be very proud of that.

Linda referred to her time on the Senate Standing Committee on Legal and Constitutional Affairs. I also served on that committee for a while, but I did not have nearly the interest that Linda had in those issues. Her capacity to get into those issues has been very important. She also served as deputy opposition whip, which is more of a punishment, but we do appreciate the contribution she made in that role.

I was just thinking today about Linda’s contribution to the campaign for justice for David Hicks. Her support for refugees when
it was politically unpopular and unwise, for victims of child abuse, for the rights of women, for a republic, for legal reform more generally and her support for quite controversial social issues like stem cell research showed consistency, commitment and a set of principles that do her great credit. She referred to the fact that her political career was impacted by the stands she took. I think what most impressed me and her colleagues, whether they agreed with those stands or not, was the strength of character that she showed through them and how she never looked like flinching. People had very strong views either way, but they did appreciate that strength of character.

I think that is not widely understood outside the parliament because there are lots of loud, boofy blokes like me in the parliament and people do not necessarily recognise that some of the quieter members of parliament, some of whom are not very good at personal promotion, bring strength of character and a way of handling themselves to the place. Linda has certainly been one of those quiet, effective, hardworking members of parliament. One only thinks of the contribution she has made when reviewing all the things she has been involved with over that time and the principles that she has brought to bear. I think those admirable personal qualities and a tremendous intellectual capacity will serve her well in post-Senate life. She very much has a further contribution to make. I hope it is one which she enjoys and I wish her well for the future. She made the point that she appreciated the respect of her peers. I think I speak for all of her peers when I say that she does enjoy our respect and we do wish her all the best for the future. We know she will have a strong contribution to make in whatever else she does.

I want to make a couple of remarks about Senator Ruth Webber, who is also retiring but has not spoken tonight because she will be doing that next week when her parents are here. There is no show without Judy and Daryl, and I look forward to them joining us. It gives me the opportunity to get in first, but as always Ruth will get the last word, which is the way she likes it. During her time here, Ruth has not only been opposition deputy whip but also been tremendously engaged with committee work and the causes about which she is passionate. I have to be careful about what I say, because Ruth has more dirt on me than I have on her, but that comes from Ruth being a former employee of mine. Ruth actually worked as a whip’s clerk in this place. It was a tremendous thing that she came back into this place as a senator. I do not know why she chose to come back after that experience. She did not develop much respect for other senators while she was working as a whip’s clerk, but she managed to work on that.

I have known Ruth for a very long period of time, so I guess I have a good perspective on her career. I am very proud of the way that she has worked her way up, if you like, through what was at the time a very male-dominated system that did not necessarily like women with attitude—and Ruth has always been a woman with attitude and strength of conviction. I think the Labor Party is better at coping with that now, but it is still not great. Ruth’s career has included working as an electorate officer, as a party official, as a ministerial adviser to a state government and as a senator, so she has a huge breadth of experience in the labour movement and in politics. That will serve her well in whatever she chooses to do in the future. It is a great training ground.

I remember the first time Ruth came to my notice. It was at a state conference. I think it was prewar; it was a very long time ago.

Senator Webber—I’m not that old!
Senator CHRIS EVANS—She was a very young woman! Even I was a bit younger then. She spoke at a state conference on, as I recall, a woman’s right to choose and the abortion debate. She spoke very strongly, made a huge impression and made a very telling contribution to the debate. I think it is fair to say that it was not in tune with the views of many of the people with whom she was associated in the Labor Party, and it certainly was a contribution that probably worked against her political career at the time. As Sir Humphrey Appleby would say, it was a ‘courageous’ contribution. It was a sign of her strength of character, her commitment to her ideals and her preparedness to stand up for those things even though it was not necessarily in her personal political interests at the time. She made such an impression that I employed her. One of my few strengths has been that I have always employed good people. I have had tremendous support from people with great skills, and Ruth was one of those. Her contribution while she worked for me was fantastic. Both inside the Senate and in politics, she is one of the best campaign managers we have produced out of WA, and she will not get out of that role easily.

It is interesting, I think, that Ruth’s career has included strong advocacy for women and women’s rights, for health and mental health issues and for a range of other areas of interest. I thought of the contribution she has made to the Labor Party. It struck me that, when Jacinta Collins returned to the Senate the other day, we got to a position where 14 of the 28 Labor senators were women. The best thing about it was that no-one remarked upon it. It was not considered strange. That suddenly half of the Labor Party’s senators were women was not considered worthy of any debate. No-one talked about tokenism. No-one talked about special treatment. People accept that the Labor Party having matured to the point where half of its senators are female is the natural order of things. I thought that was a really maturing moment and a reflection of the contribution that Ruth, many other female senators here and others in the party had made. I know that Ruth also, like Linda, was involved with the issues of stem cells, a woman’s right to choose and those other large issues of conscience that have been part of our debate in recent years. I think her strength of character, her passion and her commitment came to the fore in those debates.

The other thing that I would say in looking to wind up is that one of the things I most admire about Ruth is the way she accepted what was a fairly hard decision that the party took. It influenced her and ended her Senate career. She never dropped her head, never dropped her bundle and worked just as hard on the last federal election campaign as she had on the probably 15—certainly 10—before that. I think the loyalty she has shown is a great credit to her. I think that is true of Linda and George as well. One of the things as Senate leader that has impressed me about all three is that knowing that their time in the Senate was coming to an end has not affected their commitment, their loyalty or their contribution. They have all worked as hard up until the last days of their term here as they did in the early days of their term. I think it is a great credit to all three of them that there has not been a slackening of effort and that they have contributed at a very high level.

That sort of loyalty and commitment is, I hope, recognised more broadly in the party. That sort of professionalism and dignity is certainly recognised by their peers. It would have been easy for the senators who lost pre-selection to be bitter. It would have been easy to concentrate on the unfairness or the impact of that decision. I think the fact that all three have dealt with it so well—have shown such professionalism, dignity and
generosity despite taking quite big knocks on a personal level—is a great credit to them. It is a good indication to me that the Labor Party still has their support, but also that they have something further to contribute. Because of the way they have handled themselves it seems to me that their colleagues and those in the broader labour movement will come to recognise that their contributions are still valuable.

So it is with some sadness that I remark on the retirement of three of our senators, but they have all had good careers, made strong contributions and can be proud of their contributions. There is life after the Senate, I am assured. I keep running into retired senators who are much happier than when they were in the Senate, and I hope that is true of all three of you as well. All the best.

Senator MINCHIN (South Australia—Leader of the Opposition in the Senate) (6.15 pm)—In thinking about what I might say tonight I reflected on the fact that I had, I guess, the rare privilege of spending the whole 11½ years of our government in the ministerial wing. I have spent only 3½ years of my 15 here actually living on the Senate side. But the very high price you pay for that, as I think new Labor ministers will discover, is that you really do not have the opportunity to get to know senators from the other parties nearly as well as your backbench colleagues do. It is a problem in this building that ministers are off in that Versailles over in the corner and do not relate. As Labor ministers will soon discover, being in the ministerial wing can make you feel terribly important, but you do find that you are denied the opportunity, by not being able to participate in committees and go on delegations, to develop the friendships across the chamber that your backbench colleagues can. I suffered that, and regrettably the price I have paid is that I have not been able to get to know the likes of George Campbell, Linda Kirk and Ruth Webber as well as some of my coalition colleagues have. I appreciate the fact that Linda and George reflected on the friendships they have formed across the chamber. It is one of the things that particularly distinguishes the Senate from the House of Representatives, and I think we as senators know that it is a great privilege to be here.

I would like, on behalf of the coalition, to make a few observations. I do note at the outset, as others have, that we are dealing tonight with three Labor retirees who are doing so involuntarily. You could say that about three of our six but in the case of Labor it is all three, and therefore I genuinely extend on the coalition’s behalf our commendations to all three. To have your Senate terms cut short by your party is pretty tough, and it is pretty tough to be denied the opportunity to retire of your own volition, which is something I guess that all of us aspire to but not everybody achieves. Certainly, George Campbell, Linda Kirk and Ruth Webber are well known and well liked by everybody on our side of the parliament and will genuinely be missed.

In the case of George, we all really liked having Senator Campbell in here. We had to keep saying ‘Senator George Campbell’ so as not to confuse him with our good friend Ian, who also departed involuntarily you would have to say. His presence was a constant reminder of the wonderful clashes that he used to have with former Prime Minister Paul Keating. What we would regularly do as ministers in question time here would be to quote Paul back at George. What was it—‘100,000 workers round his mantel’? It was wonderful stuff. George was—and I remember it because I am old enough to—one of the most high-profile trade union leaders we have ever seen in this country through the seventies and eighties, with his fierce and fearsome leadership of his union. He was regarded, quite unfairly and inappropriately,
on our side of politics as ‘a Pommy union bastard’. Of course, he is not actually a Pommy; he is a good Irishman. My antecedents were from Ireland too, George. I always defended you on that basis, mate.

It really is very hard for many of us on this side to think that the Labor Party has seen fit to replace George with none other than the much more infamous Doug Cameron, an even more outrageous old union firebrand. I thought he would have retired by now, but he is apparently coming into this Senate, which is going to make this a very interesting place. I had many a run-in with Doug when I had three years as industry minister in the late nineties, so I am looking forward to resuming hostilities with said Senator elect Cameron. We do note that George has mellowed considerably in this wonderful institution that is the Senate. He is now, I think, a pretty considered and balanced sort of chap.

Senator George Campbell—You’re trying to destroy my reputation!

Senator MINCHIN—That is the impression I have formed, George. We can only earnestly hope that the Senate has exactly the same effect on Doug Cameron when he arrives here. I certainly do not want to reflect on Senator elect Cameron but I think we would all prefer that George were staying.

I do genuinely want to acknowledge George’s really deep commitment to his great causes, the trade union movement and the Labor Party. He is a fine example of someone who stands up for what he believes and does so with enormous integrity. I do want to say, on a personal note, that I respect and thank him for the great friendship that he formed with my long lost and great friend Jeannie Ferris. I know you two were very close and that you felt her loss just as much as we on this side did. I thank you for that.

At least George had the opportunity to serve here for nearly 11 years. My fellow South Australian Senator Linda Kirk had only one term in this place before being told by her party that she was no longer wanted. We on this side are genuinely dismayed that she appears to have been excluded because of her vote on conscience issues in this place. As I have said publicly, I hold a different view to Linda on those issues, but I have strongly defended her right to hold those views and to put her views on conscience issues. She and every one of us should be able to do that without fear or favour and certainly without incurring the wrath of our party. I think that really is appalling.

I am absolutely fascinated to observe that, as a result of all that, Linda is effectively being replaced here by that—to me, as a South Australian, well-known—right-wing faction chief, Don Farrell. I recall as state director of the South Australian Liberal Party having the great pleasure of running one of our most successful by-election campaigns against the said Don Farrell. We were, by dint of our very good campaign, able to deny him the opportunity of becoming a member of the House of Representatives in March 1988, when, to the shock of Mr Hawke, he lost that particular by-election. I was pleased to deny him that opportunity back then but, despite all, 20 years later we will have Don Farrell coming to Canberra—very unfortunately, I think, at Linda Kirk’s expense. So, I do want to congratulate Linda Kirk very much on her service to her party, to our state of South Australia and to this Senate. Like Jacinta, I hope you have the opportunity, Linda, to return here one day.

Senator Ruth Webber, who will be speaking later, has also incurred the wrath of her party—I am not sure why, and maybe that will be explained one day. But, as I understand it, you actually did have the opportunity, Senator Webber, to run as a candidate at
the last election, despite having been bumped down the ticket somewhat. You have the distinction, of course, of being the only incumbent Labor senator to actually lose your seat at the election. Given the enormous swing to Labor at the last election, with Liberals and Nationals falling all over the place—as I sat there on the ABC TV panel with Julia Gillard on that election night, I saw my colleagues falling all over the place—you would have to feel pretty unlucky to be an incumbent Labor senator and actually lose your seat. So we do extend to Senator Webber very deep commiserations on that score. Like Linda, Ruth has only had the opportunity to serve one term in this place. And, again, I say: we genuinely hope you have the opportunity to return here in the future—though of course, I say with great conviction, certainly not at the expense of a coalition senator! You can come here at the expense of a Green—we would welcome that—but just keep us out of the picture!

We do all accept, I think, as Senator Evans noted, that the democratic will of our parties has to be allowed to prevail. We all know when we come into this game that we have to keep our preselectors happy at all times, and they are a moveable feast and it is not easy. I am always in trepidation of going before the Liberal Party state council in my own state of South Australia. We all know that we all face that risk, of losing preselection, every time we face up. But I always do, and I think my colleagues do, feel genuinely dismayed when our parties effectively give our senators and members only one term in this place. I have a few friends back home who are oncers, and it really is tough—very tough—and I think it is unfortunate when our parties do that. Once you come here and enjoy the great privilege of sitting in this place and the opportunity to serve the people of Australia, it is extraordinarily difficult to then have your career cut short in that way by the travails of your party. At least in this place we get six years, not three, but six goes very quickly, I know. So I do want to say, on behalf of the coalition, that we genuinely extend our commiserations to George and Linda and Ruth. We extend our very best wishes to you all in your post-parliamentary activities. Good luck.

Senator CROSSIN (Northern Territory) (6.25 pm)—I rise this evening to provide some contribution to saying goodbye not just to three of my Labor Party colleagues in the Senate—and I will get to them a bit later—but to all 14 senators who are going. I think nights like tonight provide us with an opportunity to acknowledge the work they have done and to say thanks.

I will start with John Watson and Grant Chapman. You have to acknowledge the many years that they have spent in this chamber and the years they have dedicated to public life. I think it augurs well that people on all sides of the chamber have acknowledged their contribution. Senator Watson was a pre-eminent expert in superannuation—something even acknowledged from time to time by my colleague Senator Sherry—and I know we enjoyed his bipartisan cooperation in that matter.

Now to you, Senator Sandy Macdonald. In my 10 years in the Senate, Senator Macdonald has actually gone and come back again. But this is an opportune time to acknowledge the contribution he made through his committee work and the work that he has done in this chamber.

I will move on now to Senator Ross Lightfoot. I have only worked with him on one committee in my time here. But what has stood out for me about Senator Lightfoot—apart from the antics that have got him onto the front pages of newspapers occasionally—is that he is a true gentleman. I have appreciated his courtesy and his ability to accom-
moderate the views of members from the opposite party. Certainly, as we sat together on the Joint Standing Committee on the National Capital and External Territories, he was always willing to pursue the interests that people like me had in issues pertinent to Christmas and Cocos islands and the Indian Ocean territories. He is well mannered and, I think, one of the truest of life’s true gentlemen that I have ever come across, and I want to pay tribute to the manner in which he has undertaken his role.

That leads me to make some comments about Senator Patterson. When I think of the comments of my colleague Senator Kirk about the contribution women have made in this Senate, Senator Patterson is certainly up there with them. If I reflect on my time here, some of the most momentous occasions have been the contributions and the debates we have had around stem cell research and RU486, and there Senator Patterson had a key role. She may not know this, but there were a number of us who felt very saddened that she lost not just a relative but a very close friend and associate just prior to getting into the ministry. Even though we are from different political parties, there are those human elements that bind us in the Senate, and we did feel for you at that time, Senator Patterson—as we did also in your losing a very close friend in Senator Ferris. We all felt that but, of course, none more so than people like Senator Minchin and Senator Patterson.

Having said that, though, I must tell the Senate this story. When Senator Patterson was the Minister for Health and Ageing, in question time after question time we would ask her questions—as you do when you are in opposition, seeking to elicit a slip or an error, or to get the government in some way to trip over policies or commitments and then lunge for the attack and hope that you will come through. My mother and father, who are in their eighties, have come to enjoy watching question time in the Senate. I have no idea why. They would often say to me, ‘Trish, we don’t understand why your party keeps going after Senator Patterson. She is such a lovely lady. Could you pass on our concern that you ought to back off and give her a bit of a go.’ I do not think I ever passed that on to Senator Patterson, but I think that is how she did come across in question time: a person who was genuine and sincere about the work that she was doing.

I want to pay a big tribute to Kempie. I know that is unparliamentary, but maybe tonight is the night we can let down our guard. There is a major flaw in Senator Kemp’s personality that I have tried to highlight during my years in the Senate, but tonight I will just have to put it on the public record: he is a Carlton supporter. I know that this may affect any future career he might want to have outside of this place, but it leads us to a common interest we have in the AFL. People may not have known this, but many times in question time we would pass notes to each other across the chamber, having the odd $20 bet on the coming game on Saturday—particularly when Essendon played Carlton. Actually, Senator Kemp, if you are listening: I think you still owe me $20, because I won the last bet and you have not paid up yet. We would always be betting against each other when Essendon played Carlton.

This leads me to a story that I am going to put on the record. Senator Kemp, so that you can read it in years to come. At one time I was agitating for money for the AFL in the Northern Territory. They had had a grant of around $300,000 and, lo and behold, Senator Kemp became the sports minister and the following year I found that the money had been cut in half. I was absolutely dismayed. My research showed that most of that money was going into supporting Aboriginal kids in
communities and football development. So I gathered up some research and wrote many, many letters to Senator Kemp urging that the AFL get back the $150,000 that he and the government had taken from them through DCITA. One night, very late on a Tuesday when we have our open-ended adjournment, I actually gave an adjournment speech about this. From memory, it was probably around 11.30 pm. I remember thinking to myself as I went back to the office: ‘I’ve got that off my chest but I guess I’ll never see the money for the AFL in the Territory.’ But lo and behold, a couple of days later Senator Kemp grabbed me in the corridor and said to me very quietly and privately: ‘Senator Crossin, the one thing I like to do when I get home from the Senate at night is to grab a drink, sit in the armchair and listen to the BBC on the radio. The other night, there I was, ready to relax, but I had to put up with the last couple of minutes of the Senate before the BBC clicked in, and there you were, nagging me for this money for the Northern Territory. If it is not bad enough that I’ve got my wife constantly nagging me’—and, by the way, that is okay, because she is a Richmond supporter not a Carlton supporter, so he should not criticise her—‘I had to listen to you have a go at me on radio.’ So I thought, ‘There is a place for adjournment speeches. One can only hope that ministers are sitting at home actually listening to what one has to say.’ The upshot of that was that he did actually find some extra money for the Northern Territory AFL. It was not $150,000 but I was pretty grateful when I heard that an extra $78,000 was coming their way.

I also want to pay my respects to Senator Kerry Nettle, who is also leaving us. I do think that, if anything, we need to recognise her youthful spirit and her dedication to her party and her party’s policies. You do some incredibly hard work when you are in a minor party such as the Greens and you have got quite an extensive workload. I do think it is important that we acknowledge her contribution and the role that she has played.

Let me go to my colleagues in the Democrats. I know they are not here, but I do want to acknowledge the work that they have done over the years that they have been here. I got to know Senator Andrew Murray—another fine gentleman in this place—through the Scrutiny of Bills Committee. It was a privilege to be at one of the committee’s infamous breakfasts this morning, where they paid tribute to Senator Murray for not only the role he played on the Scrutiny of Bills Committee but also his role in workplace relations, in economics and in tax issues and his endeavour to provide some justice for children who have been in institutional care in this country. That will go down in my mind as the legacy he has left through the work that he has done.

I paid tribute to the work of Senator Andrew Bartlett on Monday, when we tabled the Senate Standing Committee on Legal and Constitutional Affairs report on his Stolen Generation Compensation Bill. It is a tribute to Senator Bartlett that he continues to pursue issues that are pertinent to Indigenous people, but he will also be known as the member of the Democrats who has relentlessly pursued the rights of refugees and highlighted their situation and plight in this country.

I acknowledge the work that Senator Lyn Allison does in the education field. It is nice to get up in this chamber and to know that someone else understands the language and the lingo of education and the field of education. Senator Allison has certainly been there, supporting and pushing for the rights of public schools and for further resources for public schooling in this country. I got to know Senator Lyn Allison through the work we did in pursuing the regulations and over-
sighting of uranium mining in this country. I pay tribute to Senator Lyn Allison for the work that she has done in that area over the years.

I got to know Senator Natasha Stott Despoja very well through education areas and our work on the Senate Standing Committee on Education, Employment and Workplace Relations. She also has been quite an outstanding role model for young people in this country, having come into this Senate at the age that she did, Doc Martens or not. That just added to the credibility and the very real and tangible symbol that young people related to at that time. She is such an extremely hard worker. During her time here she has pursued the issue of higher education—the rights of students, student unionism and better provision of student allowances while they are studying—with passion, in the same way that she has supported me in trying to get a childcare centre in Parliament House, and in her work towards paid maternity leave. I say to you, Senator Stott Despoja, as you depart from this chamber, those are two issues that a number of us will continue to pursue.

Many people may not know this but at the 20-minute mark of my first speech I was drawn to a conclusion, much to my shock and horror, by a government senator at the time. Very nervously, I had no idea what to do, having been told I could take as long as I liked but then being stopped at 20 minutes because my time had expired. It probably had something to do with the fact that I was heavily criticising the government at the time for their cuts in higher education. It was actually the Minister for Education, Employment and Training who decided that my 20 minutes was up, so you can well guess who that was. In all of that chaos a note from Senator Stott Despoja was slipped to me. It would be most unparliamentary if I reiterated to people exactly what was on that note. She knows what it says and it hangs proudly in my office. What she should know, though, is that, for one fleeting moment, not only was I pleased to get some support from another party but I was also pleased to know that there was another senator in this chamber who thought exactly the same as I did (a) about the government and (b) about the senator who had interrupted me. Thank you, Senator Stott Despoja, for that support.

I will turn now to my colleagues who are departing. I did not get a chance to thank Senator Robert Ray. He has retired and left this building and he is enjoying cricket and many other things. His knowledge of the Senate and its operations—the political strategies and the way in which this place operates—was something I had the benefit of enjoying for a significant period of my time in the last nine years. I was never here to enjoy Senator Robert Ray as a minister and to work with him as a minister, but I can only imagine how competent he would have been and what sort of a mentoring role he would have played to other members of parliament at that time. Senator Lundy and I were laughing just this week about the orange-bellied parrot and Senator Ray’s pursuit of that issue with Senator Ian Campbell. On reflection, I think Senator Ray got that gig all the time because he was probably the only one who could actually say ‘orange-bellied parrot’ very fast and consistently when in a rush, because it is particularly difficult to say.

There was one occasion when I had a fall in the internal stairs here, which are quite slippery. It was a wet day and I lost my grip on about the tenth step and landed at the bottom—on top of a fellow from Channel 7 who had a camera, I think. Anyway, I hobbled into question time and within about half an hour my ankle had blown up. Senator Ray, who I was sitting next to at the time, said to me, ‘You need to go off to the nurses station
and get that looked at. How did you do it? I said, ‘I fell down the stairs, actually. I tripped down the stairs.’ He said to me, ‘Well, that’s why I always take the lift.’ I said, ‘Yes, they can be pretty slippery, can’t they?’ He said, ‘No, no, no; I just don’t want people like you falling on top of me.’ His sense of humour is something that I will remember. He was a great contributor to this Senate.

I also want to pay my respects to Senator Campbell. There has been a lot of comment tonight about your role in the trade union movement. When I was coming up through the ranks of the trade union movement, you were one of the pre-eminent trade unionists in this country. It is not unfair of me but very just of me to say that I do not believe that the metal workers would be the union that it is today if it had not been for your leadership during the period of time that you were there. You worked incredibly hard for the rights of those workers in that union. You took that work to the ACTU and you took that work around the country. You have been a friend of mine here, and I will not forget the support that you provided to me in my early years in this chamber. In your first speech you commented on your role in the trade union movement and your absolute commitment to support trade union members and trade unions and workers in this country. You can very proudly look back on your record in this chamber and know that you have not wavered from that commitment at all. Your contribution to workplace relations bills, particularly during the time of the Howard government, played a significant role in getting that debate in this chamber to the level that it arrived at, as did the role that you played last year in the lead-up to the federal election. You can well and truly leave this place knowing that you have not let the workers of this country down in any way whatsoever.

I want to pay tribute to Senator Ruth Webber and her work here as well. It is true that when I look back at my time in this chamber I will look at the work that Senator Webber has done with Senator Patterson and Senator Moore in what have been some of the most outstanding legislative achievements we have produced in the last 10 years. It was of course a cross-party effort led by wonderful, feisty—I am not sure that ‘feisty’ is the word I would use for Senator Webber—determined, articulate and well-grounded women who know exactly what they believe in and know that there are others behind them supporting them. I believe that you have been a tower of strength and have led a lot of us to come with you and provide support during that time. In your first speech you talked about EMILY’s List. I think that is a great institution and I know that you have been guided by and have stood by that institution well in your time. Thank you for your work as well.

Finally, Senator Kirk, I want to pay tribute to you not only as a friend and a colleague but also in my role as Chair of the Senate Standing Committee on Legal and Constitutional Affairs. We had our last round of estimates a couple of weeks ago, but I have worked with Senator Kirk on that committee for probably four or five years now. It is true that your legal background and your economics background were of great benefit. I look at your CV and see that you undertook studies at the University of Cambridge. I admire your hard work, your intellect and your ability to provide such a substantial contribution to the committee. I am not sure that you will be replaced by someone of equal legal eminence, which will be unfortunate. I think you have made a great contribution.

I also want to say to you that I think the work that you did in leading a campaign, through your newsletters, website and postcards, to get children out of detention was very significant. Our shadow Attorney-
General at the time, Nicola Roxon, accepted and adopted your policy and your thoughts. You are one of the people who I think led a significant change in the thinking within caucus. Your commitment, along with that of Carmen Lawrence, to making a change for refugees took the Labor Party in a different direction.

In concluding, Senator Kirk, I think the first speech you gave in this house is one of the finest speeches ever in the history of this parliament. It is one that people will turn back to and look at. For me it was a watershed in first speeches. No longer were women coming into this chamber expected to provide a 20-minute ‘travels with my aunt’ monologue about their life. You provided a well-crafted, intellectual, well-researched constitutional analysis of the election campaign slogan that former Prime Minister Howard used at the time. I think that in decades to come, if people want to research what first speeches are and what they are used for, yours will be at the top of the list. I urge people who might be listening to the broadcast tonight to go to the parliamentary website and read Senator Kirk’s first speech. It is one of the finest speeches I have ever read. For me, that was another defining moment in your career. It certainly said to the rest of us: ‘I’m here. I’m very intelligent. I know my law and I am going to make a difference.’ Senator Kirk, I know you leave this place under very unfortunate circumstances, but in your time you have made an enormous difference, I believe, not only inside the Labor Party but also for constitutional law, law reform and the rights of refugees. I want to thank you, on behalf of the Senate legal and constitutional committee, very much for that contribution.

Senator MARSHALL (Victoria) (6.48 pm)—Before I came to the Senate, I had only met George Campbell once, but very quickly I became very good and very close friends with George, which puzzled many people—and me, at times—because we did not seem to agree on very much. Even though we were both from the Left of the party, we seemed to be in constant argument about all forms of Left politics. We did agree on some things. When George agreed with me, he was actually right in those matters. When he did not agree with me, he was wrong—except for maybe one case. In the six years I have been here so far, we have had the luxury of three leadership ballots, which can test friendships and relationships within the party. George and I never voted for the same leader, ever. I will concede that maybe he was right about Mark Latham.

But I rise tonight because I want to put some formal remarks on the record about George’s fine career. George stated in his first speech that he was committed to fairness, equality of opportunity and social justice. He declared that he had an abiding bias towards working people and those in society who are less well-off. Working with him in this place, I have seen him prove this to be true. He, like me, came from a trade union background and has spent almost all of his working life helping workers, through unions or in the Senate.

Working people, together with their unions, have achieved significant change. We only have to look at the eight-hour day, superannuation and maternity leave, amongst many, many other things. George recognised that this was not a one-way street—that hard-won rights could just as easily be taken away. He recognised that the conditions of employment which our forebears fought for and made sacrifices to achieve were continuously under threat. He knew the conservatives well when it came to the struggle of working people. I will quote from George’s first speech to illustrate this. He said:

I know it is popular for those on the other side of this chamber to decry those achievements and to
vilify trade unionists, but you cannot ignore the facts and you cannot rewrite history.

George was not surprised when the coalition came into this place and tried to destroy the many hard-won achievements of working people. What was galling to us was that it would occur on our watch as representatives of Australian working people in the Senate. This was why George was one of the stalwarts in the fight against Work Choices—he would not let the heritage of all those who came before in our labour movement slip quietly away.

George was a tremendous weapon against the anti-worker legislation so lovingly tended by those opposite. His knowledge and wit, combined with his ferocious passion for the rights of working people, made him a formidable force in this place. Looking back at George’s contributions, I am struck by how consistently he quickly grasped the essence of the issue and looked to find solutions, arguing against injustice and working toward a fairer society.

Several years before we realised there were chronic problems in infrastructure, skills and demand for workers, George was calling for investment in these areas. Again, I will quote George from 1997, when he called for:

... the development of a bank of regional and national infrastructure projects that can be initiated at various times over the life of the economic cycle to sustain high growth rates in the economy; effective skills development and labour market programs that enhance the opportunities for the unemployed and underemployed to obtain sustainable long-term employment consistent with the needs of the economy ...

Again he was proven correct. Infrastructure funding and skills shortages are areas in which the coalition never really planned at all. To top it off, George was proven right yet again when we look at his call for strong industry policy. He warned:

... we can be relegated to the role of fringe dweller providing the raw materials out of which others will extract the real added value.

And, again, what did the conservatives do? They sat back and rode on a resources boom, happy to see exactly what George predicted become firmly entrenched as reality.

George has always known that working people are the backbone of our economy and that a strong economy is built on opportunity and on our collective toil. He recognised that we must reward this collective effort and ensure our economy serves the needs of our society, ensuring fair outcomes from our collective wealth. George always fought against the lack of vision of the conservatives where they pushed for a society where our collective wealth was driven towards those with influence and power and where working people were merely seen as economic inputs that could be mistreated with impunity.

I want to put on record my personal appreciation for George’s efforts in this place. When I was first elected to the Senate George helped me immensely with the workings of both the Senate and its committees. George leaves us with not only a fine personal history of achievement but also perhaps one of the finest political attainments one can gain as a member of the labour movement—that of striking a blow for working people at the ballot box, the very reason that the Labor Party was founded.

I also would like to make some remarks about Senator Kirk. They may not be as extensive as my comments about Senator Campbell because, unfortunately, I did not get to know her as well as I got to know George. Senator Kirk could always be relied upon, whether it was in the Senate caucus, in the committees or just as a colleague around the tracks. She was always a great support in the Senate. I found her to be warm-hearted and someone who worked hard both for her
constituents and for our party. Linda was committed and was strong in fighting for our common ideals, and I thank her for her support. I found Linda always to be approachable, sensible and understanding. She was a valued part of our number. I wish Linda well for the future, and I am sure she will continue her active work in supporting and strengthening the labour movement.

Senator FORSHA W (New South Wales) (6.55 pm)—I am pleased tonight to participate in this debate to bid farewell to some of our Senate colleagues—colleagues from all sides of the political spectrum. It has sometimes been said that these valedictory speeches do not ring true, that we spend years in this chamber hurling abuse at each other but, when one of our number leaves, we stand up and say the kindest words we can think of. I do not think that is correct. We in this place understand that there is a time for politics and there is also a time for friendship and for respect. I think the important thing that we always remember on these occasions is that over the years we do come to respect our colleagues no matter whether they are on the opposition side, on the government side or on the crossbenches. We also come to make very good friends with many. I think that is important because when you go out into the wider community and you read the media reports—and we are seeing evidence of it at the moment—politicians are fair game. It is important for us to at least recognise the strength of friendship and respect where there are differences over ideology and politics.

To all the departing senators, whether they are departing because they are retiring, whether it is because they were defeated in the recent election or whether it is because they lost preselection, I wish you all the very best in the future. I would like to refer to a number of the senators whom I have had more to do with than others, but I mean no disrespect to those I do not specifically mention.

First, let me refer to those on the government side. Senator John Watson has been here for so many years—I think it is well in excess of 20, but I am sure that has been mentioned before—he has become an institution in this place. As has been said, he is an expert on superannuation matters. His contribution during all those years when he chaired the superannuation select committee was invaluable. The development of universal superannuation for all Australians was a great initiative of the Hawke and Keating governments, but it needed to be constantly promoted and progressed over the ensuing years.

I had a lot to do with Senator Watson when I was chair and then deputy chair of the Senate Standing Committee on Finance and Public Administration. I had many interesting discussions with John. One I recall was when we undertook an inquiry into the roadworks on Gallipoli Peninsula. There was concern about the road construction work that was taking place there, leading up to the Anzac Day celebrations a couple of years ago. The hearing had only been going for about half an hour when Senator Watson interjected to say, ‘Look, I think we are going to have to go to Gallipoli to inspect this road.’ We all agreed with that. Unfortunately, the purse strings of the parliament do not always extend to allowing Senate committees or other parliamentary committees to travel overseas. But John was right on the ball, John, you have given great service over many years. Best wishes for the future to you and your family.

I have one thing in common with Senator Sandy Macdonald—along with Senator Webber—in that we are members of ‘the No. 3 on the Senate ticket’ club. It is a terrible place to be in an election campaign be-
because you sit there knowing your future is really in the hands of the vagaries of the political system. You hope that your colleagues in the party have managed to do the right preference negotiations to get you over the line. It helped me in 1998, and again in 2004. I actually recall in the 2004 election that I managed to get preferences from both the Fred Nile group and the Hemp Party at the same time.

Sandy was not so fortunate in 1998—he lost his position to the Democrats, but it was as a result of the One Nation phenomenon at that time. Fortunately, the One Nation candidate—David Oldfield—did not get elected in New South Wales. He almost got elected, but fortunately did not. It was good to see Sandy come back and become parliamentary secretary, and also make a great contribution in both the Senate and joint foreign affairs and trade and defence committees. Best wishes, Sandy.

Senator Rod Kemp made some very gracious remarks about me last night in his speech, referring to the fact that we both spent a couple of months on a very tough assignment attending the United Nations General Assembly in New York. We were there from September through to November. I came back early, on election day; Rod had to come back early for the Liberal Party leadership ballot. It might be argued that the fact we were both out of the country at the same time contributed to the election victory of the Rudd Labor government.

We had many opportunities to discuss the campaign whilst we were over there, and also—as he said—to try and work out our strategy to save the world at the UN. It is a flippant remark, but it was certainly a rewarding and terrific experience to see how that organisation works. I developed a good friendship with Rod on that trip, but we had always been good mates before that. As Rod mentioned last night, he has been prone over the years to use the parliamentary library, probably more than most—I think he said with the exception of Mark Latham. He has edited a number of collections of works, including famous political speeches. Rod was aware that I was a big Mark Twain fan, and when we visited the West Point military academy he managed to find a book in the bookshop there which was a collection of the speeches that Mark Twain had given when he visited the West Point military academy in the late 19th century. He gave it to me, and I was very touched by that gesture. We also enjoyed many coffees down at Macchiato’s on 44th Street, which I know Senator George Campbell recommended as the best coffee shop in New York. Best wishes for the future, Rod.

I turn to the Democrats—I wish them all the best, but I think I particularly have to single out Senator Andrew Murray. I have spent a lot of time with Senator Murray. I have been here 14 years, so I have spent a lot of time with all these senators, observing them and working with them—but particularly with Senator Murray on the finance and public administration committee. He always provided wise counsel and a detailed, thorough and intelligent analysis of the issues. I have to say he was a pacifying force on that committee when discussions became rather heated. That was quite common in that committee—particularly in estimates when examining issues to do with the Department of the Prime Minister and Cabinet, or the Department of Finance and Deregulation. I think the contribution of Senator Murray was universally acknowledged as that of one of the finest parliamentarians this Senate has ever seen. I wish Senator Murray and all his Democrat colleagues all the best.

I turn now to my own colleagues—firstly to Senator Ruth Webber. I have to say, Ruth, you really have a lot more to contribute to
the political world, and it is a shame to see you leaving. You were in that terrible No. 3
position—called the ‘death seat’, and unfortunately the numbers did not come up for you in this election. I have certainly appreciated your strong interest and support on the mental health inquiry. Like all of us—but in particular the members of that committee—you had a really strong desire to do something to promote better mental health and more support for people who suffer from depression and other mental illnesses. That was a very trying and difficult inquiry at times, but your sterling efforts in that regard are to be lauded—and also your work as deputy whip.

Senator Kirk and I have been sitting together for just a short period of time up here on the back bench. Senator Kirk, it is a real shame you are not continuing in the Senate. Senator Webber mentioned the incisive speeches you have made. Someone once said to me—I did a lot of advocacy in the Industrial Relations Commission—that there are advocates who can sound good and there are those that read well. What is said, and therefore taken down and read, is ultimately more important—particularly when it comes to the tribunals, the judges, making the decisions—than the rhetorical flourish that might be given to it during the speech. You have exemplified that extremely well, because, as Senator Webber said, your speeches are incisive, thoughtful, intelligent, and well constructed and put together to advance an argument. I think senators in the years to come will read your speeches, as they should, whether they are on refugee policy, on the republic issue, or on getting justice for the victims of child sexual abuse. That is a great legacy that you leave for future senators. I am certainly going to miss your company and your contribution. I know that the work that you have done in this chamber is going to be of great use to you and will certainly contribute to you making a mark in your future career.

I finally turn to my good mate George Campbell. I use the term ‘mate’ in the truest sense of the word. I could probably use it in the sense that the New South Wales Right use it as well, but on this occasion it is said with affection and I mean it. George and I have known each other for many years, going back to our union days. I was the General Secretary of the Australian Workers Union and George was the National Secretary of the Amalgamated Metal Workers Union. We had a bit to do with each other. It was generally always pleasant because I was spending most of my time fighting demarcation disputes with the Building Workers Industry Union, the CFMEU, the Federated Storemen and Packers Union or some other union. The metalworkers used to leave us alone.

I got to know George very well. We spent a lot of time, I recall, on the ACTU wages negotiating committee. We used to come to Canberra, firstly to the old building and then to this building, and meet with the Prime Minister, Bob Hawke, the Treasurer, Paul Keating, and the ministers for industrial relations, to negotiate the accord. I always recall that the unions would meet beforehand. We would have half-a-dozen economists and a few lawyers in our group and we would work out our strategy. It was always: ‘We’re not going to let that’—expletive deleted—‘Treasurer Keating put it over us again. We’re going in there and we’re going to get full wage indexation,’ or whatever the claim was. After about five hours—and they would usually starve us; they would not even feed us—we would come out of the meeting and say, ‘Keating’s got us again,’ because we had signed up to another accord.

But of course the changes that occurred in those times and the contribution that the union made to the restructuring of the Austra-
lian economy, to the opening up of the industrial relations system, to more collective bargaining and to the development of productivity superannuation—rather than simply pushing for wage increases—are really the great legacies of the Hawke and Keating governments, and things that the Howard government was able to trade on over many years.

People have mentioned George’s strong work in industrial relations in the committees in this parliament, particularly against the Work Choices legislation. I also want to mention what is probably the greatest passion of his that I have noticed over the years, and that is industry policy. George Campbell was talking about industry policy, the need for training, the need for skills development and the need for investment in manufacturing capacity in this country long before most other people, either in the union movement or in the parliament, had even thought about them. And, George, you were also a first-class whip. You have a bit of a whip when it comes to that golf swing of yours as well. I know you look forward to lowering that handicap.

I finish by wishing all of the senators all the best. I go back to my earlier comment about Mark Twain. Mark Twain has a quotation for everything. The one I am reminded of tonight is when speaking about age and retirement: ‘Age is just an issue of mind over matter. If you don’t mind, it doesn’t matter.’

Senator WATSON (Tasmania) (7.12 pm)—I wish to add a few remarks in relation to three of our fellow retiring senators: Senator Linda Kirk, Senator Andrew Murray and Senator George Campbell—surprise, surprise! Senator Kirk, surprisingly, is leaving the Senate after only one term. The Senate will certainly be the poorer for her leaving. Most of us on this side just cannot believe how such a talented young lady could not be coming back in July. Senator Kirk is a very capable lady, highly qualified in law, who has contributed very intelligently and positively to the process of the Senate during her time here. As everybody in the Labor Party would know, she has a heart of gold and a fondness for the arts, and she is a lady with her own mind—that might have been the problem!

I recall her participation in a delegation to New Caledonia and Vanuatu during 2003, when Linda was the deputy leader and she was given the job—we divided the jobs up on my delegations—of opening a school library. It was a wonderful occasion, with all the young people from the school meeting us with flowers and what have you, and Linda was very much in her element. She made a presentation to the library on that occasion as well as opening the library, and she did it very well.

But when we walked into the library to examine it, after the cutting of the ribbons and all the officialdom, both of us were absolutely shocked that there was only about a metre of books, despite all the shelves that had been constructed. We said, ‘We’ve got to do something about this.’ So we decided that, when we got back to Australia—Linda to South Australia and me to Tasmania—with the aid of her uncle and a number of charities we would organise a collection of books. In my case I use groups such as churches, soroptimists, public libraries, Girl Guides, even Rotary and different church groups. Linda and I literally collected hundreds of cartons of books that were distributed not only to that school but right across the many islands of Vanuatu. Linda, what we have done over there really will live on, because books do enrich children. When we suggested what we were going to do they were absolutely delighted. It would not have been possible without the enthusiasm and support of those committed people who work in our Foreign Affairs office in Vanuatu. They are abso-
Absolutely wonderful people. I must express our appreciation. We could not have done it had it not been for AusAID, who actually paid for the cartons to be sent across there, because it would have been prohibitively expensive.

The manner in which the books were distributed was quite amazing. I am told that they used yachts to get out to some of the more remote islands. They said that would give them a good point of contact there. Thank you, Linda, for what you did for those students in Vanuatu. It was a great occasion and I think it will live in your memory for a very long time. I appreciated your help on the project. As I said, no doubt hundreds of children across that struggling island country will have benefited. So I take this opportunity, Linda, of wishing you well in your life. You are highly talented, highly qualified and you will be leaving this place with many years of productive work in front of you.

To my other colleague, Senator Andrew Murray. I look forward to hearing his valedictory speech next week. But at this time I also wish to thank him for his sterling work for the Senate over 12 years. For the Democrats, with limited numbers to cover all the portfolio areas, there is pressure to keep on top of a wide range of issues and to try and specialise as well. Senator Murray really is a very accomplished senator. He is well spoken and researches his issues well. He was elected to the Senate only seven years after arriving in Australia. I think that speaks volumes for his capabilities—after all, he was a Rhodes scholar, so he is nobody’s fool. And his grasp of the meaningful details of public issues was an outstanding aspect of his time here. I say thank you and congratulations.

I am aware of Senator Murray’s outstanding contribution in particular to the work of the public accounts committee, where we worked side by side and, I believe, achieved so much. Transparency is the name of the game for the Senate, and he certainly contributed much. With his sharp intellect and his deep understanding of business and financial matters, he was able to make a very valuable input. I am also aware of his regular and valuable contribution to debate in this chamber. The very thoughtful and compassionate way in which he addressed some of these complex issues was known, certainly to me, as I sat in the Deputy President’s chair, and to you, Mr Deputy President. So I wish him well in his life after retirement. I thank him for his valuable contribution to the work of the Senate over recent years.

George Campbell: a man who is always happy.

Senator Webber—No!

Senator Moore—Which George do you know!

Senator Watson—Well, to me he is. Our politics, as everybody knows, are poles apart. We are from different parties and are poles apart. But I do respect him for his commitment to his cause and for what he has achieved. George Campbell in the Senate was not the George Campbell that I read of in the media. In here and in committee work I found him so constructive. He was an achieving senator, and that is a characteristic that I admire. I had the privilege of serving under him when he chaired one of the committees a few years ago. George, I found it a privilege to work with you when you were the chair, because, as I said, you were constructive, you were positive and you were concerned about the issues. But, apart from that, George and I shared a view that not many people in this place shared: a concern for the manufacturing of this country. If there were ever a spokesman for the manufacturing industry in this country it was George Campbell. I say no more, George, because your contribution to manufacturing will live...
on and I wish you good health in your retirement. Thank you.

Senator LUDWIG (Queensland—Minister for Human Services) (7.20 pm)—I really did come down to this chamber both to listen and to contribute, because the three senators from the Labor side who are going are three senators who remind me of the following expression. A lot of people use the expression that you can fill a glass with water, put your finger in it and then take it out, and nothing is lost as a consequence, but in this instance it is really like concrete. These people have put a heavy stamp on this place. It is worth me recognising here today the stamp that they put on this place. And it will stay on. I am pleased that the Hansard will be able to record for many years to come what their contributions have been, and they will be able to have that record to go back to.

In sitting here and listening to the contributions I know they have been very accurate in encapsulating the qualities of those three senators.

I will deal with Linda first. She has made an enormous contribution to this place through her spoken words and also through some of the background work that she has done. In fact, I learned something new today about the work that she has contributed to this place. It has been a fabulous opportunity for me to work with her as well. She has supported me quite a lot, frankly, and I have relied on her ability in the Senate to help with the committee processes of the Senate Standing Committee on Legal and Constitutional Affairs. When I ran out of puff, she was able to take the stick up to the government, when we were in opposition, which was quite valuable for me. In fact, the hard work that she used to do in researching demonstrated her ability not only to sit there in Senate estimates and ask incisive questions but also to do the work behind the scenes, because that is where the real work in Senate estimates is done. You gather and you research so that you can then deal with estimates processes in an excellent way for the opposition, as we then were. Linda is not typical in that; she excelled in being able to deal with that work.

What Linda, George and Ruth have in common is that not only did they share whip and deputy whip work in this chamber but they also kept me—as the Manager of Opposition Business in the Senate in opposition and now the Manager of Government Business in the Senate—on the straight and narrow in this place. They were able to say to me quite often, ‘No, Joseph, you’re wrong; you need to think before you act in some instances.’ They have provided valuable assistance to me over the years, and I cannot let this moment go without indicating my appreciation for their support and work. Without it, quite frankly, this place does not work. Without the assistance of everyone in this place, without their ability to work together, without people who can frankly and openly say, ‘You are right,’ or, ‘You are wrong,’ or, ‘You need to do this’—without that openness, this place would struggle. Linda, George and Ruth really exemplify that work: in the Senate, behind the scenes, in committees and all the way across. Without their contributions, this place would not have worked as effectively both as a house of review and, when we were in opposition, to hold the government to account—and, in fact, on many occasions now that we are in government, to continue to hold the government to account.

If I can say so in respect of George, I do not know whether we agreed on anything, quite frankly.

Senator George Campbell—Not much.

Senator LUDWIG—I do not think we did, quite frankly, George. I know that you are from the Left of the party and I am from
the Right of the party. I doubt we ever shared a vote together on those issues. In respect of the general union movement, yes, both our hearts and souls are in that. If we can call that sharing a view, we get close there. In arguments in this chamber about management, I think George and I would differ on many occasions.

Senator George Campbell—You kept selling out!

Senator Ludwig—I did not want to say that. That was the charge that was put on me time and time again, that I would sell out on an issue and—‘Old Round Heels’—I would roll over again on a matter and let the government have its way in managing the Senate processes. So I lost that debate with George, and we disagreed. The place does have to operate in a way that ensures that the work is done.

And I know that I do not share his passion for golf. I find golf not a passion that I could share with him. I know George does have that passion for golf. I have never understood why he would, but there it goes.

I can say, though, that when George was the whip I did enjoy the relationship we had. The Manager of Opposition Business in the Senate has to work closely with the whip. You cannot contribute to this place as manager without a whip who is both supportive but also directive and clear and one who will work with you in this place. I can say without qualification, George, that I really do appreciate the backup work that you provided to me and the assistance and guidance—on occasion!—that you gave to me.

It is really your night, George. The contribution you have made in your committee work has stood you in good stead. I am sure that you will go out of this place knowing that you have contributed more than you could easily have imagined yourself. I can say, from the industrial relations work that you have done in this house, that it was work that needed to be done but you did it with a passion, you did it as a person who has a strong belief in the union movement and you did it in such a way that you were advancing the cause of workers right across Australia. I recognise that work that you did. I am sure you will not stop. I am sure you will continue in some way, shape or form, when you leave this place, to advance that cause.

Ruth, what can I say? With the sisters in this place—

Senator Webber—Be careful; I’m right behind you.

Senator Ludwig—I know that, Ruth. The sisters in this place have provided a steady ship for people like me, who might find ideas more enchanting than others. Ruth worked as deputy whip to keep me clear as to what was happening in the chamber and to assist me in that task, and she has provided work in advancing not only women’s issues but issues right across the board. She has also advised me on many occasions of how wrong I am on certain issues. Ruth, I know that you may have thought over the years that I have not taken your advice into account, but I can say now that I have in fact listened to it very carefully and taken it on many occasions.

Senator George Campbell interjecting—

Senator Ludwig—No, George, I then did not ignore it; I continued to take it. It was well intentioned, it was useful and in fact I did use it. Ruth, I wish you well in your next career. I know you will continue to make the mark that you have made in here in your next career. You will continue to do the work as diligently and be as hardworking as you have been in here in your next career.

I appreciate the opportunity of having had the privilege of working with all three—Linda, George and Ruth. It has been an absolute delight and privilege to work with you.
all, to have had the relationship we have had in here and to be able to wish you well in your future endeavours. Thank you very much.

Senator PARRY (Tasmania) (7.29 pm)—It is beholden upon me as Opposition Whip to say farewell to three whips from the chamber. I will start with George and my comments will be very brief. George, when I first became deputy whip and I had my involvement with you in your capacity as whip, I valued your advice very much. Even though you were on the other side of politics, your advice was very good. That really assisted me in my role in the initial stages. When I became whip, even though we could fiercely combat when we needed to, your advice and your friendliness were much appreciated. I will never forget that, after a very, very long session we had at the end of a sitting period, we got together in my office and shared a glass of whisky, which we both needed. It was well past midnight and we were the last two to leave, with Comcar ushering us out of the building. We did have some great moments and my door was always open to you, as yours was to me. We could manage the chamber together very effectively by having a great friendship and dialogue. We did not have to necessarily agree on the politics of the situation, but we did agree on what was of benefit to the Senate chamber. I do thank you for that.

Briefly, to Linda and Ruth, as deputy whips we had that relationship of crossing the chamber together to facilitate the smooth running of the Senate. We always had a great relationship and, in the heat of battle at times, we got things solved. Thank you to you both. The committee process is fantastic. I got to know Ruth and Linda very well on committees, albeit very briefly. I did appreciate that opportunity to get to know you both better. As Senator Minchin highlighted, you actually miss out if you do not participate at that important grassroots level. That is the value of the Senate to me. I am so pleased that I have had that opportunity to serve with the three of you on committees and the three of you as whips. In concluding my remarks, can I say: happy hunting as you move forward. Do not forget your roles as whips in this place, because that is a very valuable part that you played and the Senate will be forever grateful for that.

Senator RONALDSON (Victoria) (7.33 pm)—I would like to associate myself with the remarks made tonight. I said to Linda Kirk before that my great regret is that I did not get to know her better. I spent a lot of time with Ruth on the Senate Standing Committee on Economics. She made an extraordinary contribution to that committee and I hope that is recognised in due course. To George Campbell, I have heard that he wishes to improve his golf. George’s biggest problem is his swing. Regrettably, unless he does something about that there will be no reduction in his handicap. I think that, if he can get his long game, his short game and his
putting sorted out, there might be some move forward. George, you deserve everything that I know will come to you.

PERSONAL EXPLANATIONS

Senator RONALDSON (Victoria) (7.34 pm)—Mr Deputy President, I seek leave to make a personal explanation.

Leave granted.

Senator RONALDSON—I wanted to come into the chamber at the earliest opportunity following a phone call from the office of my friend and former colleague from the other house, the Attorney-General. In a discussion this morning on the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008 I incorrectly associated Mr McClelland and Mr Laurie Ferguson from the other place, and Senator Conroy from our own place, with advocating an increase in the donation disclosure level. I should instead have indicated that they wish to extend the level of tax deductibility to $1,500. I had previously correctly referred to that in a doorstop interview. I incorrectly did that today and I wanted to correct the record as a matter of urgency. I do apologise to those gentlemen. I did incorrectly talk about an extension for the wrong thing this morning and I do apologise.

Senate adjourned at 7.35 pm

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:


The following government documents were tabled:


QUESTIONS ON NOTICE

The following answers to questions were circulated:

**United Nations**

*(Question No. 304)*

Senator Kemp asked the Minister representing the Minister for Foreign Affairs, upon notice, on 27 February 2008:

Can a coordinated table be provided of all expenditure, grants and membership subscriptions, made by every government department and agency to the United Nations (UN), UN agencies and UN-associated entities (including peacekeeping operations) for the past financial year, indicating the expenditures made by each department and agency and the UN agency or association that received it (including all regular budget, extra-budgetary and peacekeeping expenditure).

Senator Faulkner—The following answer has been provided by the Minister for Foreign Affairs to the honourable senator’s question:

I refer Senator Kemp to Senate question on notice 303.

**Positron Emission Tomography**

*(Question No. 359)*

Senator Allison asked the Minister representing the Minister for Health and Ageing, upon notice, on 7 March 2008:

(1) With reference to the current reassessment by the Medical Services Advisory Committee (MSAC) of its advice concerning the funding of Positron Emission Tomography (PET) for melanoma, colorectal and ovarian cancer, have the MSAC recommendations for public funding for these indications been received by the Minister; if so, what is the timeline for approval by the Minister.

(2) With reference to the advice provided by Mr Kingdon, First Assistant Secretary of the Medical Benefits Division, during an additional estimates hearing of the Community Affairs Committee that the 2007 recommendations ‘went through an earlier process, but because we had an intervening election we had to restart again’ (Committee Hansard, 20 February 2008, p 59P), why was it necessary to ‘restart again’ and what bearing did the election have on the advice provided.

(3) Given that the MSAC’s website indicates assessments will be completed in 56 weeks, yet the MSAC had already assessed these indications in 2000 or 2001 and the MSAC signed off on the protocols used for collecting the data that was presented for review in 2006, why did the reassessment of these indications take essentially the same length of time as normal assessments.

(4) On what dates were these indications considered by the MSAC and the MSAC Advisory Committee meetings.

(5) With reference to the proposed reassessment by the MSAC of evidence concerning the funding of PET for sarcoma, lymphoma, brain tumours and oesophageal, head, neck and cervical cancers: (a) has the data on all these indications been collected; (b) where data has been collected, which indications are currently being considered by the MSAC; and (c) when will the MSAC’s advice be provided to the Minister.

(6) Will the MSAC be preparing advice concerning the funding of PET for: (a) indications included under the current ministerial determinations but where data collection protocols have not been developed; (b) sub-groups of patients included within the current indications but not evaluated by the data collection protocols, for example, high grade lymphoma and Hodgkins disease; and (c) indications that have not been previously considered by the MSAC, such as breast cancer, the evaluation
of lung cancer patients after primary treatment, therapeutic monitoring and tumours in childhood and infancy.

(7) In each case referred to in paragraph (6), if not, why not.

(8) If it is the case that the Government does not normally fund projects like the current PET data collection: (a) what is the estimated cost of such data collection (not including the cost of the PET scans); (b) what unique data has been provided by the collection process; (c) is it the case that the data collection protocols did not include a methodology for assessing costs and effectiveness; if so, why, given the fact that the MSAC’s original assessment of PET did not find sufficient evidence to draw conclusions about the clinical or cost effectiveness of PET.

Senator Ludwig—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

(1) On 19 May 2008, the Minister accepted the Medical Services Advisory Committee’s (MSAC) recommendations that public funding should be supported for positron emission tomography (PET) for suspected recurrent colorectal cancer, potentially resectable metastatic melanoma and suspected recurrent epithelial ovarian cancer.

(2) It was necessary to restart the process of advising the Rudd Government of MSAC’s recommendations concerning Positron Emission Tomography (PET) because a decision had not been made to give effect to MSAC’s recommendations before the 2007 election. The assessment process itself did not ‘restart’.

(3) The assessment of PET for these indications took just under 40 weeks from the first Advisory Panel meeting on 1 December 2006 to the consideration of the draft assessment report by MSAC at its meeting on 31 August 2007 (see (4) below). The data collection did not negate the need for a comprehensive review of the scientific literature that had emerged since the previous assessments were completed. The assessment also included stakeholder consultation as the assessment progressed, including a face-to-face meeting with the Australia New Zealand Association of Physicians in Nuclear Medicine (ANZAPNM) Data Collection Management Committee to discuss the draft assessment protocol.

(4) The Advisory Panel established to assess MSAC Reference 35(a) for melanoma, colorectal and ovarian cancers met on the following occasions:

- 23 November 2006: Teleconference with Advisory Panel Chair, contracted evaluators and Department to define the scope of the review;
- 27 November 2006: Teleconference with Advisory Panel Chair, contracted evaluators and Department to explain the task to the Advisory Panel international expert;
- 1 December 2006: First face-to-face meeting of Advisory Panel;
- 29 March 2007: Advisory Panel meeting by teleconference - discussion of the draft assessment protocol;
- 10 May 2007: Advisory Panel meeting by teleconference - discussion of draft assessment report for PET’s use for colorectal cancer;
- 29 May 2007: Advisory Panel meeting by teleconference - discussion of draft assessment report for PET’s use for melanoma;
- 7 June 2007: Advisory Panel meeting by teleconference - discussion of draft assessment report for PET’s use for ovarian cancer;
- 6 August 2007: Final face-to-face meeting of Advisory Panel.
MSAC considered the draft assessment reports for PET’s use for colorectal, ovarian and melanoma cancers on 31 August 2007.

(5) (a) The prospective clinical protocols and demographic data on eight diseases has been collected and provided to the Department of Health and Ageing in accordance with a contract between the Department and ANZAPNM. The eight diseases are: melanoma, colorectal, ovarian, lymphoma, glioma, oesophageal gastric, head and neck cancers and sarcoma. For cervical cancer only demographic data was collected. The Department has received this data.

(b) MSAC is currently assessing PET for head and neck, and oesophageal gastric cancers (MSAC Reference 35(b)).

(c) It is anticipated that MSAC will consider the evaluation report of Reference 35(b) at its meeting in August 2008. The Minister will be provided with advice concerning MSAC’s assessment after that time. The assessment of lymphoma (Reference 35(c)) is expected to commence shortly and be completed in late 2008. The assessment of sarcoma and glioma (Reference 35(d)) is expected to be completed in 2009. The MSAC assessment of cervical cancer is not expected to commence before 2009.

(6) (a) Yes. MSAC will assess PET for cervical cancer, myocardial viability and breast cancer. Demographic data was collected for cervical cancer and myocardial viability. These assessments will be referenced as MSAC Reference 35(e).

(b) MSAC will prepare advice if a valid application is received to assess the safety, effectiveness and cost effectiveness of PET for other sub-groups of patient populations.

(c) Assessment of PET technology for other indications is contingent upon valid applications being made to MSAC for an assessment of the safety, effectiveness, and cost effectiveness of the technology.

(7) As noted in answer to Question 6(a), (b), and (c), MSAC has not received any further applications to review PET for indications other than those encompassed by MSAC References 2, 10, 16, 26, 35(a), (b), (c), (d) and (e).

(8) (a) The total cost of the data collection (2002-03 to 2007-08) was $4.48 million.

(b) The data collected is specific to the Australian clinical setting and includes:

Demographic Data - age, gender, date and location of scan, disease/indication, history, investigations performed, pre-PET management plan, PET assessment and whether the scan was Medicare rebatable;

Prospective Clinical Data - patient demographics as above, clinical data at the time of PET scan, PET scan findings, management plan after the PET scan, status at prescribed follow-up intervals, and any adverse events; and

Cost Data - total costs for a standard whole body PET scan, total costs for a long whole body scan, labour costs and non-labour costs.

(c) The data collection protocols included a methodology for assessing components of effectiveness. For example, the protocol for colorectal cancer was designed to achieve the following end points:

“(i) The proportion of patients with recurrent colorectal cancer in whom the results of PET change management, will be determined;

(ii) The appropriateness of management changes resulting from PET will also be determined” (Source: Impact of FGD PET in Colorectal Cancer in Australia: a Multi-Centre Study, 30 July 2003, p.11).
The centres involved in the data collection program were required under their contracts to provide data on the cost of providing PET services. MSAC used (and will continue to use) this and other information to assess the effectiveness and cost effectiveness of PET.

**Drug Imports**

*(Question Nos 426 and 427)*

**Senator Allison** asked the Minister representing the Minister for Health and Ageing, upon notice, on 30 April 2008:

With reference to: (a) the Customs (Prohibited Imports) Regulations 1956 and the requirement under regulation 5H(2) that abortifacients, including mifepristone, misoprostol and prostaglandins, require the approval of the Secretary to the department for importation under the Special Access Scheme (SAS) by a medical practitioner who forms the view that his or her patient meets the Category A definition in regulation 12A(5) of the Therapeutic Goods Regulations 1990 as ‘a person who is seriously ill with a condition from which death is reasonably likely’; and (b) the fact that a doctor only needs to notify the Therapeutic Goods Administration of intention to import an unapproved drug for a Category A patient, other than those on the restricted list, and is not required to lodge an application or obtain approval:

1. Given the many clinical trials now being conducted worldwide into mifepristone and the growing evidence of the usefulness of this drug in treating medical conditions, including viral infections, such as tumorigenesis, immunodeficiency conditions and hepatitis C, Chlamydia pneumonia, cancers, including gynaecological cancers that are hormone receptive tumours, leukaemia and breast cancer, Cushing’s Syndrome, depressive and post traumatic stress disorders, Alzheimer’s Disease and adverse reactions from the use of corticosteroids, why do these substances continue to be listed as ‘restricted goods’.

2. What does the Government understand to be the health risk associated with the use of mifepristone in these trials or for use by patients under the SAS.

3. How does this risk compare with the risk of death from serious illness such as is required for access under the SAS.

4. Given the fact that the Government accepts no responsibility for the use of any unapproved drug, even one which has been used for more than two decades around the world, what is the imperative for making abortifacient drugs ‘restricted’.

5. What is the process for removing a ‘restricted goods’ listing.

6. When will this be done for: (a) mifepristone; (b) misoprostol; and (c) prostaglandins.

**Senator Ludwig**—The Minister for Health and Ageing has provided the following answer to the honourable senator’s question:

1. The term “restricted goods” was removed from the Therapeutic Goods Act 1989 in March 2006. Accordingly mifepristone is no longer a restricted good under that Act. In common with other abortifacients, mifepristone is a “prohibited import” under Item 1 of Schedule 8 of the Customs (Prohibited Imports) Regulations 1956, and can only be imported under permit.

2. The Therapeutic Goods Administration (TGA) is responsible for assessing the safety of a therapeutic good following an application for inclusion in the Australian Register of Therapeutic Goods. As no application for mifepristone has been received, the TGA has not assessed its safety.

Decisions to use mifepristone under Category A of the Special Access Scheme are made by the treating doctor, not the TGA.

3. See (2).

4. As set out in (1) above, the Therapeutic Goods Act no longer has a category of “restricted goods”. Schedule 8 of the Customs (Prohibited Imports) Regulations 1956 includes abortifacients with a
range of other substances that can only be imported under permit because general uncontrolled access to these substances may constitute a risk to public health.

(5) See (1).

(6) See (1).

**Railways**

(Question No. 428)

**Senator Allison** asked the Minister representing the Minister for Infrastructure, Transport, Regional Development and Local Government, upon notice, on 30 April 2008.

(1) Does the Government consider it necessary for a complete, nationwide overhaul of the railway system.

(2) Would such an overhaul include the modernisation of all of the system’s aspects, including high speed trains and punctual services, climatised passenger carriages, speedy freight delivery and a shift of trucks off the roads on long haul, comfortable fast journeys for passengers travelling between major towns and cities, modernised stations to be more like airports and managed by people rather than machines and telephone or internet booking of seats and automatic ticketing, as occurs in Europe; if so, what is the Government’s program for doing so; if not, why not.

(3) Is the Minister aware that the passenger train from Sydney to Canberra still has wooden carriages dating from the steam train era.

(4) Does the Minister consider the Sydney to Canberra service to be satisfactory.

(5) To what extent does the Minister consider the lack of passengers to be due to the standard of services provided on this service and other interstate lines in Australia.

(6) How does this service and other interstate services compare with train services between major cities in other countries, such as France and Italy.

**Senator Conroy**—The Minister for Infrastructure, Transport, Regional Development and Local Government has provided the following answer to the honourable senator’s question:

(1) The Government has established Infrastructure Australia to develop a strategic blueprint for all the nation’s infrastructure. The immediate priorities for Infrastructure Australia will be the completion of a National Infrastructure Audit by end 2008, the development of an Infrastructure Priority List for the Council of Australian Governments (COAG) consideration in March 2009 and the development of best practice guidelines for Public Private Partnerships for COAG’s consideration by October 2008.

(2) The Government is committed to achieving greater use of all forms of public transport and will work with the states and territories who are the providers of public transport, to ensure our nation is served by public transport systems fit for the 21st century and beyond.

(3) I am advised that the regular CountryLink Explorer service between Canberra and Sydney runs modern, metal carriages that are built in Victoria using technology proven on European services. Each carriage is fitted with turbo-charged engines and is fully air-conditioned.

(4) The passenger service between Sydney and Canberra is an XPT service managed by the NSW Government’s Rail Corporation and as such, the level of service is a matter for the NSW Government.

(5) The passenger service between Sydney and Canberra is an XPT service managed by the NSW Government’s Rail Corporation and as such, the level of service and patronage is a matter for the NSW Government.
(6) The focus of the Australian Government’s planning and investment in rail is ensuring our freight network is efficient and reliable. The providers of interstate passenger services, both public and private, are best placed to conduct relevant comparisons.

**Hexachlorobenzene**

(Question No. 430)

**Senator Bob Brown** asked the Minister representing the Minister for the Environment, Heritage and the Arts, upon notice, on 30 April 2008:

With reference to the answer to question on notice no. 6, is there a facility in Australia capable of treating hexachlorobenzene waste; if so: (a) where is it; and (b) what is its capability.

**Senator Wong**—The Minister for the Environment, Heritage and the Arts has provided the following answer to the honourable senator’s question:

I am advised that the Department of the Environment, Water, Heritage and the Arts is currently reviewing Australia’s capacity to treat hazardous wastes, including Australia’s capacity to dispose in an environmentally sound manner of the stockpile of hexachlorobenzene (HCB) waste currently stored at Botany Bay in Sydney.

**Taekwondo Australia**

(Question No. 431)

**Senator Allison** asked the Minister representing the Minister for Sport, upon notice, on 2 May 2008:

In relation to the decision made in October 2007 by the Australian Sports Commission (ASC) to cease formal relations with Taekwondo Australia Inc. (TA) and to withdraw its 2007-08 funding offer:

1. Has any action been taken by the ASC to help TA regain its recognition as the national sporting organisation for taekwondo; if not, why not.
2. Has the ASC reimbursed TA for funds spent prior to the suspension; if not, why not.
3. Is it the case that the ASC justified its suspension of funding to TA on the grounds that it sacked its national coach during an overseas competition but that this is now known not to be the case; if so, why was funding suspended.
4. Is it the case that TA now exceeds the governance requirements of the ASC; if so, why has funding not been reinstated; if not, what requirements are there still to meet.

**Senator Chris Evans**—The Minister for Sport has provided the following answer to the honourable senator’s question:

1. Taekwondo Australia has been advised that in order for the organisation to re-gain its Australian Sports Commission recognition status, a necessary first step would be for Taekwondo Australia to satisfy the recognition criterion requiring membership of the sports international body which in turn depends upon membership of the Australian Olympic Committee (AOC). The AOC advised Taekwondo Australia that it ceased to be a member of the AOC on 29 October 2007 and have since indicated that they will re-examine the membership status of Taekwondo Australia after the Beijing Olympics – probably some time in 2009.

2. The Australian Sports Commission (ASC) has not reimbursed Taekwondo Australia for funds spent prior to the Commission’s funding offer being withdrawn, as the Taekwondo high performance program was a program of Taekwondo Australia. All ASC funding is notional until a mutual agreeable Funding Service Level Agreement has been signed by both the respective National Sporting Organisation and the ASC.
The ASC did not execute a Funding Service Level Agreement with Taekwondo Australia as the organisation did not satisfy minimum governance and compliance requirements as a fundamental condition of continuing to receive public funding from the ASC. The ASC has continued to support those taekwondo athletes preparing for the Beijing Olympics by awarding full Australian Institute of Sport Scholarships to the ten athletes in contention for selection to the 2008 Australian Olympic Team.

(3) Australian Sports Commission funding was withdrawn as Taekwondo Australia failed to address expected governance reform by removing the independent Board of Management and reverting back to a previous constitution (2000 Constitution), which did not meet ASC minimum governance standards. As a result, the Commission officially withdrew the organisation’s offer of funding for 2007/08 on 8 October 2007.

(4) Before funding can be re-considered, Taekwondo Australia will need to be recognised as a National Sporting Organisation by the ASC. In order for Taekwondo Australia to re-gain its Commission recognition status, a necessary first step would be for Taekwondo Australia to satisfy the criterion requiring membership of the sports international body which in turn depends upon membership of the Australian Olympic Committee (AOC). Once membership with the international federation has been achieved, Taekwondo Australia would then be in a position to make an application for ASC recognition, which the ASC would consider against all the recognition criteria. One key recognition criterion is that the organisation has formally committed to a governance structure that is consistent with the ASC’s governance principles of best practice.