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SITTING DAYS—2011

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FORTY-THIRD PARLIAMENT
FIRST SESSION—THIRD PERIOD

Governor-General
Her Excellency Ms Quentin Bryce, Companion of the Order of Australia

Senate Officeholders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Hon. Alan Baird Ferguson
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. Eric Abetz
Deputy Leader of the Opposition in the Senate—Senator Hon. George Henry Brandis SC
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig
Manager of Opposition Business in the Senate—Senator Mitchell Peter Fifield

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. Eric Abetz
Deputy Leader of the Liberal Party of Australia—Senator Hon. George Henry Brandis SC
Leader of the Nationals—Senator Barnaby Thomas Gerard Joyce
Deputy Leader of the Nationals—Senator Fiona Nash
Leader of the Australian Greens—Senator Robert James Brown
Deputy Leader of the Australian Greens—Senator Christine Anne Milne
Leader of the Family First Party—Senator Steve Fielding
Chief Government Whip—Senator Anne McEwen
Deputy Government Whips—Senators Carol Louise Brown and Helen Beatrice Polley
Chief Opposition Whip—Senator Stephen Shane Parry
Deputy Opposition Whips—Senators Judith Anne Adams and David Christopher Bushby
The Nationals Whip—Senator John Reginald Williams
Australian Greens Whip—Senator Rachel Mary Siewert
Family First Party Whip—Senator Steve Fielding

Printed by authority of the Senate
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(1) Chosen by the Parliament of South Australia to fill a casual vacancy vice Amanda Eloise Vanstone, resigned.
(2) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Ian Campbell, resigned.
(3) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Christopher Martin Ellison, resigned.
(4) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.

**PARTY ABBREVIATIONS**
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—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—A Thompson
GILLARD MINISTRY

Prime Minister
Deputy Prime Minister, Treasurer
Minister for Regional Australia, Regional Development and Local Government
Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate
Minister for School Education, Early Childhood and Youth
Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate
Minister for Foreign Affairs
Minister for Trade
Minister for Defence and Deputy Leader of the House
Minister for Immigration and Citizenship
Minister for Infrastructure and Transport and Leader of the House
Minister for Health and Ageing
Minister for Families, Housing, Community Services and Indigenous Affairs
Minister for Sustainability, Environment, Water, Population and Communities
Minister for Finance and Deregulation
Minister for Innovation, Industry, Science and Research
Attorney-General and Vice President of the Executive Council
Minister for Agriculture, Fisheries and Forestry and Manager of Government Business in the Senate
Minister for Resources and Energy and Minister for Tourism
Minister for Climate Change and Energy Efficiency

Hon. Julia Gillard MP
Hon. Wayne Swan MP
Hon. Simon Crean MP
Senator Hon. Chris Evans
Hon. Peter Garrett AM, MP
Senator Hon. Stephen Conroy
Hon. Kevin Rudd MP
Hon. Dr Craig Emerson MP
Hon. Stephen Smith MP
Hon. Chris Bowen MP
Hon. Anthony Albanese MP
Hon. Nicola Roxon MP
Hon. Jenny Macklin MP
Hon. Tony Burke MP
Senator Hon. Penny Wong
Senator Hon. Kim Carr
Hon. Robert McClelland MP
Senator Hon. Joe Ludwig
Hon. Martin Ferguson AM, MP
Hon. Greg Combet AM, MP

[The above ministers constitute the cabinet]
GILLARD MINISTRY—continued

Minister for the Arts                         Hon. Simon Crean MP
Minister for Social Inclusion               Hon. Tanya Plibersek MP
Minister for Privacy and Freedom of Information Hon. Brendan O'Connor MP
Minister for Sport                           Senator Hon. Mark Arbib
Special Minister of State for the Public Service and Integrity Hon. Bill Shorten MP
Assistant Treasurer and Minister for Financial Services and Superannuation
Minister for Employment Participation and Childcare Hon. Kate Ellis MP
Minister for Indigenous Employment and Economic Development Senator Hon. Mark Arbib
Minister for Veterans' Affairs and Minister for Defence Science and Personnel Hon. Warren Snowdon MP
Minister for Defence Materiel                Hon. Warren Snowdon MP
Minister for Indigenous Health                Hon. Mark Butler MP
Minister for Mental Health and Ageing         Hon. Kate Ellis MP
Minister for the Status of Women              Senator Hon. Mark Arbib
Minister for Social Housing and Homelessness  Hon. Gary Gray AO, MP
Special Minister of State                     Senator Hon. Nick Sherry
Minister for Small Business                   Hon. Tanya Plibersek MP
Minister for Home Affairs and Minister for Justice Hon. Brendan O'Connor MP
Minister for Human Services                   Senator Hon. Kate Lundy
Cabinet Secretary                             Hon. David Bradbury MP
Parliamentary Secretary to the Prime Minister Hon. Mark Dreyfus QC, MP
Parliamentary Secretary to the Treasurer      Senator Hon. Jacinta Collins
Parliamentary Secretary for School Education and Workplace Relations
Minister Assisting the Prime Minister on Digital Productivity Senator Hon. Stephen Conroy
Parliamentary Secretary for Trade             Hon. Justine Elliot MP
Parliamentary Secretary for Pacific Island Affairs Hon. Richard Marles MP
Parliamentary Secretary for Defence           Senator Hon. David Feeney
Parliamentary Secretary for Immigration and Multicultural Affairs Senator Hon. Kate Lundy
Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing Hon. Catherine King MP
Parliamentary Secretary for Disabilities and Carers Senator Hon. Jan McLucas
Parliamentary Secretary for Community Services Hon. Julie Collins MP
Parliamentary Secretary for Sustainability and Urban Water Senator Hon. Don Farrell
Minister Assisting on Deregulation and Public Sector Superannuation Senator Hon. Nick Sherry
Minister Assisting the Attorney-General on Queensland Floods Recovery Senator Hon. Joe Ludwig
Parliamentary Secretary for Agriculture, Fisheries and Forestry Hon. Dr Mike Kelly AM, MP
Minister Assisting the Minister for Tourism    Senator Hon. Nick Sherry
Parliamentary Secretary for Climate Change and Energy Efficiency Hon. Mark Dreyfus QC, MP
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<th>Shadow Ministry Role</th>
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<tr>
<td>Leader of the Opposition</td>
<td>Hon. Tony Abbott MP</td>
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<td>Deputy Leader of the Opposition and Shadow Minister for</td>
<td>Hon. Julie Bishop MP</td>
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<td>Foreign Affairs and Shadow Minister for Trade</td>
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<tr>
<td>Leader of the Nationals and Shadow Minister for Infrastructure and Transport</td>
<td>Hon. Warren Truss MP</td>
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<td>Leader of the Opposition in the Senate and Shadow Minister for Employment and Workplace Relations</td>
<td>Senator Hon. Eric Abetz</td>
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<td>Deputy Leader of the Opposition in the Senate and Shadow Minister for the Arts</td>
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<td>Shadow Treasurer</td>
<td>Hon. Joe Hockey MP</td>
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<td>Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House</td>
<td>Hon. Christopher Pyne MP</td>
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<td>Shadow Minister for Indigenous Affairs and Deputy Leader of the Nationals</td>
<td>Senator Hon. Nigel Scullion</td>
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<td>Shadow Minister for Regional Development, Local Government and Water and Leader of the Nationals in the Senate</td>
<td>Senator Barnaby Joyce</td>
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<td>Shadow Minister for Finance, Deregulation and Debt Reduction and Chairman, Coalition Policy Development Committee</td>
<td>Hon. Andrew Robb AO, MP</td>
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<td>Shadow Minister for Energy and Resources</td>
<td>Hon. Ian Macfarlane MP</td>
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<td>Shadow Minister for Defence</td>
<td>Senator Hon. David Johnston</td>
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<td>Shadow Minister for Communications and Broadband</td>
<td>Hon. Malcolm Turnbull MP</td>
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<td>Shadow Minister for Health and Ageing</td>
<td>Hon. Peter Dutton MP</td>
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<td>Shadow Minister for Families, Housing and Human Services</td>
<td>Hon. Kevin Andrews MP</td>
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<td>Shadow Minister for Climate Action, Environment and Heritage</td>
<td>Hon. Greg Hunt MP</td>
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<tr>
<td>Shadow Minister for Productivity and Population and Shadow Minister for Immigration and Citizenship</td>
<td>Mr Scott Morrison MP</td>
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<td>Shadow Minister for Innovation, Industry and Science</td>
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<td>Shadow Minister for Agriculture and Food Security</td>
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<td>Shadow Minister for Small Business, Competition Policy and Consumer Affairs</td>
<td>Hon. Bruce Billson MP</td>
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[The above constitute the shadow cabinet]
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<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Mr Michael Keenan MP</td>
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<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services</td>
<td>Senator Mathias Cormann</td>
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<td>and Superannuation</td>
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<td>Shadow Minister for Childcare and Early Childhood Learning</td>
<td>Hon. Sussan Ley MP</td>
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<td>Shadow Minister for Universities and Research</td>
<td>Senator Hon. Brett Mason</td>
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<td>Shadow Minister for Youth and Sport and Deputy Manager of Opposition</td>
<td>Mr Luke Hartsuyker MP</td>
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<td>Shadow Minister for Regional Development</td>
<td>Hon. Bob Baldwin MP</td>
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<td>Shadow Special Minister of State</td>
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Shadow Parliamentary Secretary for Immigration
Shadow Parliamentary Secretary for Innovation, Industry, and Science
Shadow Parliamentary Secretary for Fisheries and Forestry
Shadow Parliamentary Secretary for Small Business and Fair Competition

Dr Andrew Southcott MP
Mr Andrew Laming MP
Senator Cory Bernardi
Senator Michaelia Cash
Senator Simon Birmingham
Hon. Teresa Gambaro MP
Senator Michaelia Cash
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The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9.30 am, read prayers and made an acknowledgement of country.

COMMITTEES
Legal and Constitutional Affairs Legislation Committee
Meeting
Senator CROSSIN (Northern Territory) (09:31): by leave—As Chair of the Senate Legal and Constitutional Affairs Legislation Committee I move:

That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.

Question agreed to.

Legal and Constitutional Affairs References Committee
Meeting
Senator BARNETT (Tasmania) (09:31): by leave—As Chair of the Senate Legal and Constitutional Affairs References Committee I move:

That the Legal and Constitutional Affairs References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.

Question agreed to.

BUSINESS
Consideration of Legislation
Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (09:32): I seek leave to move a motion to provide that the Carbon Tax Plebiscite Bill 2011 have precedence over all government business till determined.

Leave not granted.

Senator ABETZ: I move:

That so much of standing orders be suspended as would prevent me moving a motion relating to the conduct of the business of the Senate, namely a motion to provide that the Carbon Tax Plebiscite Bill 2011 be called on immediately and have precedence over all government business till determined.

The Australian people have been deceived by their Prime Minister; even Labor stalwarts such as former Senator Graham Richardson have said so. When the polls were tight last year suggesting a hung parliament, the Prime Minister deliberately and deceptively told the Australian people there would be no carbon tax under a government led by her. Everybody knows that if Labor had said there would be a carbon tax Labor would be in opposition today. Having deceived the Australian people the Prime Minister then did a deal with the Australian Greens. With 98 per cent of parliamentarians elected to this place on a no carbon tax platform, the Australian people are rightly asking how come we are facing the prospect of a carbon tax, a tax that will destroy our household budgets, destroy our jobs and, perversely, impact our environment as our clean manufacturing sector is displaced by the dirty manufacturers of Brazil, Russia, India and China?

Today the Senate can give the people of Australia a voice. Today the Senate can give expression to the will of the Australian people by giving them a plebiscite. I appeal in particular to the absent Senator Fielding. His time in this place will be framed by his vote on this measure. Will he actually put families first and give them a say as to whether family budgets will be allowed to be destroyed by a Green-Labor tax? If he does he will be complicit in every family's household budget nightmares. He will be complicit in every job lost. He will be complicit in joining the Green-Labor deal.
He will be complicit in denying Australians a voice on a carbon tax. He will be the author of his own political epitaph. It will be either 'Senator Fielding saved Australia from a carbon tax by standing by his principles' or 'Senator Fielding sold out Australians to a carbon tax by selling out on his principles'. While the call is his, the judgment will belong to the Australian people, and their judgment will be very forceful.

I say to each individual senator: do not underestimate the strength of feeling in the Australian community at this deceptive Green–Labor carbon tax. To relieve this growing chance of disenfranchisement, this growing sense of having been deceived, this growing sense of repulsion in the Green–Labor deal, we in the coalition want to offer a circuit-breaker so that the Australian people can have their rightful say, give them an opportunity to express their views.

There is simply no mandate for a carbon tax. It was specifically ruled out by the Prime Minister not once, not twice, but many times. And when we warned the Australian people about the possibility, the Treasurer said we are being hysterical. He was nearly right. We were being historical, not hysterical, because Labor has form on these issues. If we remember, at the last election Ms Gillard had to knife Kevin Rudd because she was going to solve the border protection problem with the East Timor solution, she was going to solve the mining issue because she had done a deal with the miners and, of course, she could be believed because there was not going to be a carbon tax. On all three counts, this government has failed the Australian people, has deceived the Australian people, has failed them immensely. On this particular issue of the carbon tax the Australian people have been expressing very strong views. They want their say. We in the coalition want to give them their say. The vote of each individual senator will determine whether or not Australians get their say. The simple question senators have to ask themselves is: are you willing to trust the Australian people to get this issue right? We in the coalition are willing to trust them.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (09:38): We oppose the suspension of standing orders to debate a bill for a plebiscite because the government's view is that this is nothing but a last-minute stunt by the opposition. We know that, in an effort to put something in the Monday morning papers, Mr Abbott and his team decided, with a week to go in the current parliament, that they would launch a bill for a plebiscite. They announced proudly that at 10 o'clock in the morning they would come into the parliament and put the bill before both houses of parliament. Here we are on Wednesday, two days later, with a half-hearted attempt by Senator Abetz to try to justify the humiliation that has been afforded Tony Abbott on this question.

When they announced they were coming in at 10 o'clock on Monday morning to fight for a plebiscite they forgot to note that the parliament did not sit until 4.30 in the afternoon. That is a little oversight on the grand strategy. No-one had told Senator Abetz, because he was not ready to go on Monday—he read about it in the papers. This grand strategy was unravelled by about nine o'clock on Monday morning. Since then, we have had this scramble to try to justify the position. This was a media stunt. It was a stunt that only lasted about 12 hours.

When Mr Abbott was asked to defend it he had to explain why suddenly he had come to this position. He had to try to answer the point that maybe it was related to the fact that the Senate would change on 1 July and
maybe it was a little opportunity to play some politics. But, when asked the key question about the plebiscite and his claims that this was about giving people the chance to make the decision themselves, he said he would not accept the result. He said, 'We'll spend $80 million of taxpayers' money, we'll let the people decide, but if we don't like the decision the Liberal Party won't accept it.' What an absolute fraud. We have the Leader of the Opposition coming up with this stunt, saying that this is a really important issue of democracy in Australia, and then saying that he would not accept the result. What a nonsense. His whole campaign for this plebiscite collapsed within hours, his credibility in shreds.

What we have today, two days later, is a decision by the leadership of the Liberal Party to say: 'We'd better go through the motions. We'd better go in the Senate and pretend we're serious about this. We'd better give it a run. It's all turned to complete dust, but we'd better get in there and at least say we fought the fight.' This was lost two days ago when Mr Abbott undermined his own position, when he said, 'No, it's important that the Australian people decide, but if we don't like the decision we won't change our position.' It was totally undermined by Mr Abbott.

This is a stunt. It is nothing more and nothing less, and Senator Abetz's rather half-hearted attempt today reflected that. An attack on Senator Fielding that somehow Tony Abbott's incompetence would be all Senator Fielding's fault is a little unfair on Senator Fielding. It was a stunt that unravelled because of a lack of any strategic decision-making behind it. You could not even work out what time parliament sat. You could not work out that if you introduced a bill in both houses of parliament at the same time they would not give you legislation; it had to be done serially through both houses of parliament. This was done by the media team without reference to the Senate leadership and is a nonsense. Quite frankly, Tony Abbott stands condemned as an incompetent leader by virtue of his handling of this matter. You have never seen anything quite as ham-fisted as this. To come in and argue that we ought to have a plebiscite but then say he will not accept the result is just breathtaking in its incompetence.

I urge the Senate to reject this attempt to deal with this bill. It is not in accordance with normal procedures but, more importantly, it has been revealed as an absolute stunt in which the Liberal Party do not have their hearts. The best they can do, 48 hours later, is come into the Senate and go through the motions—to try to limit the humiliation that Tony Abbott is now having to confront.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (09:43): We will not be supporting this motion to suspend standing orders so we can debate a bill for a plebiscite. This is Tony Abbott's rocket manoeuvre. He announced his plan for a plebiscite in the tabloid press—that was blast-off; it exploded all over the sky; and now it has fallen to earth like a dead stick. It has nowhere to go, except that some days later we have the Abetz-led coalition up here in the Senate trying to give it some oxygen. It will not work. They have nowhere to go with it. Seriously, is this Senate going to set aside all the other business confronting Australia to bring forward a proposal for a plebiscite—or a proposal on any matter you like—on the run?

I have just been speaking to the local government conference in Canberra. There were 900 candidates there.

 Senator Nash interjecting—

Senator BOB BROWN: The Nationals might not like this but it is the reality. We
had a good discussion there about hugely important issues, like the current furore over export of livestock overseas, like the need to find a carbon price for Australia and like the mining boom, which is bringing great hardship not just to manufacturing industries but—

_Senator Nash interjecting—_

_Senator BOB BROWN: _The National Party does not want to support manufacturing industries or rural and regional Australia like the Greens will—

_Senator Nash interjecting—_

_Senator BOB BROWN: _And the poddy calves are carrying on from the National Party benches, but they have nowhere to go. What I want to hear from them is whether they are going to support a properly constituted process for a plebiscite of the Australian people to recognise Indigenous Australians. What is their position on supporting a proper process through parliament, with consultation with the Australian people, on recognising local government?

This is a coalition that does not know about process, does not honour the constitutional norms in this country and does not have respect for proper parliamentary procedure but wants to come in and carry on with a manoeuvre that has fallen flat. The major reason it has fallen flat is that, when asked about what he would do if the Australian people supported action on climate change—as I predict they would—Tony Abbott said he would not support it. 'Either the Australian people vote the way I want them to or I will reject them'—what sort of democracy is Tony Abbott talking about there? Of course, the _Telegraph_ did not run that yesterday, did it? So we got Tony Abbott saying, 'I want to go to the Australian people but I will take no notice of them.'

_The ACTING DEPUTY PRESIDENT (Senator Hurley): _Order! Senator Brown, senators in this debate have started talking about 'Tony Abbott'. We should refer to members by their correct titles in this debate.

_Senator BOB BROWN: _If the name does not suit, so be it. I think we need to modernise ourselves a little bit there, Madam Acting Deputy President. But I take your point; I will move on from references to 'Tony Abbott' and use 'Mr Abbott'. He is the same person, and it is not going to make it any easier for the National Party and the Liberal Party here to defend the indefensible. What a silly parliamentary manoeuvre this is. What a waste of this Senate's time, when we should be looking at the legislation on the agenda here, which affects families, which affects regional and rural Australia, which is aimed at dealing—

_Senator Nash: _You would give them death duties. You want to give rural and regional people death duties.

_Senator BOB BROWN: _The National Party senator opposite is talking about some plan they have for the death of rural and regional Australia. That is because it is the coal industry that is speaking through this National Party these days.

_Senator Boswell interjecting—_

_Senator BOB BROWN: _If she wants to interject, she'll cop it, because they have let down rural and regional Australia.

_Senator Boswell: _Madam Acting Deputy President, I rise on a point of order, on honesty. My colleague Senator Nash said that the Greens wanted to bring in death duties, and that was a clear statement last night.

_The ACTING DEPUTY PRESIDENT: _Senator Boswell, do you have a point of order?
Senator Boswell: Yes. The point of order is this: the statement that Senator Brown made, that the National Party wanted to bring in death duties, is completely contrary—

The ACTING DEPUTY PRESIDENT: Senator Boswell, you are debating the issue at this point—

Senator Boswell: No, it is completely contrary—

An honourable senator: Lee Rhiannon wants to; she told us on 7.30.

Senator Boswell: She didn't want death duties, and she was accusing the Greens of bringing them in.

The ACTING DEPUTY PRESIDENT: Senator Boswell, there is no point of order.

Senator BOB BROWN: There is the National Party in action for you—they cannot even get the wording in the Senate, let alone the procedure, right. They have lost it. It is the coal-mining party and it has to deal with that. Meanwhile, the Greens are for rural Australia, are for regional Australia and are the champions of the bush. That is a different matter. We will not be supporting this motion.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (09:49): Madam Acting Deputy President, who said this:

This is not something for which the government has a mandate. It is not something that it exposed in any detail before the election. In fact … a straight-out mistruth was told during the election campaign …

I will tell you, Madam Acting Deputy President, who said that: Senator Chris Evans, addressing this chamber on 1 December 2005 during the Work Choices debate. When it suited the Australian Labor Party they were prepared to condemn my side of politics for introducing legislation for which they claimed we had no mandate. And yet what are they doing today? Using every trick, every procedural device, in order to prevent the Australian people having their say about a policy measure that the Labor Party were elected on a promise not to pursue. That is the difference. The Labor Party used to claim to believe in mandates. So did Senator Bob Brown—though I see he has scurried away from the chamber.

But these facts do not admit of controversy. First of all, six days before the election Julia Gillard said, 'There will be no carbon tax under the government I lead.' Second of all, she would not have won that election if she had said the opposite and in fact been honest about her intentions in the event that a Labor government was formed. Thirdly, the only chance now the Australian people are likely to get to have their say on whether there should be a carbon tax is if this bill is passed by this parliament. Those three statements do not admit of controversy.

What are they so afraid of on the government benches? I will tell you what they are so afraid of—they are afraid of the Australian people. That is who they are afraid of. The Prime Minister lied her way into office, and now she is trying to prevent the Australian people having the opportunity to pass judgement on the consequences of her lie. It is as simple as that. We know what the consequences of a plebiscite on the carbon tax will be, because every opinion poll that has been taken in this country on this issue has told us that by an overwhelming margin the Australian people object to having a carbon tax foisted on them by a government that promised not to introduce one and only fell over the line last year because they promised not to introduce one.

Senator Arbib: You speak on behalf of the Australian people, do you?
Senator BRANDIS: Let me take your interjection, Senator Arbib. We will stand the judgment of the Australian people on this, but you won't. We will abide by the result of any democratic plebiscite. In fact, your fellow travellers from GetUp! have been waging an expensive television campaign, the tagline of which was 'Say Yes to action on climate change' and 'Say Yes to the carbon tax'. That is fine. I believe that people who believe in the carbon tax should have every opportunity to say yes to it so long as people who do not believe in a carbon tax have the same opportunity to say no to it. We are only hearing one side of the argument and the only opportunity the vast majority of Australians will have to cast their judgment, the vast majority of Australians who want to say no to a carbon tax are ever going to get to say no to it, is if this plebiscite bill passes.

Beware of a government fleeing in panic from the judgment of the people. Beware of a government that mocks the exercise of democratic choice as 'a stunt'. Beware of a government that says there is only one side to this story and that is the government's line and if you disagree with the government's line then you do not get the opportunity even so much as to say so. And beware of a government led by an individual who lies her way into office—

Senator Carr: I think beyond all possible bounds of interpretation of the standing orders that ought to be withdrawn.

The ACTING DEPUTY PRESIDENT: Senator Brandis, I ask you to withdraw.

Senator BRANDIS: I withdraw. Let the Prime Minister's words speak for themselves: 'There will be no carbon tax under the government I lead.' And let the Australian people make their minds up. (Time expired)

Senator FIELDING (Victoria—Leader and Whip of the Family First Party) (09:54): I do not support this suspension of standing orders and I do not back a political stunt that is nothing more than an $80 million glorified opinion poll that is not binding. Maybe you want to listen to something that Paul Kelly has written in the Australian:

THERE is no established practice in Australian national politics for plebiscites to determine policy issues for the obvious reason they are a bad idea that advances neither democracy, good government nor sound public policy.

The plebiscite on the carbon tax proposed by Tony Abbott is not smart politics. It does not assist Abbott's cause or his standing.

So, in fact, I am doing you a favour. You are half-hearted even in this chamber about this. It is nothing more than a political stunt and an $80 million glorified opinion poll that you know is not binding. It is nothing more than a stunt and I don't back it.

Senator XENOPHON (South Australia) (09:55): The plebiscite proposed by the opposition has been described as 'a stunt'. Well, after a decade in the South Australian parliament, I know a thing or two about stunts and this is not one. I do not believe Julia Gillard was lying to the Australian people when she said there would be no carbon tax under the Gillard government. To lie you have to be saying something that you did not believe and I do not think the Prime Minister believed at the time there would be a carbon tax under her government. To lie you have to be saying something that you did not believe and I do not think the Prime Minister believed at the time there would be a carbon tax under her government. But circumstances changed and the Prime Minister had to change her position. Did she lie? No. Did what she say about there not being a carbon tax have a material impact on the way Australian people voted and the outcome of the election? Probably and many would say almost certainly. That is why I think a plebiscite on this issue is justified. With such a fundamental change in policy
direction, I believe the right thing to do is to take this back to the people. Politicians are constantly going on about how disengaged the people are when it comes to politics. Well here is a chance to get them re-engaged. I have worked with the coalition to depoliticise the language of the question and I have insisted that I want the vote to be on the legislation. I would urge the government to release their plan as soon as possible so the Australian people can make an informed choice.

My mind on this was made up in a sense 13 years ago when I had to speak in the South Australian parliament about the then Olsen Liberal government's plans to privatisate the state's electricity assets after saying at the 1997 state election that they would not do so. They had a mandate not to sell the assets in the same way that this government has a mandate not to go ahead with what is being proposed. I quoted social researcher Hugh Mackay back then and I think it is worth quoting him again. He said:

With trust in the political process being eroded with every bent principle, every broken promise and every policy backflip, the level of cynicism has reached breaking point for many Australians. I think that is what we are seeing here. In the ordinary course of events our system of parliamentary democracy expects our elected representatives to make decisions conscientiously in the interests of the nation as a whole. If the electorate does not approve of these decisions then you can rectify that in the ordinary course of events at the next election. But this is about a fundamental change in policy where I do not believe you can unscramble the egg once you have put it into place. That is why I believe that it is important that the Australian people have a say. A plebiscite is not technically binding but it would be a foolish government and a foolish opposition that would ignore the will of the people. On this issue especially the Australian people deserve to be heard. I support the motion.

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (09:58): It must be absolutely embarrassing for Liberal senators this morning to come in here with this plebiscite idea when we already know what a stunt it is. For the past three weeks the Leader of the Opposition has been pulling stunts across Queanbeyan. He has been to construction sites and door factories. He has been looking for other building sites. He has run out of places to visit. So where does he end up with his absolute stunt—a joke of an idea—in terms of the plebiscite? It is an $80 million stunt from a politician who says no to everything, opposes everything, is a destroyer, and then he comes up with this stunt.

Senator Cormann: We will abide by the judgment of the Australian people. Take it to an election!

The ACTING DEPUTY PRESIDENT: Senator Cormann, order!

Senator Abetz interjecting—

The ACTING DEPUTY PRESIDENT: Senator Abetz, I cannot hear Senator Arbib talk because of the interjections on my left.

Senator ARBIB: We know it is a poor stunt. On day 1, when he got his big newspaper headline and it looked like it was going well, the Leader of the Opposition did his first radio interview and they asked him, 'Will you abide by the people if they vote against you in the plebiscite?' What was his answer? Absolutely not. He will not abide by it. This shows what a stunt and absolute fraud this is. He will not abide by any result of the plebiscite if it goes against him. It is there, in black and white: he said it on radio. Even worse, he was asked on one of the TV
programs that night, 'If you are elected Prime Minister, will you hold other plebiscites on other important issues?' No, he will not: no other plebiscites on any other issues. This is the only plebiscite and he will not abide by it. That tells you a little bit about who Mr Abbott is, who he really is. 'Phony Tony' is a name that has been used for him plenty of times.

**The ACTING DEPUTY PRESIDENT:** Senator Arbib, I have asked that senators call members by their correct name.

**Senator ARBIB:** I have been referring to the Leader of the Opposition as the Leader of the Opposition or by his name, Mr Abbott. It is pretty clear that this plebiscite is a joke, it is a fraud and he will not abide in any way by the people. He has said that himself and that there will be no other plebiscites. The Liberal Party talk about listening to Australians. It is an absolute joke. These are the same people who, without going to an election, introduced Work Choices, which stole the conditions and the penalty rates of working Australians. Did they have a plebiscite? Did they put that to an election? No, they did not. Did they put to a plebiscite a big decision for the country like sending troops to Afghanistan? No, they did not. Today the sheer hypocrisy of the Liberal Party and the National Party and also of Mr Abbott has been revealed. This is not a real proposal. This is the worst kind of stunt and it must be embarrassing for Liberal senators to have to come into this chamber and defend it.

This is a Liberal Party that opposes everything. They say no to everything. In the other chamber they try to block everything. Every time the government tries to put in place plans and proposals to fight climate change, to improve and reform the economy, they block them. Once again I ask this chamber to reject this proposal. It is a fraud from a fraud of an opposition leader.

**The ACTING DEPUTY PRESIDENT:** The time for this debate has expired. I put the question:

That the motion (Senator Abetz’s) be agreed to.

The Senate divided. [10:08]

(The President—Senator Hogg)

**Ayes** ......................... 34
**Noes** ......................... 34
**Majority** ....................... 0

**AYES**

Abetz, E
Back, CJ
Bernardi, C
Boswell, RLD
Brandis, GH
Cash, MC
Coonan, H
Eggleston, A
 Fifield, MP
Heffernan, W
Kroger, H
Mason, B
Minchin, NH
Parry, S (teller)
Ronaldson, M
Scullion, NG
Williams, JR

**NOES**

Arbib, MV
Bishop, TM
Brown, RJ
Carr, KJ
Crossin, P
Faulkner, J
Fielding, S
Furner, ML
Hogg, JJ
Hutchins, S
Ludwig, JW
Marshall, GM
McLucas, J
Moore, CM
Polley, H
Sherry, NJ
Stephens, U

**CHAMBER**
Paired senators:

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Question negatived.

**BILLS**

**Intellectual Property Laws Amendment (Raising the Bar) Bill 2011**

**First Reading**

**Senator CARR:** I move:

That the following bill be introduced: A Bill for an Act to amend legislation relating to intellectual property, and for related purposes.

Question agreed to.

**Senator CARR:** I present the bill and move:

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

Question agreed to.

Bill read a first time.

**Second Reading**

**Senator CARR** (Victoria—Minister for Innovation, Industry, Science and Research) (10:12): I table the explanatory memorandum relating to the bill and move:

That this bill be now read a second time.

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

Leave granted.

*The speech read as follows—*

The Intellectual Property Laws Amendment (Raising the Bar) Bill 2011 is a major reform of the intellectual property system. It is the culmination of two years of extensive consultation with interested parties. The bill will improve many parts of the intellectual property system, including the Patents, Trade Marks, Copyright, Designs and Plant Breeder's Rights Acts. The bill will ensure that Australia maintains a world class intellectual property system: an IP system that fosters Australian innovation in the modern global economy.

Australian innovation is critical to the resilience of the economy through changing times. Innovation makes our economy more competitive. But the extent of innovation necessary to keep our economy competitive can't happen on its own. In addition to requiring support and investment, innovation requires a strong intellectual property system.

A strong IP system underpins investment in innovation. This was recognised in *Powering Ideas*, the Government's innovation agenda for the 21st century. A strong IP system provides investors an opportunity to recoup the investments necessary to bring their ideas to the marketplace. The IP system also gives the public and innovators the tools necessary for further innovation, through published information about new technology.

As also recognised in *Powering Ideas* – “The trick is to get the balance right: too little protection will discourage people from innovating because the returns are uncertain; too much protection may discourage people from innovating because the pathways to discovery are blocked by other intellectual property owners”.

The reforms set out in this Bill seek to improve that balance by addressing six key areas:

- Patent standards;
- Research freedom;
- Reducing delays in resolving patent and trade mark applications;
- Improvements to the attorney profession;
- Trade mark and copyright infringement; and
- Technical improvements to the IP system.

*Schedule 1 - Patent Standards*

First, the Bill seeks to raise patent standards. This addresses concerns that Australia's standards are lower than standards elsewhere, which discourages export of the technology we develop and inhibits growth of Australian business. Lower Australian patent standards actually disadvantage Australian patent holders, who should be able to take their inventions overseas with confidence.
that they will qualify for patent protection in Australia's major trading partners. Lower patent standards may also clutter the Australian innovation landscape with broad patents that would not meet the standards of our major trading partners, getting in the way of Australians who might otherwise be able to develop inventions in new areas.

A theme in this Bill is one of recalibrating and raising Australian standards, to align them more closely with those of other major trading partners around the world. Some patent standards around the world have developed to the point where there is an aligned approach internationally. In such cases where there is an aligned global approach, the Bill raises Australian patenting standards to that common approach.

The Bill raises patent standards in three important areas.

First it raises standards with respect to the information provided in patent applications and specifications. Disclosure is a cornerstone of the patent system. Patents are an exchange between inventors and the public. In exchange for a 20 year monopoly on commercialisation, the innovator must tell the public how their idea works. This disclosure, allows for potential follow-on innovators to build on initial work to produce even better innovations.

The Bill raises standards to require that the patent right is consistent with the information provided in the patent specification. There must be enough information disclosed for the public to make and use the invention. Also, a specific, substantial and credible use for the invention must also be disclosed and the scope of the claims for patent protection must not extend beyond what has been disclosed.

Importantly, the amended provisions mirror similar provisions in the United Kingdom and Europe. It is intended that Australian courts will have regard to developments in the law in the courts of these other jurisdictions when interpreting the new provisions, and will develop Australian law in a consistent fashion. This will help Australian exporters have the confidence that a patent granted in Australia is likely to be matched by a patent granted in major overseas markets.

Secondly, the Bill raises the standards for inventiveness. Raising the standards for inventiveness allows the patent system to better recognise the global innovation environment and reflect the modern economy's improved access to information. We must not grant a patent for something that has been done before. The Bill ensures that the patent system takes into account all published information that is reasonably available and accessible to the public. It will also ensure that this information is assessed against the background of knowledge of the skilled person, regardless of where that person resides.

Thirdly, the Bill ensures that a consistent standard of proof is applied by the Commissioner of Patents in all decisions and expands the grounds that the Commissioner can consider during examination and re-examination. Someone who seeks a patent will bear the burden of showing that they are entitled to patent protection. The Bill requires the Commissioner to be satisfied, on the balance of probabilities, that a patent, if granted, will be valid.

Taken together, these changes ensure that only high quality patents are granted in Australia. They make sure that the scope of disclosure is commensurate with the monopoly granted. They will make sure that patents are only granted for innovations that warrant patent protection. They will also ensure that the Commissioner of Patents can apply robust standards when assessing whether or not a patent should be granted and whether or not a patent should be revoked.

**Schedule 2 - Research freedom**

The second category of reforms responds to concerns that patent rights can sometimes deter or block innovation by discouraging researchers from developing further innovations or spin-offs. We need to set our researchers free and ensure that the patent system encourages further innovation. The key reform in this category introduces an explicit provision permitting experimentation to be conducted without infringing patent rights. This amendment will give comfort to researchers in Australia, and is strongly supported by Australia's research sector.

The amendment strikes a balance between the rights of patentees and the rights of subsequent researchers. The exemption protects researchers
and follow-on innovators as long as what they are doing is predominantly for research and experimental purposes. The exemption is intended to allow for some areas of commercial activity—for example, where the researchers are doing their work under contract, and are accepting payment to do experiments to improve on, or test a patented invention to see how it works. However, if the purpose is primarily commercial—such as where the researcher is seeking to commercialise the patented invention—the amendment protects the interests of patent owners because it will not apply where the main purpose is to commercialise the invention or manufacture it for sale.

A second reform introduces an amendment to exempt research activities necessary for gaining pre-market or pre-manufacturing regulatory approval from infringement. This ensures that a patent owner gets no more than the statutory period of protection. Such an exemption already exists for particular regulatory activities in the pharmaceutical industry. The amendment expands this exemption to apply to all technologies. Currently, a patentee can delay a competitor's entry into the market when the patentee's patent expires by threatening the competitor with infringement proceedings if they seek to do the work necessary to gain regulatory approval during the patent term. This gives the patentee a de facto extension on the term of their patent. The amendments will enable competitors to make the preparations necessary to enter the market as soon as a patent has ceased or expired. The Bill introduces a series of reforms aimed at resolving opposition proceedings more efficiently while still ensuring a fair outcome, and ensuring that any delays are truly unavoidable ones.

The second area relates to what are called 'divisional' patent applications. Patent systems around the world permit a patent application to be divided into one or more divisional applications, primarily to account for circumstances where more than one invention is claimed in the original application. However, the provisions are not as clear as desirable and sometimes divisional applications are used to delay finalisation of a particular invention or frustrate a third party. The reforms tighten the provisions for divisional applications, particularly timeframes for making applications. This will reduce opportunities to delay finalisation of applications.

**Schedule 3 - Reducing delays in resolving applications**

The third category of reforms is aimed at making the patent and trade mark application process more efficient. These changes will speed up the processes for determining applications for IP rights. They will also prevent tactical use of the system by those who profit from delay. The amendments target two key areas.

The first area is the process of opposing patent and trade mark applications. Opposition processes permit any person who might be adversely impacted by issue of an IP right to come forward and oppose it. Oppositions are intended to provide for a swift and efficient administrative resolution where a third party has concerns about the grant of an IP right. However, oppositions have become increasingly more complicated and protracted. The Bill introduces a series of reforms aimed at resolving opposition proceedings more efficiently while still ensuring a fair outcome, and ensuring that any delays are truly unavoidable ones.

The second area relates to what are called 'divisional' patent applications. Patent systems around the world permit a patent application to be divided into one or more divisional applications, primarily to account for circumstances where more than one invention is claimed in the original application. However, the provisions are not as clear as desirable and sometimes divisional applications are used to delay finalisation of a particular invention or frustrate a third party. The reforms tighten the provisions for divisional applications, particularly timeframes for making applications. This will reduce opportunities to delay finalisation of applications.

**Schedule 4 - Improvements to the attorney profession**

A fourth category of reforms improves various aspects of Australia's intellectual property profession. If we expect more from intellectual property attorneys—to meet the higher standards provided for in the Bill, it is reasonable to extend to them the privileges available to other professions. The Bill makes two key changes to the patent and trade marks attorney professions in Australia.

The first change will permit patent and trade mark attorneys to conduct all aspects of their business through a corporate structure. Patent and trade mark attorneys are currently unable to do this, and this restriction is enforced through criminal sanctions. This is at odds with how other professions are regulated and are able to conduct their businesses in Australia. The Bill amends the Patents and Trade Marks Acts to allow a company to act and describe itself as a patent
The new provisions are modelled closely on corresponding provisions of the Model Law for the regulation of the legal profession around Australia, with some variations necessitated by the different function and structure of the two professions. This is a reform that has been long sought-after by the patent attorney profession, and aligns that profession more closely with other professions in Australia.

The second change will extend the privilege that attaches to certain communications. At present, only certain communications to and from attorneys who are registered in Australia are privileged. In a globalised economy, in which IP rights are sought and prosecuted around the world, it is important that the privilege in Australia extends more broadly than only to Australian registered attorneys. The Bill extends privilege to overseas attorneys who are authorised to provide intellectual property advice and better aligns patent and trade mark attorney privilege with that attaching to communications to and from lawyers. Similar amendments, applying to privilege attaching to communications to and from legal practitioners, were introduced by this government through the Evidence Amendment Act 2008.

Schedule 5 - Trade mark and copyright infringement

The fifth category of reforms introduced by the Bill will improve the ability of trade mark and copyright owners to enforce their rights. The overall objective of these reforms is to strengthen copyright and trade mark rights. Copyright and trade mark rights will be strengthened by improving the mechanisms for enforcing the rights. Trade mark rights will also be strengthened by improving the remedies available when the rights have been found to have been infringed. We are setting higher standards for the granting of intellectual property rights. It is reasonable that, where rights are granted, that higher standards also apply to their enforcement. There are three areas for improvement.

The first relates to the criminal penalties available for infringements of registered trade marks. Criminal penalties play an important role in trade mark enforcement, by deterring infringements and punishing infringers. There have been concerns expressed that Australia's criminal penalties are too low to operate as an effective deterrent. The Bill addresses this concern by increasing the criminal penalties for existing offences. Higher penalties will be more effective in deterring infringement of trade mark rights. The changes also introduce some summary offences, but with lower fault elements and lower penalties. This will provide greater flexibility to law enforcement agencies when prosecuting trade mark crimes. These changes also bring the criminal penalties under the Trade Marks Act into closer alignment with those under the Copyright Act.

The second area of improvements to IP enforcement relates to the civil remedies available for infringements of trade marks. These amendments will introduce a further remedy in civil actions for trade mark infringement. At the moment, the trade mark owner can seek damages, an account of profits, or injunctive relief. This is out of step with the remedies available under other IP laws, which also allow the IP rights owner to obtain what are called 'additional' or 'exemplary' damages. The aim of awarding additional damages is to increase the deterrence for infringers. The Bill amends the Trade Marks Act to introduce exemplary damages as an additional remedy to trade mark infringement.

The third area of improvements relates to the powers of the Australian Customs and Border Protection Service to intercept goods that infringe copyrights or registered trade marks at the border. The Bill improves the existing arrangements by permitting Customs officials to provide more information to copyright and trade mark owners about goods that are seized at the border. The Bill also requires that Customs only release seized goods if the importer lodges a claim for return, which must include the identity and address of the importer and be filed within a specified time period. These changes will help rights owners in deciding whether or not to commence an infringement action. And then they will also help in the commencement of infringement proceedings.

Schedule 6 - Technical improvements to the IP system
The sixth category of reforms is a collection of technical improvements and changes, clarifications and updates to the Patents, Trade Marks, Plant Breeder’s Rights and Designs Acts. The measures implemented in this category share the common themes of modernising aspects of Australia’s IP system, increasing transparency in the decision-making process, and generally making the system easier to use.

In particular the amendments include a number of changes that improve the flexibility of the IP rights system for users. Examples of changes in this area are the changes to improve processes for resolving ownership disputes. Current processes can be unduly complex, making it difficult for the Commissioner to resolve disputes and correct ownership details in the patent register. The changes proposed by the bill will give the Commissioner greater flexibility to decide disputes and correct the register, ensuring that the public has correct information about who a patent has been granted to.

Another example is extending the jurisdiction of the Federal Magistrates Court to hear trade mark and design matters. This provides innovators with the option of a less formal, speedy and cost effective alternative for considering less complex trade mark and design matters.

This Bill represents a comprehensive package of improvements to the IP system. It is the most comprehensive package of reforms in the lifetime of the current Patents Act. These changes bolster support for innovation in Australia and better equip Australians to commercialise their innovations in the evolving modern economy.

Debate adjourned.

Therapeutic Goods Amendment (2011 Measures No. 1) Bill 2011
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (10:12): I am waiting for Senator Fierravanti-Wells, who will be addressing the Therapeutic Goods Amendment (2011 Measures No. 1) Bill 2011 on behalf of the opposition. I sincerely hope she is not too far away.

Senator IAN MACDONALD (Queensland) (10:13): Like Senator Williams, I have a very keen interest in the Therapeutic Goods Amendment (2011 Measures No. 1) Bill 2011. The bill is one that relates to facts and what reality is all about. If I might slightly digress by saying: I just cannot understand how a political party can have a particular approach to actions—like a political party that might have an approach to plebiscites and getting the views of various people on issues like this legislation. But I am aware that Family First, for example, had a very strong policy in favour of consultation, of plebiscites, of getting the ideas of other people, and that is why—

Senator Lundy: Madam Acting Deputy President, I rise on a point of order: relevance. I understand that Senator Macdonald is waiting for the shadow minister, but it is still appropriate to maintain his comments relevant to the bill at hand.


Senator IAN MACDONALD: Madam Acting Deputy President, I am highly offended that anyone might suggest that I was not being relevant. My high dudgeon is such that I will not take part in this debate any longer.
legislation to implement the streamlined processes with regard to the way prescription medicines are evaluated by the TGA.

These processes have come about due to an internal review of the application evaluation processes by the Therapeutic Goods Administration undertaken in 2009. They apply to both the registration of new prescription medicines and any applications to make changes to already existing entries of prescription medicines on the Australian Register of Therapeutic Goods.

The original legislative changes to implement these processes were made and passed by this parliament in a similar bill last year. The bill before us today contains further changes in this process. As I said earlier, there are three main amendments that this bill will make, and I would like to briefly touch on each of them.

The first amendment on the streamlined submission process deals with the way applications are made to deal with a prescription medicine's entry on the Australian Register of Therapeutic Goods when that application involves evaluation of clinical, preclinical or bioequivalence data.

Before the streamlined application processes were implemented, applications for evaluation were accepted under the expectation that further data, research and information would be provided throughout the application process. This led to significant delays, with a time lag between the TGA getting back to applicants and applicants getting back to the TGA.

The information will now be required upfront at the beginning of the application to remove any delays resulting from an application having to provide extra documentation throughout the evaluation process. This amendment will bring the application and evaluation process for changes for listing for prescription medicines already on the Australian register in line with the application and evaluation processes for new listings that were implemented under the TGA bill last year. The implementation of these changes is, I am informed, expected to reduce the length of the evaluation process from approximately 500 calendar days to 300 calendar days. This is something the opposition will be holding the government to account on.

There are a number of matters pertaining to prescription medicines that this government needs to be held to account on; not least the cabinet interference in the listing of prescription medicines on the Pharmaceutical Benefits Scheme. Only yesterday we had health minister Nicola Roxon and Prime Minister Julia Gillard again politicising the lifesaving Pharmaceutical Benefits Scheme. Unlike any previous government, the Gillard Labor government has taken it upon itself to effectively make life-and-death decisions by deferring listings of new drugs on the PBS. Medical experts decide what drugs should be subsidised for Australian patients, doctors decide what drugs will be prescribed for patients; but in Australia the Gillard cabinet decides whether those drugs will be made available.

Getting back to the bill, 500 days seems far too long for the TGA to deal with this application process. The coalition welcomes any sensible amendment that reduces the length of time it takes to move prescription medicines through the evaluation phase and onto the public market.

The second amendment in the bill relates to the way evaluation fees are collected by the TGA for applications requiring the evaluation of clinical, preclinical and bioequivalence data associated with the prescription medicine. As it currently stands, there are prescribed time lines for evaluation
of prescription medications under the Therapeutic Goods Regulations. When an evaluation is not completed by the TGA within these prescribed time lines, the evaluation fee payable by the applicant is reduced by 25 per cent. This is currently administered by payment of three-quarters of the evaluation fee initially on application and the remaining one-quarter of the evaluation fee on completion of the evaluation by the TGA within the prescribed time. The new process under these amendments would require the full evaluation fee to be collected by the TGA upon the application for evaluation being lodged and for 25 per cent of that fee to be refunded if the evaluation is not completed within the prescribed time limit. The TGA has said that this leads to significant administration costs of monitoring each application until completion and that the added burden of invoicing applicants twice is not warranted, given that the TGA completes most of the applications on time.

The Parliamentary Secretary for Health and Ageing in the second reading speech stated that additional administrative costs are passed on to industry as the TGA operates on a full cost-recovery basis. Given that the TGA operates on this basis, where there are reduced administrative costs, will there be some alleviation on industry, some rebate for industry, some way of reducing the costs that are passed on to industry? This is something I would like the government to address.

The third and final amendment, for want of a better description, seems like a housekeeping amendment. It deals with the operation of a ministerial power to make determinations that impose standard conditions on the registration and listing of therapeutic goods on the register.

The standard conditions set by the minister apply not only to the new registration or listings after the legislative instrument comes into effect but also on a retrospective basis to therapeutic goods on the register. In what seems like an oversight, the 2009 bill did not have any provision to ensure that the old standard conditions set by the minister ceased to apply when new standard conditions are imposed. This third amendment included in the bill before us rectifies this apparent oversight. The opposition will not be opposing this legislation.

Senator LUNDY (Australian Capital Territory—Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Immigration and Multicultural Affairs) (10:21): The amendments made in the Therapeutic Goods Amendment (2011 Measures No. 1) Bill 2011 are designed to improve processes for the evaluation of prescription medicines, the collection of evaluation fees payable for prescription medicines and the imposition of standard conditions on registered and listed therapeutic goods by way of a legislative instrument. I thank senators for their contributions and I commend this bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The DEPUTY PRESIDENT: As no amendments to the bill have been circulated, I shall call the parliamentary secretary to move the third reading, unless any senator requires that the bill be considered in Committee of the Whole. If not, I call the parliamentary secretary.

Senator LUNDY: I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
Aged Care Amendment Bill 2011
Second Reading

Debate resumed on the motion:
That this bill be now read a second time.

Senator FIERRAVANTI-WELLS (New South Wales) (10:23): The Aged Care Amendment Bill 2011 introduces a number of amendments to the Aged Care Act and is part of the government's health and hospitals agenda—I will not say 'reform' because we have not seen too many changes in the system. The bill will apparently strengthen consumer protection for accommodation bonds paid to aged-care services and improve arrangements for the handling of complaints about Commonwealth funded aged-care services. It is little wonder that this legislation is required because it is very clear from the statistics on ageing today that this sector is very much in crisis.

The Department of Health and Ageing no longer releases the general purpose financial reports of providers. If it did, the situation would be probably a bit starker. It is very clear that 40 per cent of aged-care providers are operating in the red. In its 2011-12 budget submission, the Aged Care Industry Council stated:

A snapshot of the industry at the start of 2011 does not depict a sustainable system: only 40% of residential aged care services are operating in the black—

In fact, they were talking about residential aged-care services operating in the black, so it is even worse for residential aged-care providers—

... hours of service are decreasing; hours of care provided under community aged care packages have fallen; and many providers are not building new residential care beds. The situation is worse in rural and regional areas where providers face generally higher costs with less ability to manage their income streams.

Given that the aged-care sector is in crisis and in need of reform, the financial viability of the sector is very much an issue. Providers going into liquidation have increased, although these have remained under the radar due to their facilities being absorbed by larger entities. While it is difficult to quantify the regulatory impact due to the lack of available data, the proposed changes provide a regulatory framework that is commensurate to the risk associated with the strong growth in accommodation bond holdings, which are currently over $10 billion. It will increase the incentive for bonds to be used in a prudent and sustainable way to meet the policy objectives by allowing providers to charge bonds. Any costs related to the charges required of approved providers to ensure that bonds are only used for permitted purposes are minimised through removing current restrictions on the use of income derived from bonds, retention amounts and accommodation charges, and giving providers complete flexibility over how such income is used. Given the concerns and the operating costs that providers are facing today, this will be welcomed.

The proposed transition period of two years allows approved providers time to comply with the new arrangements to ensure, as far as possible, that the financial interests of care recipients are protected and to keep the regulatory burden as low as possible. Having said that, it is very clear that the regulatory burden in aged care is very high. As I travel around to aged-care facilities in Australia, the first thing that I am hit with in just about every facility I visit is the regulatory burden that this government has placed on the sector. Despite the many reviews and despite the advice that this government has been provided with about the regulatory burden in aged care, very little appears to have been done. Indeed, one
provider in Tasmania said to me that he had provided submissions to no fewer than 17 inquiries into ageing and this government had really done very little.

Kevin Rudd promised in 2007 that he was going to ease the transition from hospital to aged care. In 2007 he criticised the then coalition government by saying that the government was not providing enough aged-care beds and that people had become bed blockers in acute hospital care. Of course, the term 'bed blockers' is Kevin Rudd's and is not a very complimentary term to refer to our older Australians. When the government first came to power it promised a new direction for frail and older Australians by making the transition from hospital to aged care a priority area. That is why it took $276 million out of the budget last year in order to keep people in long-stay hospitals. It raided the residential aged-care moneys for high care in order to prop up failed state and territory hospital systems and keep older Australians in hospitals.

Senator Polley interjecting—

Senator FIERRAVANTI-WELLS: Senator Polley over there is criticising us, but let us take you back to the report when you were chair, back in April 2009, when you yourself were critical of the Department of Health and Ageing. Indeed, you acknowledged that aged care was at a crisis point, and at that point there had been no response from government. So what did the government do? There was only one pronouncement by Julia Gillard before the last federal election about ageing and that was in a speech she gave at the Nursing Federation. She said that aged care was going to be a second-term priority. Well, we are still waiting. So despite the myriad reports, reviews and inquiries into aged care, what did this government do? They shuffled aged care off the front page and back to the Productivity Commission for yet another review. The industry has responded with over 500 submissions. Of course, the Department of Health and Ageing could not get its submission in on time, which meant that the draft report of the Productivity Commission was delayed. The draft was released and now we are waiting for the Productivity Commission to release its report—but then, of course, we will have to wait for this government to respond to that. Given its track record, I am not going to hold my breath, and nor is the industry holding its breath.

This is an industry that needs reform now. Older Australians need help now. They do not need to keep waiting for years and years, as this government is wont to do. Bed licences are being handed back. Senator Siewert has repeatedly commented on the Western Australian situation, and I am sure that she will repeat that in particular. The outlook is bleak in terms of the growing capacity of aged care in Australia. Senior Australians are increasingly finding that they are unable to access the services and care they need when they want them and where they want them. This continues, of course, to place pressure on the public hospital system and on Australian families who want to assist their loved ones into aged care. As Catholic Health Australia have said, every night in Australia there are 3,000 older Australians in our public hospital systems who ought to be better cared for in aged care. It is quite interesting that the AMA figures show the number of hospital beds that are badly needed in the public hospital systems is around 3,000—little wonder, because older Australians are not able to access the aged care they want and therefore there are difficulties. The reality is that as a society we are living longer, we have more complex health conditions and there are changing disease patterns. This is resulting in
increasing and changing aged-care needs and with the shift in size and composition of households this is having an effect on our aged-care situation.

Let us look at the two budgets. In both, there has been very little for aged care. In the current budget, apart from Bob Katter scoring some funding for aged-care accommodation facilities—which is apparently some new model the Department of Health and Ageing was not able to give us full details about—we did not see very much there. Of course, the Ambassador for Ageing, Noeline Brown, a three-time candidate for the Labor Party, has been looked after: there was money for her in the budget to continue her work. Actually, there was money taken out of the system, because the government considers that when you shift from high-care residential places in aged-care facilities over to community services that saves money, so there was saving of $211 million over five years in the budget that is not going to aged care over the forward estimates.

As I said, there has been a complete litany of broken promises in aged care. The litany of failures in this area include the delays in the ACAR rounds. The Bringing the Nurses Back into the Workforce Program has failed. We have workforce shortages. We have training places and zero interest loans, but I have travelled all around the place and I have come across three people who have contemplated applying for the zero interest loans but have said it was all too hard and they did not do so. Then we had COAG mark 1 and mark 2—the grand COAG health changes. And where was aged care? Certainly it did not appear in Kevin Rudd's first COAG grand plan to fix the hospitals. Then we thought, 'Well, let's just see what happens in the second one.' Those who participated in the Finance and Public Administration Committee inquiry—and I think Senator Polley was present there—would remember well the scathing criticism of this government over its lack of attention to aged care and mental health.

*Senator Polley interjecting—*

*Senator FIERRAVANTI-WELLS:* Obviously, Senator Polley, your memory is deteriorating because you cannot remember the scathing comments that were made by witness after witness at those inquiries who criticised the government heavily for its lack of attention to aged care and to mental health. So what have we seen in COAG mark 2? Aged care and mental health have been shunted off for another three years in the mark 2 agreement. There it is, shuffled off into the never-never because it is all too hard.

*Senator Polley interjecting—*

*Senator FIERRAVANTI-WELLS:* Senator Polley, I would refer you to the *Financial Review* editorial that described Justine Elliot as one of the most incompetent ministers in the previous government. Of course, she was demoted—and it is little wonder that she was demoted, because she really did not do much in this sector. Now we have Minister Butler, and the sector is still waiting. Obviously Labor senators are not talking to the same people I am talking to, because people are waiting with bated breath to see what this government does.

One need only look at the administrative burden that providers are faced with on a daily basis. When I talk to nurses in aged-care facilities, they tell me that they spend 35 per cent of their time filling out paperwork and providing reports to this government—and they seem to provide the same information over and over again. Once it is for the funding tool, then it is for some other purpose and then they provide their general purpose reports. Every day, instead of being able to care for our older Australians, aged-
care providers are being swamped with paperwork on a daily basis. Therefore, I move the opposition's second reading amendment:

At the end of the motion, add "but the Senate:
(a) objects to the growing burden of regulation being placed on small businesses, not-for-profit organisations and industry by this Government;
(b) notes that the Government has broken its election promise to repeal one regulation for every new regulation; and
(c) calls on the Government to immediately adopt practical measures to reduce the regulatory burden on business and the economy".

This amendment focuses on the growing burden of regulation being placed on small businesses, not-for-profit organisations and industry by this government. It notes that this government has broken its election promise to repeal one regulation for every new regulation and calls on the government to immediately adopt practical measures to reduce the regulatory burden on business and on the economy.

The aged-care sector is a very, very good example of the growing regulatory burden. Indeed, this is one area where the government has well and truly broken its election promises. Every day the aged-care sector tells me that it is increasingly faced with an extremely heavy regulatory burden with respect to the day-to-day work that it does. The sector has been calling for reform, and it is very clear from the over 500 submissions that were provided to the Productivity Commission just how much this sector has been burdened. Those submissions are on the public record, and I would invite the government to make sure that it reads every single one of them.

The reality is that, if we do not reform this sector and we do not lift some of the regulation and the heavy regulatory burden, our older Australians will not be provided with the services that they desperately need in their old age and those services will not be available in the places where we want those services to be available. Faced with the situation where a loved one sustains an injury and is no longer able to live in their own home and look after themselves, their families desperately have to scurry through a very, very complicated system. I hear it every day. I hear it even amongst colleagues who, notwithstanding being involved in public and political life, have had to go through this process themselves.

I call on this government to heed the calls of a sector that is desperately in crisis and desperately in need of reform now. As I travel to aged-care facilities in suburban metropolitan areas and most especially in regional and rural areas, I see how they are really doing it tough, and I fear for many of those small aged-care facilities in regional and rural Australia. I was in North Queensland last week talking to providers in that area. They are heavily burdened. If this government does not take much-needed action, we are going to find that more and more providers are going to go out of business and more and more older Australians will not be able to receive the much-needed care that they will need.

Every day we talk about an ageing Australian population, but this government does not seem to understand. For every person over 65, there are now about six Australians working, but that is going to go down to three. Therefore we need to take action and we need to take action now; otherwise tomorrow older Australians will not be able to access and receive the much-needed care that we want to give them and that they will need.

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:43): I wish to outline our support for the measures
proposed in the Aged Care Amendment Bill 2011 and then talk about some of the situations facing the provision of aged care in this country, and particularly in my home state of Western Australia. As Senator Fierravanti-Wells pointed out, Western Australia is ahead of the curve of the problems that are facing the provision of aged care and I agree with Senator Fierravanti-Wells: it does need urgent action.

With respect to the amendment that is currently before us, my understanding is that there has been consultation with the sector and with consumers, that the sector is relatively comfortable with the changes being made and that the government has taken on board their comments. The phase-in period is appreciated and the concerns of the sector have largely been met. With respect to the bonds and the improvements and changes to the complaints system, I understand that the concerns of the sector have largely been taken on board. There are a few remaining concerns, but I think that we should see how this new system works and then make any refinements if those are necessary. Of course, this needs to be seen as the beginning of what should be very significant aged-care reform, because there is absolutely no doubt that aged care does need urgent reform in this country. That was evident to anybody who took part in the Senate Finance and Public Administration Legislation Committee inquiry that Senator Polley chaired. It was unanimous across the chamber—the government, the opposition and myself, in terms of representing the Greens. All of us expressed our concern about some of the issues that were raised with us during the Senate inquiry. It was disappointing that the government did not act sooner to start dealing with these issues and making the reference to the Productivity Commission. However, we are pleased that the referral was eventually made. The Productivity Commission draft report has come out and comments have been made on that. That Productivity Commission draft report was fairly well received in the main. Of course, there were a lot of comments, but it has been fairly well received.

Urgent reform is clearly highlighted by the issues that are being seen in Western Australia. They are also reflected around Australia, but, as I said, we are at the head of the curve on these issues. For a number of ACARs we have seen WA not taking up the number of beds that were released. The sector has not taken up the number of beds that were applied. Consistently, around half of those beds are taken up. In the last ACAR, the government made a sensible decision, and that was to transfer some of the bed licences across to community care. I have a couple of comments to make about that. The failure of the providers to take up the bed licences in the last ACAR is strongly reflective of the state of the sector in Western Australia, and that is that they cannot afford to take up those beds under the current funding model. In other words, at the moment they cannot build and provide the facilities into the longer term because they know that they will not be viable.

It has taken the government a long time to take on board what the providers have been saying for years: ‘We are not going to be viable and we cannot continue to provide these services.’ There is the level of funding that has been provided to build facilities, particularly in Western Australia, where construction costs have been going through the roof. I will get to the workforce in a minute. Those costs have been going through the roof and they simply cannot afford to build the facilities, and funding levels for care—particularly high care—are falling below what enables these providers to be viable.
In terms of transferring through to community care, that was a good emergency response, but we cannot continue to have these emergency responses. There is only so much care that can be provided by community care. It is not only that; we are also seeing that the funding levels for community care are not sustainable at the moment and those services will not be viable into the future. In the case of Western Australia, there is a difference between HACC services and community care packages. There are differences with what is available and funding. Some people want to remain on HACC provided services in Western Australia because they feel they get better service and support than they do from the community care packages. That is another area that needs to be looked at.

In WA—and this is going to happen in the rest of the sector—viability and funding is not what is needed to make these services sustainable. It is hard to get people into the workforce, firstly because of funding and low wages—and I will come to the need to fix that in a minute—and, secondly, because of the forthcoming mining boom in Western Australia. If you have a choice between working on low wages in aged care or making a massive wage in the mines, guess what you will choose to do? You will choose to leave that sector to work in the mines. Not only are we losing experienced workers in aged care to higher paid employment, like mining, but we are also not attracting new workers. Of course, you have the issues around poor wages and the pay equity case that needs to be resolved. Government needs to incorporate the need for increased wages into the funding rounds.

As I said, the government is waiting for the final report of the Productivity Commission—I can understand that—but the message from us is very clear: the government will need to act with a sense of extreme urgency once that Productivity Commission report is released, because this sector is in crisis. You can talk to anybody in the sector. I do not just talk to Western Australian providers; I talk to Australian providers, and I know that what is happening in Western Australia is starting to be reflected in other states. We are ahead of the curve. I always say that WA is special, but in this instance, because of the special circumstances that are operating in Western Australia, we are the canary in the mine that highlights what is coming down the track for the rest of Australia. These issues need to be dealt with urgently.

We know that our population is ageing, so we know there will be increased pressure on our aged-care services and health services. We also know that the demographic of those who are ageing expects different things from the aged-care services and the way they are supported in their old age. We know that people stay at home longer and are shifting into high care later. We know that the services people will need in high care will be different to the way it is now. We also know that the current balance between low care and high care is at a kilter. That is affecting the finances of some providers. We also know that some people do not want to stay home; they actually want to make an orderly transition into high care, but not everyone does. Overwhelmingly, I have been told that people want to stay in their home longer. Therefore, we need to look at how we provide community care into the long term. These are issues that the government urgently needs to respond to. We will be looking for a very timely response by the government to the final Productivity Commission report. I presume that the government has already been preparing very carefully its response to the final report. It has no excuse. I doubt there will be that many surprises in the final report by the
Productivity Commission. It knows the direction that the Productivity Commission is going in. I would have thought that it is not beyond the wit of the government to respond in a timely manner to the final report. It then needs to set out actual plans for urgent action, because if it was not for the fact this issue had been sent off to the Productivity Commission there would be a lot more people banging on the government's door right now saying, 'We need change.' The government must not hold off responding to this report. We are most definitely expecting a quick response from the government to the recommendations in next year's budget and we are also expecting to see the long-term planning for how it is going to deal with this crisis. The government has a short time frame in which to respond before we see more and more aged-care providers go out the back door because they will simply not be viable.

I put on the record that the Greens will be supporting this bill but urge the government to quickly and urgently respond. By urgently, I mean they have had time to respond so they cannot use the excuse of, 'We do not want to urgently respond because we need time.' The government have had time. They knew this crisis was coming. They finally acknowledged it. They have had their heads in the sand for a long time. Now we need to see them respond in a timely, comprehensive manner with an action plan about where to from here so that we can fix this crisis before it goes even further, before we lose the expertise from the sector and lose those providers that are providing excellent services in trying circumstances to people ageing in Australia. We need to not only fix the current situation but put in place a framework for how we are going to improve the provision of aged care in this country and how we can build a quality system into the future where we support all Australians as they age.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (10:55): I rise to speak in support of the Aged Care Amendment Bill 2011. I thank Senator Siewert for her contribution. I was almost in total agreement with Senator Siewert until she said that we had our heads in the sand. I remind people that when we came to government in 2007 aged care was already in crisis and was facing difficulties. I think it is important that we put on record that the Senate Finance and Public Administration Legislation Committee, which I chaired, handed down a very good report. We were very clear in our remarks relating to the Department of Health and Ageing, we were very clear that we were concerned and we were also very clear with them that we were not happy in how they had responded to that inquiry.

It is a bit rich, although it is typical, of the Liberal opposition leadership to try and rewrite history every time they come into this chamber. It is disappointing, because I know Senator Fierravanti-Wells does have a genuine interest in aged care. I am concerned that she is trying to paint the picture that all of a sudden during that inquiry in 2009 the industry was blaming the Rudd government. That is misleading and untruthful. The industry said at every hearing that they did not lay the blame for the issues that were confronting the aged-care industry at the foot of the Rudd government. They acknowledged that we needed to do something, of course, but let us not forget it was the Howard Liberal government that was in power for 11½ years. Quite frankly, Senator Gary Humphries has told me on a number of occasions that the issue of bonds relating to aged care was too difficult—he was pleased to be in opposition not having to deal with it. Let us be truthful with the
Australian people that there are huge issues affecting this industry, especially if you are talking about trying to attract people to work in this industry. This sector is extremely important and we as a government take that responsibility very seriously.

I take very seriously what Senator Siewert said about the government having to act urgently when the Productivity Commission hands down its report, as I said, but you cannot expect to quickly turn around a sector that was run down for 11½ years by the previous government. When we are critical of the former minister, let us be quite truthful about how many ministers there were over that 11½ years. There were five or six ministers. Let us not forget about the kerosene baths; let us not forget about the facilities and how run down they were.

I also place on the record—having just recently been to Scotland to talk to people about dementia and aged care—that Australia has pretty good record. I acknowledge that those people who work in the sector do a wonderful job. The sector in my home state of Tasmania, which is predominantly run by not-for-profit organisations, does have some serious issues, particularly when it comes to infrastructure, which have to be addressed. I think it is very misleading and pretty typical of those opposite to try to blame this government. We will address the concerns and we will be ensuring that we do everything we can, I have no doubt. I have to commend the current Minister for Mental Health and Ageing for his action.

While I do not want to dwell on the Standard and Poor's study Global Aging 2010: An Irreversible Truth, a couple of observations recorded in that study are worth noting. Age related spending on health, pensions and aged care is estimated to rise to 14.4 per cent of GDP by 2050. Without further reforms to address these mounting spending pressures, net general government debt could increase to 71 per cent of GDP over that period. The study goes on to forecast that government debt associated with age related spending could reach 300 per cent of GDP in 40 years in advanced economies if fresh measures are not introduced to address the issue. While this does not particularly apply to Australia it suggests the dimensions of the challenges that the world faces. However, I am reassured by the fact that the Gillard Labor government is the government of Australia and the future of aged care is being very seriously managed. On current projections there will be 3.6 million Australians in need of aged care by 2050—not that all of them will be of a certain age but that 3.6 million people will be in need of some sort of care. Aged care needs to be considered within the entire spectrum of care—from high-intensity care to simple advice to enable people to remain at home, from residential care to the support at home packages that will be needed by older Australians. I think we need to be more innovative in the way we provide these home care packages. Personally, I think they need to have more mobility. We certainly need to do a lot more in this area to make it simpler for families to negotiate their way through assessing what their older family members need and what is available to them.

This bill is just one of a series of reforms that will enable Australia to manage the special needs of aged care into the future. While this bill specifically relates to two aspects of residential care management, the Gillard government is committed to preparing Australia to manage the total impact of future aged-care needs. The Productivity Commission, when asked to review future aged-care needs, was required to consider the following three principles in preparing its report: every older Australian
has earned the right to be able to access quality care and support that is appropriate to their needs when they need it; older Australians deserve greater choice and control over their care arrangements than the system currently provides; and funding arrangements for aged care need to be sustainable and fair, both for older Australians and for the broader community. The Productivity Commission is developing detailed options for redesigning Australia's aged-care system and the government will consider these options in full when the final report is delivered later this month.

Meanwhile, just last Saturday the Minister for Mental Health and Ageing, Mark Butler, announced another 12,000 new aged-care places throughout Australia worth over $400 million—part of the 2011 aged-care approvals round. The 12,000 extra places will be rolled out this year, building on the 234,000 aged-care beds and community care places already operational. Increasing the number of aged-care places is essential to meeting the challenges of our ageing population—and I mentioned earlier the number of places that will be needed by 2050.

The aged-care approvals round is the major funding round in the aged-care industry each year and sees new Australian government funded aged-care places allocated to service providers through a competitive process. Places are offered to the providers who best demonstrate that they can meet the growing needs of the ageing population—that is, applications are independently assessed against criteria including financial strength, capacity to provide care and past experience in delivering care. These residential, community and flexible aged-care places are worth more than $400 million a year. There is also up to $150 million in zero-real-interest loans and more than $58.5 million in capital grants to build or upgrade residential aged-care facilities. This year's round demonstrates that the government is continuing to invest in developing and improving the aged-care experience for the nation's oldest Australians. Since 2007 the Labor government has increased funding to aged care by over 34 per cent.

The Aged Care Amendment Bill 2011 delivers on reforms by amending the Aged Care Act 1997 to: limit the permitted uses for accommodation bonds, such that providers of aged care may use accommodation bonds for capital works, investment in financial products, loans for these purposes and refunding accommodation bonds; introduce new criminal offences where misuse of accommodation bonds has been identified and the approved provider has failed financially, owing accommodation bond refunds; introduce new information-gathering powers to enable the Secretary of the Department of Health and Ageing to better monitor approved providers that may be experiencing financial difficulties or using accommodation bonds for non-permitted uses; and remove restrictions on the use of income derived from accommodation bonds, retention amounts and accommodation charges. This will provide aged-care providers with greater flexibility in managing their cash-flows and assist to offset the restrictions proposed in relation to the lump-sum element of accommodation bonds.

New complaints principles—incorporated in the aged-care principles—will improve the process of handling aged-care complaints and increase the focus on achieving outcomes for care recipients, their families and other representatives. The Department of Health and Ageing will adopt a range of approaches to assist in resolving complaints cooperatively with care recipients and
providers of aged care—approaches that will include, for example, conciliation, mediation and investigation.

Funding of $21.8 million over four years was provided in the 2010-11 budget for a range of enhanced prudential measures, of which the proposed changes to accommodation bonds is one. Funding of $50.6 million over four years was also provided in the 2010-11 budget for improvements to the aged-care complaints system. Since the introduction of the act in 1997 there has been strong growth in the value of accommodation bonds—from around $500 million to more than $10.6 billion. As at 30 June 2010, approved providers held more than $10.6 billion in bonds on behalf of more than 63,000 aged-care residents. There are 1,150 approved providers and about 970 of them currently hold accommodation bonds. The average total bond holding by an individual approved provider is $11.2 million and the average accommodation bond is $167,000. This constitutes a significant part of each resident's life savings, which becomes a problem for people, particularly in my home state, because of the value of residential properties.

Existing legislation has a lack of clarity on the permitted use of accommodation bonds. This lack of clarity about the prescribed use of the principal of an accommodation bond has resulted in bonds being used for a wide variety of purposes, including some uses that may increase the risk of default on refunds of the accommodation bond. For example, using accommodation bond funds to meet operational expenses could arguably be considered a permitted use under the current arrangements, as this relates to providing aged care.

There is also evidence that approved providers are making loans to related and other entities using accommodation funds and there is uncertainty around whether these funds are consistently being used for an aged-care purpose. There is evidence of approved providers using accommodation bonds to make loans to related parties for non-aged-care purposes and using bonds to meet operational expenses, which triggered the creation of the Accommodation Bond Guarantee Scheme. This scheme was introduced in 2006 to increase protection for residential accommodation bonds and is triggered if an approved provider becomes insolvent and defaults on its accommodation bond refund obligations. In these circumstances, the government repays the amount owing to residents in full and has the capacity to impose a levy on the sector to recover any losses under the guarantee scheme. Since 2006, the guarantee scheme has been activated on five occasions and around 150 accommodation bonds have been refunded, at a cost of approximately $24.5 million to the Commonwealth.

In all the cases involving the guarantee scheme there was evidence that the failed approved providers had made significant loans to related parties, a number of which appear to be involved in non-aged-care activities. The impetus for strengthening regulation has also been reinforced by an audit conducted by the Australian National Audit Office. In its 2009 report Protection of residential aged care accommodation bonds, the ANAO recommended that the department enhance its regulatory approach.

I turn now to the inability to request certain information and inadequate penalties for noncompliance. In cases where accommodation bonds have been misused, the most significant action the department can currently take is to revoke approved provider status and/or allocated places. Also, there is currently no capacity for the
Department to take action against key personnel of approved providers.

Restrictions on the use of income derived from bonds, retention amounts and accommodation charges have been more significant than those related to the bonds themselves. The tight restrictions on the use of income related to bonds does not reflect the comparative risk, creates an unnecessary administrative burden and could impact on an organisation's cashflow, resulting in a risk that the bond itself may be drawn upon to manage day-to-day operations.

This legislation will address current legislative inadequacies while keeping the regulatory burden as low as possible; ensure, as far as possible, that the financial interests of residents are protected; maintain effective regulatory safeguards for accommodation bonds; provide a regulated source of capital funding for investment in aged-care infrastructure; provide a regulatory framework that is commensurate to the risk associated with the exponential growth of accommodation bond holdings, currently over $10 billion; and promote public confidence in the aged-care system.

The option of doing nothing to protect people receiving aged care is not an option. Retention of the status quo would continue to expose the government to the risks of underwriting the sector through the guarantee scheme. As I said earlier, this has already cost the Commonwealth $24.5 million since commencement of that scheme in 2006.

I would reiterate how important it is for all of us to work in the best interest of the aged-care sector. We need, along with the sector itself, to be proactive in attracting more people to work in the sector, which is a very important one. I have a very strong and passionate interest in this area and I make no secret of it. I want to make sure we get it fixed because I am getting old rather quickly—I want to make sure that things are in place before I have to call on the services.

I am somebody who has tried to navigate this, on behalf of my family, in looking for accommodation for my mother, who is in a facility receiving high-dependency and palliative care. The people who work in that industry are passionate and caring individuals and without them the industry would not be as strong as it is currently. Yes, we do need to work together to improve it, but I do not think it does anything for the sector, and certainly does nothing at all for the wider community, when those opposite constantly try to rewrite history by making themselves out to be the great saviours of the aged-care industry. They have been doing it for the last three or four years. We have to work together to improve this sector. We have to acknowledge the things that were not working in the past and we have to be innovative and prepared to work with the sector to find the best outcomes. This will ensure that we continue to lead the world in providing the care that every Australian has the right to expect.

Senator Sherry (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (11:14): I welcome the opportunity to sum-up debate on the Aged Care Amendment Bill 2011. The bill seeks to amend the Aged Care Act 1997 to increase protection for accommodation bonds and strengthen complaints management in aged care as part of the government's commitment to providing better health and better care for older Australians through the national health reform agenda.

Since the introduction of the Aged Care Act in 1997 there has been strong growth in the value of accommodation bonds held by
the aged-care sector. As at 30 June 2010, approved providers held more than $10.6 billion in bonds. The effect of this bill is to clarify the original intent of the accommodation bonds system, which was to provide a crucial capital funding stream for the aged-care sector. It will provide greater transparency about the use of these funds and strengthen the accountability of approved providers by proposing the introduction of offence provisions for the significant misuse of bonds. The bill also removes regulatory restrictions on the use of income derived from the bond principal retention amounts and accommodation charges.

The bill will enable the investigation principles to be replaced with new complaints principles, which will describe an improved complaints scheme for aged care with a stronger focus on resolution of complaints. This will provide consumers with a more flexible scheme with a range of options available for assisting to resolve a complaint, including early resolution, conciliation and mediation.

I thank senators for their contributions to the debate on the bill and their interest in aged care. In particular, this debate has highlighted the importance of achieving a balance between effective regulation to protect the elderly and the reduction of the regulatory burden on the aged-care sector.

The government does not agree to the second reading amendment proposed by the opposition. The amendment does not address the effect of this bill, which is simply to clarify the original intention of the accommodation bonds system and strengthen protection for consumers. The bill actually removes the regulation around the way that aged-care providers can use the income they derive from bond principal retention amounts and accommodation charges. It also removes a range of redundant provisions, including two pieces of redundant legislation. So, overall, the bill improves the protection of our most vulnerable and reduces the regulatory burden on providers.

In the broad, in my responsibilities as Minister Assisting on Deregulation I provide oversight of what is known as the Council of Australian Governments' seamless economy reform project—some 27 deregulatory policy proposals that are currently being enacted. To date, of these 27 deregulatory priority reforms, 13 are well advanced and close to completion or completed. Obviously this is important for small business more broadly. The opposition amendment goes to the impact of regulation on business, and small business in particular.

But there has been more done in reducing regulation in the seamless national economy projects in the last three years than in the previous 12, and I will cite a couple of practical examples. Australian Consumer Law, which commenced on 1 January 2011, replaced 20 separate acts across Australia and provided new protections for consumers. It is estimated by the Productivity Commission that it will provide a net gain to the community of between $1.5 billion and $4.5 billion a year, including significant economic cost reductions for business.

I will give you another example. Standard business reporting, which commenced on 1 July 2010, allows business to quickly and efficiently prepare and lodge business information electronically to a range of Commonwealth and state and territory agencies. Once fully operational in 2014, it is estimated to save $800 million per annum. I could go on and on. There are a significant number of projects.

As I say, more has been done in the last three years than in the previous 12. Yet we continue to get this nonsense from the coalition. Their latest—there are not many of
them—grand promise is to cut small business red tape by 50 per cent in the first term of a Mr Abbott led government. I seem to have heard that promise somewhere before. I have been in this place for 21 years, and I seem to remember this claim being made back in 1996, prior to the election of the former Howard government—they would cut red tape by 50 per cent. That was a very simple claim to make, but what happened in reality? The GST and superannuation choice; I could go on and on about the increase in regulatory red tape imposed on business by the former Howard government. They are at it again; they promise they are going to cut it by 50 per cent. Where is the detail? If we look at their form, the previous Howard government lamentably failed in cutting red tape.

We got the runs on the board in that area. I can cite factual cases of our reductions in red tape over the last three years—factual cases of economic gain to business and the economy by reductions in red tape. So the second reading amendment moved by Senator Fierravanti-Wells, with due respect to the senator, is just utter nonsense. It is the usual trivial garbage that we get from the opposition. They have finally come up with a policy: they will cut red tape by 50 per cent. Well, look at their record. Where is the detail? Where is the costing on the policy? They have broken out from their usual negative approach of opposing everything the government does and actually come up with a scintilla—a positive policy for once. Unfortunately, their history, their form, shows it means nothing for business. So this absurd second reading amendment moved by the opposition to this legislation should be rejected for what it is.

Question put:
That the amendment (Senator Fierravanti-Wells's) be agreed to.

The Senate divided. [11:25]

(Ayes ...................... Ayes ...................... 32
Noes ...................... Noes ...................... 32
Majority ................. 0)

AYES

Adams, J (teller) Barnett, G
Bernardi, C Birmingham, SJ
Boswell, RLD Boyce, SK
Brandis, GH Bushby, DC
Cash, MC Colbeck, R
Coonan, H Cormann, M
Eggleston, A Ferguson, AB
Fierravanti-Wells, C Fifield, MP
Fisher, M Heffernan, W
Humphries, G Johnston, D
Macdonald, ID Mason, B
McGauran, JJJ Minchin, NH
Nash, F Party, S
Payne, MA Ronaldson, M
Troeth, JM Trood, R
Williams, JR Xenophon, N

NOES

Arbib, MV Bilyk, CL
Brown, CL Brown, RJ
Cameron, DN Collins, JMA
Crossin, P Farrell, D
Faulkner, J Feeney, D
Fielding, S Forshaw, MG
Furner, ML Hanson-Young, SC
Hogg, JJ Hurley, A
Hutcheson, S Ludlam, S
Lundy, KA Marshall, GM
McEwen, A (teller) Moore, CM
Milne, C O'Brien, K Polley, H
O'Brien, K Pratt, LC Sherry, NJ
Sievert, R Stephens, U
Sterle, G Worthey, D

PAIRS

Abetz, E Conroy, SM
Back, CJ Ludwig, JW
Joyce, B Carr, KJ
Kruger, H Evans, C
Ryan, SM Wong, P
Scullion, NG Bishop, TM

Question negatived.
Original question agreed to.
Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Barnett): No amendments to the bill have been circulated. Before I call the minister to move the third reading, does any senator wish to have a committee stage on the bill to ask further questions or clarify further issues? If not, I call the minister.

Senator SHERRY: I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

Customs Amendment (Serious Drugs Detection) Bill 2011

Second Reading

Debate resumed on the motion:
That this bill be now read a second time.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (11:30): The Australian Customs and Border Protection Service is responsible for managing the security and integrity of Australia's borders. It has responsibility for protecting Australians through the interception of illicit drugs, weapons, unauthorised boats and postal items, and also targets high-risk travellers. Unfortunately the service is being stretched due to the government's mismanagement of our borders.

Since this government changed the immigration laws relating to asylum seekers there has been an influx of unauthorised boat arrivals, putting strain on Customs and leaving Australia a soft target for organised criminal syndicates. In the last few weeks, we have witnessed a government that has completely lost control of our borders. We have witnessed a large outbreak of asylum seekers from the Christmas Island detention centre, a violent confrontation at the Villawood detention centre and a violent confrontation at the Christmas Island detention centre, with detainees setting fire to main buildings and throwing rocks and Molotov cocktails while rioting, setting fire to furniture and buildings. The problems certainly were not limited to Christmas Island, with protests, break-outs and disturbances occurring throughout the mainland detention network. Under Labor, break-outs, riots and complete chaos reign. The government has allowed people smugglers to dictate Australia's immigration policy.

Since August 2008, we have seen the arrival of 230 boats and 11,533 unauthorised people. When the Howard government left office there were four people in immigration detention in Australia. Last night there were more than 6,000. Since Julia Gillard knifed the former Prime Minister a year ago tomorrow—

The ACTING DEPUTY PRESIDENT (Senator Barnett): Order! It is 'Ms Julia Gillard'. Could we use correct titles.

Senator BRANDIS: Since the current Prime Minister knifed, stabbed in the back, politically assassinated, butchered the former Prime Minister, Mr Rudd, who is now the Minister for Foreign Affairs, and took control of a Labor Party which, in her own words, had lost their way, we have seen 89 boats and 4,981 unauthorised arrivals on her watch. Without a strong border protection policy, these numbers will continue to increase as more people risk their lives and the lives of their families trying to enter Australia illegally.

As I have stated many times in this place, the coalition believes in an uncompromising approach to protecting Australia's borders. The integrity of our borders cannot be maintained without a properly resourced
Australian Customs and Border Protection Service. Since coming to office three years ago, Labor has cut funding to Customs for cargo screening, making Australia's borders less secure and our nation more vulnerable. In the 2009-10 budget, Labor cut the budget to Customs for cargo screening by $58.1 million. This cut to screening by the Rudd-Gillard government reduced the number of potential sea cargo inspections by 25 per cent. Labor's cuts also resulted in a reduction of 75 per cent of air cargo inspections. It is no wonder illicit drugs are slipping through our borders when only 13.3 per cent of air cargo consignments are X-rayed and only 0.6 per cent of air cargo is physically examined. That means that 86.7 per cent of all air cargo consignments are not examined at all. What has become quite clear is that Labor's cuts to the Customs cargo and vessel inspection systems put Australians at risk by giving a boost to organised criminal gangs that smuggle illicit drugs and weapons into the country.

I turn to the specific measures proposed in the Customs Amendment (Serious Drugs Detection) Bill 2011. Under the Customs Act as it currently stands, an internal search, including an internal scan, can only be carried out by a medical practitioner at a place specified in the regulations. The Customs Regulations 1926 specify a hospital or a surgery or other practising rooms of a medical practitioner for this purpose. Once detained, an application can be made to a judge for an order for an internal search of the detainee by a medical practitioner. Internal searches can be carried out by various means, including by conducting a scan of a person's internal cavities. A detainee can also consent in writing to be subject to an internal search. The amendments in this bill allow, in addition to the existing internal searches by medical practitioners, internal non-medical scans to be done in limited circumstances by a Customs officer using prescribed equipment. The former search will be renamed 'medical internal search' and the latter will be called 'non-medical internal scan'.

According to Customs records, last financial year 205 people were taken to hospital for examination under suspicion of having drugs concealed internally. Upon medical examination, less than a quarter were found to be carrying drugs. In the light of these statistics, it makes sense to the coalition to support the changes proposed in this bill in order to streamline the process for Customs and enable funds to be saved where possible. We believe the changes are reasonable. The bill provides that a suspected person may refuse a non-medical internal scan and opt for the medical internal search at a hospital, as per current practice. The bill also provides for the application of technological efficiencies to border protection. Although, as I said in my remarks, the government's record on border protection is shameful and lamentably weak, nevertheless this is a pragmatic and largely uncontroversial improvement to the regime. For that reason, we will offer it our support.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (11:36): The Customs Amendment (Serious Drugs Detection) Bill 2011 will enable officers of Customs, using prescribed equipment, to undertake an internal non-medical scan of a person who is suspected to be internally concealing a suspicious substance. Currently, under the Customs Act, an internal search, including an internal scan, can only be carried out by a medical practitioner at a place specified in the regulations. The Customs Regulations 1926 specify a hospital or the surgery or other practising rooms of a medical practitioner for this purpose. The amendments will allow,
with the consent of a detainee, an initial non-medical internal scan of a person to be carried out by an officer of Customs using body scan technology that is to be prescribed in the regulations. This technology produces a computer image of a person's internal cavities within a skeletal structure as opposed to images of external body parts. Such images may serve to allay an officer's suspicion that a passenger is internally concealing a suspicious substance, in which case the detainee would be released immediately. Where, however, a body scan image supports a suspicion of an internal concealment, the existing regime concerning internal searches by a medical practitioner will apply.

The existing safeguards applicable to the equipment used in the conduct of an external search of a detainee will be extended to the body scan equipment to be used to carry out a non-medical internal scan. For example, before a body scanner could be deployed, the chief executive officer of Customs would have to provide a statement to the minister that the equipment can be safely used to detect prohibited goods and that it poses no risk, or minimal risk, to the health of the person being scanned. In addition, before officers of Customs can use a body scanner, they would have to complete approved training in its use.

The extension of the internal search regime to include a non-medical internal scan by an officer of Customs will reduce the number of people who are referred to a hospital for internal examination by a medical practitioner. It will reduce the significant resource costs and medical costs incurred in the current process; it will reduce the impact on hospital emergency units; it will enhance early and accurate identification and referral for medical examination of people suspected of internally carrying drugs; and finally, through early identification of internal concealment, it will minimise potential threats to life and reduce the number of persons requiring transportation to hospital by ambulance on the basis of deteriorating health during detention.

These amendments will enable the Australian Customs and Border Protection Service to exercise its border responsibilities more efficiently and effectively.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator JACINTA COLLINS
(Victoria—Parliamentary Secretary for School Education and Workplace Relations)
(11:40): I take this opportunity to table a supplementary explanatory memorandum. I move government amendment (1) on sheet BN204:

(1) Schedule 1, item 32, page 10 (after line 27), after subsection 219ZAB(2), insert:
(2A)Any equipment prescribed under subsection (2) must be configured so that the equipment's use, when carrying out an internal non-medical scan, is limited to that necessary to produce an indication that a person is or may be internally concealing a suspicious substance.

This bill will amend the Customs Act to enable Customs and Border Protection officers to undertake, with consent, an internal search of a person suspected, on reasonable grounds, to be internally concealing a suspicious substance using body scan technology. Currently an internal search of a person can only be carried out by a medical practitioner at a place specified in regulations, such as a hospital or surgery. The bill will allow, with the consent of the detainee, an initial non-medical internal X-ray scan of a person to be carried out by Customs and Border Protection officers
using new body scan technology that produces a computer image of a person's cavities within a skeletal structure. In considering the bill, the Senate Standing Committee for the Scrutiny of Bills was of the view that the principle of appropriately limiting equipment capacity should be included in the primary legislation. This government amendment creates a requirement in the primary legislation that equipment used for an internal non-medical scan must be configured so that its use is limited to that necessary to produce an indication that a person may be internally concealing a suspicious substance. Where the body scan image supports a suspicion of internal concealment, the existing regime governing an internal search by a medical practitioner will then apply.

Senator HUMPHRIES (Australian Capital Territory) (11:42): I understand that the coalition are supporting this amendment.

Question agreed to.

Bill, as amended, agreed to.

Bill reported with an amendment; report adopted.

Third Reading

Senator JACINTA COLLINS: I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

BUSINESS

Consideration of Legislation

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (11:43): by leave—I move:

That the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measures) Bill 2011 may be proceeded with before the Economics Legislation Committee reports on Schedule 4 of the bill, and be called on immediately.

Question agreed to.

BILLS

Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measures) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (11:44): I rise to speak on the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measures) Bill 2011.

Schedule 1 of this bill amends the A New Tax System (Family Assistance) Act 1999—A New Tax System (Family Assistance) (Administration) Act 1999—to provide for altered arrangements for advance payments of family tax benefits. It modifies the rules for determining whether an individual is eligible for an advance for family tax benefit and the amount of that advance. It also alters the rules toward reducing an individual's rate of family tax benefit part A when it comes to repayment of that advance. It also changes the terms and conditions regarding the raising of debts for the unpaid amount of the FTB advance.

The amount of the FTB advance will be more flexible than is currently the case and will function with an upper limit maximum advance of $1,000 and a lower limit minimum of $160.96 in 2011-12. From 2012-13 onwards, the maximum and minimum limits will be linked to the family tax benefit child rate for a single FTB child who is under the age of 13 years and will be
indexed on 1 July of each year. In the event that an individual is repaying a previous amount, the maximum amount will be reduced by the original amount of the previous advance.

At present, fixed repayment periods apply. This bill changes the repayment periods, such that an individual can request an advance on any day and can have some flexibility toward the length of time they have to repay and the rate at which they repay. The default repayment period over which the advance will be repaid via a reduction of an individual's FTB part A instalment rate will be 26 weeks. The period of repayment can span up to two financial years and consideration is made for an individual's personal circumstances. Rather than a debt arising through the payment of an advance, an individual will repay the debt through reductions in FTB part A rate.

Schedule 2 of the bill introduces a condition that, in order to receive the FTB part A supplement, a child turning four must undertake a health check. This measure is to commence from 1 July 2011.

Schedule 3 amends the Child Support (Assessment) Act 1989, which introduces changes to the rules that currently apply to the child support registrar in determining an individual's adjusted taxable income when a parent's taxable income has not been formally assessed. The new rules will use a parent's previous taxable income, factoring indexation in growth of wages, in cases where a tax return has not been lodged through the ATO.

Schedule 4 would have significant implications for the regulation of insurance and compensation payments, and I am advised that the schedule would have thrown Commonwealth law into direct conflict with the law of the states and territories. This schedule comes from a government that talks about harmonising interstate business operations but, ironically, this schedule would have made it harder for business to undertake their activities. The coalition has indicated to the government that we have significant concerns about this schedule, and we indicated to the government what we thought would be the wise approach of splitting schedule 4 from the bill due to the potentially disastrous design of the schedule and the massive compliance burden that it could dump on the shoulders of business. Thankfully, the government has decided to split schedule 4 to separate it from the rest of the bill. We think that is a sensible thing to do to enable further consideration of this matter.

Schedule 5 of the bill makes some minor amendments to the family assistance law and child support legislation to clarify some technical issues and to ensure that the legislation operates as intended. I can indicate that the opposition will support the separation of schedule 4 from the bill and, if that does occur, then we will not be opposing the legislation.

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:50): The Greens have concerns with schedule 2 of this bill. This is the schedule that makes a payment for a child turning four contingent on that child having a health check, but the measure applies only to families where either parent has received income support for any part of that year. I have concerns about this part of the bill.

As part of the government's mental health package there is funding for health checks—for social and emotional wellbeing—for children turning three. As I understand it, and after talking to various child development experts, this is a positive move. I have spoken to the government about this and about the fact that it is going to take a
little while to implement—and I understand the arguments about that from the government. But now we have this legislation which ties health checks to children turning four, but only for those people who are on income support. I think that is quite discriminatory. It says, 'We think that only people on income support are not able to look after their children, so we are going to focus on them.' I also understand the government's argument that they believe, based on some of the evidence, that children from lower socioeconomic families may have more developmental problems or other health issues and that is why they are tying it to income support. However, I have spoken to child development experts, and they are saying health checks are important for all children, not just those of families on income support. So we believe that, in fact, what we should be doing if we are going to tie the supplement to family tax benefit part A is doing it for everybody so that everybody is required to have a child health check.

Not only have I been talking to child development and child health experts on that issue, I have also been looking at timing. They are saying that timing is better at three, because developmental issues are starting to develop and become manifest at that age and you are better off doing those checks earlier. What the government is doing with the social and emotional wellbeing checks would be better at three than to start at four. So here we have a piece of legislation that is getting it wrong in terms of the child health checks at four, or so the emerging evidence suggests, and ties it to those families on income support, further, in some community members' eyes, demonising those on income support and saying, 'You can't look after your children.'

We believe there is evidence to suggest that every family would benefit from having a child health check, so why not do so if the government has a mechanism where they can encourage—and what they are doing here is basically making it mandatory—having a child health check for those on income support? I know lots of families on income support who are looking after their children extremely well. They are the centre of their world. The centre of what they do is to look after the health and development of their child. What you are saying with this discriminatory mechanism is, 'We think only you people on income support may have children with development issues and are not accessing health checks for your children.'

We do not believe that is an appropriate way to look after the families of this nation. We believe that, if you are going to bring this in, you bring it in for everybody who is receiving family tax benefit part A supplement, not just those on income support. We recognise the importance of child health checks and understand that they should be when a child turns three, not when a child turns four. The government is very clear about the importance of health checks. The EM says:

... may detect developmental delays and conditions, such as problems affecting hearing and vision, which are problems that make it more difficult for children to learn when they start school. These checks will allow for early identification of health issues and intervention strategies before the child starts school.

We acknowledge that. When the Senate Community Affairs References Committee did its inquiry into hearing health in Australia, the evidence received from hearing health experts was that, although the newborn test has been introduced and is very strongly supported—I, along with many others, congratulated the government for bringing that newborn hearing test in—that does not catch all the hearing problems. There are a significant number that are not caught. So the advice that the committee
received was that there should be another check of a child at some stage either before they go to school or as they start preschool. That was a recommendation that had unanimous support of the committee. There should be a preschool or second follow-up hearing test.

Let me tell you one thing. Hearing—there is an exception here which I will go into—loss and impairment does not just affect those on income support. So what are you going to do about all those other families who, for example, will not have a mandatory or compulsory child health check because they are not on income support? I know that many families do access health checks, but not all of them do. So what about those families? You are discriminating against those families because you are not then requiring it of their children, because they do not happen to be on income support. There are conditions that are not tied to those lower socioeconomic families where the government says that they have identified a larger number of developmental delays. That is another reason why we do not believe this is an appropriate approach. You can tie it to all families.

All children of Australia deserve equal treatment. The government is about identifying very early developmental delays and other conditions—as the government pointed out, hearing and vision, which are problems that make it difficult for children to learn. If the government and the state think that, as is recognised in this, it is the responsibility of the government to ensure that happens, why doesn't the government think it has responsibility for all children of all families who receive family tax benefit part A so that all children, if the parents have not been able to access or have not thought about accessing a health check, are also identified early so their developmental problems such as hearing or vision impairment or loss are identified as well?

I personally understand the importance of this. My vision problems were identified after I started school. So I do actually understand how, once you have your vision problems identified and addressed, you go from bottom of the class to significantly improved and near the top of the class. I get it. It happened to me, so I get the issue of child health checks. It is the discriminatory nature of this just applying to those on income support that we strongly object to. When you compare it to other measures this government is bringing in that we believe will have a detrimental impact on those on income support, you can see there is a pretty strong collective approach by this government to pick on and demonise those families. In the not too distant future, we will be debating in this chamber the family tax benefit supplement index freeze, which will adversely impact low-income families and those on income support. We will also be talking about the disability support pension and what you will be doing to people who apply for that that we believe discriminates against people on low incomes and income support.

We do not believe it is appropriate to focus this measure just on those on income support. All children in Australia should be the focus of the government’s effort to improve the assessment of developmental delays and any conditions that may not have been picked up earlier. As I said, it is particularly important for conditions such as hearing and vision problems. We do not believe it is appropriate to make distinctions between which Australian families will be forced to get health checks and which will not.

We have concerns about the age at which this health check is being implemented. I
have taken on board what the government said about that and the fact that it is going to be hard to correlate at this stage the three years and the four years because, as I understand it, the tests for social and emotional wellbeing have not been finalised and developed. Normally I would have suggested postponing the implementation of this particular schedule while you develop the coordination of these tests. However, I understand the importance of child health checks—but I understand the importance of child health checks for all Australian children and families. That is why the Greens are seeking to amend this schedule so as to delete the clauses that refer to those on income support and promote child health checks for all Australian children from families that receive the family tax benefit part A supplement.

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (12:02): In the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measures) Bill 2011, the government is pleased to deliver on three further commitments made during the 2010 election to Australian families. In the first of the election commitments, we are overhauling the arrangements for advance payments of family tax benefit to better meet family needs. From 1 July 2011, the system will be much more flexible and families will have more scope to choose the size and timing of their advance payments. Under the new system, families will have help in meeting unexpected costs such as having to replace a broken down fridge or damaged school uniform and generally managing their family budget around unexpected expenses such as car registration. This new flexibility could mean some families will avoid higher credit card bills or high-interest small loans.

Between certain minimum and maximum amounts, families will be able to choose the value of their own advance payment. The minimum amount will be the same for all families: 3.75 per cent of the maximum standard rate for a child aged under 13, giving a minimum advance amount of around $160. The maximum amount will be linked to each separate family's usual rate of payment. Generally this will mean that a maximum of 7.5 per cent of that rate will be available for advance payment. For a family with one child under 13 and not receiving rent assistance, this would give a maximum advance amount of around $320. For a family with two children under 13 and not receiving rent assistance, the maximum advance would be around $640. The maximum advance would be higher for a family that is receiving rent assistance. An overall maximum will apply for all families. This will be set initially at $1,000 in 2011-12 and will be maintained at the same percentage of the maximum standard rate for one child under 13 as in the first year. Repayment of the advance will be through adjustments to families' ongoing fortnightly family tax benefit part A entitlements.

This new system will free families from the current confines of receiving and repaying advances within two set periods of the year: 1 January to 30 June and 1 July to 31 December. Families will be able to request more of their entitlements in advance at any point in the year and the advance will be recovered in the following six months. However, advance payment requests will not be approved by Centrelink if they would result in financial hardship. Families making repeated requests will also be assessed to see whether they may benefit from financial advice or financial counselling.
In the second of the election commitments delivered by this bill, a new requirement will be set up for income support recipient parents or carers of four-year-olds to give their children a healthy start for school. This initiative will make the family tax benefit part A supplement conditional for these families on their children going through a health assessment such as the Healthy Kids Check. In this way, we will ensure that children are healthy, fit and ready to learn when they start school. The check will help early detection of lifestyle risk factors and delayed development and illness such as vision and hearing problems. The health check will also offer guidance for families on healthy lifestyles and early intervention strategies. Research tells us these opportunities will be particularly important for low-income families, where a good education is so important in helping to break the patterns of disadvantage. In working with this new arrangement from 1 July 2011, parents will need to show Centrelink that the check has been done. There will be provision to waive the new requirement in exceptional circumstances such as when the child has a severe disability or terminal illness.

In the third election commitment delivered by this bill, the current policy of child support assessments of using a default income figure when a parent fails to lodge or is late with his or her tax return will be replaced with a more accurate process. Under current arrangements, the child support assessment for a parent in these situations is based on a figure equal to two-thirds of male total average weekly earnings. However, this figure often understates the parent's actual income. A more accurate child-support assessment and therefore better support for children will be produced by the new process, which will generally be the parent's last known taxable income indexed by the growth in average wages. However, if the current two-thirds method would produce a higher income, that figure will be used instead. Lastly, there are some minor clarifications that will be made to several family assistance and child support provisions. These minor amendments do not change existing policy.

Question agreed to.
Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (12:07): I table a supplementary explanatory memorandum relating to the government amendments to be moved to this bill. The memorandum was circulated in the chamber earlier today. I move government amendment (1) on sheet AE217:

(1) Clause 2, page 2 (table item 3), omit the table item.

We also oppose schedule 4 in the following terms:

(2) Schedule 4, page 39 (line 1) to page 50 (line 11), to be opposed.

The government is committed to a targeted and efficient social security system. We remain committed to streamlining the process of notifying Centrelink when payments are made by compensation payers and insurers. This initiative is contained in schedule 4 of the bill in its current form.

The government has worked constructively with the insurance sector to ensure that the initiative can be implemented as intended. Schedule 4 will be withdrawn from the bill to allow further consultation and discussions with the insurance sector to finalise some outstanding issues. We remain committed to the initiative. Once
implemented, it will help ensure people are paid their correct Centrelink entitlements and avoid debt and other payments.

The TEMPORARY CHAIRMAN (Senator Ludlam): The question is that government amendment (1) on sheet AE217 be agreed to.

Question agreed to.

The TEMPORARY CHAIRMAN: The question now is that schedule 4 stand as printed.

Question negatived.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:09): by leave—I move Greens amendments (1) and (2) on sheet 7099 together:

(1) Schedule 2, item 3, page 27 (lines 25 to 27), omit subparagraph 61A(1)(b)(iii).

(2) Schedule 2, item 3, page 28 (lines 30 to 32), omit subparagraph 61A(2)(b)(iii).

I will not speak for very long on these amendments because I articulated in my speech in the second reading debate our concerns about schedule 2. We believe that it focuses unfairly on just those on income support, in that it attempts to say that only those families on income support need to be or should be required to have mandatory health checks in order to access family tax benefit part A supplement, and we believe that this should be extended to all families who receive that particular supplement. I commend the amendments to the chamber.

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (12:11): From the government's perspective, the amendments are not acceptable. The new requirement will start on 1 July this year and will help ensure that 92,000 children each year get a preschool health assessment. The government's measure focuses on income support families because there is clear evidence not only that children from low-income families begin school less well prepared but also that that early gap persists and even widens as children progress through school if not addressed early. For example, a 2010 review of the research evidence by the Australian Medical Association concluded that:

Poor families also may have inadequate or limited access to community resources that promote and support children’s development and school readiness. Poor children are at greater risk than those from higher income families for a range of problems, including detrimental effects on IQ, poor academic achievement, poor socio-emotional functioning, developmental delays, behavioural problems, poor nutrition, low birth weight, and respiratory disease.

Data from The Longitudinal Study of Australian Children also shows that children from financially disadvantaged families have a lower readiness for school and are at greater risk of development delay than those from higher-income families. Further, there is evidence that socioeconomic background can be a factor in whether children are likely to access health services.

The evidence supports the government's moves to use the family tax benefit part A supplement to encourage these families to make sure they get their child to do a health
check provided free by the states and territories and the Commonwealth through the MBS.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:12): Minister, I understand that there are many families in this country who would be described as the working poor who are not on income support but would still be classed as lower socioeconomic. If the argument is that you are only targeting poor families, it may come as a surprise to some in government but there are many families in this country who are working poor, who are not on income support, who should also, under your definition, benefit from these measures. How many families who have low incomes and who are not on income support does the government think could benefit from compulsory child health checks—which is what this measure requires?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (12:13): In terms of all policies there needs to be a targeting to need and also a targeting in relation to the resources we have at our disposal. The government has done indicative costings of the Greens’ amendments, and it would cost double to implement them. What the government is attempting to do here is to target the policy to areas of greatest need, with the backing of evidence through the research I have mentioned.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:14): For a start, I always find the governments costings quite entertaining. I would like an explanation as to why it would double the cost. It is my understanding that families can access MBS child health checks. I am wondering where that data is coming from when, as I understand it, families can access MBS child health checks. I do understand the issue around various states having different requirements and different health checks, but, firstly, why will it cost double; and, secondly, given your explanation of why they are so important, is that investment for additional families not worth while, given the importance of child health checks?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (12:15): Regarding the cost, I am advised that the cost is in relation to Centrelink. If there are more families, obviously the cost required from Centrelink is greater. As I have said, the indicative costing of your amendment is that it would be double. Could you repeat the second part of your question.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:15): My question was, given that I accepted your costings, is that not a worthwhile investment, given the importance, as you have articulated, of child health checks? Is it not a worthwhile investment to extend these requirements for child health checks to all Australian families receiving the supplement?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (12:16): Given the funding available, we believe it is best targeted at those families on the very lowest incomes. That is where the research has backed the policy proposal.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:16): I wonder
whether the government has thought about some of its other compulsory requirements such as income management and the work that has been done, particularly, for example, by the Indigenous Doctors Association, which has looked at the psychological impacts of discriminatory compulsory requirements. I wonder whether the government has looked at whether that is, in fact, going to have an impact on some families and whether some families will say, 'We're not going to do this because you're requiring this of me, as someone on income support, because (a) you're implying that I cannot look after my child and (b) there is the impact it has had by being required to do something in the same way that income management has had an impact on a number of people.' You are requiring them to do something they do not agree with.

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (12:17): Senator, I understand your passion around the issues of income management, but, in terms of the system that we have in place, there are always requirements on people who receive benefits. In terms of this policy, as I said earlier, we are making sure that 92,000 children get these checks and these assessments, which I think is a very good result. In terms of the issues around income management, I do not think that forms part of this debate.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:18): Minister, I was drawing on the analogy about discriminatory approaches that have a negative impact on people. This is my final question because I realise that time is short. It is my understanding of the requirements for child health checks in the Northern Territory that a lot of the conditions have not been followed up. There has not been a significant improvement in child health for various reasons. Developmental delays are identified. Is the funding in place for the 92,000 that you say will be assessed under this particular provision? Will there be support to deal with any issues that are identified, given that we have seen some significant problems with child health checks in the Northern Territory?

Senator ARBIB: Senator, you have raised a serious issue, and obviously we want to improve the effectiveness of all the policies that we have in place and certainly around this policy, but there are a range of other programs and positions that the government has undertaken to try and ensure that we improve the effectiveness of the program and the assessments.

The TEMPORARY CHAIRMAN: The question is that the amendments moved by Senator Siewert be agreed to.

Question negatived.

Bill, as amended, agreed to.

Bill reported with amendments; report adopted.

Third Reading

Senator ARBIB: I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Customs Amendment (Export Controls and Other Measures) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.
Senator HUMPHRIES (Australian Capital Territory) (12:20): I rise to speak on the Customs Amendment (Export Controls and Other Measures) Bill 2011 on behalf of Senator Brandis. The purpose of this bill is to amend the Customs Act 1901 and the Customs Depot Licensing Charges Act 1997 to strengthen the extent of Customs controls over export cargo and ensure consistent depot and warehouse licence conditions. The bill will: (1) allow Customs to give directions relating to goods in the export environment; (2) allow Customs to seek additional information in relation to goods being exported; (3) ensure continued Customs control of goods at a prescribed place for export; (4) ensure depot operators do not breach licence conditions when complying with a direction of the Secretary of the Department of Infrastructure and Transport; (5) allow Customs to impose new conditions on depot and warehouse licences at any time; (6) address breaches of the conditions of a depot or warehouse licence; (7) strengthen the powers of officers to give directions to depot licence holders; (8) allow the chief executive officer of Customs to suspend or cancel depot licences; (9) set out the time frames within which the CEO must decide whether or not to grant a warehouse licence; (10) allow the CEO to vary the place covered by a warehouse licence; (11) refund the warehouse licence fee on cancellation of a warehouse licence; (12) remove references to redundant provisions; and (13) remove the requirement to make a report of cargo. As is fairly obvious, these provisions are technical in nature and therefore have the coalition's support. I commend the bill to the Senate.

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (12:22): The Customs Amendment (Export Controls and Other Measures) Bill 2011 amends the Customs Act 1901 and the Customs Depot Licensing Charges Act 1997 to enhance the ability of the Australian Customs and Border Protection Service to respond to security concerns in the export cargo environment and to provide greater consistency between the licensed depot and warehouse schemes.

These amendments strengthen Customs and Border Protection's control over international export cargo. They will enable Customs and Border Protection to give directions relating to goods in the export environment and to seek additional information for goods intended for export. The bill will improve Customs and Border Protection's ability to deal with goods in licensed depots and warehouses as well as align the procedures and terminology that apply to the licensed depot and warehouse schemes. This includes new provisions for the suspension and cancellation of depot licenses.

The amendments will also enable the chief executive officer of Customs to apply conditions on depot at warehouse licences to ensure compliance with other Commonwealth laws such as the Aviation Transport Security Act 2004 and associated regulations.

The bill will ensure that a depot licence holder who is also a regulated air cargo agent will not be in breach of their depot licence conditions where the operator is required to comply with the direction from the Secretary of the Department of Infrastructure and Transport. The bill also responds to recommendations made in the Australian National Audit Office report Customs Cargo Management Re-Engineering Project by realigning more closely the legislation with the operations of the integrated cargo system for clearance of export goods.
Finally, the bill will remove the requirement for reporting cargo on board lost or wrecked ships or aircraft where a report has already been made and will remove some redundant provisions.

Question agreed to.

Bill read a second time.

Third Reading
The ACTING DEPUTY PRESIDENT (Senator Ludlam): No amendments to the bill have been circulated. Before I call the minister to move the third reading, does any senator wish to have a committee stage on the bill to ask further questions or clarify further issues? If not, I call the minister.

Senator ARBIB: I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

Customs Tariff Amendment (2012 Harmonized System Changes) Bill 2011
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.


The harmonised system is a system of goods classification based on six-digit codes. This six-digit classification uniquely identifies all traded goods and commodities and is uniform across all countries that have adopted the harmonised system. The harmonised system multipurpose goods classification is used as the foundation for customs tariffs and for the collection of international trade statistics. It comprises about 5,000 commodity groups, each identified by a six-digit code arranged in a logical structure with well-defined rules to achieve uniform classification. Australia is a signatory to the harmonised system. Since 1988, the harmonised system has formed the basis of Australia's commodity classifications for traded goods, both imports and exports.

The World Customs Organisation, the administering body, reassesses the harmonised system every five years to reflect changes in industry practice, technological advances and variations in international trade patterns. The World Customs Organisation completed the fourth review of the harmonised system in June 2010.

The harmonised system requires Australia, along with the other countries who are signatories, to apply these changes from 1 January 2012. Accordingly, this bill will make some 800 technical amendments to existing classifications in the Customs Tariff Act.

The amendments concentrate predominantly on environmental and social issues that are of global concern, including the use of the harmonised system for identifying goods of specific importance to the food security program of the Food and Agriculture Organisation of the United Nations.
The harmonised system changes will also create new subheadings for particular chemicals controlled under the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, known as the Rotterdam convention, and for ozone-depleting substances controlled under the Montreal Protocol on Substances that Deplete the Ozone Layer, known as the Montreal protocol.

Other amendments from the fourth review of the harmonised system have resulted from changes in international trade patterns. These include deleting more than 40 subheadings due to the low volume of trade in specific products, separately identifying certain commodities in either existing or new headings and reflecting advances in technology where possible. Finally, a number of amendments aim to clarify texts to ensure uniform application of the harmonised system of classifications.

The coalition supports the passage of this bill, which gives effect to the harmonised system changes while maintaining existing levels of tariff protection and margins of tariff preference. The coalition supports efforts at progressing international trade which deliver the greatest benefit to the global economy and to Australia. I commend the bill to the Senate.

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (12:29): I take a few moments to make a contribution to the debate on the Customs Tariff Amendment (2012 Harmonized System Changes) Bill 2011. The bill contains amendments to the Customs Tariff Act 1995. The amendments will implement changes resulting from the World Customs Organisation's fourth review of the International Convention on the Harmonized Commodity Description and Coding System, the 'harmonised system'. Australia is a signatory to the International Convention on the Harmonised Commodity Description and Coding System, commonly referred to, as I have mentioned, as the harmonised system. The harmonised system is administered by the World Customs Organisation. The harmonised system is a list of numbers and descriptions of goods that has, since 1988, been used to identify inputs into and exports from Australia. More than 200 countries and economies use the harmonised system as a basis for their custom tariffs and for the collection of international trade statistics. In Australia the harmonised system is reflected in the Customs Tariff Act 1995.

The WCO reviews the harmonised system every five years to reflect changes in industry practice, technological developments and changes in international trade patterns. The WCO completed its fourth review of the harmonised system in June 2010. As a signatory to the harmonised system, Australia is required to implement the changes resulting from the fourth review. The changes will create, among other things, new subheadings for specific chemicals controlled under the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and for ozone-depleting substances controlled under the Montréal protocol. So with those few comments, I just commend the bill to the Senate.

Senator JACINTA COLLINS (Victoria—Parliamentary Secretary for School Education and Workplace Relations) (12:31): The Customs Tariff Amendment (2012 Harmonized System Changes) Bill 2011 contains approximately 800 amendments to the Customs Tariff Act 1995. These amendments implement changes resulting from the World Customs Organisation's fourth review of the
International Convention on the Harmonised Commodity Description and Coding System, commonly referred to as the harmonised system. As a signatory, Australia is required to implement the changes resulting from this fourth review on 1 January 2012.

The amendments concentrate on environmental and social issues that are of global concern including the use of the harmonised system for identifying goods that are of importance to the food security program of the Food and Agriculture Organisation of the United Nations. The review also creates new subheadings for specific chemicals including pesticides and ozone-depleting substances. This will facilitate the monitoring and control of international trade in these products under various United Nations treaties including the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and the Montreal Protocol on Substances that Deplete the Ozone Layer. The bill will preserve existing levels of industry protection and margins of tariff preference that apply to imported goods including goods imported under free trade agreements. This bill will provide certainty for Australia's importers and exporters and ensures consistency with Australia's major trading partners.

Question agreed to.
Bill read a third time.

**Military Rehabilitation and Compensation Amendment (MRCA Supplement) Bill 2011**

**Second Reading**

Debate resumed on the motion:
That this bill be now read a second time.

**Senator RONALDSON** (Victoria) (12:33): I rise to speak on the Military Rehabilitation and Compensation Amendment (MRCA Supplement) Bill 2011, and I will confine my comments to the bill, unlike the clearly rattled minister who has been reduced to shrill and completely out of context personal commentary during his recent speeches—and I think we all think it is really a bit sad to see him behaving like that.

The coalition supports this bill and my remarks will be brief. This bill will clarify arrangements for payment of war widows pension payable under the Military Rehabilitation and Compensation Act. The need for this clarification has arisen from the changes made by the Labor government's Harmer review of pensions and will ensure that an inadvertent overpayment of some allowance is not made. This is largely a housekeeping bill which the coalition will not seek to delay.

Next Thursday, 30 June, a lengthy public consultation period will close regarding the Campbell review of military compensation arrangements. I hope the government acts swiftly to consider the views expressed through this process. This is a significant review. Whilst it is almost 12 months late being delivered, it is comprehensive and a credit to its authors. It is the first review into the operation of the Military Rehabilitation and Compensation Act 2004. The act has withstood fair scrutiny.
recommendations for change are modest. I am optimistic that the government will accept recommendations which will improve the outcomes for veterans with multiple eligibility and who may be negatively affected by current compensation offsetting arrangements. These proposed changes are supported by Defence and DVA to address unintended consequences of the initial arrangements for compensation offsetting.

However, I note with concern that Treasury, Finance and the Department of Workplace Relations believe that 'no one is financially worse off' under the present scheme and they therefore support the status quo. The veteran and ex-service community do not hold this view, and neither does the coalition. The veteran and ex-service community, together with the coalition, will continue to lobby the government to implement changes which would ensure that Danna Vale's 2003 declaration lives on. As Danna Vale, the previous veterans affairs minister, said:

A member who suffers an injury or illness [after 1 July 2004] will be able to combine prior impairments from the SRCA and the VEA with the new arrangements to get the best possible outcome.

The best possible outcome is what we must give our veterans under the Military Rehabilitation and Compensation Act 2004. There is more to be said about the issues in the veterans' affairs portfolio and the MRCA review, but I plan to do that on another occasion. I commend this bill to the Senate.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (12:37): The amendments in the Military Rehabilitation and Compensation Amendment (MRCA Supplement) Bill 2011 make minor amendments to the MRCA supplement provisions in the Military Rehabilitation and Compensation Act. The MRCA supplement was introduced as part of the secure and sustainable pension reform package.

It replaced telephone allowance and pharmaceutical allowance from 20 September 2009. The changes in this bill will ensure that the wholly dependent partner of the deceased member who died before 20 September 2009 can receive the former pharmaceutical allowance component of the MRCA supplement where the wholly dependent partner has chosen to take a lump sum compensation payment.

Further amendments will ensure that persons receiving MRCA supplement under the Military Rehabilitation and Compensation Act cannot receive an equivalent payment under the Veterans Entitlements Act or the Social Security Act. These amendments give effect to the intended policy in relation to MRCA supplement and ensure that members, former members and dependents receive their correct entitlements.

Question agreed to.

Bill read second time

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Forshaw): As no amendments to the bill have been circulated I shall call the minister to move the third reading, unless any senator requires that the bill be considered in Committee of the Whole. As that is not required, I call the minister.

Senator CONROY: I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
Tobacco Advertising Prohibition Amendment Bill 2010
Second Reading

Debate resumed on the motion:
That this bill be now read a second time.

Senator FIERRAVANTI-WELLS (New South Wales) (12:39): The coalition believes it is important to focus on preventative health, to promote positive health outcomes and to encourage people to adopt healthier lifestyles. Treating people with chronic preventable diseases helps alleviate substantial economic and social costs and helps alleviate a very significant burden on our healthcare system.

Approximately a third of Australia’s burden of disease is attributable to modifiable risk factors, and tobacco smoking is one of the leading causes of preventable chronic disease amongst Australians. The National Preventative Health Task Force identified tobacco as the single biggest preventable cause of death and disease in Australia. More than three million people, approximately 18 per cent of Australians aged 14 years and over, still smoke. About half of the smokers who smoke for prolonged periods will die early.

This cost the community $31.5 billion in 2004-2005. Incredibly, almost one in five pregnant women report smoking during pregnancy, including 42 per cent of teenagers and 54 per cent of Indigenous women. This poses serious risks to the mothers, and has long-lasting and far-reaching effects on their offspring.

Some smokers will spare themselves the consequences of chronic illness by quitting. Fewer Australians smoke, and reducing the incidence of smoking has been one of the success stories of the past three decades. But people still smoke. Australia has, overall, one of the lower smoking rates in the world. But as the Preventative Health Task Force identifies there are wide variations in the prevalence of smoking.

Smoking remains very high in our Indigenous population; it is high in lower socioeconomic groups and it is high in groups with low education as well. In government, the coalition changed the taxation of tobacco from a per weight basis to a per stick basis. That was a recommendation in the context of the new tax system in 2000, which was supported by all of the health groups and was seen as an important tobacco control measure. We, in opposition, also proposed an increase in the tobacco excise per stick in the Leader of the Opposition’s budget in reply speech in 2009.

The Tobacco Advertising Prohibition Amendment Bill 2010 updates the legislation regarding tobacco advertising. The Tobacco Advertising Prohibition Act was introduced in 1992. This legislation makes it an offence to advertise tobacco products on the internet and in other electronic media. By restricting internet advertising of tobacco products in Australia, this goes some way to targeting smoking and its harmful effects.

There is at present a lack of clarity over the regulations governing advertising on the internet, and this bill aligns tobacco advertising in the electronic media with restrictions in other media and at retail points of sale. It does not ban sales on the internet but it does ban advertising on the internet. It makes sure health guidelines and health warnings are included in internet sales.

The Tobacco Advertising Prohibition Act, which this is amending, currently governs the advertising of tobacco products in Australia. Currently, it bans advertisements via print and electronic media such as TV, radio, film et cetera. However, when the act was passed back in 1992, the use of the
internet was not nearly as widespread as it is now. Consequently, the regulation application of the legislation was designed for more conventional media platforms.

My colleague in the other place, Dr Andrew Southcott, shadow parliamentary secretary for primary health care, consulted widely with key stakeholders on behalf of the coalition and, of course, there was widespread support. Health groups and anti-cancer groups are very supportive of tighter regulations for tobacco. The tobacco companies did not see any issues with this legislation.

The coalition is supporting the passage of this legislation because we recognise there is more to be done in the area of preventative health, and there is still more to be done in the area of tobacco control. We will be supporting this legislation and its objectives.

Debate interrupted.

MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT (Senator Forshaw): Order! We are almost at 12.45 pm, so in accordance with the standing orders and Notice Paper we will now proceed to matters of public interest discussion.

Building the Education Revolution Program

Senator WORTLEY (South Australia) (12:44): I want to put on record today as a matter of public interest the following statement on the federal government's Building the Education Revolution initiatives:

News of the funding through Building the Education Revolution was like "winning the lottery" for thousands of Australian schools.

The money was something school principals and teachers could only dream about. It was a dream come true.

Senator Bernardi: And builders.

Senator Conroy: Cory, Cory, Cory!

The ACTING DEPUTY PRESIDENT (Senator Forshaw): Order! It has been very quiet for a little while. Let's keep it that way.

Senator WORTLEY: But, before those opposite criticise me for pushing the government's line on the BER projects, let me enlighten you: these are not my words. They are not my description of the BER funding. These words of praise and gratitude come straight from Janine Milsop, the Principal of Mulga Street Primary School in Mount Gambier in South Australia's south-east. As a result of the BER funding, Mulga Street Primary School now boasts a brand-new and very impressive state-of-the-art learning centre with eight classrooms; a multipurpose room; 44 computers in specially constructed hubs; laptops for staff; new furniture; interactive whiteboards; and a covered outdoor learning area. They also have a wet area for science and technology, new toilets and a kitchenette.

Still in Mount Gambier, the 1,310 students at Tenison Woods College are thoroughly enjoying the very impressive Barrie Holmes Stadium. This $3.2 million project delivered the extension of the school's single-court gym into a two-court stadium used by students for sport and training, assemblies, drama, group sessions and musicals. And it supported the employment of approximately 100 workers. The federal government's contribution in these areas was $13 million. The total BER funding for Barker alone is almost $166 million.

It is vital that the Australian public know the real story behind the BER projects, despite the complaints being put forward by those opposite, who seek time after time to denigrate the value of the federal government's Building the Education Revolution and all the while ignore the fact
that schools throughout Australia—public schools, Catholic schools and independent schools—of all shapes and sizes and in all geographical regions have been reinvigorated by the funding. I know this because I have seen firsthand the joy and optimism this funding has brought to South Australian city and country schools. It is immeasurable, and it is fantastic to see the difference the BER funding has made. School pride is flourishing across Australia, and in country areas too.

But I do not expect anyone to simply take my word for it. I am happy for the principals to do the talking, and I would now like to continue to share some of that feedback that I received from those principals. Mulga Street principal Ms Milsop says the $3.2 million her school received in BER Funding was an amount 'we could previously only dream about, and we knew this time would probably never come again'. She said that, if the school had had to raise the money by itself, it would have had to hold 10 fundraisers every year for the next 100 years to raise the amount of money allocated through the funding, and at each of those 10 annual fundraisers the school would have had to raise a minimum of $3,000. The Mulga Street Primary School project was meticulously planned and administered, and the results are absolutely outstanding, and it supported the employment of 64 workers.

McDonald Park Primary School Principal Mrs Sandy Davey said her Mount Gambier school received $5.3 million in BER funding, which was used to build a new classroom block with eight new classrooms, covered outdoor learning areas, refurbished classrooms and sporting facilities. Mrs Davey said:

The BER gave us the opportunity to bring everything up to a top standard.

This project supported the employment of approximately 25 workers.

Now let us move to the Adelaide suburb of Parkside, where Parkside Primary School students and teachers are enjoying a new hall and a refurbished classroom after receiving $1.125 million in BER funding. Principal Dennis Harris said it was not long ago that the school had given up all hope of ever having a hall which could be used as a gym and a performing arts centre and for school assemblies. For 10 years the school tried unsuccessfully to raise enough money for the deposit. That dream was about to come to an end when the BER money came through. 'It's a once-in-a-lifetime opportunity' for these schools, Mr Harris said.

North Adelaide Primary School Acting Principal Mike Thurston and his school community welcomed the construction of their $2.125 million gymnasium through the BER funding. This project supported the employment of approximately 50 workers in the local community, and I again quote from the acting principal:

As a public school, we are so thankful … we feel the whole management process in South Australia was run well and … the Department of Education and Children's Services in South Australia … was very supportive. No mumbles or grumbles from schools in South Australia.

This is Mr Thurston's view on their BER project. Again, it is not mine or the Gillard government's; it is that of the school principals. This is from the very people who have seen the difference in their schools and the benefits reaped by students. There is an added bonus for the community. The North Adelaide Primary School gym is also used by the community for activities ranging from yoga and pilates classes to belly dancing classes.

I move now to Reidy Park Primary School in Mount Gambier. Reidy Park Primary School received $3.2 million in BER money for its new library and building refurbishment and it employed 43 workers.
Reidy Park Primary School Principal Mrs Barbara Munt describes the school's BER project as:

... a magnificent initiative which gave money and employment to people when the global economy was volatile.

She went on to say:

It also left our school with a legacy. It was like winning the lottery for our school. It's 54 years old and the classrooms were tired and old-fashioned and in desperate need of refurbishment.

Mrs Munt also said:

... politics aside, the BER is an outstanding initiative, absolutely outstanding. I don't know any primary school principals who are not utterly grateful.

No wonder Mrs Munt, the students and teachers are happy. Their classrooms have been transformed from a fifties environment to one which is conducive to 21st century learning, with computer hubs in classrooms.

Mrs Barbara Skillin, the Acting Principal of Yahl Primary School in Mount Gambier, said the school's new BER funded library is 'absolutely beautiful' and has 'made a huge difference'. She said:

In our old library we couldn't even fit a class in. It was really, really small. This new library has made such a difference to the children's learning. There are computers in there as well as laptops and we're planning to get iPads. Space conducive to new technology. We can now hold whole-school assemblies in the library.

The new Yahl Primary School library received $925,000 in funding and it supported the employment of over 40 workers.

Mil Lel Primary School in Mount Gambier received $925,000 for the construction of four classrooms and two smaller work-preparation areas which have replaced transportable buildings that were dated and in need of ongoing repairs. Principal Stephen Jolley said the new classrooms made an excellent environment for teaching and learning and the project supported the employment of 25 workers.

Compton Primary School near Mount Gambier also received $925,000 in Building the Education Revolution money. This project supported the employment of approximately 15 workers. They built four cosy and comfortable classrooms, complete with interactive whiteboards, as well as a new library. The school's old library was transformed into an art gallery. The school said they had hired an excellent builder and received very good value for money. The school is almost 150 years old. It was rundown and, in the words of the principal, Sandy Mullen, it was a real poor country cousin of a school. Ms Mullen, who has now been there for six years, said:

The District Director of Education remarked to me that I wasn't at Compton Primary School for the facilities.

But Ms Mullen said that today the facilities are much improved. The staff room is no longer a cubby hole, and the students are more engaged because they have a beautiful new area to work in. They are also very conscious of maintaining the new look and respecting property as well as people's possessions because it is all so new.

The BER project at Belair Schools—Belair Primary and Belair Junior Primary schools—in Adelaide's southern suburbs supported the employment of approximately 125 workers. Co-principals Christine McDonald and Susan Copeland cannot wipe the smiles off their faces because these schools now have a new library, a state-of-the-art gymnasium, refurbished classrooms and a covered outdoor learning area. Transportable classrooms were taken away, playgrounds upgraded and more roof-top solar panels have been added. Students can even see how much power they are putting back into the electricity grid. Ms McDonald
also praised the Department of Education and Children's Services in South Australia for a 'brilliant job'. She also asked me to pass this on to my colleagues in parliament and let them know what a difference the BER project has made to the schools and how 'exciting' it is.

I could go on for a long time. I could talk about the BER project at St Martin's Primary School at Greenacres which was 'well managed, on budget and on time', according to Principal Maria D'Aloia. Or I could talk about the year 7 learning centre and multipurpose hall extension at Scotch College. This $2.69 million project employed 16 workers and, in the words of the principal, Mr Tim Oughton, 'went smoothly and was well administered'. Or I could talk about the Mount Gambier High School's newly refurbished science laboratory, which is now, as Principal Peter McKay explained, big enough to fit everyone in. He said that prior to this the students were literally 'jammed' in, but today that is no longer the case. The science laboratory has been extended so a whole class can fit in comfortably and enjoy the interactive whiteboards, architecturally designed benches and modern facilities for practical science lessons.

The federal government had the foresight to ensure Australia escaped largely unscathed from the global financial crisis by implementing our $42 billion Nation Building Economic Stimulus Plan, which included Building the Education Revolution projects. In fact, through the Building the Education Revolution program, the government has invested $16.2 billion in schools right across Australia. But there is no denying the views of principals, students, teachers and parents. All in all, the message is the same: these projects have made a huge difference to many schools across Australia. At the schools I have visited, the comments and responses I have received from the students have all been very positive. They are now learning in environments which have new halls, new gymnasiums, new classrooms and are much improved.

I have felt privileged to be a member of a government that introduced the largest school modernisation program in Australia's history. It was not just in one state or for one sector, but right across Australia and for all sectors—Independent, Catholic and public schools. I have met these school communities in my home state and, to say the least, they are very pleased with the outcomes. It has been a great opportunity for teachers, for schools and for school communities to receive what is really deserved in our school education system. I also take this opportunity to say it has been a privilege to have been able to serve as a senator for South Australia in the past six years and to have represented the people in Barker as well.

Palliative Care

Senator BOYCE (Queensland) (12:59): I want to talk today about a couple of topics that I do not think we discuss often enough. They are the topics of death and pain. The Palliative Care Association of Australia had its conference in this very building earlier this month and their campaign slogan for this year is 'Let's chat about dying'. It is a confronting slogan and I have been quite amused sometimes at the depth of concern it has raised with others. Nevertheless, we do need to chat more about dying. It is something we do not want to talk about. We also do not bother, because we do not talk about it, to fund or support quality modern end-of-life care in Australia well. We do not seem to care about how people die and whether they are unsupported, alone, in pain or neglected.
I tabled in this house yesterday a petition signed by 4,180 Australians who do care. The petition was designed to honour those who need palliative care by making sure that every single Australian gets quality modern palliative care when they need it so that people can die with dignity. The thousands who have signed this petition supported a preamble which in part said that there is tremendous concern with the failure of government to properly fund and support the provision of modern quality palliative care to all Australians as an essential part of a modern healthcare system. Not only is death with dignity a fundamental human right—or it should be—but the provision of modern palliative care would dramatically reduce the number of people who, because of their health circumstances, see no other alternative than to seek assisted suicide.

The provision of quality modern palliative care should mean that no person dies in pain. Eighty-five per cent of Australians have been reported as supporting death with dignity but this should not just be about legalising euthanasia. It should be about ensuring that the aged, the sick and the disabled are not at risk of being seen simply as a burden to be deleted. If we as a society believe in the concept of death with dignity we should be investing first in quality palliative care not in encouraging suicide. To me it is alarming that we spend so much time, energy and money discussing euthanasia and assisted suicide instead of first focusing on the quality of care that we give people in Australia who are dying. It is disgraceful that this issue does not have a higher priority with the Labor government federally or their Queensland cousin. It is said that you can always tell what is important, what counts, by following the money and you can discover also who cares by following the quality of management. On both scores Labor governments at all levels fail.

I would like to look at the recent Commonwealth and Queensland Labor budgets in this case. What those calling for action on palliative care got from the Gillard-Swan budget was a promise which said: The Government will improve access to palliative care by promoting better planning, delivery and coordination of health services and developing an integrated palliative care system.

There was, it is true, funding for about 70 beds a year. These were sub-acute beds and sub-acute beds are not actually necessarily used for palliative care. They have many other uses. So we have a share of 70 beds per year nationally as the government's response to what needs to be done. It is an absolute drop in the ocean. I was pleased to see that the Victorian government in fact invested just as much as the federal government—$34.3 million over three years is what the Victorian government has put into this issue.

In the Queensland budget palliative care hardly got a mention. There was an announcement of 10 new palliative care beds but what the budget forgot to mention was that 12 months ago the Queensland government stopped funding 10 palliative care beds to assist them in fixing their health payroll debacle. These beds were at Canossa, part of the palliative care training program in Queensland, run by the Royal Australasian College of Physicians, so they were, in fact, assisting doctors everywhere in how to undertake palliative care. So we get 10 new beds, but shame about 10 that they got rid of last year. The result in Queensland is a zero result for palliative care. They saved a whole $1.8 million, believe it or not, by cutting the Canossa program.

Palliative Care Australia recommends that 6.7 palliative care beds per 100,000 population is what this country needs now. This is a number that will probably increase as the population ages. What we got here was a promise from the Gillard government.
and zero from the other government. The Minister for Mental Health and Ageing, Mark Butler, recently announced $3 million in funding to help state governments pay for equipment loans that are given to patients who need specialised equipment when being cared for at home. Again the only problem with that was that the Queensland government terminated their funding for specialised equipment in their previous budget. Once again it is about not even maintaining the status quo but trying to.

I was at a function at the weekend held by the Motor Neurone Disease Association of Australia. They made the point to me that, with current waiting times to get specialised equipment under the government’s medical aids subsidy scheme, people with motor neurone disease often get equipment when they can no longer use it. Motor neurone disease, as some people may know, can progress quite slowly or quite quickly. There is no use providing a wheelchair to someone after two or three months if that person in that time has lost the ability to use the wheelchair. So even in this there is no sensitivity around how this is happening. It has been a complete policy failure by the federal government.

This is an issue we need to manage well. I commend the many organisations involved in the development of palliative care and chronic pain management for the work they do with the very little funding they receive. A strategy paper was released earlier this year by the Australian Pain Management Association. They made the point that one-third of older Australians live in chronic pain. These are not necessarily people who are going to die. They identified a huge number of gaps in the knowledge and the services that are available to Australians living with pain. Amongst those was the fact that there is inadequate pain relief for end of life care. Think about that sentence not just as a statement but in terms of what it would mean if it were a relative of yours who was experiencing inadequate pain care in their last days. It is shameful.

They also pointed out that another major gap was that there was too little pain management training for current medical, nursing and allied health staff. The effect of this is that a lot of postoperative and other hospital patients receive inadequate treatment. Think about if that were you or a relative.

As I said earlier, we need to deal with this issue now. In 1907, 45,000 people died in Australia and their mean age was 41. In 2008, 144,000 people died in Australia and their median age was 80.9. It is a growing issue and we need to address it. We have one of the highest life expectancies in the world and that brings with it higher rates of chronic disease, including cardiovascular and respiratory diseases. It is great for us to work on preventing these diseases, but right now we have people who are going to die of these diseases and, if we do not do it well, they are going to die painfully and their deaths will be poorly managed for themselves and their families.

When you ask most healthy Australians where they would like to die they nominate their home as their preference. The funding we currently have available does not allow that to happen very often at all. The statistics indicate that that is relatively uncommon. Only 16 per cent of people die at home—that is, they get to die where they want to die—20 per cent of people die in hospices and 10 per cent die in nursing homes. That leaves the majority of people, more than 50 per cent, dying in hospitals. Not only is this not what people want but it also places a very high cost burden on our health system and results in a poorer quality of death, particularly, as I pointed out before, given
there is so little training going on in the area of pain management.

There are numerous opportunities for improvement through training, revising the funding instruments and working towards the integration of service provision. I was stunned when I asked the Department of Health and Ageing during estimates recently how many palliative care beds there were in Australia to receive the answer that, firstly, they did not know because it was a state issue and, secondly, no one talked about ‘palliative care beds’; they talked about ‘palliative care hours’. Palliative care hours might be what someone is measuring, but I can assure you that even the Queensland state budget uses the term ‘palliative care beds’, not ‘palliative care hours’. How the heck can we talk about integration of these services when we cannot decide what term we should use to get linkage between the federal government and the states on these issues?

The petition, apart from calling for better funding and training, said we should create the procedures, education and ongoing training needed to make palliative care a fundamental part of our national healthcare system and ensure the states address the chronic underfunding. We have done nothing to make it a fundamental part of our healthcare system. We also suggested that, as a matter of urgency, end of life care should be made a basic competency for aged-care workers. Aged-care worker education and ongoing training should be a core part of that. We also called for the integration of the national palliative care standards into the aged-care accreditation standards. Again, how can we talk about an integrated system when we do not integrate palliative care into the aged-care system?

The petition also says we need to create and fund a campaign to educate the public about the role of palliative care in the healthcare system and its contribution to the quality of life and death. This is becoming an urgent issue. I appreciate that death and pain are not topics people want to talk about, but they are topics we must talk about if we are to have a system that allows us to feel the deaths of our relatives and our friends, all our loved ones, occur in a dignified way. Nurse Jennifer Rowe and Ms Geraldine Reardon from Roma, who signed the petition, said:

We in rural South-West Queensland are happy to forward to you 652 original signatures collected primarily from the residents of Roma, Wallumbilla, Injune, Mitchell and Surat. We sincerely hope that the strength shown in support of the petition assists in the Australian Government finally addressing the call in recognising palliative care as part of the health care system.

Environment

Senator LUDLAM (Western Australia) (13:14): I rise to speak on what is happening at the moment up in the West Kimberley in my home state of WA. There are scenes being played out that are reminiscent of Noonkanbah in the West Kimberley—for people with long-enough memories—where Aboriginal people and their supporters blocked access to country by bulldozers that were protected by the police and even Army units sent up by the then Premier Charles Court to allow an American drilling company access to a sacred site, which they duly violated. With a touch of irony, there was no oil there and the entire exercise was a complete waste of time. Those scenes were absolutely formative in the West Kimberley. They are the reason that we have an Aboriginal Heritage Act, such as it is, in WA.

These scenes are being played out all over again as Woodside moves heavy equipment on site to begin land clearing for the Browse
Basin gas project—a gigantic industrial complex which is being proposed for 40 or 50 kilometres north of Broome at the moment. It is amazing to hear the reports and see what is happening up there. We now have a blockade camp at Manari Road. They have had up to 120 people blocking the road and trying to stop—successfully—Woodside and its contractors getting equipment onto country. My dear colleague Robin Chapple MLC spent quite a bit of time up there, performers John Butler and Dan Sultan have been there, and I was very fortunate to visit with my team a month or so ago.

It is extraordinary to see this because this project has not yet been approved by either the state government or the federal government. In my experience non-violent direct action, with people putting themselves in the way to stop these sorts of projects, generally comes last, after all options have been exhausted. But in this case it is happening before either the state or federal government has given formal approval—because the company has decided to move in and start land-clearing anyhow. They are proposing to put in roads and flatten areas—allegedly to do work to complete their environmental impact processes—before approvals have been given.

As was the case at Noonkanbah, local opposition is the backbone. These actions are being led by local Aboriginal people and supported by West Kimberley residents. Blow-ins like me, who manage to turn up when we can, are very much in the minority. This action is being run by residents of the West Kimberley who oppose the influx of industrialisation of precisely the wrong kind. The blockade is taking place along nonviolence principles. Ironically enough, one of the reports I have read shows that the only people who are being let onto the site at the moment are security guards to protect the contractor's earth moving equipment. Apart from that, nothing is moving at all. People are conducting themselves with great respect for the Aboriginal people who are leading this movement up there, and very little work, if any, is occurring from time to time. The question is: why on earth do they have to take these kinds of matters into their own hands as happens from time to time? In this case it is absolutely crucial that we pay attention to why people feel so strongly about the way Woodside and the joint venture partners are conducting themselves and what the state government has unleashed while the federal government stands passively by and allows it to happen.

It is worth paying attention to a little bit of history to realise how things got so bad and why we now have this collision of interests and this clash on the cape in the West Kimberley. The former Carpenter government in Western Australia had a process in place that was not perfect at all but did have at its heart the principle of free, prior and informed consent. There were more than a dozen sites on the table and the Kimberley Land Council had been tasked with liaising with Aboriginal communities up and down the cape and across the length and breadth of the top end of the West and East Kimberley. They were saying, 'If you don't want your site to be in question, if you don't want to be at the table for these negotiations, then take it out.'

At that point, there was a change of government and the Barnett government was elected. There were four sites remaining and everybody in those negotiations knew they could take their country off the table if they sought to. The Barnett government, of course, rejected that approach in its entirety and went for compulsory acquisition. Within a couple of weeks of the election, they were talking about returning us to the colonial past of Western Australia—'give it to us or else we'll take it'. They were doing this under
cover of native title laws that say you have the right to negotiate but you do not have the right to say no. It is no more than a colonial land grab. It is absolutely disgusting what the Barnett government is doing in that instance. They would have had a site by now if they had pursued a path of free, prior and informed consent. Instead of having a site they have a conflict, and Woodside has played entirely into this dispute in the same way.

It is entirely pre-emptive the way the state government behaved. They said, 'Give us the land, shake hands and we'll sign a cheque, or else we'll just come and take it without you.' That is what compulsory outcome means—'hand it over; we'll have it with your consent or without it.' And now the company, in the absence of state or federal approvals, is moving in and has put earthmoving equipment on site. No wonder people are furious up in the West Kimberley. No wonder they are calling for help—and they are getting help from all over the country.

Last year, Premier Colin Barnett called this area an unremarkable bit of coast. Well, having visited that area a couple of times, I can say quite clearly for the record that it is a remarkable bit of coast. It is a shame our unremarkable Premier does not pay closer attention and spend a bit more time on the country that he is proposing to allow Woodside to wreck. The values of the West Kimberley are, I think, pretty well identified. We have had confirmation of that again, if any were necessary, in a study led by CSIRO which was produced only a week or so ago. In that study they say that up to 45 native species in Western Australia's Kimberley region will die out within 20 years if no action is taken. They have called for an immediate cash injection of $95 million to save creatures including the golden bandicoot, the scaly tailed possum and the monjon rock wallaby from extinction. The potential for a mass extinction unfolding across the north of Australia has been on the cards for some time.

In the south of Australia we pursued the industrial development path of rip it, ship it, blast it, cut it down—whatever it takes. The reason we are in such trouble in places like the Murray-Darling, the reason we are still fighting in the forests of Tasmania, Gippsland and New South Wales, is the mentality that the only kind of economy is an extractive one, that it only counts as economic growth if we are blowing it up and shipping it overseas. We cannot allow this mentality to take hold in the Kimberley or, indeed, across the north of Australia. Anybody working in the Kimberley, across the top end or in the cape, knows that we do have a chance to do things differently, that we do have a chance to pursue non-extractive forms of economic development through which communities are sustained indefinitely and the economic and ecological values that sustain those communities are themselves sustained. That is the opportunity we have in the Kimberley now but not if the Premier gets his way and not if Woodside get their way. We and the people in the Kimberley know very well that placing a gas plant at that bit of coast in the West Kimberley will unlock a wave of economic development—of extractive development, if you can call it that—across the Kimberley: uranium mining in the Fitzroy Valley, 300 kilometres of coal tenements in the Fitzroy Valley, bauxite mining in the Mitchell Plateau area and more downstream processing of gas for export.

The residents of the Kimberley do not necessarily want the same mistakes that have plagued the Pilbara and the south of our country to be repeated and that is why they are standing up. What needs to happen surely would be obvious to anybody with a basic appreciation of what has gone on in Australia.
and how we can do things differently in the Kimberley. We need to listen to local voices for local governance and local economic development in a form that is appropriate to the Kimberley and not simply to repeat the mistakes of the past at the behest of oil and gas companies and mining companies. That will end up locking-in on non-extractive economic development that is not based on chewing down the resource base on which we depend.

The gas plant proponents need to do what they said and look for alternatives. The bulldozers need to come off country while the companies do what they are obliged to do. This is where the Commonwealth can play such an important role. They were supposed to ensure, as part of the strategic environmental impact assessment that was undertaken, that all sensible and feasible alternatives had been examined before Woodside went onto that country with earth-moving equipment to start trashing the place. We know that has not been done. Have Woodside examined their options for processing the gas offshore, as Shell are contemplating? Have they looked at their options for processing that gas further down the coast at existing gas plants in the Pilbara? None of that work is being done.

Premier Colin Barnett said that is where it is going. Woodside said that is where it is going but, interestingly enough, we know that the joint-venture partners are not as keen as Woodside are for their own home-grown gas plant in the West Kimberley. There is substantial tension inside the joint-venture as to where it should go. That tension now has been met by people blockading the site in question, people who are standing up and saying, 'This must not happen.' There is dispute up there, and that will always be the case when the state government decides to ram-raid and puts groups like the Kimberley Land Council in an impossible position by saying, 'Sign up to this or we'll have it anyway.' It is absolutely unbelievable that in 2011 this is still the process that we call economic development. It is outrageous.

With regard to the people who are putting themselves on the line up there, I know that some of the work is probably not what you would expect. I encourage MPs—not just from Western Australia, because this is a national issue—to go there and sit down with the people who are on-site to find out what it is that they are doing. Some of it is a bit unusual. Some of them are doing flora and fauna surveys to do the work that Woodside's contractors are not doing. Some of them are providing information for the tourists who come past or for people in Broome or Derby to find out exactly what this form of economic vandalism would do to the West Kimberley and to the broader economy.

To the folks up there, some of whom may have put their lives on hold to do this work: it may seem an awfully long way from Canberra, but we can hear you. Keep doing what you are doing, keep behaving with the dignity and commitment you have shown so far, because it is getting through. It is going to be a long fight and a very tough one but it cannot be done without those voices on the ground, locally, in the West Kimberley.

The ACTING DEPUTY PRESIDENT (Senator Forshaw): Before I call Senator Bilyk, I understand that informal arrangements have been made to allocate specific times to each of the speakers in today's debate, so with the concurrence of the Senate I shall ask the clerks to set the clock accordingly.

Scouts Australia

Senator BILYK (Tasmania) (13:26): I rise today to speak in the matter of public interest discussion about Scouts Australia. In April I had the opportunity to visit the headquarters of Scouts Tasmania at the Lea,
The Lea Scout Centre is located near Hobart's Southern Outlet on the way to Kingston, on 137 hectares of bushland on a site that is a nationally listed conservation area. The site was purchased by Scouting in 1949. The centre is obscured by trees, so the large sprawling complex looks deceptively small at first glance. In fact, as you drive down the highway you do not realise how large it is.

The Lea Scout Centre incorporates branch headquarters and an administrative centre; the Tasmanian Scout Heritage Centre, which is a collection of memorabilia of Scouting that opened in 1997; the Rowallan hall complex and seminar rooms; an activity room; and a number of cabins with bunk-style accommodation for up to 86 people in an amazingly picturesque setting. There is also a games area and plenty of parking for cars and coaches.

Two kilometres beyond the training ground is the Top of the Lea camping area, which covers an area of over 30 hectares of partially cleared ground with lots of suitable camp sites. In this area there is the Storm Hut, which has bunk accommodation for 22 people in two bunk rooms off the recreation hall plus a small kitchen. Nearby is a large shower and toilet block, which serves the northern end of the site, plus a rotunda suitable for barbecues and picnics. There is a large oval, a dam and surrounds suited to bush activities. Fresh water taps are placed strategically around the main camping area and there is ample parking for vehicles of all sizes as well as a coach turning circle.

These venues can be hired by organisations and members of the public when they are not in use by scouts. At the time of my visit part of the venue was being used by students from a local school while their boarding house was being refurbished. Another organisation that quite often uses the Lea is emergency services, which conducts lots of its training programs there, and to be able to do that is very important for them.

Scouts Australia is part of the worldwide movement that was established by Robert Stephenson Smyth Baden-Powell—also known as BP, probably for obvious reasons—later Lord Baden-Powell. Baden-Powell was educated at Charterhouse School and served in the British Army from 1876 until 1910. During his time in the army, he served in both India and Africa. In 1899, during the Second Boer War in South Africa, Baden-Powell successfully defended the town in the siege of Mafeking. He wrote a number of books on military reconnaissance and scout training while in Africa. He tested his ideas while on a camping trip on Brownsea Island with the local Boys' Brigade and sons of his friends, which began on 1 August 1907. That date is now seen as the beginning of Scouting. His book *Scouting for Boys* was published in 1908 by Pearson, for the youth readership. Lord Baden-Powell's sister Agnes Baden-Powell founded the Girl Guides movement in 1910. The siblings were joined in 1912 by Robert's wife, Olave St Clair Soames, who continued to give guidance to the Scout and Girl Guides movements.

Lord Baden-Powell lived his last years in Kenya, where he died and was buried in 1941. The mission of Scouting is to contribute to the education of young people through a value system based on the Scout Promise and the Scout Law, to help build a world where people are self-fulfilled as individuals and play a constructive role in society. This is achieved by involving them throughout their formative years in a non-formal educational process, using a specific method that makes each individual the principal agent in his or her development as
a self-reliant, supportive, responsible and committed person.

Scouts are also assisted to establish a value system based upon spiritual, social and personal principles as expressed in the Scout Promise and the Scout Law. The aim of Scouts Australia, which began in 1908, is to encourage the physical, intellectual, social, emotional and spiritual development of young people so that they may play a constructive role in society as responsible citizens and as members of their local, national and international community. Acceptance of the promise is the only statutory requirement for membership, and the Scout Promise and the Scout Law give a clear framework for people to live by in today's changing society. The Scout Law dictates that a Scout must be trustworthy, loyal, helpful, friendly, cheerful, considerate, thrifty, courageous and respectful and care for the environment.

The Scouts movement includes different groupings: the Joey Scouts, for children aged six to eight years; the Cub Scouts, for children in the eight to 11 age group; the Scouts, for the 11 to 15 age group; the Venturer Scouts, for 14- to 17½-year-olds; and the Rover Scouts, for the 17- to 26-year-old age group. All members of the Scouting family are there to learn about themselves and each other, to acquire new skills and to have fun, and the activities are relevant to the specific age groups I have just mentioned.

The Scouting movement is open to both boys and girls and to people from all faiths, cultures and backgrounds. In Joey Scouts, children can earn badges for caring and sharing, for the buddy scheme and for the Environment Challenge. Cub Scouts aim to earn their bronze, silver and gold Boomerang badges. The Grey Wolf Award is the pinnacle award for Cub Scouts. Scouts can earn proficiency badges, special-interest badges, patrol activity badges and their cords. The Australian Scout Medallion is the pinnacle award for Scouts. The Venturer and Rover sections of Scouts also have awards schemes.

People who complete the Venturer Award are eligible to apply for two certificate II qualifications: Certificate II in Leadership Support and Certificate II in Business. They also may be eligible for VET recognition through completing their Queen's Scout Award and/or the Endeavour Award. Rovers can earn their Rover Skills Badge as well as the Baden-Powell Scout Award.

The Gillard government has a vision of a socially inclusive society, and a Social Inclusion Agenda to help meet that vision. The Scouting movement, through its education, personal development and physical activity programs, has been developing social capital for over 100 years, bringing enormous benefits worldwide, including in my home state of Tasmania.

Another aspect of Scouting that has tremendous benefits for the participants is that they have the opportunity to learn leadership skills. For example, in Cub Scouts, the participants are divided into groups known as a 'Six' and one of the older, more experienced members is the 'Sixer'. They have the responsibility of leading the other members of their 'Six' but still have the support of their Cub leader or leaders. This gives the older members the chance to develop their skills and allows the younger members to have a positive role model.

I would like to thank the Chief Commissioner of Scouts Tasmania, Mike Patten, and Graeme and Marion Blight and Jeannette Vogels for their hospitality on my visit to the Lea Scout Centre. Chief commissioner is a volunteer role, so Mike is certainly to be congratulated for his hard work and dedication in this organisation. In
fact, Scouts Tasmania has only two people on the payroll, and those two people also volunteer many hours above and beyond those that they are paid for. I offer my sincere thanks to all the other volunteers at Scouts Tasmania for their involvement. Every volunteer is important, and obviously we congratulate them for their hard work.

However, there are some people who go well beyond helping out occasionally or giving a couple of years of service. I receive the regular newsletter from Scouts Tasmania, and there are a number of people who have received awards for many years of service. I will name some: Kelvin Hinds, for 20 years; Glenn Maddock, for 20 years; Ian Dickinson, for 25 years; Greg Boon, for 25 years; Kim Dudley, for 25 years; Jan Tuxworth, for 25 years; Robbie McKay, for 30 years; Michael Hovington, for 35 years; Stuart Sargant, for 40 years; Michael Wilson, for 40 years; and Suzanne Hill, for 40 years. That is just a minute sample, and that is a combined total of over 225 years of volunteering. I am currently looking forward to hosting some of the Scouting volunteers at a morning tea we have organised in my office—as I ever get back there!—as a way to thank them for their service.

I have been involved with the Blackmans Bay Scout Group for some time. My son, who is now 26, was previously a member of the Blackmans Bay Scout Group. More recently, my involvement has included regularly donating to the group's annual Easter raffle and getting to draw the lucky winners of all that lovely—of course, at Easter time—chocolate.

I also attend the group's annual general meeting when available, and early this week the Secretary General of the World Organisation of the Scout movement, Mr Luc Panissod, visited Parliament House here in Canberra and met with the Minister for Youth, the Hon. Peter Garrett. They discussed a number of issues, including the growth in demand for Scouting across the globe and the role the organisation plays in developing leadership skills.

Scouting is the largest youth organisation in the world, with over 30 million members across 161 nations. It is also the largest youth organisation in Australia, with some 70,000 members. The Labor government has provided support to Scouts Australia for programs that develop and support young people in their formative years, and I am very proud to be part of a government that does that sort of thing.

**Parliamentary Standards**

**Senator KROGER** (Victoria) (13:36): May I firstly say that this may well be the last opportunity that I have to address you, Acting Deputy President McGauran, as 'Mr Acting Deputy President'. I wish you well in all your future endeavours.

It would be fair to say that we all come to serve in this place with awe and an appreciation of the privilege and honour that has been both bestowed upon us. It is a privilege reserved for only a few and we come here with the hope and aspirations of our states and constituents. It is an honour that should never be treated lightly. And yet we have seen a change in the dynamics of this place—a steady incursion of other forces that seeks to undermine the democratic and upright values and principles of this great institution. We may well be witnessing a rising tide of self-serving interests and hypocritical standards, where something is all right for one party but not for another.

I am not so self-righteous as to suggest that I am a moral crusader or the standard-bearer of the moral high ground. I am not such a hypocrite. I acknowledge that we can all aspire to conduct ourselves better. After all, we are here but for the grace of the next
national poll. But it is incumbent upon us all to draw the line in the sand between short-term political expediency and integrity and standing up for what you believe is right and ethical.

I have addressed this chamber before on the need for all political parties to be subject to appropriate levels of scrutiny for, after all, we should be beholden to those who elect us. With the clock ticking down to 1 July, when the Greens will provide the government a majority in the Senate, it is even more critical that there is transparency in the actions of all, as the hypocrisy germ seems to be an invasive species, especially attracted to the colour green.

Only last week the Greens leader asked a series of questions in relation to a pulp mill in Tasmania. Given the senator's known views on pulp mills, I thought the questions rather curious and decided to investigate further. Gunns Ltd, as we know, a publicly listed company on the Australian Stock Exchange, announced on 14 June this year its intent to sell the Triabunna woodchip mill. I understand that this was following extensive scoping, as you would only expect from a publicly listed company that seeks to get the best deal and price for its shareholders. It is what happens in a market economy. In the Australian on 15 June 2011 it was reported that Gunns told the stock exchange that they had entered an agreement to sell the Triabunna woodchip mill to Aprin Pty Ltd, a family owned logging and haulage company. This sale was:

... conditional on satisfactory progress in the implementation of the Tasmanian forests statement of principles.

It would be reasonable to suggest that the sale of the mill was quite advanced—certainly from the public documentation on this matter. As we could reasonably understand, these agreements do not just happen overnight. Curiously, on 11 June Senator Bob Brown put out a press release promoting the bid of another consortium to purchase the Triabunna woodchip mill for an ecotourism venture and urging local, state and federal governments to support the proposal for this other consortium.

Since when was it ethically accepted for any senator to intervene in the legitimate activities of an ASX publicly listed company and try to influence the outcome of the sale of one of its entities? It begs the question: why would anyone be seeking to undermine a sale that had already been clearly brokered and was pending the conclusion of certain details? If this act wasn't of sufficient concern, then questions were asked by Senator Brown on 15 and 16 June in this place—only last week—that pose further serious questions over Senator Brown's modus operandi.

On 15 June Senator Brown asked a question without notice to the Minister for Agriculture, Fisheries and Forestry seeking information on the progress of the Tasmanian forest agreement and an assurance that no public money would go to a private enterprise pulp mill in Australia. Senator Brown made what I thought was a not-so-discreet reference to the conditions that had to be finalised in relation to the forestry agreement tied up in the sale. Again on 16 June in this place Senator Brown directed another question to Minister Ludwig seeking an assurance that no money would be given to Gunns Ltd in relation to its mill or its business structure, including severance payments for workers related to the forestry agreement or otherwise. He then asked a supplementary question that one can only assume was to advantage the purchase of the Triabunna woodchip mill by the 'eco resort developers' over a 'consortium of loggers', using Senator Brown's words, by asking the government to:
... ensure that no money from the forest agreement process flows to the logging entities.

It would be reasonable to ask why a Victorian senator is raising concerns and matters pertinent to Tasmania. It is the hypocrisy, though, that the Greens engage in that is the issue here. That is what concerns me. Firstly, I am concerned that anyone in this place would seek to impose their personal, political prejudices on legitimate business practices with the intent to circumvent any outcome that is in the interests of the shareholders of that entity. But I am also concerned about the possible influence of individuals that are strong financial supporters of any political party and ways in which this may affect political considerations. The 'ecotourism consortium' that Senator Brown alluded to involves Mr Graeme Wood, founder of the travel company Wotif.com, whose wealth was recently estimated by BRW at $337 million. It is Mr Wood who gave the single biggest donation to any political party in the history of Australia, a donation of $1.6 million to the Greens, before the last federal election. Those who know me know that I am a staunch defender of individuals and corporations being able to legitimately donate to political parties, as, in our democratic system, anyone who wishes to support a party financially has a right to do so. But whilst I support that, I support it with the caveat that the process must be transparent. Democracy should always be subject to scrutiny.

What smacks of hypocrisy, though, is the Greens remonstrating about big business supporting major political parties and characterising that as an abuse of influence. After Mr Wood's donation, he commented that the $1.6 million donation was not necessarily a record he was out to set but that helping the Greens win the balance of power in the Senate was 'probably a good return on investment'. One can only imagine what he may have meant by that.

But the love-in, post Mr Wood's $1.6 million donation to the Greens, which I understand was personally negotiated with Senator Brown, has not stopped there. In January this year, Senator Brown published a press release entitled 'Graeme Wood gives Australian business a lead'. It does prompt the question: what other spin-offs are going to come from this largesse?

Senator-elect Ms Lee Rhiannon not only has had much to say on corporate political donations but has actually chosen to demonstrate on the very issue. Ms Rhiannon started a website called Democracy for Sale—

Senator Mason: Ha-ha!

Senator KROGER: I know; it is extraordinary, Senator Mason! But she sought to campaign on the reform of political donations because she believes that they subvert the political process. In only 2005, Ms Rhiannon protested outside a venue where a NSW ALP fundraising dinner was being held, with a huge banner that listed sponsors of the ALP and how much they had donated. The irony of this is that the amounts listed on the banner were in the thousands, whereas this single donation to the Greens was clearly in the millions. If you think this smacks of 'Do what I say not what I do,' then you wouldn't be wrong.

In a media release by the Leader of the Greens on 30 July 2009, Bob Brown said: The Australian Greens say ending all large political donations would make a tremendous contribution to stamping out corporate influence in politics. Clearly Senator Brown does believe that corporate donations make a difference to the integrity of the political process. So I ask Senator Bob Brown here today: is that what has happened in this case? Has Mr Wood's
ground-breaking million-dollar donation made a difference to your political considerations? Why have you angled for a consortium of which Mr Wood is a partner to be considered as a buyer for the Triabunna woodchip mill when a sale is waiting for the t's to be crossed and the i's to be dotted?

It is not for me to question the wisdom of Senator Brown's actions, but it is incumbent upon us all to apply the same standards, and it is incumbent upon us all to apply the same standards that we apply to this chamber. If Senator Brown is a convert to the merits of corporate donations then he should come out and say so. As the old adage goes, you cannot have your cake and eat it too.

Beams, Mr Alan and Mr Graeme

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (13:49): I rise today to speak about two Tasmanians, brothers, who both recently passed away, unfortunately, and I would like to formally pass on my condolences to their families. Both brothers contributed so much to the Tasmanian community. I want to acknowledge their contributions and, just as importantly, to acknowledge their wives and families because, without them, they would not have been able to do so much. Ronsley and Graeme Beams were a team, just as Nancye and Alan Beams were a team.

The first of the brothers was Alan Beams, and today I would like to take the opportunity to speak briefly about his life, his achievements and the impact he had on so many Tasmanians. Sadly, he passed away in May this year. Alan Beams was known more fondly by me and so many others as 'Captain'. He was a down-to-earth man who reflected the true Australian spirit. He grew up in Beaconsfield, and from a young age was described by many as a real character and as larger than life, and he was indeed. Alan was part of a very community-minded family. His brother Graeme Beams, who passed away in January this year, gave 26 years of service to the Launceston City Council. Graeme was elected to the council eight times in his life. He served as an alderman, and as deputy mayor and mayor of the city of Launceston. Current Launceston city mayor, Albert van Zetten, described Graeme well by noting that Graeme Beams always had the interests of the community members at heart. At Graeme's funeral he added, 'I think he's just been so passionate, he's really been wanting to work for people, he's been willing to take on hard issues, and he's just been a strong voice and a strong advocate for many people in the community.' The community pride that both of these brothers had is a testament to their upbringing, their pride in their home town and their insistence that their contribution was worthwhile. Alan will perhaps be remembered most for the invaluable contribution he made to the Tasmanian community as a volunteer with the north-west road trauma support service. The service is a not-for-profit community based organisation comprised of a volunteer committee of people who recognise the need for such a service and who acknowledge the value of the service provided. The service provides the benefit of counsellors who specifically work with those affected by road trauma and who are familiar with common reactions to trauma and loss. Alan's participation in this organisation is a shining example of his caring nature.

I knew Alan from the mid-1980s when I returned to Tasmania and became actively involved again in that branch of the Labor Party. I always found Alan to be a straight talker. He said what he felt and he was not afraid to stand up for what he believed in. In my personal dealings with Alan I found him to be outspoken and not afraid to stand up for
what was right. He had a fantastic sense of humour and his practical jokes were infamous across Australia. Senator Sherry is in the chamber now and I am sure that he, too, remembers Alan and his family very fondly. He was a great individual.

I recall a friend once telling me the story of Alan entering a local shop in Devonport on the north-west coast of Tasmania. He told the young girls behind the counter that he was from the head office and that he was so impressed with their service that he wanted them to close up the shop and have the afternoon off. And that is just what they did! Needless to say he had a keen sense of humour.

Alan also made some invaluable contributions to the Labor Party during his time as a member. He was a true legend who contributed to the party through his activities within the community and, as I said, he was someone who was prepared to stand up for what he believed in and to tell elected members and the officials of the party what he thought of any issue. Alan became a member of the Labor Party in 1979 and was an active and loyal member from that time on. In 1997 he was made a life member of the party—an honour bestowed on the most dedicated of members. Alan held a number of branch positions over the years, the most memorable of which was president of the Latrobe branch.

Alan will also be remembered by those who happened upon him on polling days. His contribution to the party on polling days can be described only as legendary. He could make a day of handing out how-to-vote cards into a fun, interesting and enjoyable day rather than a very long and boring one. He worked well with other people and he was a great contact. During most of the time that I knew Alan, I worked for various members and senators, and Alan was a great source of local knowledge. He had great communication skills, a great sense of humour, and at all times—I think Senator Sherry would agree—he was entertaining. He was very dependable. He had a vast variety of career paths through his life, trying his hand at anything from the local milkman to Hydro Tasmania. He had a great rapport with people, he had a great personality and he was a man we knew we could depend on. To his family, Alan will always be remembered as a loving and caring man. To his friends and colleagues, their memories of him will be of a dependable, honest and trustworthy man—just the sort of person you know you can rely on, in good times and bad. This is his legacy, and it is how we shall all remember Alan Beams in the years to come.

I believe it is important that we remember individuals like Alan and Graeme Beams for the contributions that they make, because without these people we would not have the strong communities that we do have. It is important that we acknowledge not just those who have served on local government or who have been elected to the Senate or to the state parliament; we should be acknowledging the true characters of our communities. It is interesting to note that Alan was fondly known as 'Captain' Beams and Graeme was well known as 'Scooter' Beams, because he was always here and always there. Graeme, while he was an alderman and the deputy mayor and Mayor of the Launceston City Council, he was always forthright with his views. He was apolitical; he dealt with all sides of politics, because his interest was in ensuring that he got the best outcomes for the local community. I think that each of us as senators and as individuals would like to be remembered by our communities as people who were able to be depended upon and who were trustworthy and honest. Both Alan and
Graeme Beams have touched the lives of so many through their working lives, through their volunteer work and their activities within the Tasmanian community. We can all aspire to achieve such outcomes and to leave behind legacies as those two gentlemen have. Once again, they have left behind families who are still coming terms with their loss. I would like to again acknowledge both families, in particular their wives, Ronsley Beams and Nancye Beams, and thank them for the support they gave their husbands to support and work within our communities.

**Beams, Mr Alan and Mr Graeme**

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (13:58): I would like to speak briefly, because I did know Alan Beams, particularly, and his brother Graeme Beams. Senator Polley has just acknowledged the enormous contribution both brothers made to the Tasmanian community in differing ways with different contributions. I was particularly saddened to hear of the death of Alan Beams. Unfortunately the Senate was sitting and I could not get to the funeral, but I know that we were well represented.

Alan was a remarkable individual. He made an enormous contribution to the Labor Party over a very, very long period of time. He was dedicated, selfless, never sought position beyond the local branch, and he was also a great contributor to the broader community, as Senator Polley has said. For example, on the occasions I would visit Latrobe, he would be the volunteer staffer at the local tourism information centre. That is just one example of his selfless support to the community. Both Alan and Graeme were great Australians and great Tasmanians. Senator Polley has well outlined their contributions and their records, so I thought I would take the opportunity to very briefly add my condolences, particularly to Nancye and Ronsley. We do think of you in these circumstances. Vale, Alan and Graeme.

**QUESTIONS WITHOUT NOTICE**

*Australian Labor Party*

**Senator RYAN** (Victoria) (14:00): My question is to Senator Evans, the Minister representing the Prime Minister. I refer the minister to his government's caucus committee support and training unit, which has produced a manual called, 'Shadow watch: every flower must grow through dirt', which advises ministerial staffers how to secretly monitor shadow ministers, sift through their financial interest statements and neutralise opponents using various techniques. It ends with the maxim: one can bury a lot of one's own troubles by digging in the dirt. I appreciate that you have a lot of troubles to dig through, Minister. Why is the government turning to dirt digging and playing dirty tricks?

**Senator CHRIS EVANS** (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:00): I thank Senator Ryan for that question. I think I read this in the papers about three weeks ago, and I, like you, was intrigued. I thought: why wasn't I told? Why didn't I receive these instructions? I actually had to work out what the unit's initials stood for as well. I saw those reports and I cannot confirm them. I certainly did not receive any such—

**Senator Ryan:** Can you deny them?

**Senator CHRIS EVANS:** I have not been able to confirm that. I know I did not receive them. Can I just say that we do need a spy unit on certain shadow ministers. I could not work out who my opposition was
on vocational education and training affairs, because I have never heard from them or seen a press release from them. Vocational education and training seems to be of no interest to you. Although I know Senator Mason represents on university education; he is very active.

I have sent my spies out; they are on the trail. They were trying to work out who the shadow minister was for training and vocational education, because we wanted to brief them on a bill. So I sent out a secret team of advisers from my office to work out who the shadow spokesperson is. If you can help me at all, Senator Ryan, with that matter, I would very much appreciate it.

Senator RYAN (Victoria) (14:03): Mr President, I ask a supplementary question. Can the minister confirm a report in the Australian of 9 March 2011—given that you are so familiar with newspapers—that the caucus committee support and training unit was to form part of a new strategy unit in or answerable to the Prime Minister’s office? If not, will the minister undertake to find out and come back to the Senate this afternoon? For that matter, can you maybe find out what you are alleging you have not been told about the other activities of the unit?

Senator RYAN (Victoria) (14:04): I look forward to the question time where you decide what questions can be asked, Senator Evans. Mr President, I ask a further supplementary question. Is it a fact that in 2007 the yet-to-be Prime Minister, Ms Gillard, wrote an article for the Sunday Age subtitled, ‘You can't stop politicians digging up salacious stories, but the public should not have to pay for it’? In Rudd-like fashion, she asked herself the question, ‘should the public be footing the bill?’ and she explicitly said no. Isn't this just another broken promise of the same ilk as her promise that there will be no carbon tax under the government she led?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:05): It is only Wednesday but already the tactics committee has given up. Someone at the tactics committee this morning said: 'We are short of questions—but there was that newspaper report three months ago. Let's ask about that. Let's get with the game.’

This government has been more open than any earlier governments. FOI legislation has opened up a whole range of opportunities for public accountability. In between this press report and today's question, Senate estimates met for two weeks of hearings, two weeks during which Senator Ryan and his
colleagues, if they were really interested, could have gone up hill and down dale with questions about the caucus support unit. I welcome you taking up that opportunity, Senator Ryan; you would be doing your job if you did. But you are more interested in your own internal party politics. Accountability is available. A range of mechanisms are available. But, if there is anything I can help the senator with, I will take it on notice and get back to him.

Live Animal Exports

Senator STERLE (Western Australia) (14:06): My question is for the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. As all senators understand the need for a sustainable live animal export trade to Indonesia, can the minister please update the Senate with the government's progress to date on this very important matter?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:07): I thank Senator Sterle for his questions. I have returned from a visit to Jakarta, where I met with my counterparts, the Indonesian Minister of Agriculture and other Indonesian ministers. I was fortunate to have the opportunity not only to meet with ministers but also to provide them with a draft of standards for the cattle trade to Indonesia. These standards are a practical interpretation of the OIE guidelines. The Australian and Indonesian governments have agreed to use these as a base upon which the live animal export trade will be established and can continue for the longer term. This dialogue was fruitful and there was goodwill on both sides of the relationship.

I have said consistently that the live cattle trade will be able to resume once appropriate safeguards are in place. These safeguards will be able to ensure animal welfare outcomes and to ensure the long-term sustainability of the trade. Following my discussions this week, officials will continue to work with Indonesian officials to finalise the standards before joint verification occurs. I welcome the cooperation of the Indonesian government in this important task. We have made real progress towards reopening the trade and putting the industry on a long-term, sustainable footing but, as I indicated, it is not something that will happen overnight. I am encouraged by the goodwill on both sides to resolve these issues as quickly as possible.

This goodwill to achieve a resumption of trade as soon as possible will be vital as we work through the details of the standard and the practical application. It will take a concerted effort from the Indonesian and Australian governments supported by industry, but this is something both countries are committed to working through to achieve an early resumption of the trade as soon as practicable. (Time expired)

Senator STERLE (Western Australia) (14:09): Mr President, I ask a supplementary question. My question is to the Minister for Agriculture, Fisheries and Forestry and is also with regard to the live animal export trade to Indonesia. Can the minister inform the Senate of the role that industry has to play in the resumption of trade to Indonesia?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:10): I thank Senator Sterle for his first supplementary question. The Senate would be aware that I wrote to Meat and Livestock Australia, asking that industry association to make an initial contribution of $5 million to a contingency fund to deal with short-term impacts in the domestic supply chain. Disappointingly, I received a reply...
from the MLA stating that the board would not provide those funds. This is a response from the industry body which does not seem to accept their substantial role in relation to the present issue. I wrote to the MLA with a draft direction and met with the representative on Friday to discuss their response. The MLA's response was that no producer required or needed any support. I once again call upon the MLA to make funds available for a contingency fund drawn from their reserves to respond to the current situation. *(Time expired)*

**Senator STERLE** (Western Australia) (14:11): Mr President, I ask a further supplementary question. Can the minister please advise the Senate why sustainable industry is so important and what would put that industry at risk?

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:11): I thank Senator Sterle for his second supplementary question and his continued interest in that area. A responsible government considers the evidence and advice before it and responds accordingly. On a complex policy matter we are making the tough decisions, but we do so on the basis of fact, advice and consideration. That is what I have done in making the decision to suspend and in establishing safeguards in the Indonesian live cattle trade. This decision will see industry on a stable and sustainable footing into the longer term. This will allow the industry to have the support of the community, the government and its own producers, and this will be fundamental for a sustainable industry over the longer term.

The Liberal-National Party would happily accept the risk when you see the press clippings of cruelty to cattle. They would happily turn a blind eye and not bring reform to the trade or establish safeguards. *(Time expired)*

**Live Animal Exports**

**Senator BOSWELL** (Queensland) (14:12): I acknowledge the cattle producers from Northern Australia in the gallery. The question is to Senator Ludwig. The Indonesian June import licence allowing for the shipping of live cattle expires in eight days and will not be renewed by the Indonesian government department until they know you will allow supply to resume and how. Have you told the Indonesian government what requirements and conditions you want to allow the trade to recommence? When can the trade recommence if these conditions are met?

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:13): It is always a challenge when you do not listen to the question that I just answered previously. If the Senate wants to note, in fact I answered the majority of that question just a minute ago, but I am happy to reiterate it. I had the fortunate opportunity to provide the Indonesian government with a draft set of standards for the cattle trade to Indonesia to recommence. These standards, as I said, are a practical interpretation of the current OIE guidelines. The Australian and Indonesian governments have agreed to use these as a basis upon which the live animal export trade will be established. That will provide information for the Indonesian government, the Australian government and the people who hold the export trade permits to be able to re-establish the trade.
Once that is done, we can ensure that the export licence has the appropriate supply chain assurance attached to it that ensures that, when cattle leave Australia to go to a feedlot in Indonesia and from that feedlot in Indonesia to that slaughterhouse in Indonesia, they can be traced along that line so that there is no leakage out of the system, so we have confidence in the system and so there is independent auditing of the system so we can be assured that animal welfare outcomes are dealt with appropriately through that supply chain. When we get that supply chain assurance program in place, the exporters can use that supply chain assurance program and demonstrate that they can ensure animal welfare outcomes through that supply chain, the trade will recommence. Having had those discussions with Indonesia, already providing them with the draft guidelines, they are now—

Senator BOSWELL (Queensland) (14:15): Mr President, I ask a supplementary question. Minister, what conditions and requirements does the Indonesian government want from Australia to reissue the licences to allow the trade to recommence? Could you advise the Senate what they are and, if they are met, when the trade will we commence?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:15): It is always a trouble when you read a supplementary question when I have already answered it. This is the third time. I am happy to provide it—

Senator Brandis interjecting—

The PRESIDENT: This is not a time to debate the issue, Senator Brandis.

Senator BOSWELL: Mr President, on a point of order: the minister said what the Australian requirements were. My next question is: what are the Indonesian requirements?

The PRESIDENT: Senator Boswell, there is no point of order.

Senator LUDWIG: What I outlined firstly and then again a minute ago is that the draft supply chain assurance guidelines at the OIE standards have been provided. I went to Indonesia and provided them to the minister for agriculture for consultation so that the Indonesian government could utilise—

Senator Fisher: Mr President, I rise on a point of order: relevance. In the second part of his question Senator Boswell asked: when will the trade recommence?

The PRESIDENT: There is no point of order. Senator Ludwig, you have 26 seconds remaining.

Senator LUDWIG: Thank you, Mr President. These guidelines form the basis for the draft standards which I presented to the Indonesian government for consultation and agreement. The trade to Indonesia will resume—getting to the question of when—once those standards are settled, industry can verify and their supply chains meet the international animal welfare standards. Australia is not seeking—

Senator BOSWELL (Queensland) (14:17): Mr President, I ask a second supplementary question. Given that the live cattle industry has given you a plan for complete traceability of live cattle sent to Indonesia, and given that you have indicated that you will accept that plan, has the Indonesian government agreed to this plan provided by the cattle industry? When will the live cattle trade recommence?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and
Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery (14:17): This is probably the fourth time, but I am happy to go through this again because I think it is important for those on the other side to understand this point. Trade to Indonesia will resume once these standards, which I have provided to the Indonesian government through the minister for agriculture, complete the consultative process and are settled, industry can verify and their supply chains meet international welfare standards. Australia is not seeking to impose Australian standards on Indonesia nor to regulate Indonesia. We are regulating the Australian export industry to meet those requisite standards and, at that point, trade will be able to recommence. All of the Australian live export trading partners, including—

Senator Boswell: Mr President, I rise on a point of order on relevance. My question was: do you accept the cattlemen's plan or not?

The PRESIDENT: There is no point of order. Senator Ludwig, you have seven seconds to complete your answer.

Senator Ludwig: The MLA has provided, by my count, three plans, all based on self-regulation—too little and too late, quite frankly. (Time expired)

Forestry

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (14:19): My question is to the Minister of Agriculture, Fisheries and Forestry, Senator Ludwig. In relation to the performance audit report of the $252 million in grants provided by the Commonwealth to Tasmania between 2005 and 2010 under the Tasmanian Community Forest Agreement, can the minister indicate when he received the performance audit report and whether he intends to make it public before the Commonwealth allocates any further funding to the forest industry and Forestry Tasmania in particular as part of the latest negotiation?

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:20): This is an issue that I know Senator Milne has been very interested in throughout the entire process. The government has been working, through Mr Bill Kelty, to facilitate the Tasmanian forest statement of principles, signed by the Tasmanian forestry industry bodies and the conservation groups.

This is an issue that Senator Milne is not asking about specifically, but her concerns clearly were raised during a prior period. My understanding is that it goes back prior to this government, to 2005, during the period—to use a broad term; I am happy to be corrected—that the industry assistance package was provided to the forests. Since that time there has also been a subsequent package, a contractors' package, which I think Senator Milne is not specifically asking about.

The audit report relates to the earlier measure. Certainly it is an area where this government continues to ensure that the programs delivered under either the prior government or the current government continue to be monitored to ensure that they provide value for money and maintain those relevant outcomes. In terms of when that report will be made available, Senator Milne, I will take that on notice. I understand you do have an interest in ensuring that report is made available at the earliest possible time. When that can be done, I am sure there will be very little impediment to making that
performance audit available through the department, as these things should be.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (14:22): Mr President, I ask a supplementary question. The government has previously said that an independent performance audit report of the Commonwealth grants program would be finalised at the end of the first quarter of this year. Will the minister please indicate where this report is, when he received it and when it is going to be made public? Is he aware that Forestry Tasmania will be expecting to be the beneficiary of yet further grants as a result of the current program? Is the minister aware of its abysmal performance? Is he aware that, despite an injection of $147 million in Commonwealth funds—(Time expired)

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:22): I understand that Senator Milne may have had a little more to come in the question. I may need to take some of that on notice to ensure that we get a full reply to Senator Milne, dealing with the when and where issue. I already indicated that should the performance report be not too far away it will be able to made public, but I will certainly move to that. The only caveat I would place on that of course is whether or not it contains any commercial-in-confidence material—but that can always be dealt with in the usual course of events.

I want to indicate that, in terms of some of the language that Senator Milne used around the description of the particular industry bodies, I do not accept her characterisation and nor do I accept that I would describe them in that way. So I reject that imputation. (Time expired)

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (14:23): Mr President, I ask a further supplementary question. I invite the minister to say what else you would say other than 'abysmal' about the performance of Forestry Tasmania, which has received $147 million in Commonwealth funds and paid only $3.17 million in dividends and $3.5 million in taxes—costing the taxpayer $138.5 million over five years. Further, is the minister aware that the Auditor-General in Tasmania said that he had real concerns about Forestry Tasmania's longer term liquidity?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:24): I do not have a specific brief in relation to that report of the Auditor-General of Tasmania. I will take an interest in that to ensure that the department provides me with that advice in relation to that Auditor-General report, because it will be helpful to inform me as we move forward in this industry, particularly around the Tasmanian forest principles agreement that is currently being dealt with and of course how we then move forward with the support which was already provided for forest contractors.

Again I indicate to Senator Milne that I do not accept the characterisation of her question. Nevertheless, with respect to that part which I have not managed to get to, I will certainly take on notice to provide an answer to the first part of the question that was asked.

Housing

Senator PAYNE (New South Wales) (14:25): My question is to the Minister representing the Minister for Families, Housing, Community Services and
Indigenous Affairs, Senator Arbib. Can the minister explain to the Senate why, for its national performance report 2009-10, the COAG Reform Council was not given enough performance data to provide comprehensive reports for the four national partnerships that underpin the National Affordable Housing Agreement—those being social housing, remote Indigenous housing, homelessness and the Nation Building and Jobs Plan?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:25): I thank Senator Payne for her question. Senator Payne, I know, is responsible for the COAG area and asks many questions in this chamber about COAG, in particular with respect to housing. In terms of housing, while COAG has processes, what I am concerned about as a minister who deals with social housing and affordable housing day in and day out is results. We are working with our state and territory colleagues to get results in the areas of affordable housing, Indigenous housing and social housing.

I have spoken in this chamber on a number of occasions about the work that we have done in terms of the social housing initiative. Already almost 14½ thousand units and premises have been built with the federal government working with the state government, which will help many people who are homeless get access to housing. We have also provided 80,000 repairs under the social housing initiative. As I reported to the Senate, we have now constructed 20,000 dwellings when you include NRAS, the national partnership on social housing—

Opposition senators interjecting—

Senator ARBIB: I know that those opposite do not care about affordable housing. Under the old coalition government, there was no housing minister and there was no policy for affordable housing, except to blame the states day in and day out. What did then Prime Minister John Howard do? He blamed the states. We know that coalition senators have no commitment whatsoever to affordable housing and no commitment to any plan on housing. They had no plan on housing, except to blame the states for 12 years. That was your policy. (Time expired)

Senator PAYNE (New South Wales) (14:28): Mr President, I ask a supplementary question. I note the minister's response early in his answer about results. I would have thought, Minister, that the provision of performance data would help with checking on results. Can the minister further explain how it is possible that a performance indicator for the outcome that 'people have access to housing through an efficient and responsive housing market' has not been developed—

Honourable senators interjecting—

The PRESIDENT: Senator Payne, there were people on my left who were drowning you out, and I need to hear your question. To those on both sides: it is fairness to the person asking the question that they be heard in silence. Senator Payne, you can start again and the clock will be reset.

Senator PAYNE: Thank you, Mr President. I note the minister's reference to 'results' in the beginning of his answer. I would have thought, Minister, that the provision of performance data would be a good indicator for results. Can the minister further explain how it is possible that a performance indicator for the outcome 'that people have access to housing through an efficient and responsive housing market' has not been developed in the 18 months since the National Affordable Housing Agreement was finalised?
Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:30): We have been working with the states to try and ensure that we have in place the data required. But there is a good reason why it has taken time to get this performance data in place. Previously, in the coalition's 12 years, there was no performance data whatsoever, and why was that? Because there was no performance. For 12 years the Liberals and the Nationals sat on their hands when it came to affordable housing and when it came to social housing. They were not interested in it. There was no housing minister under the coalition. You did not care about it. You blamed the states, day in, day out, and that is why today you are full of interjections on other issues. You do not want to discuss affordable housing because you never had a policy on it. We are delivering for homeless people—$20 billion into the sector for the homeless, for social housing and for affordable housing. (Time expired)

Senator Cormann interjecting—

The PRESIDENT: Senator Cormann, I am waiting to ask your colleague, who is standing beside you, whether there is a further supplementary question, and your colleague is entitled to be heard in silence.

Senator PAYNE (New South Wales) (14:31): Mr President, I ask a further supplementary question. Minister, it is your government's policy; it is your government's National Affordable Housing Agreement; it is your government's plan. How can the Australian people have any confidence that this government can help create an effectively functioning housing market that offers sufficient and affordable housing when there is not even enough data to measure progress towards the goals? They are your goals, they are your objectives and there is no data.

Honourable senators interjecting—

The PRESIDENT: Order! I do not think the behaviour of senators is assisting question time at all. I am waiting to call the minister.

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:32): Senator, I will actually give you some data. If you request data, we will give you some data. In terms of the social housing initiative: 14,500 are complete; 80,000 premises have been repaired; 31,000 families are benefiting already; in terms of NRAS, over 3,500 are now complete, and there are 50,000 in total. This is the record of the Gillard government. We are getting on with the job of actually rolling out housing—building houses. They talk about data. We are actually delivering bricks and mortar on the ground. In terms of jobs, 15,000 jobs for tradespeople, jobs for apprentices, jobs for labourers. You did not care. You voted against the stimulus package. You voted against those houses being built. That is the Liberal Party's record. Shame on you! (Time expired)

Indigenous Employment

Senator FURNER (Queensland) (14:33): My question is to the Minister for Indigenous Employment and Economic Development, Senator Arbib. Can the minister please outline to the Senate how the government is using procurement policy to drive Indigenous employment and Indigenous business development? In particular, can the minister please outline recent policy developments in this area?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development
and Minister for Social Housing and Homelessness) (14:34): I thank Senator Furner for the question. One of the most important ways of driving up Indigenous employment is by driving Indigenous economic development. In particular, the government is supporting the growth of the Indigenous business sector. The Gillard government is doing this through significant reform of the procurement policy. In May this year, Senator Wong and I announced changes to the mandatory procurement procedures of the government. These changes provide an exemption to the mandatory procurement procedures for small and medium enterprises that are 50 per cent Indigenous owned. The Commonwealth agencies can now contract to these Indigenous companies without conducting a full tender process, while still delivering value for money. This change means increased opportunity and greater access to the government's procurement market for all Indigenous small and medium sized businesses. It also embeds into our procurement processes the Closing the Gap goal of halving the gap in Indigenous unemployment by providing an opportunity and avenues for Indigenous businesses to prosper.

The new policy complements the 1 July introduction of the Indigenous Opportunities policy. The policy is designed to drive Indigenous employment and supplier use within companies that tender for government contracts by requiring them to implement Indigenous employment and supplier use plans. This means that if a company wants to win a government contract worth over $5 million, or $6 million for construction, it must agree to implement actions that will drive Indigenous employment and Indigenous suppliers within its organisation. If that company wins the tender, they must apply these actions locally to where the contract applies. My department will work with them to ensure the implementation of the plans works at a local level. The company will then be required to report annually to government on the action it has taken. Companies that do not meet the actions or targets—(Time expired)

Senator FURNER (Queensland) (14:36): Mr President, my first supplementary question is: can the minister please inform the Senate on how the Indigenous opportunities policy and mandatory procurement guidelines change fit into the broader government aim of strengthening procurement policy to support Indigenous economic development? In particular, what other procurement measures does the government have in place to drive Indigenous business growth?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:36): Companies that do not meet the actions or targets as outlined in their plans or have not demonstrated significant effort to do so will have their plans suspended. This means they will be ineligible to win government contracts until they rectify the issue. But it is not just procurement that we are using to drive the growth of the Indigenous business sector. We are working with the Australian Indigenous Minority Supply Council, AIMSC. AIMSC is an organisation that builds a network of Indigenous businesses across the country. So far, as at 31 May, AIMSC has 76 certified Indigenous businesses and 62 corporate and government members. It ties these businesses together with the corporate members and with government organisations to drive these businesses through procurement. Already it has facilitated $4.53 million in transactions and $13.4 million in contracts between

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members and certified Indigenous businesses. (Time expired)

Senator FURNER (Queensland) (14:37): Mr President, I have a further supplementary question. Can the minister please outline to the Senate how growing the Indigenous business sector will assist the government to meet its Closing the Gap target of halving the gap in employment between Indigenous and non-Indigenous Australians by 2018?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (14:38): The reason building these Indigenous businesses works is that, as studies we have done show, 72 per cent of employees in these companies are Indigenous. By supporting Indigenous businesses to grow, you are supporting Indigenous employment.

Again, it is not the only work the government is doing. Since July 2009 there have been over 43,000 employment and training placements through the Indigenous Employment Program, IEP, and over 68,000 placements into employment through Job Services Australia and the Job Network. If we are going to meet our 2018 targets of halving the gap in employment outcomes, we must work with Indigenous communities and build Indigenous businesses. The reason Indigenous businesses are so important, apart from the employment side, is that they provide Indigenous leadership and Indigenous communities with the drive for economic development and to increase commerce within their communities. (Time expired)

Carbon Pricing

Senator BERNARDI (South Australia) (14:39): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. I refer the minister to analysis by Macquarie Research Economics that shows high level of emissions intensity within the electricity supply sector and to previous statements made by the Greens and Professor Garnaut that compensation to electricity generators would be 'counterproductive'. Will the minister confirm whether there will be any compensation at all provided to electricity generators under Labor’s proposed carbon tax?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:40): I am somewhat surprised to get a question on climate change.

Senator Brandis interjecting—

Senator WONG: I will take that interjection because—

The PRESIDENT: Senator Wong, ignore interjections and just address the question.

Senator WONG: I have just been asked by Senator Brandis not to be patronising, and that is one of the funniest things that has been said in this chamber.

The PRESIDENT: Ignore the interjections, Senator Wong. They are disorderly.

Senator Conroy interjecting—

The PRESIDENT: Senator Conroy, I am seeking to listen to Senator Wong. Senator Wong, you have got the call.

Senator WONG: I am trying to compose myself after that interjection. In response to Senator Bernardi’s question, the government has made clear its view about the importance of ensuring any policy in this area does recognise the importance of the energy sector. Obviously, these are issues that were addressed in the former Carbon Pollution Reduction Scheme. The government set out its policy very clearly on that occasion. These policy matters are in the process of
being discussed through the Multi-Party Climate Change Committee.

**Senator Ian Macdonald:** Multi-party?

**Senator WONG:** Two party.

**Senator WONG:** As I recall, the opposition were invited. They chose, on this issue of importance to the nation's future, to simply play a negative game, to turn their backs on the legacy of Prime Minister Howard, who sensibly approached the issue through the Task Group on Emissions Trading, and to simply run the sorts of political stunts that we have seen. That is on their heads. We are not going to allow their negativity to stop this government working through what is a very important reform of the nation's future, a problem that is not going to go away. On this issue of what is included in the policy, all of those details will be made clear. *(Time expired)*

**Senator BERNARDI** (South Australia) (14:42): Mr President, I have a supplementary question. Will the minister rule out that the carbon tax the Gillard government is designing is likely to see the full price impact of electricity passed straight through to consumers, who are likely to receive no income tax in return, meaning Australian families and households will be left to bear the full brunt of this new tax?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:44): We have made clear that under our policy—

**Senator Abetz:** No. The only clear thing is no carbon tax.

**The PRESIDENT:** Ignore interjections. They are disorderly.

**Senator WONG:** When Senator Abetz has finished.

**Senator Abetz:** No carbon tax.

**Senator WONG:** Oh dear!

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The PRESIDENT: Senator, ignore the interjections and address your comments to the chair.

**Senator WONG:** I am trying. I am being clicked at currently, and that is a rather odd thing. What the government has made clear is that it will place a price on carbon pollution. The revenue from that will be used to assist Australian households and the Australian economy more broadly to adjust as we move to a low-carbon economy. That is the fair way to approach this issue. That is the economically efficient way to approach this issue. This is the way the coalition, when they used to have a rational approach to policy, approached this. In contrast now, the coalition have a policy that is about slugging taxpayers without any assistance—$30 billion to be taken from Australian households, Australian taxpayers, to pay to the big polluters in the hope that something might happen. That is not equitable and that is not fair. *(Time expired)*

**Senator BERNARDI** (South Australia) (14:44): Mr President, I have a further supplementary question. Will the minister confirm the government will not cut income taxes as part of the so-called compensation to households package under the carbon tax?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:44): As I have previously said, the details of the package will be made clear and announced after the package has been finalised. But the government has made very clear that it has made a priority the assistance to be provided to Australian households. Tax and transfer are amongst the things that can be utilised to provide that assistance. Of course, what we do know is that the party of which the senator is a member would claw back any assistance that is provided in this package in its blind opposition to doing anything about climate change. I mean, that
is the reality. What is interesting is that, if you have a look at what has been backgrounded to the media, there are some on the other side who are starting to understand just what that clawback would mean to members of the opposition.

Synthetic Cannabinoids

Senator FIELDING (Victoria—Leader and Whip of the Family First Party) (14:45): My question is to the Minister representing the Attorney-General, Senator Ludwig. Given that the Western Australian government has already moved to ban synthetic marijuana products but they are still being sold legally in all other states of Australia, what is the federal government proposing to do to ensure that this legal weed, which is being sprayed with a synthetic chemical that makes it have the same hallucinogenic effect as illegal cannabis, is banned in all states? Does the government think we should continue to make such products, which are designed to manipulate people’s minds, freely available for purchase over the counter?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:46): I thank Senator Fielding for what, as I understand it, is his last question. I thank him for the many questions he has asked in the chamber. I thank him for his interest in law and order and, in particular, the domestic control on synthetic cannabinoids.

On 17 June, as I think he is aware, Western Australia listed seven synthetic cannabinoids as banned substances under the WA Poisons Act. WA will subsequently complement this action by making changes to the WA Misuse of Drugs Act. On 16 June 2011 the Queensland government announced that it will be moving—

Honourable senators interjecting—

The PRESIDENT: Order! Senator Fielding is entitled to hear the answer.

Senator LUDWIG: On 16 June 2011 the Queensland government announced that it will be moving to ban synthetic cannabinoids under the Queensland Drugs Misuse Act. Fifteen emerging drugs will be captured under this change. Although there have been reports in other states, I understand that work is progressing in relation to these. Under the various state legislations it is a requirement that they deal with this under their similar drug misuse legislation in various places. In the National Drug Strategy of the Commonwealth we have a significant interest in working to tackle illicit drug issues through this portfolio. They have provided $350 million. Australia has seen a decline in the level of use of illicit drugs—particularly cannabis, methamphetamine and heroin—over the last 10 years. (Time expired)

Senator FIELDING (Victoria—Leader and Whip of the Family First Party) (14:48): Mr President, I ask a supplementary question. Given that toxicologists have warned that synthetic marijuana products may cause dangerous side-effects such as seizures, high blood pressure disorders, nausea and vomiting, and given that the Australian Medical Association has reported people being admitted to emergency departments suffering from the symptoms after using these products, will the federal government follow the lead of the Western Australian and Queensland governments and use any federal powers, including corporations powers, to ban these products once and for all?

Honourable senators interjecting—
Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (14:49): As I indicated, the Commonwealth, state and territory authorities—

Senator Bob Brown: Mr President, on a point of order: I found—

The PRESIDENT: Just a moment, Senator Brown.

Honourable senators interjecting—

The PRESIDENT: Senator Brown has a point of order and he is on his feet. He is entitled to raise the point of order in silence.

Senator Bob Brown: Mr President, I found that comment on the honourable senator in his last question offensive. I ask that he withdraw it. If you did not hear it, could you look at it—

The PRESIDENT: There is no point of order. I did not hear any comment whatsoever, let me assure you, from up here.

Senator LUDWIG: Can I turn to the fake cannabis issue? Commonwealth and state regulatory authorities are concerned about products which are reported to have the same effect as illegal drugs. The ingredients in these products are often not disclosed and their health effects are unknown. I implore people who are considering using them not to do so because of the unrelated health impacts. States can immediately ban such substances, as I indicated in answer to the primary question, under their own drugs and poisons legislation, and WA has moved that way. The Commonwealth is currently considering a request to prohibit a number of synthetic cannabinoids such as Kronic. This is independent of government and is based on evidence and information that is available. It is important to note that the scheduling decision puts it in the area where the states can act and the enforcement restrictions will remain with the states. (Time expired)

Senator FIELDING (Victoria—Leader and Whip of the Family First Party) (14:51): Mr President, I ask a further supplementary question. Given that there is some urgency and that these synthetic illegal type drugs have some dangerous side-effects, will the minister call an urgent meeting of all state attorneys-general to call for an immediate ban of these synthetic drugs across all states to reassert the government’s anti-drug policy?

Senator LUDWIG: The Commonwealth, state and territory authorities remain concerned about not just one product but multiple products which purport to have the same effect as illegal drugs. The Commonwealth is currently considering a request to prohibit a number of synthetic cannabinoids such as Kronic. This is independent of government and is based on evidence and information that is available. It is important to note that the scheduling decision puts it in the area where the states can act and the enforcement restrictions will remain with the states and territories. Within the health portfolio, unlike the primary question which is directed to the AG’s portfolio, the health area is currently working with the Commonwealth, states and territories to ensure these matters can be scheduled so that they can be picked up by the various states and territories and put in the illegal list. (Time expired)
Climate Change

Senator IAN MACDONALD (Queensland) (14:52): I have two very specific questions for the Minister representing the Minister for Climate Change and Energy Efficiency. Could the minister advise the Senate what the reduction in tonnes of carbon in greenhouse gas emissions will be in the first year after the carbon tax is imposed and what is that as a percentage of total world greenhouse gas emissions? Minister, if you say that depends on what the price of carbon is, perhaps you could then tell the Senate what the range is that is being looked at. So, on the range of carbon prices, what is the number of tonnes—two very specific questions—in reduction of carbon in the first year and, secondly, what is that as a percentage of total world greenhouse gas emissions?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:53): The good senator did anticipate my first response to that, which is that the extent of emission reduction does depend on the price as well as on other factors, including how industry responds and how the economy responds to the challenge of abatement. It is the case that the level of emissions reduction does depend, in large part, on the price. Unsurprisingly, notwithstanding the question from the senator, I am not going to be announcing aspects of a package that is obviously still being worked through by the government and by the members of parliament who do care about this issue. I am simply not going to go through a hypothetical analysis, as I am being invited to.

It is clear, notwithstanding the opposition of the opposition, that placing a price on carbon is the most effective way to reduce emissions. It is the cheapest way to reduce emissions. That is why this government tried on a number of previous occasions to get a price on carbon through the Senate. That is why the former Prime Minister, Mr Howard, arrived at a position that Australia should put a price on carbon.

Senator Ian Macdonald: Mr President, I have a point of order on relevance. I did not ask the minister about what other governments might have done. I asked two very specific questions: the number of tonnes and, if it depends on a price, the range—which I know the climate change department has been working on or should have been—and what that is as a percentage of world emissions. They are very specific and have nothing to do with what the previous government might or might not have done. I would ask you, Mr President, to tell the minister to answer it or sit down if she cannot.

Senator Conroy: Mr President, on the point of order: this is a question that was based on a false premise and had a hypothetical thrown in as well. This is a question that was utterly ludicrous. Despite that, Senator Wong has been absolutely discussing the question and responding to it. But when you ask a hypothetical on a hypothetical on a hypothetical it does become a little absurd and it is broad ranging. I would ask you to dismiss this frivolous point of order. Senator Macdonald is just embarrassed that his question was so poor.

The President: I cannot tell the minister how to answer the question and the minister does have 19 seconds remaining to address the question that has been asked by Senator Macdonald.

Senator WONG: I was asked what the emissions reduction would be and I answered that that obviously depends on the price as well as other factors. I was invited to give a range on the price and I have
explained to the chamber why I am not in a position to do that until the government announces its package.

Senator IAN MACDONALD (Queensland) (14:57): Mr President, I ask a supplementary question. If free permits are to be given to the big emitters like the steel, cement and coal industries, as demanded by the AWU's Paul Howes and Bill Ludwig, how does this lessen Australia's output of carbon emissions?

Senator Bob Brown: Mr President, on a point of order: I direct your attention to standing order 73 which says that questions shall not contain hypothetical matter. That question began with an 'if'. It is clearly hypothetical and out of order.

Government senators interjecting—

The PRESIDENT: There is no point of order. I am not asking for agreement on my right either with Senator Bob Brown or with me. The question will be allowed to stand. The minister should address the question that has been asked as it pertains to the portfolio.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:58): I cannot assist the senator with what may or may not be part of the government's announcement, although I have no doubt that when it is made there will be a great many questions asked in this place and the senator will have a substantial amount of opportunity to ask me and other members of the government about these and other issues. On the general issue of transitional assistance, the senator will know that one of the reasons the government in its previous package sought to provide free permits was as transitional assistance, recognising the importance of sensible transitioning of the economy. As we are a Labor government and our focus is first on jobs, we obviously did want to ensure sensible assistance. In terms of the incentive to abate, Senator, I am happy to discuss that in future questions.

Senator IAN MACDONALD (Queensland) (14:59): Mr President, I ask a further supplementary question. I ask the minister if, after almost four years involved in this job, with the resources of a special department of the government to look at these things, her inability now to answer even these basic questions demonstrates that the carbon tax proposed has nothing to do with the environment and everything to do with the Gillard government's debt crisis.

Senator WONG (South Australia—Minister for Finance and Deregulation) (15:00): That question is from a man who follows a leader who pretends to be a conviction politician while arguing for a plebiscite that he said he would ignore. What sort of conviction politician says, 'I so care about this issue so much the people should decide, but, by the way, I'll ignore it.' That completely exposes both the senator and Mr Abbott for what they are. They are far more interested in playing a short-term political game, trying to be destructive and negative, than acting in the long-term national interest.

We on this side understand that the challenge of climate change will not disappear because some people on that side are not prepared to face up to it. We on this side and other members of this parliament are prepared to take that responsibility. It is not an easy policy challenge but it is not one that should continue to be ducked because some people want to play a few political games. (Time expired)

Senator Bob Brown: Mr President, I rise on a point of order. During question time I asked you to rule on an interjection from Senator Joyce. That was shouted out, and it was clearly heard by the member, who did not take offence but had every right to. I ask you to check the Hansard to see if that
interjection is audible and then to rule on whether it is.

The PRESIDENT: Let me just clarify one thing. I did not hear any interjection and I made that quite clear. If it was audible it was certainly not audible to me. I will undertake to check the Hansard, but let's make it quite clear: I did not hear it.

Senator Joyce: Mr President, on the point of order. I made a reference to a bottle. If that was offensive, I withdraw. There you go, Senator Brown—happy?

Senator Bob Brown: No, that's not it.

Senator Joyce: That was it, you goose.

The DEPUTY PRESIDENT: The President has already undertaken to review the tape, and it will be left in the hands of the President.

Senator Wong: Mr Deputy President, I rise on a point of order. Senator Joyce's response just then really was not appropriate. He ought to withdraw the way in which he just spoke to a fellow senator.

Honourable senators interjecting—

The DEPUTY PRESIDENT: Order! When the chamber comes to order—

Honourable senators interjecting—

The DEPUTY PRESIDENT: Order! Senator Joyce, I did not hear what you said at the end of your statement, but it has been reported to me, and Senator Wong has asked you to withdraw. If you did refer in an unparliamentary way to a colleague, I would ask you to withdraw.

Senator Joyce: Mr Deputy President, I did refer to him as a goose, and I withdraw that.

Honourable senators interjecting—

The DEPUTY PRESIDENT: Order! We are not going to proceed until there is order.

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

QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS
Forestry
Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (15:04): I have provided a response to questions asked by Senator Milne today about audit reports relating to the Tasmanian Community Forest Agreement. As the senator is aware, the Tasmanian Auditor-General has commented on Forestry Tasmania's administration of Commonwealth funding. For further information about this report, which is public, it can be obtained from the Tasmanian Auditor-General.

In addition, my department has commissioned an audit into the administration of the industry development program under the Tasmanian Community Forest Agreement. The report is not finalised. It will be made public after its finalisation. I will get back to her with a date on when that is likely to be. My department is also working with the Tasmanian government on an audit of the Intensive Forest Management Program, part of that Tasmanian Community Forest Agreement. This audit has not commenced at this point. If there is a time line in relation to that, I will provide that in addition to those comments.

Can I also indicate there is an additional response to Senator Bob Brown's questions without notice on 15 June 2011 dealing with Tasmanian forestry issues relating to browsing animals. I seek leave to incorporate that into Hansard.
Leave granted.

The answer read as follows—

Additional response to Senator Bob Brown, Question without Notice 15 June 2011

TASMANIAN FORESTRY ISSUES

Browsing Animals

I have consulted with my colleague, the Minister for Sustainability, the Environment, Water, Population and Communities, the Hon. Tony Burke MP and submit the following additional information in response to Senator Brown's questions of 15 June 2011.

Forest management on public lands is the constitutional responsibility of states and territories and is primarily subject to the state's regulatory framework.

Specific queries relating to Forestry Tasmania operations in Tasmania forestry coupes should be directed to the Tasmanian Government and relevant state authorities.

Tasmanian Forestry Statement of Principles — Ta Ann supply arrangements

The Government is not a signatory to the Statement of Principles and any questions on about topics of negotiation should be directed to the signatories themselves.

Assistance to Gunns Limited

Following on from Question Time on 15 June, I have been advised that Gunns Limited has made preliminary inquiries with the Export Finance and Insurance Corporation in the Trade Portfolio.

Decisions about the use of EFIC's commercial account are the responsibility of the EFIC Board. Under the EFIC act, the Minister cannot direct EFIC in respect of a particular transaction in the Commercial Account.

Further questions about EFIC should be directed to the Minister for Trade.

Carbon Pricing

Senator WONG (South Australia—Minister for Finance and Deregulation) (15:06): Yesterday in question time Senator Bob Brown asked me a question relating to the tax deductibility of certain advertising. I seek leave to incorporate into Hansard additional information in response to that question.

Leave granted.

The answer read as follows—

Additional information in response to Question without Notice to the Minister representing the Treasurer on Tuesday 21 June 2011 relating to the tax deductibility of advertising expenditure

The deductibility of such expenditure depends on the actual facts.

The initial question is whether there is a sufficient connection between the expenditure and the circumstances in which the taxpayer carries on a business to produce assessable income. Expenses that arose from the taxpayer's commercial activities in the course of carrying on a business to produce assessable income may be deductible, while 'expenses' that arise after income has been produced or profits derived will generally not be deductible.

For example, expenses incurred solely to defeat a proposed increase in the income tax rate would ordinarily not be deductible.

Expenditure incurred to defeat the passage of legislation that would curtail income production and/or result in a loss of market share for the taxpayer will generally be deductible (FCT v Rothmans of Pall Mall (Australia) Ltd).

Expenditure to the extent that it opposes legislation that threatens the existence of the taxpayer's business framework in some way is not deductible (Ward and Company Ltd v. Commissioner of Taxes (NZ)).

Subscriptions and levies paid by a member to an industry body will generally be deductible. A special purpose levy would also generally be deductible if it relates to the member's assessable income earning activities.

Air Safety

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (15:06): Mr Deputy President, Senator Fielding on Thursday, 16 June asked questions in question time regarding volcanic
ash and flight disruptions. I have additional information which I seek leave to incorporate in Hansard.

Leave granted.

The answer read as follows—

Response to Senator Fielding’s questions regarding notification of airlines by Government agencies in relation to the Chilean volcanic ash cloud.

GOVERNMENT POSITION

I am advised that Government agencies have provided regular advice to the airlines on the volcanic ash clouds affecting Australian airspace. In relation to weather forecasts, last week the Bureau of Meteorology put out advice on the possible tracks of the clouds in the lead up to the impacts experienced over the southern parts of the continent and Tasmania over the June long weekend.

The Bureau of Meteorology has also continued to put out several daily briefing updates on the forecast cloud movements.

In response to the initial volcanic ash cloud event last week in terms of air traffic management, Airservices Australia has also kept the airlines and public informed including a media release on 12 June 2011.

In relation to the volcanic cloud activity this week Airservices media release of 20 June 2011 clearly indicated that flights could be affected around Australia.

The Government encourages airline operators to provide as much notice as possible to the travelling public on the possible impacts of volcanic ash events on their operations.

However it should be acknowledged that these are constantly changing weather events where it is difficult to provide exact certainty about the extent of delays.

This is why travellers are also encouraged to keep in touch with their airlines, noting the major demands placed on airline staff during major disruptions as experienced in the past two weeks.

The Government commends the understanding shown by the travelling public that safety must be the number one priority during these events.

QUESTIONS WITHOUT NOTICE:

TAKE NOTE OF ANSWERS

Answers to Questions

Senator MASON (Queensland) (15:06):

I move:

That the Senate take note of the answers given by ministers to questions without notice asked by Opposition Senators today.

Last night at the departing senators’ valedictory addresses Senator McGauran likened politics to opera, with love, hate, lust and betrayal all featuring—but, fortunately, no singing. ‘Operatic’ actually isn’t a bad start to describe this Labor government. But, let’s face it, The Magic Flute it ain’t; it is more like some operatic farce from 18th-century Italy.

When I think back to the 2007 federal election, enter stage right—or should I say stage left!—the member for Kingsford Smith, Mr Garrett. Remember he said, ‘Don’t worry, once we get in we’ll just change it all.’ All of us in the opposition know that Labor will do or say anything to get elected, that is true, but the problem over the past four years is not just dishonesty—it is actually far more dangerous than dishonesty—it is incompetence. It is bad enough that Labor makes popular and populist election promises, but it is far worse: they actually take those promises seriously and then—for God’s sake!—they try to implement them. The dishonest promises are bad enough, but to take them seriously is a crime and it is a crime on the taxpayer.

Labor governs through a series of brain snaps, glib slogans and, always, broken promises. Remember, Deputy President—how could you forget?—the education revolution, the slowest revolution in recorded history. Its earliest manifestations were the computers in schools fiasco. Mr Rudd holding a laptop—you will recall that—said it was the toolbox of the 21st
He promised one for each student. What happened? The maintenance and the upkeep of those laptop computers cost three times the capital cost. What had to happen in the end? The parents and schools had to pay more for them. Now what did we learn at the last estimates? In fact schools are charging students to take home those laptops. So, in any case, they are not free. Have any of those laptops been connected, as promised, to high-speed broadband after four years? No. We are waiting for the NBN. Don't worry, Senator Conroy and the NBN will fix it. By the time they are connected the laptops will be redundant.

Remember the trade training centres promised for every school—there were supposed to be 2,650. How many are there after 3½ years? Eighty-nine. At this rate it will take 100 years for there to be a trade training centre in every secondary school. Another abject failure. It goes on. Who could ever forget the farce of GroceryWatch and the horror of Fuelwatch—the theory being, apparently, that if you watched the carrots and pumpkins and the bananas, prices would not go up; that if you fixed an aggressive stare on a bunch of bananas, the bananas wouldn't dare go up in price! And what happens now? They are 13 bucks a kilo. So that didn't work either. Another failure of the Labor government. The grandaddy of all broken promises is the carbon tax. Hopefully that dishonesty will prove terminal.

I know that many are leaving the Senate—many great senators—so on this historic moment I cite Karl Marx, Senator Carr's friend and mentor and grooming inspiration, who once said, 'History repeats itself, first as tragedy, second as farce.' With modern communications and the perpetual news cycle, we now have them occurring in fact simultaneously. This government is clearly a farce and it is a tragedy for Australia taxpayers.

Senator BILYK (Tasmania) (15:11): To call this government 'a farce' is just typical scaremongering and another silly comment and stunt put up by those on the other side. It does not quite match the stunt of wanting to have a plebiscite and then saying that they wouldn't take any notice of the result. What must the people of Australia think about that? Here they go: 'We want to have a plebiscite, we want to spend millions of dollars'—all that money that goes into running a plebiscite—but then their leader says, 'But I won't take any notice of it.' I don't think the people of Australia are conned for one moment with the scare campaign and the silly tactics we see coming from the other side.

The first question of the day in today's question time was probably, in my three years in this place, one of the most bizarre I have heard. If that is what their first question of the day is going to be about they really need to look at their tactics committee. We are seeing the scare campaign and we have seen it before. We have seen it in a number of areas. It is exactly the same one we saw through the global financial crisis. The scare campaign then was that a large number of people in Australia were going to lose their jobs. I think Mr Hockey said that 300,000 Australians were going to lose their jobs. Instead, what happened? We have 700,000 more Australians in jobs today than when the
government took office. That is despite the impact of the GFC.

Those on that side completely waste question time. I know that you, Mr Deputy Speaker, personally have a great interest in how question time is run. I listened intently to your speech the other night regarding how question time should be run. For those on your side to have so little respect for what you have to say and for your philosophy and beliefs does not augur well for them as a group or as individuals.

Recently we had 13 of Australia's most prominent economists, including a former deputy governor of the Reserve Bank of Australia and several financial market economists, come out in support of a carbon price. The group of economists included Grattan Institute director Saul Eslake, St George chief economist Besa Deda, Citigroup Global Markets' Paul Brennan and Westpac chief economist Bill Evans. Still those on the other side deny the need for a carbon price. Those people I just mentioned declared that putting a price on pollution is the best way to reduce carbon pollution. They described a price on carbon as 'a necessary and desirable structural reform for the Australian economy'. This reinforces yet again is that every credible participant in this debate knows that the only responsible thing for our nation to do is to put a price on carbon. As former Liberal leader John Hewson said:

Australia needs to take substantive, urgent and apolitical action on carbon pricing for the sake of our economy and our environment. The failure of our generation to act will cost future generations dearly.

That is the important thing. It is the cost to the future generations that is of key concern to us on this side of the chamber. Those on the other side come in here and it does not matter what we want to put up they say: 'No, no, no.' As I said earlier in the week, their policy on climate change should not be called direct action; I believe it should be called direct no-action because that is what they are the party of—direct no-action on everything.

Opposition senators interjecting—

Senator BILYK: They remind me of the two-year-olds I used to care for, their little tantrums and two-year-olds who say no all the time. I am so often reminded of that when I come in here and all I hear is negativity, harping and interjections that I can talk over because, as the senator knows, I used to work with children. I can talk over 30 screaming three-year-olds and I am happy to keep doing that here. It is interesting to note what other people on their side have said about the carbon price. The shadow Treasurer used to support—(Time expired)

The DEPUTY PRESIDENT: Order! Senator Bilyk, we will have to hear about that another day.

Senator Bilyk: I am sure you will look forward to it!

Senator ADAMS (Western Australia—Deputy Opposition Whip in the Senate) (15:17): Senator Bilyk thinks we are a party of no action. I have about 23 broken promises by the Gillard government since the 2010 election.

In taking note of answers to questions, I rise to speak on issues mentioned by the ministers. Firstly, Senator Arbib told us about the very good training programs for Indigenous people. I wish that I had asked just what he is going to do about the 700 Aboriginal employees on the cattle stations in the Kimberley. There are 30 stations owned by Aboriginal corporations and families. A number of employees, and a lot of these are trainees, based at Roebuck Plains Station, where the Federal government has put a lot of money into training, are desperate. They do not know...
where they are going with the live export trade being suspended and no indication, even though the minister tried to tell us today, of when that trade might start again. It is very worrying. That might be a question for Senator Arbib tomorrow.

It is time that this chamber was reminded of the election promises broken by the Gillard government since election day in 2010. We start with the carbon tax, then the citizens assembly that was a great idea but we never, ever saw it. There was a community consensus on taxing carbon; I do not know where that went. There was a new era of openness and transparency; we are not going too well there and it seems even the ministers and the government at the moment have to put all their media and any interviews through to the Prime Minister's office before they are allowed to go out and tell the public. How do we go there? Is that evidence of an era of openness and transparency for government ministers?

Then there was onshore processing which was going to take place at Curtin and the Scherger RAAF base, and processing refugees at Broadmeadows, which is the Melbourne immigration transit accommodation. Then there was the offshore processing centre in East Timor; what has happened to that? There was cash for clunkers; I think that came and it went. Then there was the mining tax royalties; that is very dear to my heart and to Senator Cormann's, and it is an absolute mess. If I have time, I will quote Sam Walsh saying how they thought they had done a deal with government and then it all backfired. Senator Mason spoke about the cost of the BER and the failure to implement Orgill's recommendations. There was the solar credits scheme. There was the delay of the national curriculum and the delay of the new My School website. Then there was reform of health and hospitals, goodness me, just before the budget; what happened there? The whole health reform was turned on its head and that made it very difficult for us in budget estimates to really work out if it was reform or just what was going to happen. It is still not worked out and, looking at some of the legislation that is coming through, no wonder it is being sent to Senate committees to sort it out.

Then we go on to the convening of a tax summit before 30 June 2011. I think that is in eight days time. Are we going to have a tax summit? I do not know what happened there. There was sparing the Public Service from budget cuts. There was sending asylum seekers to Malaysia; we are still not there with that and one wonders if it will ever happen. There was the hypocrisy about the Pacific solution, temporary protection visas and now reinvesting the Defence budget savings into Defence and increasing Defence spending. I think we have a lot of things to follow up. In the House H"ansard on 10 May 2005, Julia Gillard said— *(Time expired)*

The DEPUTY PRESIDENT: Order! Senator Adams, you must refer to the Prime Minister by her proper title.

Senator Adams: She was not the Prime Minister in 2005.

The DEPUTY PRESIDENT: I apologise.

Senator STEPHENS (New South Wales) (15:22): I, too, rise to take note of answers to questions without notice asked today, particularly given who is in the chamber today—both you, Mr Deputy President and Senator Scullion. I think that the issues arising out of questions to Minister Ludwig around the live cattle export industry and its future are pretty important. I think we are all in furious agreement that we need to have public confidence in that industry and we are also in furious agreement about the outrage of the animal cruelty that we witnessed on...
the television program that led to the suspension of the live export trade by the minister.

In the first instance, congratulations go to the minister for taking the action that he did and for going to Indonesia to negotiate some outcomes. As we have just heard from the previous speaker, there are some real vested interests in this industry that are looking for some security and certainty. It is very clear what the suspension of the live export trade is seeking to achieve, and the minister highlighted those today. First of all there is the strengthening of the export licences, strengthening the supply chain security and reinvesting in confidence in the system, which I think has been seriously depleted by the actions of Meat and Livestock Australia and by the actions that we witnessed on the television program. We also all want to see adherence to the international animal welfare guidelines that should underpin good stewardship in this regard. The minister said today that trade would reopen when the set of mutual standards have been established and he is working to ensure that happens as quickly as possible.

I am sure I am not the only one in this chamber who has received over 15,000 emails in a concerted campaign that is actually about closing down the live export industry. For those people who have been orchestrating that campaign, it has certainly been one that has clogged up the parliamentary email system beyond belief, but we are very realistic and, in fact, most Australians are very realistic about the importance of our pastoral industry and our live animal exports. Most Australians support the continuation of trade if there are guarantees that cattle will be treated humanely. A recent report substantiates that. An Essential Report that was recently released indicates that 72 per cent of Australians support the long-term continuation of live exports and that 58 per cent of them supported the minister's decision to suspend trade while these issues are being investigated.

We all want this issue resolved. We are in furious agreement about having this resolved, but we also have to work very hard to restore public confidence in the industry before we can renew our live trade export. I have to say that the MLA have responsibility for part of the solution. We just heard about the pastoral industry and the pastoral stations that are significantly impacted by this and the uncertainty about employment, particularly for Indigenous people, is something that I am very concerned about, but of course this goes much further beyond that. It goes right along the supply chain, from the pastoral industry to everyone else involved: exporters, port and stevedoring services, shipping companies, road transporters, veterinarians and everyone in between who is part of a very important industry for the Australian agricultural sector. We do want this resolved, but the Australian people want to have public confidence in our live export industry. Until we can achieve the standards to ensure that there are international welfare guidelines adhered to in this process, we simply cannot just resume a trade that will be to the detriment of the long-term sustainability of this industry. I know that people are stressed and I know that people are worried, but I also know that the minister is working day and night to ensure that the impact on Australian producers is resolved.

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (15:27): I also rise to take note of answers to questions during question time today and to speak with regard to the questions asked of Senator Ludwig on the live cattle trade. I agree with Senator Stephens that there is broad agreement on both the complexity of
the problem and resolving the problem. It is very, very important, in order for the Australian people to understand and to fully support this matter, that the facts are provided. The Senate provides a great opportunity for the minister to provide the facts. Sadly, we ended up with him berating Senator Boswell for his questions, simply answering again and again, 'I've told you what the Australian government is going to do.' Senator Boswell's questions highlighted the fact that, in eight days time, the June quarter licences that are provided not by the Australian government but by the Indonesian government, are due, and what is their view about reissuing those? It is an absolutely fundamental point that I know the industry is dying to hear. But again, I would take the opportunity to commend Senator Ludwig in a very difficult circumstance. I am not sure who persuaded him to move away from his first decision, which everybody agreed was a good one, to a decision to unilaterally suspend the trade. If they were to look back, I am sure that they would have done it somewhat differently.

Australia and New Zealand signed the G20 accord, which has a number of provisions in it. One of the provisions relates to the sanctioning of another nation. Both Indonesia and Australia are signatories to the G20 and there are a series of processes about consultation and negotiation when you sanction another country. In the roar of dust and saddles in all this, we may not have seen it that way, but Indonesia absolutely surely see this as a sanction against their country, and apparently none of the usual protocols were met. There is much speculation in the media that this has now become a very tense diplomatic issue, and I suspect it is because of the way that that decision was made. I think there is somebody who can raise the bar, if you like, in Indonesia about these diplomatic issues. I would encourage Mr Rudd to put down his knife and pick up his passport. I am quite sure that his intervention in these matters would be very helpful.

Everybody acknowledges that we need a full through process that is accredited and trackable today. For some time we have had a process where 10,000 cattle have NLIS tags on them. There is no question about traceability. We have ships that have absolutely no problem. They have been approved to the highest standards of IALA. We then move to the feedlots in Indonesia, which have in fact been passed to an international standard—ISO 2001. It is not some vague international welfare standard; this is a standard that is independently audited and is well known throughout the business world. But that happens today.

We have the minister and others standing up in this place saying, 'All we have to do is get this in place.' That is that point. The industry is saying it is in place. We need to move ahead for those places that can guarantee the Australian people that the animals will get treated according to a standard that is acceptable to a series of OIE standards, and I suspect the standards I am talking about exceed those.

We need to start the trade. We need to recommence the trade, because it is not going to threaten the trade in the long term. It is only starting the trade to those places that guarantee all the things that the Australian people and the Indonesian people have been asking for—that is, a through process guarantee that the welfare standards will be adhered to. That is there and available today. What the members of the coalition and, I suspect, many Australian people want to know is: why don't they simply act? This inaction is gutting Australian families, businesses and communities across the Top End. I get calls every day. Yes, I have this email trail that is
exactly the same letter—they could have got two or three different ones. I can tell you that it is a desperate act when a family rings a politician in the middle of the night. I can tell you this is completely a reflection of the absence of the intellect that needs to be provided to this issue by the government.

Question agreed to.

Forestry

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (15:32): I move:

That the Senate take note of the answer given by the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) to a question without notice asked by Senator Milne today relating to the Tasmanian forest industry.

I rise to take note of an answer from Minister Ludwig, in relation to the performance audit of the grants that were made to Tasmania under the community forest agreement.

This was an agreement negotiated under the former Prime Minister, John Howard. Grants were paid between 2005 and 2010. It cost the Australian people $252.2 million. That was given to Tasmania. Part of that money went to forest contractors and people working in the industry but a substantial amount went to Forestry Tasmania—$145.7 million of the $252.2 million went to Forestry Tasmania. It was paid up-front by the Commonwealth. It was paid for a number of reasons but a large proportion of it was to establish plantations in Tasmania, and the whole idea of this process was to get out of native forest logging.

That money has virtually been wasted, because we now have a situation where the Auditor-General in Tasmania has had a look at it and said that Forestry Tasmania has been using money that was paid by the Commonwealth up-front for its operating expenses, for its cashflow. In fact, the Auditor-General pointed out that, in the event that that did not occur, Forestry Tasmania would have been in dire straits. The Auditor in Tasmania has said that they have concerns over Forestry Tasmania’s longer term liquidity.

So when you look at that Commonwealth money that went into Forestry Tasmania—they received $145.7 million. In that time frame, Forestry Tasmania has only paid $3.7 million in dividends, $3.5 million in tax; a total of $7.2 million which represents a cost to the community of $138.5 million over five years. That is how much the Australian community, the taxpayer, is out of pocket to Forestry Tasmania for in that time.

And it is not the first time. When I was in the Tasmanian parliament, $272 million of the Tasmanian forestry commission debt was transferred to the general state debt when the commission was corporatised in 1990. So they were in debt then—$272 million—and it was forgiven. They moved it off their balance sheet onto the cost of the consolidated fund, and Forestry Tasmania as a corporation started in the black, thanks to the taxpayer. They have managed to get themselves right back into a hideous amount of debt, to the point where—and I am not sure if the minister is even aware of this—in the financial statements it was noticed that Forestry Tasmania is currently in breach of a lending covenant related to its debt to capital leverage ratio.

TASCORP advised them that they had waived this breach whilst a letter of comfort provided by the Treasurer remains in place. So Forestry Tasmania had to go to the Treasurer of Tasmania and ask for a letter of comfort or else its directors would not have been able to sign off in relation to their solvency. That is how bad Forestry Tasmania is. They have now had two letters of comfort from the state Treasurer in order to be able to keep operating. So I want the minister for
forestry to recognise that Forestry Tasmania is back with its hand out right now for the Commonwealth to pay over more money as part of the current negotiations. It is my view that Forestry Tasmania should be disbanded. They have proved that they are financially incompetent. They have cut down Tasmania's forests and cost the taxpayer at the same time. We need to be protecting the forests and setting up a new agency to manage those forests in the longer term for conservation, for biodiversity and for carbon content. We need to employ people to manage those forests, but those current directors of Forestry Tasmania and that current operation should be disbanded. They have demonstrated over 20 years that they are incapable of running that organisation without needing a direct chequebook flow from the Commonwealth. I simply want to see a performance audit of these grants and to see who has been responsible for the complete mismanagement of Commonwealth finances.

Question agreed to.

PETITIONS

The Clerk: Petitions have been lodged for presentation as follows:

Marriage

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

In support of Marriage as currently defined in the Marriage Act (1961)

Noting the following:

- that marriage is currently defined in the Marriage Act (1961) as being ‘... the union of a man and a woman to the exclusion of all others, voluntarily entered into for life,’ each element of which is essential to the integrity of marriage and each of which was inserted into the Marriage Act on a bipartisan basis in 2004;
- that marriage is one of the great institutions on which our society is built; that marriage provides for a stable family and is the umbrella under which children are nurtured and grow; and
- that marriage is worthy of protection and support;

We, the undersigned petitioners, call on the Senate to support the definition of marriage as currently contained within the Marriage Act (1961)

by Senator Barnett (from 7,627 citizens).

Marriage

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

The petition of the undersigned shows:

On November 15th 2010 in the House of Representatives the following motion was passed: "This House calls on all parliamentarians, consistent with their duties as representatives to gauge their constituents' views on ways to achieve equal treatment for same sex couples including marriage". This petition is a response to that motion. Your petitioners ask/request that the Senate:

Note that the undersigned support the current definition of marriage as outlined in the Marriage Act 1961 namely: "marriage means the union of a man and a woman to the exclusion of all others, voluntarily entered into for life", and that we call upon the Senate to act in defence of this definition of marriage and not to permit recognition of any other form of relationship to be considered equal to marriage as defined above.

by Senator Barnett (from 12 citizens).

Petitions received.

NOTICES

Presentation

Senator CHRIS EVANS: To move:

That the following bill be introduced: A Bill for an Act to amend the law relating to social security and family assistance, and for other purposes. Social Security and Other Legislation Amendment (Miscellaneous Measures) Bill 2011.

Senator BOYCE:

Senator ADAMS:
Senator SIEWERT: To move:

That the Senate—

(a) notes that Foetal Alcohol Spectrum Disorder (FASD) is:

(i) an overarching term used to describe a range of physical, mental, behavioural, learning and development disorders that can result from foetal exposure to alcohol, and

(ii) reported to be the greatest cause of non-congenital, irreversible and permanent brain damage to new-borns in Australia;

(b) calls on the Australian Parliament to continue to facilitate and support the development of a FASD national diagnostic tool for the use of medical professionals and other health service providers; and

(c) calls on the Australian Government to:

(i) give FASD the status of a recognised disability in Australia,

(ii) institute a national awareness campaign to raise community awareness of the risks to the unborn child when alcohol is consumed in pregnancy and highlight the potential cognitive and developmental consequences for affected individuals as these pertain to service providers, law enforcement and justice, the community sector and education, and

(iii) give support to the development of models of care and helping strategies for families and individuals dealing with the impacts of FASD.

Senator FIERRAVANTI-WELLS: To move:

That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 16 August 2011:

The Government’s funding and administration of mental health services in Australia, with particular reference to:

(a) the cuts in services under the Better Access Initiative and the rationalisation of general practitioner (GP) mental health services;

(b) the reduction of the number of allied health treatment sessions available to patients under the Better Access Initiative;

(c) the impact of reducing Medicare rebates and the two-tiered rebate structure for clinical assessment and preparation of a care plan by GPs;

(d) the impact of reducing the number of allied mental health treatment services for patients with mild or moderate mental illness under the Medicare Benefits Schedule;

(e) the impact and adequacy of services of treatment of additional patients with advanced mental illness through programs such as the Access to Allied Psychological Services program;

(f) the two-tiered Medicare rebate system for psychologists;

(g) workforce qualifications and training, including qualifications and experience of psychologists;

(h) mental health workforce shortages;

(i) the adequacy of mental health funding and services, including for:

(i) culturally and linguistically diverse communities,

(ii) Indigenous communities, and

(iii) people with disabilities; and

(j) any other related matter.

Senator COLBECK: To move:

That the Senate—

(a) orders that all documents associated with the development of the import protocol for apples from New Zealand be laid on the table by the Minister for Agriculture, Fisheries and Forestry by 5 pm on Thursday, 30 June 2011, including:

(i) all details of the Integrated Fruit Production System that forms the basis of on farm management of fireblight and other diseases in orchards producing apples for export to Australia, including a copy of the Integrated Fruit Production Manual,

(ii) documents referred to in the Draft report for the non-regulated analysis of existing policy for apples from New Zealand (May 2011) (the draft report), including:

(A) Biosecurity Services Group (2011) Trip Report: Apple production practices in Hawkes Bay and Nelson, New Zealand, March 6–11,
Biosecurity Services Group, Department of Agriculture, Fisheries and Forestry, Canberra,

(B) Japan Regulations (2007) Plant Quarantine Enforcement: Detailed Regulation Concerning Fresh Apple Fruit Produced in New Zealand, July 2007,

(C) Ministry of Agriculture and Forestry New Zealand (2011) Correspondence sent from the Ministry of Agriculture and Forestry to Plant Biosecurity, 8 April 2011, and

(D) Rogers DJ (2008): Correspondence sent from Dr DJ Rogers to the New Zealand Ministry of Agriculture and Forestry, and

(iii)evidence of new science taken into account in preparing the draft report which was not referred to in the Final Import Risk Analysis Report for Apples from New Zealand (November 2006),

(iv) records of communications between Biosecurity Australia or the Department of Agriculture, Fisheries and Forestry with:

(A) the Prime Minister, Minister for Foreign Affairs, or Minister for Trade about the draft report, or the review leading to the draft report, including all briefings provided to the Prime Minister concerning the review prior to her speech to the New Zealand Parliament on 16 February 2011 and all briefings provided to the Minister for Trade, Minister for Foreign Affairs or Prime Minister concerning the review prior to the Minister for Trade publishing the document ‘Gillard Government Trade Policy Statement: Trading our way to more jobs and prosperity’ in April 2011,

(B) the Director of Quarantine,

(C) the Government of New Zealand since the decision by the World Trade Organization in 2010, including ministers and New Zealand Government departments and agencies, and

(D) Pipfruit New Zealand Inc.,

(v) all details of how ‘equivalence’ of other systems will be assessed and the process of consulting with Australian industry with regard to permission of other on farm systems,

(vi) all details relating to the verification processes, including audit frequency, auditor qualifications/competency and registration, related to the Integrated Fruit Production System,

(vii) all details of the historic efficacy of the Integrated Fruit Production System in containing, controlling and preventing the outbreak of fireblight and other diseases in apple orchards,

(viii) all details of pack house management protocols for export of apples to Australia, including, but not limited to:

(A) details of testing and assessment of fruit maturity,

(B) maintenance of sanitary conditions in dump tank water,

(C) maintenance of high pressure water washing and brushing of fruit,

(D) good hygiene practices, and

(E) training of key personnel in the identification of fireblight and other diseases of concern to Australia,

(ix) all details relating to the verification processes, including audit frequency, auditor qualifications/competency and registration, related to the pack house management protocols,

(x) details of accreditation of auditors and certification bodies by independent bodies, such as JAS-ANZ [Joint Accreditation System of Australia and New Zealand],

(xi) all details of inspection protocols at the border, including training, qualifications/competency and registration of inspectors, and

(xii) mitigation measures for outbreaks of fireblight in export orchards; and

(b) calls on the Government to extend to 4 August 2011 the period of public consultation by Biosecurity Australia on the draft report, to allow consideration of the documents referred to above.

**Senator XENOPHON:** To move:

That the following matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 23 November 2011:

(a) the expected role of Government in preventing the destruction and concealment of documents which should be retained in the public
interest, including documents in relation to potential legal proceedings;

(b) the circumstances under which documents should be categorised as Cabinet-in-confidence;

(c) the need for a national requirement for documents relating to child abuse, particularly child sexual abuse, to be held for a minimum of 30 years;

(d) the appropriateness of victims of child abuse, particularly child sexual abuse, being required to sign confidentiality agreements as part of any compensation arrangements;

(e) the role state and federal archivists can play in setting standards for the preservation of documents relating to the above matters;

(f) in relation to events relating to allegations of abuse in the John Oxley Youth Detention Centre in Queensland from 1988:

(i) the shredding of documents by the then-Queensland Government in 1990 relating to the alleged rape of a resident at the John Oxley Youth Detention Centre in 1988, and other abuses and the implications these actions had on the ability of victims and others to pursue their legal rights with reference to section 129 of the Queensland Criminal Code, and the need for a national approach to the protection of such documents,

(ii) previous Queensland Government initiated inquiries and Federal Parliamentary inquiries into the matters referred to at the John Oxley Youth Detention Centre,

(iii) whether evidence provided to previous Senate committee inquiries about the shredding of the documents referred to was misleading, or whether evidence was withheld from previous Senate committee inquiries, and whether there is any new evidence relating to these matters, and

(iv) the prevalence of abuse, and how reports of abuse were managed by management at the John Oxley Youth Detention Centre, and whether there should be national standards generally in relation to the reporting and management of such matters; and

(g) any other related matter.

Senator FIERRAVANTI-WELLS: To move:

That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 18 August 2011:

The Government’s administration of the Pharmaceutical Benefits Scheme (PBS), with particular reference to:

(a) the deferral of listing medicines on the PBS that have been recommended by the Pharmaceutical Benefits Advisory Committee;

(b) any consequences for patients of such deferrals;

(c) any consequences for the pharmaceutical sector of such deferrals;

(d) any impacts on the future availability of medicines in the Australian market due to such deferrals;

(e) the criteria and advice used to determine medicines to be deferred;

(f) the financial impact on the Commonwealth Budget of deferring the listing of medicines;

(g) the consultation process prior to a deferral;

(h) compliance with the intent of the Memorandum of Understanding signed with Medicines Australia in May 2010; and

(i) any other related matter.

Senator CROSSIN: To move:

That the Joint Select Committee on Gambling Reform be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 5 July 2011, from 4 pm.

Senator CROSSIN: To move:

That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011 be extended to 29 June 2011.

Senator BOB BROWN: To move:

That the following matters be referred to the Foreign Affairs, Defence and Trade References Committee:

CHAMBER
Committee for inquiry and report by 19 September 2011:

(a) the effectiveness of the Australian Government’s response to Australian citizens who are kidnapped and held for ransom overseas, including but not limited to the response of the Australian Federal Police, the Department of Foreign Affairs and Trade and the consular assistance in the relevant country;

(b) how the Australian Government’s response in these situations compares to the approach taken by other countries;

(c) measures that could be taken by the Australian Government to improve the handling of its assistance to Australian citizens and their families; and

(d) any other related matter.

Senator HEFFERNAN: To move:
That the time for the presentation of the report of the Rural Affairs and Transport References Committee on biosecurity and quarantine arrangements be extended to 29 November 2011.

Senator LUDLAM: To move:
That the Crimes Legislation Amendment Bill (No. 2) 2011 be referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 15 September 2011.

Senator LUDLAM: To move:
That the Senate—

(a) notes—

(i) the ongoing crisis and radiation leaks from the severely damaged Fukushima Daiichi nuclear complex,

(ii) that on 12 April 2011 the nuclear disaster reached INES [International Nuclear and Radiological Event Scale] disaster level 7, the worst possible type of nuclear event due to cumulative radiation releases and contamination of the air, soil, water and food,

(iii) the Comprehensive Nuclear-Test-Ban Treaty Organization and specialist research institutes have documented radiation from Fukushima spreading to Korea, China, Russia, Europe, the United States of America and Australia,

(iv) that seabed, air and soil samples taken in the region record alarming radiation levels that are hundreds of times higher than previously detected in and around Fukushima,

(v) the 7 June 2011 report from Japan to the United Nations indicating that fuel in three Fukushima’s reactors have melted through the containment structure,

(vi) the report tabled on 6 June 2011 by Japan’s Nuclear and Industrial Safety Agency that doubled the figure for the radiation it believed was released into the atmosphere in the first 6 days, from 370 000 terabecquerels to 770 000,

(vii) the 3 June 2011 disclosure that Japanese authorities had suppressed the 12 March 2011 finding of radioactive tellurium 6 kilometres from Fukushima, the presence of which indicates that the temperature of the fuel rods was more than 1,000 degrees and that a meltdown had commenced before the emergency ventilation of the unit 1 reactor containment, and

(viii) the Declaration by the International Atomic Energy Agency Ministerial Conference on Nuclear Safety in Vienna of 20 June 2011; and

(b) calls on the Australian Government to:

(i) maintain the interdepartmental emergency task force coordinating Australian nuclear expertise and equipment to measure detectable levels of radiation, model the plumes and provide advice to the Australian Government,

(ii) publicly disclose all data held by Australian authorities on inspection and monitoring efforts regarding radiation levels in the environment, including radiation levels in the surface of soil, rain water, tap water, food and air, exposure to which is dangerous to human health, and

(iii) regularly update the Senate on findings by the interdepartmental emergency task force on all data collected by Australian nuclear experts and equipment.

Senator FAULKNER:

Senator FIFIELD:

Senator FORSHAW:

Senator KROGER:

Senator MOORE:
Senator POLLEY:

Senator SIEWERT:

Senator STEPHENS: To move:

That the following matter be referred to the Finance and Public Administration Legislation Committee as an inquiry under standing order 25(2)(a), for inquiry and report by 29 November 2011:

The performance of the Department of Parliamentary Services (DPS), with particular reference to:

(a) matters raised at the Budget estimates hearing of the committee on 23 May 2011 and in answers to questions taken on notice;
(b) policies and practices followed by DPS for the management of the heritage values of Parliament House and its contents;
(c) asset management and disposal policies and practices;
(d) resource agreements and/or memoranda of understanding for the provision of services within and by DPS;
(e) an assessment of the efficiencies achieved following the amalgamation of the three former joint parliamentary service departments and any impact on the level and quality of service delivery;
(f) the efficient use, management and delivery of information technology services and equipment; and
(g) any related matter.

Senator ARBIB: To move:

That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 16 August 2011:

The Government’s funding and administration of mental health services in Australia, with particular reference to:

(a) the Government’s 2011–12 Budget investments in mental health;
(b) changes to the Better Access Initiative;
(c) the impact and adequacy of services provided to people with mental illness through the Access to Allied Psychological Services program;
(d) services available for people with severe mental illness and the coordination of those services;
(e) mental health workforce issues;
(f) the adequacy of mental health funding and services for disadvantaged groups;
(g) the delivery of a national mental health commission;
(h) the impact of online services for people with a mental illness, with particular regard to those living in rural and remote locations and other hard to reach groups; and
(i) any other related matter.

Senator McEWEN: To move:

That the following matter be referred to the Community Affairs References Committee for inquiry and report by 16 August 2011:

The Government’s funding and administration of mental health services in Australia, with particular reference to:

(a) the Government’s 2011–12 Budget investments in mental health;
(b) changes to the Better Access Initiative;
(c) the impact and adequacy of services provided to people with mental illness through the Access to Allied Psychological Services program;
(d) services available for people with severe mental illness and the coordination of those services;
(e) mental health workforce issues;
(f) the adequacy of mental health funding and services for disadvantaged groups;
(g) the delivery of a national mental health commission;
(h) the impact of online services for people with a mental illness, with particular regard to those living in rural and remote locations and other hard to reach groups; and
(i) any other related matter.
COMMITTEES

Migration Committee

Meeting

Senator McEWEN: At the request of Senator Bilyk, I move:

That the Joint Standing Committee on Migration be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 6 July 2011, from 10.30 am to noon.

Question agreed to.

Foreign Affairs, Defence and Trade References Committee

Reporting Date

Senator PARRY: At the request of the Chair of the Foreign Affairs, Defence and Trade References Committee, Senator Kroger, I move:

That the time for the presentation of the report of the Foreign Affairs, Defence and Trade References Committee on Requests for Tender for aviation contracts be extended to 25 August 2011.

Question agreed to.

Scrutiny of New Taxes Committee

Meeting

Senator PARRY: At the request of the Chair of the Select Committee on the Scrutiny of New Taxes, Senator Cormann, I move:

That the Select Committee on the Scrutiny of New Taxes be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 23 June 2011, from 3.30 pm.

Question agreed to.

Australia's Immigration Detention Network Committee

Membership

Senator HANSON-YOUNG: I move:

That the resolution of appointment of the Joint Select Committee on Australia's Immigration Detention Network be amended as follows:

Omit paragraph (6), substitute:

(6) the committee shall elect as its chair a Government member appointed to the committee on the nomination of the Government Whip or Whips, or the Leader of the Government in the Senate.

After paragraph (6), insert:

(6A) the committee shall elect a member as its deputy chair.

Question agreed to.

MOTIONS

Egypt

Senator PARRY (Tasmania—Chief Opposition Whip in the Senate and Deputy Manager of Opposition Business in the Senate) (15:40): At the request of Senators Barnett, Bernardi and Fierravanti-Wells, I move:

That the Senate—

(a) recognises that Coptic Christians in Egypt are suffering ongoing and increasing persecution;

(b) condemns the recent attacks on Coptic Christians in Egypt;

(c) expresses its sympathy for Coptic Christians who have been victims of recent attacks in Egypt; and

(d) calls on the Government to:

(i) issue a public statement condemning the ongoing attacks against the Coptic Christian minority in Egypt,

(ii) make immediate representations to the United Nations to end the persecution of Coptic Christians in Egypt, and

(iii) strongly urge the Egyptian Government to provide equal rights and protections for all Egyptian citizens regardless of race or religion.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (15:40): by leave—We do not
support the motion. It has been a longstanding practice of the government to not deal with complex foreign policy matters by way of simple motion. The Australian government is a longstanding supporter of article 18 of the Universal Declaration of Human Rights. The Australian government is gravely concerned about reports of the persecution of Christian communities and other minority groups in the Middle East. The government has condemned attacks on the Coptic Christian community in Egypt, and we welcome the Egyptian government’s strong condemnation of sectarian violence and stated commitment to bringing those responsible to justice.

Government officials, both in Canberra and at the Australian embassies in the Middle East, raise the right of freedom of religion and belief with host governments. We also have a proud legacy of defending human rights at the multilateral level, particularly in the United Nations through cosponsoring the UN General Assembly’s resolution on the elimination of religious discrimination in 2010, sponsoring the mandate of the United Nations Special Rapporteur on Freedom of Religion or Belief and our involvement in the United Nations Alliance of Civilizations.

Question agreed to.

COMMITTEES

Procedure Committee

Report

Senator PARRY (Tasmania—Chief Opposition Whip in the Senate and Deputy Manager of Opposition Business in the Senate) (15:42): On behalf of the Chair of the Senate Procedure Committee, Senator Ferguson, I present the second report of 2011 of the Procedure Committee on the operation of standing order 55(2) to (5); consideration of private senators’ bills; procedures for dealing with formal motions; use of general business time on Thursdays; and the consideration of government documents.

Ordered that the report be printed.

Senator PARRY: I move:

That the report be adopted.

Question agreed to.

Senators’ Interests Committee

Report

Senator PARRY (Tasmania—Chief Opposition Whip in the Senate and Deputy Manager of Opposition Business in the Senate) (15:43): On behalf of the Chair of the Senators’ Interests Committee, Senator Bernardi, I present the report on the arrangements for online publication of the Register of Senators’ Interests.

Ordered that the report be printed.

Senator PARRY: I move:

That the Senate adopt the recommendation at paragraph 1.5 of the report.

Question agreed to.

Legal and Constitutional Affairs Legislation Committee

Report

Senator McEWEN (South Australia—Government Whip in the Senate) (15:43): On behalf of the Chair of the Senate Legal and Constitutional Affairs Committee, Senator Crossin, I present the report of the committee on the provisions of the Intelligence Services Legislation Amendment Bill 2011, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Economics Legislation Committee

Report

Senator McEWEN (South Australia—Government Whip in the Senate) (15:44): Pursuant to order and at the request of
chairs of the respective committees, I present four reports on legislation relating to the following inquiries: Customs Amendment (Anti-Dumping) Bill 2011, provisions of the Customs Amendment (Anti-dumping Measures) Bill 2011, schedule 4 of the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measures) Bill 2011 and Schedule 5 of the Tax Laws Amendment (2011 Measures No. 5) Bill 2011, together with the Hansard records of proceedings and documents presented to the committees.

Ordered that the reports be printed.

**Community Affairs Legislation Committee**

**Report**

**Senator McEWEN** (South Australia—Government Whip in the Senate) (15:44): On behalf of Senator Moore, the Chair of the Senate Community Affairs Legislation Committee, I present the final report, together with the Hansard record of proceedings and documents presented to the committee, of the Community Affairs Legislation Committee on time critical legislation relating to the provisions of the Family Assistance and Other Legislation Amendment Bill 2011.

Ordered that the report be printed.

**Scrutiny of Bills Committee**

**Report**

**Senator PARRY** (Tasmania—Chief Opposition Whip in the Senate and Deputy Manager of Opposition Business in the Senate) (15:45): On behalf of Senator Coonan, the Chair of the Standing Committee for the Scrutiny of Bills, I present a report and Alert Digest of the Standing Committee for the Scrutiny of Bills.

Ordered that the report be printed.

**Senator PARRY:** I move:

That the Senate take note of the report.

I seek leave to incorporate a tabling statement in Hansard.

Leave granted.

The statement read as follows—

SENATE STANDING COMMITTEE FOR THE SCRUTINY OF BILLS

TABLING STATEMENT

Alert Digest No. 6 and Sixth Report of 2011

22 June 2011

In tabling the Committee's Alert Digest No.6 of 2011 and its Sixth Report of 2011, I draw the Senate’s attention to the many detailed responses the Committee received from Ministers addressing issues of possible concern raised by the Committee. The Committee thanks Ministers for the timely and comprehensive replies, which assist to ensure that legislation passed by the Senate meets the principles outlined in Senate Standing Order 24.

In particular, I will discuss the:

- Australian National Registry of Emissions Units Bill;
- Carbon Credits (Carbon Farming Initiative) Bill 2011; and
- Customs Amendment (Serious Drugs Detection) Bill 2011

In relation to the Australian National Registry of Emissions Units Bill, in response to a request from the Committee, the Minister:

- provided a detailed explanation of the need for delegation powers and description of limitations in place to ensure that powers were delegated appropriately;
- took the opportunity to provide additional information to assist Senators to consider matters raised by the Committee;
- committed to ensuring that decisions are appropriately subject to merits review; and
- explained the need for the Bill to incorporate material by reference to other documents.

In relation to this last point, to assist industry and members of the public to understand the
approach proposed in the bill the Committee will request that the Minister include the key aspects of the additional information be provided in a revised explanatory memorandum.

In relation to the Carbon Credits Bill, the Minister also provided a substantial amount of additional information about the operation of the provisions for which the Committee raised potential scrutiny concerns. The Committee will request that the Minister include the key aspects of this information in a revised explanatory memorandum.

A scrutiny concern previously raised by the Committee in relation to the Customs Serious Drug Detection Bill has been fully addressed by the Minister, and on behalf of the Committee I thank him for this action. The Committee’s concern related to lack of a legislative safeguard in the primary legislation to ensure that equipment used to undertake internal body scans was used appropriately. When the bill was considered in the Chamber this morning an amendment to insert a safeguard provision in the bill was introduced and passed.

The Sixth Report also includes responses to issues raised in relation to the Aged Care Bill, Competition and Consumer Amendments Bill (No. 1), the National Consumer Credit Protection (Home Loans and Credit Cards) Bill, the Tax Laws Amendment No. 2 Bill and others.

I would also like to take the opportunity to note the retirement of a member of the Committee, Senator Troeth. Senator Troeth is not only a current member, but also a former chair, of the Committee and her contribution to its work is acknowledged and appreciated.

The full details of the bills I have discussed are available in the alert digest and report I am tabling today, and I commend the Committee’s Alert Digest No. 6 of 2011 and Sixth Report of 2011 to the Senate.

Question agreed to.

**Public Works Committee Report**


That the Senate take note of the report.

_Senator TROETH_: I wish to commend the work of the Public Works Committee to the Senate. Over the last few years I think the committee has finally succeeded in convincing departments to make sure that their proposals are well documented and well credentialed so that they may pass the appropriate scrutiny processes. I would further exhort all departments that make representations to the Public Works Committee to make sure that they have complied with the processes of the committee. I would like to add that I have enjoyed my work on the committee very much.

Question agreed to.

**MINISTERIAL STATEMENTS**

_Australia’s Offshore Oil and Gas Resources Sector Security Inquiry_

_Senator LUDWIG_ (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (15:47): On behalf of the Minister for Infrastructure and Transport, Mr Albanese, I table a ministerial statement on Australia’s offshore oil and gas resources sector security inquiry.

**AUDITOR-GENERAL’S REPORTS**

_Report Nos 52 and 53 of 2010-11_

_The DEPUTY PRESIDENT_: In accordance with the provisions of the Auditor-General Act 1997, I present two reports of the Auditor-General:

No. 52—Administration of deductible gift recipients (non-profit sector).

No. 53—Drought assistance.
COMMITTEES
Australia's Immigration Detention Network Committee

Membership

The DEPUTY PRESIDENT: The President has received a letter from a party leader nominating senators to be members of a committee.

Senator LUDWIG: by leave—I move:

That senators be appointed to the Joint Select Committee as follows:

Australia's Immigration Detention Network—Joint Select Committee—

Senators Bernardi and Cash


Question agreed to.

BILLS

Appropriation (Parliamentary Departments) Bill (No. 1) 2011-2012

Appropriation Bill (No. 1) 2011-2012

Appropriation Bill (No. 2) 2011-2012

Family Assistance and Other Legislation Amendment Bill 2011

Tax Laws Amendment (2011 Measures No. 5) Bill 2011

Veterans' Entitlements Amendment Bill 2011

First Reading

Bills received from the House of Representatives.

Senator LUDWIG: These bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion in relation to the listing of the bills 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 LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry, Manager of Government Business in the Senate and Minister Assisting the Attorney-General on Queensland Floods Recovery) (15:50): 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—

APPROPRIATION (PARLIAMENTARY DEPARTMENTS) BILL (No. 1) 2011-2012

The total appropriation sought through Appropriation (Parliamentary Departments) Bill (No. 1) 2011-2012 is $180.1 million.

Details of the proposed appropriations are set out in the Schedule to the Bill.

APPROPRIATION BILL (NO. 1) 2011-2012

Appropriation Bill (No. 1) 2011-2012, together with Appropriation Bill (No. 2) 2011-2012 and Appropriation (Parliamentary Departments) Bill (No. 1) 2011-2012, is one of the principal pieces of legislation underpinning the Government’s Budget.

Appropriation Bill (No. 1) 2011-2012 seeks authority for meeting the expenses of the ordinary annual services of Government.

Bill 1 includes a one-off contingency clause for the Department of Human Services. This clause is outlined in the Introduction to Budget Paper No. 4 and the Explanatory Memoranda.
This Bill seeks approval for appropriations from the Consolidated Revenue Fund totalling $72.8 billion.

Details of the proposed appropriations are set out in Schedule 1 to the Bill.

**APPROPRIATION BILL (No. 2) 2011-2012**

Appropriation Bill (No. 2) 2011-2012 seeks approval for appropriations from the Consolidated Revenue Fund totalling $7.39 billion.

Bill 2 includes a one-off contingency clause for the Department of Human Services. This clause is outlined in the Introduction to Budget Paper No. 4 and the Explanatory Memoranda.

Bill 2 also provides for amendments to the Commonwealth Inscribed Stock Act 1911. These amendments are outlined in the Introduction to Budget Paper No. 4 and the Explanatory Memoranda.

Details of the proposed appropriations are set out in Schedule 2 to the Bill.

**FAMILY ASSISTANCE AND OTHER LEGISLATION AMENDMENT BILL 2011**

This Bill delivers on five measures from the recently announced 2011-2012 Budget, and a minor non-Budget measure.

**Reform of family payments**

The Bill introduces three measures that make important changes to the family payments system to make it fairer and simpler, and ensure its long-term sustainability.

The first measure lowers the maximum child age of eligibility for Family Tax Benefit Part A from 24 to 21, from 1 January 2012.

Family payments are designed to support families with the costs of raising children while they are dependent. This change recognises that young people aged 22 and over are considered independent, and will bring Family Tax Benefit Part A in line with the reduction in the Youth Allowance age of independence from 1 January 2012.

Young people aged 22 and over in full-time study may be able to access Youth Allowance independent of their parents' income, subject to means testing and academic progress rules.

Transitional arrangements will mean that families with a young person who is already enrolled in a course which started before 1 January 2012 will continue to receive Family Tax Benefit Part A until that course finishes.

The second measure builds on reforms introduced in the 2009-10 Budget that better targeted the family payments system to focus on low and middle income families.

The Government is a strong supporter of the family payments system. Family payments are a fundamental part of the Australian social fabric.

Next year, we will spend around $30 billion combined on Family Tax Benefit, the Baby Bonus, Paid Parental Leave and child care assistance.

We have added to the system since coming to government by increasing the child care rebate to 50 per cent, introducing Australia's first national Paid Parental Leave scheme and the Education Tax Refund, and also, in the recent Budget, increasing family payments for older teenagers by up to $4200 a year.

But we also believe in a targeted system that is sustainable for the long term.

That's why the Government is extending indexation pauses on higher income limits for a further two years, until 30 June 2014, for Family Tax Benefit Part A and B, the Baby Bonus and Paid Parental Leave.

This Bill will extend indexation pauses on higher income limits for a further two years, until 30 June 2014, in the following areas:

- the Family Tax Benefit Part B primary earner income limit will remain at $150,000;
- the Baby Bonus eligibility limit will remain at $75,000 family income in the six months following the birth or adoption of a child (equivalent to $150,000 a year);
- the Paid Parental Leave income limit will stay at $150,000 for the primary carer in the previous financial year before the birth or adoption of a child; and
- the higher income free area, and the per child add on, of Family Tax Benefit Part A will remain
constant. This threshold is the income level at which the base rate of Family Tax Benefit Part A begins to reduce, until the benefit ends completely. The income level at which a family's benefit is completely withdrawn varies by family circumstance, depending on the number and age of the children.

The Family Tax Benefit Part A lower income free threshold and the Family Tax Benefit Part B secondary earner income threshold will continue to be indexed, providing support to low and middle income households.

Fortnightly payment rates for Family Tax Benefit and the Baby Bonus will also continue to be indexed every year to meet increases in the cost of living. The rate of Parental Leave Pay is linked to the National Minimum Wage and is also not affected by this change.

Pauses to the upper income limits mean that some families will no longer be eligible for payments, and some families will get less family payments – but only if their income rises.

No family will lose any family payments unless their income rises.

Families whose income does not increase will also have more money in their pockets as the fortnightly rates of Family Tax Benefit continue to rise, due to normal indexation.

In the first year, fewer than two per cent of families will no longer be eligible for payments, and some families will get less family payments – but only if their income rises.

Indexation on the upper income limits for Family Tax Benefit Part A and B, and the Baby Bonus, was paused in the 2009-2010 Budget.

The Opposition supported this very same measure in 2009. In the Parliament two years ago, on 13 May 2009, the Leader of the Opposition, the relevant Shadow Minister at the time, said these changes were too "soft".

The extension of these pauses will save $1.2 billion over the forward estimates. These are the decisions an economically-responsible Government must make – to bring the Budget back to surplus, and make sure our family payments system is sustainable now and into the future.

Under the third measure, indexation of Family Tax Benefit end of year supplements will also be paused for three years. End of year supplements were first introduced to address overpayments of family payments because of underestimation of income.

The number of families with overpayments has decreased since supplements were first introduced, and pausing indexation of these supplements will help make family payments more sustainable.

The end of year supplements are generally paid as a lump sum after the end of an entitlement year, when a family has completed their tax return and reconciled their actual Family Tax Benefit entitlement.

This amendment will keep the end of year supplements at their current level of $726.35 per child for Family Tax Benefit Part A, and $354.05 per family for Family Tax Benefit Part B, for the next three entitlement years.

Building Australia's Future Workforce—implementing more efficient and accurate assessments for disability support pension

This Bill also introduces changes to the assessment arrangements for Disability Support Pension to help Australians with a disability into work wherever possible, while continuing to provide an essential safety net for Australians unable to work.

To qualify for Disability Support Pension, a person must have a physical, intellectual or psychiatric impairment of 20 points or more under the Impairment Tables, and have a continuing inability to work for at least 15 hours per week.

Currently a person's inability to work can be assessed before the person has investigated alternative employment options or assistance from employment services, or had any retraining or rehabilitation.

This means that assessments of a person's inability to work, for the purposes of Disability Support Pension, can occur without the person having tested whether the help available could find them suitable work.
This Bill refines the test for determining whether a person has a continuing inability to work.

Under the new rules, most people applying for Disability Support Pension will be required to have actively participated in a program of support to find employment through an open employment service or vocational rehabilitation.

People with a severe impairment, such as those who are clearly unable to work and are fast-tracked to ensure they receive financial support more quickly, will not need to have actively participated in a program of support.

These changes were first announced in the 2010-2011 Budget and, in the most recent Budget, were fast-tracked so that they will now apply from 3 September 2011, rather than from 1 January 2012.

These reforms will provide faster, more sustainable support for people with severe disabilities, while referring others with the potential to work to employment services including Job Services Australia and Disability Employment Services.

The new assessment procedure for Disability Support Pension will help people with disabilities return to the workforce wherever possible by focusing on their ability, rather than their disability.

**Enabling the extension of the Cape York Welfare Reform Trial**

In the 2011-2012 Budget, the Government provided $16.1 million for a proposed extension of the Cape York Welfare Reform Trial for an additional year.

The Trial is a partnership between the communities of Aurukun, Coen, Hope Vale and Mossman Gorge, the Australian Government, the Queensland Government and the Cape York Institute for Policy and Leadership. It aims to restore positive social norms, re-establish local Indigenous authority and support community and individual engagement in the real economy.

To date, the Trial has made a real and lasting difference in the lives of Indigenous people in the Cape. Since it began in July 2008, the Cape York Welfare Reform communities have seen improved school attendance, care and protection of children and community safety.

The Queensland Government is currently leading a process of consultation with Cape York communities about extension of the Trial. Queensland Government legislation would also need to be changed in order for the Trial to be extended.

While these discussions occur, the Government is seeking to put in place the amendments required to enable the extension of the income management element of the Trial.

It is important these enabling legislative changes are put in place to ensure they do not delay any extension of the Trial and to ensure the four communities are not adversely affected.

The extension of the Trial will not go ahead until the communities of Aurukun, Coen, Hope Vale and Mossman Gorge have been consulted and the Queensland Government legislates to extend the operation of the Family Responsibilities Commission.

The Family Responsibilities Commission, which is established under Queensland Government legislation, is a key plank of Cape York Welfare Reform. Local Family Responsibility Commissioners hold conferences with community members, refer people to support services and, when necessary, arrange income management.

Currently, a person can only be subject to income management under the Trial after a decision by the Family Responsibilities Commission, made before 1 January 2012.

The Bill before the Parliament extends this date to 1 January 2013, to enable income management to continue in Cape York for a further 12 months.

**Minor measure**

The Bill also includes a minor non-Budget measure, which clarifies that the *Public Works Committee Act 1969* does not apply to Aboriginal Land Trusts established in the Northern Territory under the *Aboriginal Land Rights (Northern Territory) Act 1976*.

The concept of an authority of the Commonwealth was first introduced into the
Public Works Committee Act by way of amendment in 1981. Aboriginal Land Trusts are a mechanism to give effect to what is private ownership of land for the benefit of Aboriginal traditional owners. Land Trusts were never intended to be Commonwealth authorities to which that Act applies. This amendment puts that position beyond doubt.

This amendment will not affect the application of the Public Works Committee Act to any proposed arrangement that involves the carrying out of a work by or for the Commonwealth, or by or for an authority of the Commonwealth to which the Public Works Committee Act applies.

Where the Parliamentary appropriation requirements of section 5AA of the Public Works Committee Act are otherwise satisfied, the work will be a 'public work' for the purposes of that Act, even if the work is proposed to be carried out on land owned by a Land Rights Act Aboriginal Land Trust.

TAX LAWS AMENDMENT (2011 MEASURES NO. 5) BILL 2011

This Bill amends various taxation laws to implement a range of improvements to Australia's tax laws.

Schedule 1 amends the income tax law to allow trust beneficiaries to continue to use the primary production averaging and farm management deposits provisions in a year where the trust has a loss for trust law purposes.

After the High Court decision in Commissioner of Taxation v Bamford, the Commissioner withdrew a public ruling under which he had accepted that in certain circumstances a beneficiary could be eligible for the primary production averaging and farm management deposits rules, despite the trust incurring a loss for trust law purposes.

Schedule 1 will restore the ability of beneficiaries to access both sets of rules in an income year where the trust has incurred a loss and certain conditions are met. The amendments will secure continuity for taxpayers because they apply from the 2010-11 income year and the Commissioner's ruling applies up to and including the 2009-10 income year.

If the amendments in Schedule 1 are not enacted by 30 June 2011, the beneficiaries of up to approximately 23,000 trusts will be uncertain as to their eligibility for the primary production averaging and farm management deposits rules in the 2010 11 income year by the time they start to lodge their income tax returns.

Schedule 2 amends Subdivision 115-C and Subdivision 207-B of the Income Tax Assessment Act 1997 to ensure that, where permitted by the trust deed, the capital gains and franked distributions (including any attached franking credits) of a trust can be effectively streamed to beneficiaries for tax purposes, by making them 'specifically entitled' to those amounts.

This Schedule also amends Division 6 of Part III of the Income Tax Assessment Act 1936 to include specific anti-avoidance rules to address the inappropriate use of exempt entities to 'shelter' the taxable income of a trust.

The Government announced on 16 December 2010, that it would update and re-write the trust income tax law to deal with the ongoing discrepancies between the treatment of trust income by trust laws, on the one hand, and the tax system on the other. These issues were highlighted by the High Court's decision in Commissioner of Taxation v Bamford.

In the interim, the Board of Taxation recommended (following consultation with industry) that changes were urgently needed to provide certainty about the streaming of capital gains and franked distributions (including any attached franking credits).

These amendments provide this certainty and ensure that the streaming of capital gains and franked distributions (including any attached franking credits) is effective for tax purposes.

The Government is aware that due to the short timeframe involved in developing these amendments, there may be scope for unintended consequences. The operation of these amendments will therefore be closely monitored and if unintended consequences are identified, the Government will act to remedy these consequences retrospectively where appropriate.

The broader review of the trust income tax provisions remains the primary focus for the
Government. This will simplify the system, rewrite the rules and give more certainty to the many thousands of small businesses and farmers who use trusts.

If the amendments in Schedule 2 are not enacted by 30 June 2011, trustees of the approximately 660,000 trusts in Australia that are required to make their resolutions by 30 June 2011 will face significant uncertainty.

Schedule 3 relates to the National Rental Affordability Scheme tax offset provisions.

The National Rental Affordability Scheme, which commenced on 1 July 2008, is a Government initiative to stimulate the supply of new affordable rental dwellings.

The NRAS incentive was $9,140 per dwelling in 2010-11, comprising $6,855 from the Australian Government and $2,285 from the States. These amounts are indexed annually in line with the rents component of the consumer price index.

These amendments simplify the operation of NRAS for participants and provide some additional flexibility to NRAS participants in how the incentive is shared between members of the NRAS consortium participating in NRAS.

Importantly, these amendments introduce the concept of an NRAS consortium, which is less restrictive than the existing non entity joint venture provisions.

The Australian Taxation Office Interpretive Decision in 2009 highlighted that certain head lease and sub lease arrangements used in NRAS might not allow the NRAS tax offset entitlement to flow through from the 'approved participant' to the ultimate investor.

These amendments address this situation by allowing NRAS approved participants deriving NRAS rent to make an election to relinquish their entitlement to an NRAS tax offset in favour of other members of their NRAS consortium.

These amendments also recognise that certificates issued by the Housing Secretary under NRAS are issued to the approved participants (rather than the consortium) and ensure that certain payments provided under NRAS indirectly, such as through an NRAS consortium, are treated as 'non-assessable non-exempt income'.

Although the amendments do provide additional flexibility to those participating in NRAS, it is prudent for taxpayers to seek advice from the Australian Taxation Office about the detailed structure of their particular NRAS models and their ability to access the NRAS tax offset before investing in NRAS.

Schedule 4 implements the 2011-12 Budget measure to phase out the dependent spouse tax offset.

The dependent spouse tax offset originated around three quarters of a century ago — a time when the single income family was the norm and the welfare system was in its infancy. This was a time when a breadwinner was expected to 'maintain' a spouse even without children, and there were limited employment opportunities for women.

In today's modern economy, where unemployment is forecast to fall to 4.5 per cent, an expanding workforce is vital for the strength of our economy and the living standards of our community.

That is why the Government is phasing out the tax offset for dependent spouses currently aged less than 40 to help encourage more Australians into paid employment.

From 1 July 2011, taxpayers with a dependent spouse born on or after 1 July 1971 will no longer be eligible for the dependent spouse tax offset.

Dependent spouses with children are not affected by this measure, nor are taxpayers whose dependent spouse is a carer, an invalid or permanently unable to work. Taxpayers eligible for the zone, overseas forces or overseas civilian tax offsets are also not affected by this measure.

If the amendments in Schedule 4 are not enacted by 30 June 2011, some taxpayers may not be able to use the PAYG withholding system to claim their benefit during the 2011-12 income year.

Schedule 5 implements the 2011-12 Budget measure to introduce a single statutory rate of 20 per cent, regardless of distance travelled, for car fringe benefits valued under the statutory formula method.
Under the current statutory formula method, the calculated fringe benefit from a salary-sacrificed or employer-provided car decreases as the distance travelled by the vehicle increases. People can therefore increase their tax concession by driving their vehicle further. This Schedule removes the current incentive for people to drive vehicles further than they otherwise would, in order to increase their tax concession.

The log book method will still be available for cars with significant genuine work-related use. This means that users will be able to ensure that actual work-related kilometres of travel continue to be tax exempt.

This reform applies to commitments made after the Budget announcement on 10 May 2011, and will be phased in over four years. Existing contracts will not be affected.

Both Schedule 4 and Schedule 5 implement further recommendations of the Australia's Future Tax System Review, and continue the process of tax reform started in May last year with the release of the Government's Stronger, Fairer, Simpler package of reforms.

Full details of the measures in this Bill are contained in the explanatory memorandum.

VETERANS' ENTITLEMENTS AMENDMENT BILL 2011

I am pleased to present legislation that delivers on the Government’s budget measures to help support our veteran community. These measures further improve the operation of Australia’s repatriation system and provide special recognition to those Australians who were prisoners of war. The 2011-12 Budget reflects the Government’s ongoing commitment to more than 360,000 veterans and their families.

The Bill will introduce a new payment for surviving Australian prisoners of war (POW) recognising the hardships these men and women endured. More than 30,000 Australians became prisoners during the Second World War and the Korean War.

We have all heard of the hardships these men and women endured during captivity.

Subject to extremely harsh conditions and deprivation, many have lived with the physical and psychological scars for decades. All in service to their country. There are around 900 former POWs still alive today and this Government believes that they deserve special recognition. This Bill introduces a new payment of $500 per fortnight which will be known as the Prisoner of War Recognition Supplement. Payments will begin automatically for former POWs known to my Department. The Supplement will be payable from 20 September 2011 with the first payment being made on 6 October 2011. The Supplement will be payable in addition to any existing benefits the person receives from the Commonwealth. It will be exempt income for the purposes of income tax and for the purposes of the veterans’ entitlements and social security income tests.

Further amendments in the Bill will affirm the longstanding arrangements made under the Veterans’ Entitlements Act for compensation offsetting. Offsetting is intended to prevent double payments of compensation. This can happen when a veteran or member is eligible for compensation for the same incapacity under different schemes.

This Bill will clarify the longstanding compensation offsetting arrangements that have been in place in the Repatriation system since 1973. This follows a Full Federal Court decision which highlighted the need to clarify the legislation. It does not vary the disability pension for any veteran.

Finally, the Bill will rationalise and better target payments for veterans and members who are undergoing treatment for war or defence-caused injuries or diseases. There is currently an overlap in the allowances paid to veterans and members who are unable to work due to episodes of medical treatment and recuperation for war or defence-caused injuries or diseases. This Bill will better target payments through the loss of earnings allowance. Abolishing the temporary incapacity allowance ensures individuals are reimbursed where there is actual loss of income. It has no impact on a veteran or member’s existing disability payment. From 20 September 2011, all eligible veterans and members in this
situation will be assessed consistently against the criteria for loss of earnings allowance.

This Government is committed to streamlining and enhancing the services and support that our veterans, members and their families so rightly deserve.

Debate adjourned.

Ordered that the Appropriation (Parliamentary Departments) Bill (No. 1) 2011-2012, the Appropriation Bill (No. 1) 2011-2012 and the Appropriation Bill (No. 2) 2011-2012 be listed on the Notice Paper as one order of the day, and the remaining bills be listed as separate orders of the day.

Tertiary Education Quality and Standards Agency Bill 2011
Tertiary Education Quality and Standards Agency (Consequential Amendments and Transitional Provisions) Bill 2011
Consideration of House of Representatives Message

The DEPUTY PRESIDENT: Messages have been received from the House of Representatives informing the Senate that the House has agreed to the Tertiary Education Quality and Standards Agency Bill 2011 and the Tertiary Education Quality and Standards Agency (Consequential Amendments and Transitional Provisions) Bill 2011 without amendment.

COMMITTEES
Australia's Immigration Detention Network Committee

Membership

The DEPUTY PRESIDENT: A message has been received from the House of Representatives informing the Senate of the appointment of members to the Joint Select Committee on Australia's Immigration Detention Network.

REGULATIONS AND DETERMINATIONS
National Consumer Credit Protection Amendment Regulations 2011 (No. 2)
National Consumer Credit Protection Amendment Regulations 2011 (No. 3)

Disallowance

Senator CORMANN (Western Australia) (15:52): I, and also on behalf of Senators Xenophon and Williams, move:

That—

(a) the National Consumer Credit Protection Amendment Regulations 2011 (No. 2), as contained in Select Legislative Instrument 2011 No. 40 and made under the National Consumer Credit Protection Act 2009; and

(b) the National Consumer Credit Protection Amendment Regulations 2011 (No. 3), as contained in Select Legislative Instrument 2011 No. 67 and made under the National Consumer Credit Protection Act 2009, be disallowed. [F2011L00465 and F2011L00764]

Thirteen sitting days remain, including today, to resolve the motion or the instruments will be deemed to have been disallowed.

The Gillard government through its actions has made it harder for smaller lenders to compete with the big banks. To ensure the lowest possible banking fees and bank interest rates overall, we need robust competition between all lenders. Instead of strengthening and enhancing competition, the Gillard government has reduced and weakened competition. The market share of smaller lenders has collapsed under this government. That reduced competition is not good for consumers and not good for small business.

The coalition welcomes the fact that many lenders are now offering mortgage products with no exit fees, where consumers can choose from that mix of features that best suits their circumstances. It may well be that...
a consumer prefers to go for the lower interest rate with an exit fee rather than the higher interest rate without an exit fee.

We recommend to the Senate that it pass this disallowance motion that has been put forward by the coalition and Senator Xenophon today. It will force the government back to the drawing board. It will force the government to think through the implications of what it did in imposing a blanket ban on exit fees. Yes, it may sound counterintuitive, but the government's actions have lessened competition by making it harder for the smaller lenders to compete with the big banks. The government's actions have further strengthened the already dominant position of the big four banks. This is not in our national interest and it is most certainly not in the best interests of consumers and small businesses across Australia. We commend this motion to the Senate.

Senator HURLEY (South Australia) (15:54): The Economics Committee had an inquiry about competition in banking. They had a look at this issue of exit fees. On the advice of many people and many consumer groups, the committee decided that exit fees were not a good idea because there is no point in creating competition within banks if people cannot then decide to shift between accounts. It is critical that people be able to shift.

We have a situation where the big banks have somewhere between 75 per cent and 80 per cent of mortgage accounts. So clearly they have an advantage. But if you want to give an advantage to smaller banks you do it in other ways, and the government has already put those measures in place. You do it in other ways so that those banks get a lower cost of funds. You do not stop competition. You do not stop customers being able to switch between banks.

Time and time again we had examples of customers who were unable to switch because of exit fees. Senator Williams, for example, used that example himself. What you are doing is closing off the ability of customers to switch if they get a better deal if they are not within the banks. Okay, big banks might have 75 per cent to 80 per cent, but that means that one in four customers will not be able to switch—and that is a dumb policy!

The DEPUTY PRESIDENT: Order! The question is that the motion moved by Senator Cormann be agreed to.

Senator FIELDING (Victoria—Leader and Whip of the Family First Party) (15:56): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for two minutes.

Senator FIELDING: The high exit fees charged by lenders essentially trap customers and restrict them from switching to more competitive loans. This is hardly in the best interests of borrowers and is not good for competition in the long term. Also, we should not be discouraging efficient practices and competitive behaviour; we should be encouraging it. Allowing exit fees to continue to be charged by lenders only provides an incentive for this uncompetitive behaviour to continue. Therefore, I will not be supporting the disallowance motion.

Senator XENOPHON (South Australia) (15:57): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator XENOPHON: I co-sponsor this motion. I support it and I believe it is the right thing to do because of the unintended consequences of having an across-the-board ban on exit fees. They should only be applied on the big banks as a matter of course. The
right thing to do is to have tougher legislation, which I have introduced, that relates to unreasonable fees and shows mutuality between those fees and the costs of those charges.

Let us put this in perspective: $33 million in exit fees compared to $11 billion in bank charges and fees. There is a better way of doing this. I do not want to see the unintended consequences of the impact on small lenders that we saw with the bank guarantee legislation as a result of the GFC—a good idea badly implemented. You made the banks bigger and you have marginalised the smaller lenders. That is why I am very pleased to be associated with this motion.

Question put:
That the motion (Senators Cormann, Xenophon and Williams's) be agreed to.

The Senate divided. [16:03]
(The President—Senator Hogg)

Ayes..........................35
Noes..........................35
Majority.....................0

AYES
Abetz, E
Back, CJ
Bernardi, C
Boswell, RLD
Brandis, GH
Cash, MC
Cooman, H
Eggleston, A
Ferravanti-Wells, C
Fisher, M
Humphries, G
Kroger, H
Mason, B
Minchin, NH
Payne, MA
Scullion, NG
Trood, R
Xenophon, N

NOES
Arbib, MV
Bishop, TM
Brown, RJ
Collins, JMA
Crossin, P
Farrell, D
Feeney, D
Forshaw, MG
Hanson-Young, SC
Hurley, A
Ludlam, S
Lundy, KA
McEwen, A (teller)
Milne, C
O'Brien, K
Pratt, LC
Stephens, U
Wortley, D

Bilyk, CL
Brown, CL
Cameron, DN
Conroy, SM
Evans, C
Faulkner, J
Fielding, S
Furner, ML
Hogg, JJ
Hutchins, S
Ludwig, JW
Marshall, GM
McLucas, J
Moore, CM
Polley, H
Siewert, R
Sterle, G

PAIRS
Joyce, B
Nash, F
Ryan, SM

Sherry, NJ
Carr, KJ
Wong, P

Question negatived.

PARLIAMENTARY REPRESENTATION
Valedictories

Senator HUTCHINS (New South Wales) (16:07): Cleaver Elliott, the then Deputy Clerk of the Senate, when asked what is a senator's most important speech, said, 'It is the last, not the first, as it is a chance to speak to the future.' My last speech is to be just that, a record outlining some of the decisions and experiences that are most memorable from my time in the Senate. I hope that, both for my family, who are here today, and for those reflecting on this period in Australian history in the future, this contribution is a valuable account.

I would like to clarify for the record the circumstances surrounding my decision to contest the No. 3 position on the New South Wales Labor ticket in the 2010 election rather than a more secure number. The New
South Wales ticket at the last election was headed by Senator Faulkner, a senior government minister at the time, and in my view the most appropriate candidate to fill the No. 1 position. He should have headed the Senate ticket six years earlier. At the time, my cancer was relapsing, I was very ill and had no desire to go through that preselection. However, the then general secretary, Eric Roozendaal, decided to put John and I through it. I might add, John did not know I was ill.

My decision this time was simply based on love. In June 2009, my lovely wife, Natalie, had gained preselection for the safe Labor seat of Keilor in Victoria. This decision was made by the national executive of the ALP and I was a proxy that day. I voted for her and, in doing so, knew that life would never be the same. Natalie was elected to the Parliament of Victoria in November last year. We have bought a house there and our son goes to St Augustine's College. Once she was preselected, the die was cast. I was always heading south.

I would have been No. 2 behind John Faulkner if I had chosen to be. In fact, on the afternoon of the meeting to discuss the ticket at Trades Hall, I was under considerable pressure not only from my party and union colleagues but also from significant elements of my faith, the Catholic Church, to secure the No. 2 position. Truth be told, I probably should have opted to retire prior to the election but believed at the time that as an incumbent I might have had a better chance than a new No. 3 to get that spot, as did others. While I did not succeed, I do not regret the decision to run in that slot. Incidentally, our New South Wales ticket was the only group in Australia to receive DLP preferences.

On the topic of my home state, the ALP brand is terminally damaged in New South Wales. Voters will reflect on the behaviour of key figures within that parliament and the union movement before the last election without mercy for a long time yet. What was once the most durable and effective state government in the country is now a depleted husk of an opposition.

One of the defining moments in the decline and fall of the New South Wales ALP was the debate over the electricity industry. Certain unions mounted a public campaign against the Iemma Labor government's policy of privatising electricity generation in order to secure the capital necessary to fund capacity expansion. As we now witness, electricity prices continued to soar in New South Wales. The wisdom of this policy should be beyond dispute. The campaign was led by John Robertson, as head of Unions New South Wales, and Bernie Riordan, the failed state party president, who at the time still held that role. Both individuals are involved in the ETU and owe a lot to its patronage. General Secretary Karl Bitar sided with these individuals in the ultimate act of treachery.

The party machine betrayed and undermined its own elected government to further the interests of the ETU and its patrons. The interests of workers, who were given strong guarantees by the government, and the interests of the people of New South Wales, which motivated the policy, did not rate with these men. Events worked out well for Robertson, however, who was appointed to the Legislative Council. He replaced Michael Costa, the well-regarded Treasurer, who resigned along with Premier Iemma, when their principled attempt to introduce the government's policy to the New South Wales parliament was opportunistically voted down by the coalition. Ironically, John Robertson then went on to champion privatisation in the prison industry and now
the man that destroyed Labor in power is the party's leader in opposition.

But, for the people of New South Wales, the biggest insult was to come from the efforts of Eric Roozendaal. As minister responsible for privatising electricity retail, he faced such objection to the sale price from the boards of these public companies that eight of the 13 directors resigned. Their replacements were appointed immediately from Roozendaal's own staff and the deal was done. On the advice of the Chief of Staff, Walt Secord, now sitting in the Legislative Council, Premier Keneally prorogued the parliament early to avoid an inquiry occurring before the state election. The damage was well and truly done by this stage and New South Wales Labor, now led by an undeserving John Robertson, is in opposition after four of the most shameful years in its history. Upon entering this place I had much more positive reflections on the New South Wales government in those early Carr years.

When I made my first speech to the Senate I was determined to give voice to those in our country whose experiences and contributions had never been acknowledged. In a way the inquiries I was able to participate in gave me the opportunity to learn about the lives of ordinary Australians and some of their extraordinary experiences. I can recall all those inquiries and some of them have made a mark on me that will last a lifetime.

The first inquiry that I chaired was into the extent of poverty in Australia. This commenced in October 2002, when I was chair of the Senate Community Affairs References Committee. It was a distressing journey into the experiences of the disadvantaged, the have-nots, the given-ups and the given-up-on, real people living extremely hard lives here in Australia. We did try to blame the then coalition government for these people's hardships and, certainly, the former government did contribute but, for many of these individuals, the problems were long-term and well entrenched before 1996. The most important lesson that the Senate should learn from that inquiry is this: it does not matter how women and children got into the predicaments they are in; they are there and we need to help them. In the past, no matter how well-intended our policies and actions, policy in this area had a habit of never failing, being abused or realising nothing—a waste of time.

We have now finally instituted a system that is fair and firm—a system that I believe will ultimately work. These reforms were a core plank of Wayne Swan's budget this year. This was a traditional Labor budget—a hand up, not a hand out. Give all people the chance and, through their actions and the support of others, they can take advantage of new opportunities and build their livelihoods. Australians are capable and hardworking people, and Wayne's budget will help them turn their aspirations into reality.

I was to participate in another inquiry that would have a considerable impact on me personally. After some years Senator Andrew Murray, a child migrant to what was then Rhodesia, was successful in lobbying both me and the then shadow minister Wayne Swan to consider an inquiry into children in institutions. This was one of the most harrowing periods of my time here. The inquiry examined the treatment of children, whether born in Australia or child migrants, who had been either forcibly or voluntarily placed in institutions. This came to be known as the inquiry into the forgotten Australians. It was a very sad and painful inquiry. There were hundreds of written submissions—if you could call some of them written. There were many phone calls, mostly to the
dedicated secretariat, led by the avuncular Elton Humphery, who I hope is here today—there he is—along with Christine McDonald and Ingrid Zappe. I read each and every one of these submissions and often cried at what was in them. They were all sad. They were from men and women, mostly in their 70s and 80s, attempting to provide us with an understanding of what for most of them was the nightmare they enjoyed as young boys and girls.

Even now, I think of them and their written words and their courage in coming forward to tell us what happened to them: the abandonment, the fear, the shame, the self harm, the loneliness—problems that exist to this day—and, not least of all, the suicides that resulted. These people's stories are etched in my memory—the most reprehensible experiences and impossible to forget. We were all shaken to the base of our souls. Our hearts sighed. We were bewildered. We wondered time and time again how adults could do such things to children. How could men and women of faith routinely abuse boys and girls sexually, physically and psychologically? Why didn’t someone step in? Why were they able to get away with it? We all know the answers—and so do those still alive. They relive that terror daily. There is no way to describe what these boys and girls went through, other than to say that they entered the gates of hell. I wanted to share with you one story in particular but I thought that would be unfair. Instead, I encourage you to read the report and all the stories. Never let the suffering of these children be forgotten.

Senator McLucas went on to finish the inquiry, along with Senators Moore and Humphries. These three senators have tales that would make you sob—and, every now and then, we would. The Forgotten Australians report was a tribute to the lobbying of the Care Leavers Australia Network, particularly by Leonie Sheedy, which eventually led to the apology by the then Prime Minister Kevin Rudd on 16 November 2009.

I went on then to defence, and Senator Evans had been highlighting for some time the injustices and irregularities that were occurring in the Australian defence forces. These entrenched situations were leading to the breakdown of morale, a culture of bullying and, far worse, suicides. Senator Evans convinced the Senate of the need to establish an inquiry into military justice. I am not sure that it was welcomed by the hierarchy at Defence, but it was agreed to by the government.

The inquiry focused on the operation of procedural injustice but also heavily on suicides and accidental death. Our first hearing was in Hobart and we were confronted by the angry mother of Eleanor Tibble. Eleanor was an Air Force cadet officer, a proud member of the corps. She was a leader and she was highly regarded. Only in her mid-teens, she was taken advantage of by someone much older. Of course, in the view of ‘the boys’ club,’ it was all her fault. The boys’ club swung into action to protect their own. Eleanor was disciplined, threatened with discharge and humiliated. The cadets were her passion and she felt abandoned and confused. Not long after these events, Eleanor took her own life.

This and many other cases left the committee confronted by the sheer inhumanity that existed in all levels of Defence. It became clear that we had to act. The final report, with some 40 recommendations, was prepared by the erudite Dr Kathleen Dermody and presented to the Senate on 16 June 2005. To his credit the then Minister for Defence, Brendan Nelson, had cabinet adopt substantial changes to military justice. However, core elements
were not in the legislation presented to the Senate.

When the bill was presented, the whole committee considered that it had not gone far enough. We heard that coalition senators threatened to cross the floor unless those core elements were in the bill. Senators Johnston and Payne and former senator Sandy Macdonald that day brought justice to the military. I know that the legislation was successfully challenged in the High Court, but I do not believe anybody can say that the system is as rotten as it was then. The action of those senators that afternoon put Defence on notice, and there is no doubt in my mind at all that there are men and women alive today because of their actions.

I highlight these two inquiries to place on record how much I appreciate the staff involved, who, more than us senators, bore a lot of the sorrow, anguish and pain. But not all inquiries are as personally searing as the one I just mentioned. After 2007 I became Chair of the Parliamentary Joint Committee on the Australian Crime Commission, now the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity. We commenced an inquiry into serious and organised crime to uncover where the dark spectre of its influence lurks in our society. Seizing unexplained wealth, preventing corruption and providing law enforcement with the tools they need to eradicate such organisations were high on our agenda. On my watch I had the chance to work with great people, no more so than the indefatigable Dr Jacqueline Dewar, who framed our major report that led to the Commonwealth enacting comprehensive crime legislation. We gave the agencies the power to break up the baddies. Additionally, last Thursday the PJC presented a significant report on maritime and aviation security. This represents 2½ years of great work by Dr Tim Kendall, Tim Watling, Dr Jon Bell and Bill Bannear.

My family and friends are here today. They came here really to make sure I am going. To quote from Dante's Inferno: 'In the middle of the journey of our life I found myself in a dark wood, for the straight path was lost.' That was me after my first fight with cancer and subsequent recovery. Then came along Natalie Sykes, my wonderful wife, who has been of so much support and encouragement. Over those very dark years when my cancer returned she was there. What sort of person marries a cancer survivor? What sort of person uproots her life, her comfortable existence in Victoria, to venture north? What sort of person acts as a nurse, caretaker, confidante and motivator? What sort of person takes on five stepchildren as friend and adviser? Only one very much in love, and one I love very much.

My six children are here this afternoon—Lauren, Julia, Michael, Georgia, Madeleine, Xavier; my son-in-law, Leon; grandson William; Michael's partner, Lesley; and young Jacob. All these kids have been through so much. This final speech must be, for all of you, a great relief. Mr President, all these children have had to put up with so much from 1999 to 2004, when I was diagnosed with cancer and relapsed. On both occasions, I spent time in palliative care wards. It was emotionally difficult for all of them but they were a strength for me. Of equally tremendous support to me was my little sister, Linda Mary Veronica. She is up there somewhere in the gallery. She has been there for me on so many occasions. Without her, sometimes getting through would have been impossible.

Many mates are here. I think my oldest mate, Michael Lee, is up there somewhere—even though he did drop a desk on my foot when we were at school together. I have
forgiven him. A lot has been written about Michael. If he had survived 2001 and moved into a leadership role rather than others, you do not need to wonder where we would be today. Old mates like Leo McLeay and Ross Free could not make it. Almost all my ex-staffers, except one, are in the gallery. Colleagues from the Transport Workers Union have come down—the president, George Clarke, and the secretary, Wayne Forno, of the New South Wales branch. And I thank Tony Sheldon, who could not be here today. If only other trade unions had their integrity and intelligence, the movement would not be in the trouble it is in.

I would also like to thank my current staff, who are here today: Linda Bourke, Julia Hine, James Young, Amber Setchell and Mark Zoellner. They have been an exceptionally professional and hardworking team, despite the temptation to wind back after 2010. I would like to place on record my thanks to Professor John Cartmill, the surgeon who has operated on me so many times, and Dr Patrick Lam, a St Mary's GP, both of whom have been of great assistance to me. I literally owe my life to them. I want to thank those who have made my journey so agreeable, particularly, if I can say it, my Labor Right colleagues here in the Senate.

When I arrived in Canberra I made two lifelong friends: one here on the floor and one in the gallery. I once said to a family member that I was going to meet the bishop at the Holy Grail and to come with me. My family member only heard 'holy' and thought, 'That would be right—him seeing a bishop at 8 o'clock at night.' Imagine her surprise when she got to meet Senator Mark Bishop at a bar called the Holy Grail. If only I could share with you some of my and Mark's stories, they would turn your hair grey or white. They certainly do not affect Mark's hair colour. Remarkably, it never changes. Irrespective of these quirks, Mark is one of the sharpest minds I have ever encountered. I think it is a shame that under our current system Mark has not been placed in the ministry. Maybe one day.

Don Farrell is also someone I have known since we were at Harvard together. He is a great bloke. I say that because he may speak tonight. 'Sterlie' is someone I first met in our TWU days. I think we first met at a racecourse in Perth. He is the salt of the earth—but don't ruffle him or else. I have so many other mates here. There is Senator Arbib, who used to work for me—now I work for him. There is Senator Feeney, who used to work for me—now I work for him. There are many of my colleagues here from the House of Representatives and, of course, my old good mates Chris Hayes and Craig Thomson, who have always been there for me.

I have so many friends in the gallery. If I acknowledged you, it would be unfair. The friend in the gallery is my old mate Ian Meldrum, the demure proprietor of the Holy Grail. It is a controversial venue on occasions but always a watering hole for many a Labor figure. Ian quietly shares a drink with you. You can say what you like—rant, rave—while Ian patiently stands by and listens. I believe he has missed his calling in life. He is more a priest than a publican.

How could I forget the ever-patient Ian in Senate Transport? With what he has had to do he should get a Public Service medal. I will miss him. I also thank all the Comcar drivers, past and present, particularly those in my home state of New South Wales.

I would also like to recognise other friends in the gallery tonight: Sashikala Premawardhane, Acting High Commissioner of Sri Lanka; Dr Gary Song-huann Lin, representative of the Taipei Economic and Cultural Office; and two old and dear friends, Sid Marris and Peter Nolan.
Lawler, Chief Executive Officer of the Australian Crime Commission, who I worked with closely in my time with the law enforcement committee, is also here tonight.

Queen Victoria told her Prime Minister the Duke of Wellington that there were three things she hated in life: insects, turtle soup and Tories. I have some mates on the other side and a particularly good mate in Senator Parry, whom I think you all know is a former assistant commissioner from Tasmania and undertaker. But I have not changed my mind on Tories.

To conclude, I believe we are all motivated by what the great English reformer William Beveridge said is a real issue: under what conditions is it possible and worthwhile for men and women to live as a whole?

I want to finish my speech to this chamber with a quote from the Bible, the New Testament. This is a letter from Saint Paul to Timothy. I think it sums up not just my feelings but everybody else who is going: I have fought the good fight, I have finished the course, I have kept the faith; in the future there is laid up for me the crown of righteousness, which the Lord, the righteous Judge, will award me on that day—and not only to me, but to all who have longed for his appearing.

Senator HURLEY (South Australia) (16:30): It was hard work for me to get into the Labor Party. It took me six months to join the New South Wales branch in the early eighties. My flatmate and I were living in Petersham and did not realise that the impending preselection battle would make it difficult for us to belong. We did not fit into the then very rigid factional divide that characterised the New South Wales Labor Party, and no-one was keen to have us in the branch when they did not know how we would vote. We eventually made it onto the books, although I was not very active in the party at that stage. The management of the merchant bank I worked for, Chase NBA, were a bit stunned that I was a member of both the Labor Party and a union. I do not know how they would have coped if I had been actually active.

When I did launch into politics in Adelaide about 10 years later, I stood for preselection for the state seat of a retiring member. Unfortunately that seat had also been targeted by a Labor member who had a very marginal seat on the other side of town and who became an independent when he was not preselected. It was a rugged contest fought in the shadow of the South Australian State Bank crisis, and the independent was running very hard. I was under pressure from some senior Labor people to withdraw in favour of the independent, who they thought would win. The incumbent Labor government then made him a minister in their government. Sometimes you do not need enemies when you have friends.

Nevertheless, I was elected, one of only 10 Labor members out of the 47-seat House of Assembly and the only female. Fortunately I was soon joined by other Labor women, who came in shortly afterwards in the by-elections. I do hesitate in mentioning these by-elections in case it starts to raise hopes in the hearts of those opposite, but that is what happened.

It meant long hours and hard work but we formed a close and united team behind Mike Rann, who was a strong leader and a great campaigner. I also got much assistance from Frank Blevins, a former Treasurer and Deputy Premier, who sat behind me in the chamber and was a great source of advice.

I got a large swing back the next time and Napier became a safe seat. I was then elected deputy leader of the party after the 1997 election. The Liberal government was a minority government and we used every opportunity to put them under pressure. We
knew we had a chance of getting in at the next election but also knew it would not be easy—please note opposite that there were no by-elections that time. A redistribution put about a third of Napier into the neighbouring marginal Liberal electorate of Light, although it was still very much a safe seat.

My husband, Bob, who is an engineer, had one of his ‘what if’ moments and suggested that I could shift into running for Light. He forgot about it immediately, of course, but I started to think it was not a bad suggestion if we were to pick up that one extra seat that we needed to win. I had had enough of the opposition benches and thought that Labor deserved government. To Bob's horror, the plan was put into practice.

Another gruelling election campaign followed. It was clearly an important seat and the Liberal Party put everything into it. For example, Bob had an office in a house close to the city, where I sometimes stayed overnight when parliament sat late. One of the Liberal Party Legislative Council members rang a number of the neighbours of that house to try to get them to say I lived there—and thus a long way from the seat I was running for. He called the night owl early in the morning and the early riser late at night and pushed them quite hard, apparently, but did not get much cooperation from them, although they did manage to track down my phone number and tell me what was going on. Some time later we did move into that house, and, as a result of the interesting introductions arising from that incident, those neighbours are now great friends of ours.

Still, I did lose that seat in the 2002 election. As many of you here know, it is very draining and personally demoralising to lose an election into which you have put all your heart and energy. Although I did not pick up the seat, a Liberal independent decided to support Labor, and Labor then formed government. If I had stayed in my safe seat I would probably would have been Deputy Premier, but I know I made the right decision not to put my own political safety first but to take a risk. I am sure this set a fine example to others—although I have not noticed anyone following my lead yet, and I rather fear it has set a salutary lesson on what not to do!

When I ran for the seat of Light, one of the interstate volunteers, Linus Power, came over to supervise the campaign. He not only ran a tight campaign but did a lot of the work on the ground and became a tower of strength for me and my family. He is one of the young people I think of when others complain that the Labor Party has become a party of careerists. Linus is intelligent, talented and hardworking and would succeed anywhere he chose to go, yet he remains with the Labor Party. There are others in the same category, like Elias Hallaj, Peter Malinauskas, Sonia Romeo and Michael Brown. The fact that there is speculation about three eminently qualified people as possible South Australian Labor leaders is a good indication of the depth of talent in the South Australian parliament, and there are others in parliament who will also eventually make their mark. It is pleasant to be in the position where I am able to choose retirement and the time of my going, knowing that the Labor Party, certainly in South Australia, is in good hands.

When I came into the Senate, I went again into opposition and again into a position on the front bench. This meant I could not settle into the job quietly along with the rest of my large intake, but it did give me something to sink my teeth into. I took the job of shadow minister for citizenship and multicultural affairs in the year following the Cronulla riots, in December 2004, and there was a
particularly passionate debate about multiculturalism. I spent a lot of time travelling around the country trying to reassure many groups that the Labor Party was still committed to the principle of multiculturalism, so it gave me much satisfaction to hear the Minister for Immigration and Citizenship, Chris Bowen, make that strong affirmation recently. Following the change from Kim Beazley as leader in 2007, I lost my position on the front bench. I was disappointed, since my assessment was, even then, that we had a good chance of being elected. I had been a shadow minister in a number of portfolios and a deputy leader of a state party, but unfortunately had never had the opportunity to be a minister in a government. This disappointment meant at least that I could take a more active part in the Senate committee system. I became chair of the Senate economics committee, and that became a busy and sometimes hectic job, with periods of high drama and, occasionally, high farce.

At this point I must recognise Mr John Hawkins, secretary of that committee, and other secretariat members over the years. The Senate committees are generally very well served by their secretariats, but John's exceptional intelligence and commitment enabled the committee to keep its head above water when there was a record workload and at times some heavy political pressure from both sides.

I am proud of the record of the economics committee and particularly some of its larger reports, like the space industry and charities inquiries that were completed in the midst of a welter of other legislative inquiries. I thank my colleagues on the committee Louise Pratt and Doug Cameron, who also made the journey; the deputy chairman, Alan Eggleston; and other members of the committee.

I now want to acknowledge just some of the people who have enlivened my career and helped me along the way. It is now a common practice in maiden speeches to go through a long list of people who have helped the member in his or her life—so much so that a couple of them have sounded like the proverbial beauty pageant acceptance speeches, I think. I have always held the view that it is not the individual that is elected but the party, particularly in the Senate, so I used both my maiden speeches in the old-fashioned way, to talk about how I wanted to implement party policies and what I saw as the priorities. Today, however, I intend to be self indulgent and do a list.

First on that list must be Don Farrell—Senator Don Farrell—and his wife Nimfa Farrell. A quality I have admired about Don is his ability to set goals, plan tactics and not be distracted by any noise or squabbling along the way. This was demonstrated in his leadership of his union and his role in the Labor Party, and I am sure that it will be a hallmark of his parliamentary career. When I was a South Australian Labor Party organiser, I worked closely with Don on his bid for the federal seat of Adelaide in 1988, and he also knows the disappointment of an unsuccessful campaign. Many times in the subsequent decades, his position in the Labor Party meant he could have got preselection for a safe seat, but many times he stood aside to allow someone else to move ahead, including me. From a personal point of view, Don and Nimfa and I have shared many good times. Apart from their incomprehensible liking for the wrong football team, I have a great admiration for their shared love of family, loyalty to their friends and dedication to the Labor Party.

I have been also fortunate in my staff. I started with three staff from Geoff Buckland's office. Rosie Falco had done great work with the refugees in the Baxter
Centre, and her infectiously lively personality now resides in a ministerial office in the South Australian government. Nimfa Farrell and Peter Gonis are still with me. Peter Gonis was only 20 when he joined my staff, but from the beginning he displayed effortless maturity and independence; I have basically left him to it, and have never been disappointed in the quality and value of his work.

Sidique Bah joined when I took the shadow ministerial role. Sidique came to Australia as a refugee from Sierra Leone with a background in journalism before the war overtook his life, and demonstrates why Australia gets a very good deal with our immigration intake. Sidique moved into the electoral office and Andrew Plimer jumped straight into the role of policy adviser with tremendous enthusiasm and talent. He lost his job when I just lost a title and a bit of extra responsibility, and it is sad that he has now moved to Canada. He might anyway have felt some increasing and maybe uncomfortable scrutiny on his climate change views, given the stance of his father, Professor Ian Plimer.

Cathy Perry later came on board during the most hectic period on the economics committee. She worked side by side with me, and her intelligence and sage advice was invaluable. We had great chats on our long and frequent journeys to various hearings and I got to know her well. She has a strong belief in Labor values and she deserves a long and distinguished career in politics. She is now also working with a South Australian member.

A fairly recent addition is Matthew Marozzi. Matthew is another very young man who shows the Labor Party is in good hands for the future. He hit the ground running to take on the role of assisting with committee work and just about anything else going. I have already had other members trying to poach him from my staff—one of whom is here now! But at this stage I do not want to lose his quick intelligence, good humour and willingness to help.

Dianna Zollo joined my staff last year in a strange twist of fate. I first started a paid political career when one Carmel Zollo took maternity leave from the office of Chris Hurford, member for Adelaide. She was very generous in showing me what to do and how to do it. Carmel is now a member of the state legislative council and was a good minister. Her daughter, after beginning a teaching career, now does the job Carmel helped me into, and is very well regarded by the constituents she helps. The office has been pulled together and managed with an iron fist in the velvet glove of Nimfa Farrell. She has been the pivot of my office and my work in the Senate, as well as a great friend.

Although I was always interested in politics, scientists do not come across political work much. Getting to know MaryAnne Armstrong, with her extensive Labor Party connections, was my first introduction to the world of professional politics, but what I remember most is the warmth of our personal friendship. Other personal friends have been patient with my peripatetic life, and I want to thank them all.

There are also many people to thank here in the Senate. When I first came here for the information session, I was immediately impressed that the Senate staff treated the institution with gravity, dignity and professionalism yet somehow managed to be friendly and unassuming. I thank Rosemary Laing and Cleaver Elliot for their assistance, as well as the Table Office and Parliamentary Library staff. Hansard and Broadcasting do outstanding work. All Senate staff share the long hours and the ups and downs of the job: the Senate transport...
office and drivers, the messengers and the security people. The mail room is outside my door and it is strangely comforting to see them going about their job calmly and efficiently. Thank you, too, to the Aussie's management and staff for keeping patient and cheerful while providing long queues of tired people with essential caffeine and refreshments. My immediate family do not want any formal recognition, but I will ignore that. My son, Patrick, was five years old when I was first elected, just embarking on his first year of primary school. He is now 23 years old and just embarking on his first year of a PhD in mathematics education. I was eight months pregnant with him when I was doing the 1988 by-election campaign, and he has been immersed in politics ever since. He has been a source of joy to me since he was born and along the way he also became an interesting companion, a knowledgeable sounding board for discussion and a minder of the family home. Of some pride to me is that he continues to spend a significant amount of his spare time with TocH, a group that provides recreational activities for disadvantaged children.

My parents, Pat and Floss Hurley, have given me the kind of unwavering acceptance and encouragement that anyone in politics should have. It was their belief in the value of education that gave me and my sisters the chance to fulfil our potential, and this was at a time when it was not fully accepted that girls would be career minded. Our tertiary education occurred under a Labor government and I am very pleased that the Gillard government is also deeply committed to education. My sisters, Carol and Sharon, have helped out with the kind of vigorous scepticism and energetic debate that characterised many of our discussions when we were growing up. This has proved very useful at times in politics when people have tried to shout me down or impose their views—let me tell you that they were nowhere near as intimidating as either of my sisters. One of them is a lawyer and the other a school principal, and they are pretty good at getting their own way and know all my weak points.

My husband, Bob, and his family have also backed me to the hilt. After about six months in state parliament it became clear to Bob and me that we could not both continue in busy full-time jobs and provide the care we wanted for Patrick. So Bob quit his job as a software engineer in minerals analysis instrumentation and began gradually working up a business at home as circumstances allowed. I will say no more than that I very much hope that in the new phase of our life, when I leave politics, we will continue to have the partnership that has so delighted, enriched and sustained me.

Before I leave I want to mention a couple of topics that I think should occupy your time here in the chamber. Firstly, there is the question of Australia beginning to use nuclear energy. While we did not need nuclear power to complete our energy requirements, I thought we should not risk the dangers. However, regardless of any emissions trading system, the futures of our energy sources of oil, gas and coal are not as positive as they used to be. We now need to have a serious look at nuclear energy. Because it will take so long to do a proper inquiry and have a thorough look at the new technologies, much less identify possible sites, I think it is imperative the nation tries to keep an open mind and commit to an impartial inquiry. I urge you to support any such initiatives.

Secondly, I want once again to put the case for Australia becoming a nation of science and innovation. We know we have the talent; unfortunately, we do not have the
size to fund significant levels of development from the private sector. The universities, the CSIRO and the CRCs have made very significant contributions over the years and I urge all parties to not only maintain but improve government support for pure science, technological research and assistance in commercialisation. We have the example of the Scandinavian countries to show that advanced research and development can create a large niche in a country’s economy that will deliver good, rewarding jobs. In Australia the history of agriculture demonstrates that advanced research and development result in better profits and greater adaptability. The future of our manufacturing must surely be in innovative, technologically advanced areas. I think we have just scratched the surface of the possibilities in Australia.

On that note I say farewell to all my colleagues in the Senate and the House of Representatives, particularly the class of ’04. It has been a wonderful and fulfilling opportunity to be a senator, and I wish my successor, Alex Gallacher, and his wife, Paola, the very best in their new roles.

**Senator FIELDING** (Victoria—Leader and Whip of the Family First Party) (16:49): I have always loved listening to stories. I love sitting around a campfire with my kids and telling them stories of my own childhood, growing up in a large family of 16 children. There is something about a story that allows others to be involved and allows others to be encouraged. Stories draw us in and allow us to learn about ourselves and those around us. Stories cover every spectrum of life, weaving knowledge around movement and emotion. They can have kicks in their tails, sudden unexpected twists, or be as predictable as death and taxes. As we all know, some stories based on fact are more incredible and stranger than fiction. My story belongs to the former category. My life has had some unexpected twists, including my election to the Senate in 2004, which for many was remarkable and a big twist in the tale. I will be forever grateful to the voters of this great country that is one of the oldest and most robust democracies in the world. It was a historic win, an amazing story in itself.

But today I want to share with you a story about another man, one who preceeded me in this great place, the Senate. It is a story that has remained largely untold. I want to honour him, his memory and the role he played in my extraordinary transition from being just a man with a dream to a senator. Despite having an engineering degree and an MBA, I knew I stood no chance of being elected as a senator unless I first understood the breadth and depth of what was required in the role. If I could glean that knowledge and gain insight into the mindset of a senator I was confident I could be successful. Like the prince who sets out on a quest to find his princess, I set out to find someone who knew a senator. It did not take me long to exhaust my family and friends and end up back at the start. Unsurprisingly, no-one knew a senator I could talk to. After all, I had no political grooming when I was growing up, or throughout university or my business career. My hidden weapon was growing up in Reservoir in a large family. I learnt many things. One of them was perseverance. Confronted with a roadblock, I was more determined than ever to find the one who could mentor me and help me. I asked myself, ‘Who do I admire and respect the most?’ It was an easy question to answer, an obvious one in the end—considering he was a giant in Australian political history: perfect. If you want something badly enough, you will persist. I obtained his home phone number and, late one Saturday afternoon in 2004, I picked up the phone and dialled. The great man himself answered. Momentarily taken aback, I paused before
launching into my spiel that I was running for the Senate and that I would appreciate some of his time. I was a total unknown, a stranger asking this political icon for a meeting. With his customary gruff abruptness, he shot back, 'You're not some kind of nutter, are you?' Desperate to keep him on side, I reassured him of my professional qualifications. He did not seem too impressed to start, but then suddenly, decisively, he agreed.

His choice of meeting place was typically outrageous. We met the next day in his local church hall, after the morning service, my wife in tow—a smart move which quickly paid off. The awkwardness was evident so, in an effort to break the ice, my wife, Sue, went to fetch us some cups of tea. It worked. He leant over to me and said with a grin, 'She's bloody good-looking, isn't she?' Stunned for only a second—after all, he was known to be a bit cheeky—I managed to squeeze out, 'That's why I married her.' I think I had passed my first test. He agreed to another meeting and we duly convened to his chosen restaurant, tucked away in a corner of Camberwell, he with his two minders and I with my good-looking wife. It turned out to be a long lunch. We spoke about everything and anything. I soon grasped how much intellect this man had and, despite my years as a senior executive, how little I knew. I can assure you all that there may be no such thing as a free lunch, but there certainly is such a thing as a life-changing one. As our time came to a close, I asked him if he would continue to help me. He paused, reflecting, and then said with great sadness, 'I can't. You see, the Democrats are my first love but they have broken my heart. But they are still my first love.' It was a heartfelt moment, but I persisted, leaned towards him, and asked, 'Then why don't you adopt me like your son?'

We continued to meet on occasions at his home in the lead-up to the 2004 election. He was generous and encouraging. On one of those occasions, with great gravitas, he warned me about the Greens. He told me they could never be trusted. He went out to his study and brought back his draft manuscript from his then-unfinished book. He shared with me that he wrote only one page on the Greens, as they did not deserve any more. He then gave me a copy of the page and went on to say that I could use it against the Greens in the election campaign. I quote from that manuscript: 'Frankly, I would be devastated if Bob Brown and his followers ever held the balance of power in the federal parliament.' Even after winning my Senate seat, we never discussed why he ended up helping me. I think that it was in part due to the fact that we shared a common view: that the Greens should never be trusted with the balance of power in Australia. I have shared this story today to pay tribute to this great bloke—a man who had politics running in his veins, who was, I think, Australia's greatest senator: the Hon. Don Chipp.

Due in some part to his encouragement and mentoring, I have had the tremendous honour and privilege to serve this great country as a senator for the last six years. I have also been privileged to get to know three successive prime ministers and to meet with ministers and shadow ministers on many occasions. I have never taken these meetings for granted and have valued and enjoyed the trust that both sides of parliament have shown me, along with the friendships I have made. I have held these meetings, conversations and relationships close to my chest and will continue to cherish the memories privately for years to come.

However, I can share with the chamber some of the insights I have gained from my time in this place. From any perspective, politics can seem like a winner-takes-all
conflict. Today has been no exception: a place where there are only winners or losers. However, sitting as I have on the crossbenches, I have gained valuable insight. I have learnt that indeed there are always going to be winners, but I have discovered that seeing a loss as a learning opportunity moves you forward without bitterness. It also allows you to discover more about yourself, your circumstances and your abilities. Consequently, I would say that my six years have been characterised by both winning and learning, with plenty of lessons learnt along the way.

Let me share some other stories. On the morning of Tuesday, 26 July 2005, my office contacted the Herald Sun with a breaking news story. Just 26 days after the commencement of my term, we had uncovered a major flaw in the government's proposed new Work Choices laws. That is right: public holidays and meal breaks were no longer guaranteed; they were gone. So outrageous was this proposition that even the Herald Sun did not believe us initially. 'Howard would not sell out the battlers!' was the response. It was not until later that afternoon that the Herald Sun, at our urging and instigation, finally agreed that we—not a powerful union, not the Labor Party, not a large welfare organisation or social service but a minor party, a new senator in parliament—had uncovered a big black hole in the prized legislation of the government. The story was big, and a surprise to most. On the day the story appeared in the Herald Sun even Peter Costello, under cross-examination by 3AW's Neil Mitchell, tap-danced all around the issue unable to give assurances about basic working conditions like public holidays and meal breaks. Before the final vote on Work Choices, I met with Prime Minister and suggested a way to bring some fairness to the unfair Work Choices legislation. But in this debate he only wanted my vote and did not need it. I felt that it was a mistake by the government to dismiss any commonsense changes. It later proved to be the start of the demise of the government.

By the time the government brought in the fairness test, it was too little too late, as the perception that the government had sold out the battlers was too entrenched. My learning opportunity from this story was about the importance of reading legislation line by line for myself. No matter how many voices urge me to vote in any given direction, it is my duty to be diligent as a senator. There are no short cuts as a legislator. I also learnt that common sense is more valuable than any balance of power. The sting in the tail of the story was self-evident at the polls in 2007.

On other occasions I learnt that sometimes the simplest ideas are the best. Skyrocketing grocery prices are always a big issue for families, which is why in 2008 I introduced the unit pricing bill where supermarkets have to display prices in units to help families cut grocery bills. I had seen this work firsthand whilst living in New Zealand in the mid-1990s. It was not rocket science but rather a simple and effective method to assist families. I was as surprised as anyone else by the number of products that are not cheaper when purchased in bulk. A Senate inquiry on my bill backed up the benefits and finally, in September 2008, after a rigorous campaign from my office and others, the government abandoned their discredited Grocery Choice idea in favour of unit pricing.

But not every story has such a happy ending. One of my lasting regrets is our nation's missed opportunity to really tackle Australia's alcohol toll. It still stagers me today that the alcohol toll costs the nation over $16 billion a year, mopping up after excessive alcohol consumption. In 2007, when I first became aware of the incredible cost to the community from excessive
alcohol consumption, I urged both sides of politics to see the urgency and the need to address Australia's alcohol toll. I know that it is difficult to confront Australia's alcohol toll because no one wants to be seen as a wowser, especially any government of the day. But I still believe that we could develop an alcohol toll campaign that the community would get behind just like they did when we tackled the road toll, the AIDS toll and the tobacco toll.

With this in mind I introduced the Alcohol Toll Reduction Bill 2007, which would have resulted in backing up the responsible drinking campaign with warning labels, moving the approval of alcohol ads out of the hands of the industry to ensure that alcohol ads do not entice kids and do not hint that success in life comes from drinking alcohol and, finally, dehooking alcohol from sport by removing the exemption that allows alcohol ads to be shown any time of the day solely because it is a sports broadcast. The Senate inquiry on this bill provided ample evidence from countless expert witnesses to warrant action on Australia's alcohol toll. But as I said earlier, not every story has a happy ending. The government, regretfully, turned the alcohol toll debate into a tax issue rather than a cultural issue and, as a result, our nation missed a golden opportunity to really tackle our $16 billion alcohol toll.

So what does it take to get a story with a happy ending? Marketing gurus would tell you that sex always sells, so that is the tactic I used in May 2008 on the steps of Flinders Street Station on behalf of Australian pensioners. I am the first to agree that exposing all by stripping naked to the waist was not a pretty sight, but the Fair Go for Pensioners rally was certainly a winner that day. My striptease act has been described online as 'the only good reason for mandatory internet filtering—Steve Fielding naked'.

It all started with Shirley Grant, a pensioner from Glenroy. Shirley was the real face and voice of this issue, airing her frustration on Neil Mitchell's 3AW talkback radio and declaring she was desperate enough to take her shirt off in protest to get an increase for pensioners. She was so convincing that I rang Neil Mitchell and told him that I would help organise a pensioner rally as long as the ladies would keep their shirts on, as I would be stripping for them.

The success of this pensioner rally surprised us all as the grassroots campaign took off with huge media coverage. There were subsequent meetings with the Prime Minister and then the government finally bowed to the pressure. The protest rally was a pivotal turning point that ultimately led to the biggest one-off increase in the age pension. Yes, a happy ending, but it was the voice of Shirley from Glenroy that was more powerful than any politician's voice in Canberra. Now I turn to the most distressing issue that either side of politics have had to deal with; to the voices that will never be heard again, their silence echoing from the deep, drowned by the greed of people smugglers preying on vulnerable and desperate people. Many Australians see this as a border security issue; a management problem. I see it far more personally: I see fathers, mothers, sons and daughters seduced into taking a perilous voyage in the hope of asylum in Australia.

On a self-funded trip to Christmas Island, I was told by one of the asylum seekers that for every 30 or so refugees that make it to Australia, 70 or so do not. They either drown, disappear or are thwarted by authorities on the way. As long as we keep accepting these refugees who do make it we will be a partner in this deadly game of Russian roulette. We must stop the boats for humane reasons, regardless of the politics from both sides. Remember, I, too, rightly
supported the changes to asylum-seeker laws that were made after Labor was elected in 2007, but I did not expect the boats to start flooding into Australia again. This was clearly an unintended consequence and I was appalled at the dreadful loss of life that was occurring as more and more people jumped into dangerous boats in a despairing bid to get to Australia.

So I started to develop a new policy that would stop the boats and therefore stop the senseless loss of life. It was a simple idea based around a swap concept as outlined in the Herald Sun in March 2010. Asylum seekers arriving by boat would be transferred to the back of the queue in overseas refugee camps, but to release pressure on these camps Australia would agree to take two or more refugees who had been waiting patiently for years to be resettled. I talked to both sides of this place, imploring them to consider this policy. Initially, both Labor and Liberal were reluctant to support it. Then in December last year video footage of the refugee boat being smashed onto the rugged rocks off Christmas Island reinforced the urgency and the need to stop the boats. But there are no winners in this story. The current Malaysian solution gives me no sense of victory that I have been heard; only a hope that future lives may be saved and that we will not have to endure the anguish of more futile deaths at sea.

There are many other stories that I could share where I have played a role of great influence. I have always taken my role and responsibility as a senator very seriously, even though at times I have used some novel ways to promote good policy to the dismay, and sometimes the amusement, of the Canberra press gallery. Nonetheless, the policy ideas behind any stunt were always serious and worthy of attention. I have continually put forward legislation and challenged the status quo on a wide range of public policy, including a number of private member bills and numerous Senate inquiries.

Many in this place would know that I love my sport, but my age is showing with the all-too-frequent injuries, which is why I have often been seen zipping around on a red scooter or hobbling into a division in this chamber on crutches or limping. It was not the argy-bargy outside the chamber, it was definitely sport. Part of the reason I play sport in parliament is because it provides me with an outlet for the stress that comes with sharing the balance of power. The extra benefit has been the friendships that I have formed that would not have been possible without the sporting activities. I thank Andy Turnbull for making the parliamentary sports club work so well and for the tremendous funds that we have been able to raise for charities through it.

One of the most challenging days I had in this place was when I shared publicly about growing up with a learning difficulty. For me it was always the elephant in the room. If I ever mispronounced or stumbled over certain words, as we all can from time to time, it was a tough day to get through. But I was greatly affirmed and encouraged by an overwhelming number of people who contacted me in support of my disclosure, thanking me for speaking on their behalf.

In particular there are two people I want to personally thank for their encouragement at that time. I received a touching personal note from Ron Walker that really lifted my spirit and Neil Mitchell wrote a very caring opinion piece in the Herald Sun. Both meant a lot to me at the time. Once again, I would also like to encourage all those kids with a learning difficulty: never give up, and do not listen to those people who say you are a dummy. Instead, hang in there and think big. Remember, you get stronger by swimming against the tide than with it.
As a senator I have been very well served by all the staff in this place. Thank you: each one of you has made my job a lot easier, and our parliament functions extremely professionally, as it should, as a consequence of your dedicated work.

Over my six years I have come to appreciate that the Prime Minister's job is the toughest job in the country, and the sacrifices the prime ministers make are undeniable. I would like to say a very personal thank you to Prime Ministers John Howard, Kevin Rudd and Julia Gillard for giving me the time you did over my term. I have truly been in a privileged position and I am indeed grateful.

Now to my staff. Any senator knows your staff are critical, and I thank all my personal staff for their trusted, professional and expert advice, and loyal service. There is one staff member I want to give special mention to and that is Anna Franchesicini, who has been with me from day one as my office manager. Anna, I cannot thank you enough, and you know how you have been a real help to my family.

And finally I want to thank my family. I am indeed indebted to my parents, who lived out the meaning of putting family first, teaching me always to do my best and to put in more than you take out. Susan and I have three wonderful children, and I am indeed blessed. To my son James, our eldest son, who is flying through his third year of law at university: I am inspired by your ability to always do a professional job whenever I asked for your help. To Campbell, our middle child, who served in the Defence Force for his gap year and is now in his second year of a building apprenticeship: I am so proud of your persevering attitude and thank you for always helping out when I was not around. And to Gabrielle Fielding, our gorgeous daughter, currently in year 11, thank you for being so positive and encouraging in very difficult times. Lastly and most importantly, I want to thank my closest friend, my wife, Susan. We both undertook the biggest challenge of our lives back in 2004 when I decided to run for the Senate. Only people in this place would know how incredibly difficult it is to manage an election campaign—and as an Independent it is even harder. My wife and I managed the entire 2004 Senate campaign in Victoria from our home. Together Susan and I worked day and night for months recruiting and managing 37 federal candidates across Victoria, along with all aspects of a grassroots campaign, including manning over 1,500 polling booths.

Members of this place know the incredible price our partners pay so we may serve this great country of ours. Susan has been my biggest backer and most influential adviser, at some considerable expense to her health. At the time I chose not to go public with her illness, but in 2008, just as I started to share the balance of power in the Senate and my vote became critical, as a family we faced the gravest times as we nearly lost her to a thyroid crisis. That she is here to share this day with me is a testament to her resilience and inner strength. Even though I leave this place with some sadness, I am still looking forward to a new chapter in my story, and my greatest comfort is knowing that from July I can again put my family first.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (17:17): I would like to make some remarks on behalf of the Gillard Labor government to the three retiring senators who have given their valedictory speeches today. Again it seems we have had some of the best speeches in this place delivered as farewell speeches, and we have had a bigger crowd
both in the chamber and in the gallery than we ever have for our normal proceedings. So we must do this more often!

Steve Hutchins has had a great Labor career, and I congratulate him on it on behalf of all members of the Labor Party. I think Steve's speech today was an extraordinarily revealing, powerful, passionate and personal speech, and I was very moved by it. I know he spoke from the heart in a tremendous contribution. Steve started out as a forklift driver and ended up a senator and a senior party official. As I say, he has had a great Labor career. I know he has made a huge contribution to the Transport Workers Union and remains very much committed to the Transport Workers Union. He has made a tremendous contribution to New South Wales and the New South Wales Labor Party, and I think that with his remarks today he showed his continuing passion for the New South Wales Labor Party and its future. As always he was forthright and frank, and that is one of Steve's great attributes; you always knew where you stood. I think a few people today know where they stand, even if they may be standing in a rather uncomfortable spot! It was also clear when he went through his family why he got preselected: there are a good couple of branches' worth in the family, and it is why the strong Catholics have always done well in the Labor Party!

Steve, as I say, gave a tremendous speech today, and I think that what struck me again was the compassion which he brings to the role. I looked at Steve's first speech, and he talked a lot about unemployment and his commitment to employment and opportunities for working people. Today he spoke about poverty with a great deal of passion for those who need our assistance, and he also spoke about the number of Senate inquiries he was involved with, including his very moving recounting of the inquiry into the forgotten Australians and how that moved him. I think his contribution and that of the other senators is a great advertisement for the Senate. It is one of those inquiries where the Senate has been at its best and the senators were at their best.

From my own point of view, I saw Steve Hutchins at his best in the work he did on the Senate Standing Committee on Foreign Affairs, Defence and Trade inquiry into military justice, which Steve talked about today. Steve took over as chair of that committee, and I think one of the great things about that inquiry was that families got a great deal of satisfaction and comfort from the fact that the Senate took the time to listen. The way Steve dealt with them, his role in the chair and the way he conducted that inquiry did him great credit. So, Steve, I acknowledge you made a fantastic contribution to the Senate committee system and to the Labor Party, and I thank you for that contribution to the cause of Labor.

Steve referred partly and quite quickly to his fight with cancer, and I think that probably allows me to pass a short comment, which is that sometimes as leader I did not know whether he was suffering or not. He never complained, he never sought dispensation and he never asked for any special treatment. In fact, a few times when I had heard he was not well and I asked him to take time off, he refused to take it off, which was a sign of his commitment and the fact that he battled through a really difficult period and great medical challenges with a stoicism that I know I could not have shown. I think many of his colleagues did not actually know what he was going through. It
Steve—Stephen Patrick Hutchins; I did not realise the Patrick was there till today—has made a huge contribution to our team in the Senate. He will be missed. But, as I say, he goes to a new stage of his life with a tremendous Labor record. I know he will continue to contribute to the Labor Party in his new state and his new life. All the best, Steve.

Can I also speak about Annette Hurley, who spoke today about her history as a senator and her engagement with the South Australian Labor Party. I was particularly impressed, Annette, when you spoke about how hard it was to get in. We are very glad you finally made it and it was a great benefit to the Labor Party. I think it reflects the fact that having a wider gene pool is a very good thing for the Labor Party. Your different experiences and the skills which you brought to both the South Australian and the federal parliament have been highly valued.

Annette talked about how she had been the member for Napier in Adelaide for eight years and had risen to the position of Deputy Leader of the Opposition in South Australia, where she had earned great deal of respect for her hard work and advocacy for the South Australian Labor Party. But she took the incredible decision to relinquish her safe seat and fight a very difficult seat for the Labor Party, a Liberal held seat, which she lost narrowly. As she pointed out today, if she had won she would have been Deputy Premier of South Australia, because they formed a minority government after the election, although the seat Annette ran for was considered to be the swing seat. It is a tremendous thing to be able to say that Annette made such a selfless act on behalf of the Labor Party and it is a tremendous compliment to her.

Annette, I know you have served the South Australian party as president and served on the national executive and made a huge contribution in the cause of Labor in South Australia. One of most remarkable things is that there are some very good numbers people on both sides in this parliament. I am not sure you are one of them—it has never been a particular focus of your activities—but you are the first one I have heard of who was actually elected to the frontbench before entering parliament. I think that is a remarkable tribute to your organisational abilities. As people might recall, we held open a frontbench position for Annette until she took up her position in the Senate and, as she said today, she did a fantastic job with a great deal of zeal in supporting a strong multicultural policy and racial tolerance in Australia at a very difficult time.

I have regarded Annette as a very solid and effective member of our Senate team. She has carried a huge workload as Chair of the Economics Legislation Committee. I know the number of bills they have had to deal with has been huge, and Annette has provided a huge contribution to the government through her work as chair of that committee. As I say, she has dealt with a huge workload, with very difficult issues, with sometimes some very difficult senators—ours and theirs—and has really made a contribution to the success of the government. She has always done it in a very modest, hardworking style but with a very steely resolve—not a woman to be trifled with! I have certainly appreciated the role Annette has played in this Labor government. We are going to miss her contribution. We wish her all the best in her new endeavours. I think she, too, has had a great Labor career and made a great
contribution. We wish Annette a fantastic future.

Turning now to Steve Fielding, who also gave a very passionate and emotional speech, Steve got elected to the Senate in 2005 as a result of a very cunning Labor plan—and I do not think Alan Griffin MHR has been given the credit that he deserves for getting Steve Fielding elected to this parliament. Family First got slightly less than two per cent of the vote but Steve was elected as a result of a complicated preference arrangement, and Kim Carr was very keen for me to mention Alan Griffin's contribution—Alan, if you're listening? Putting that aside, I have always been one of those who have argued that Steve may have got up on a small primary vote but he got up in accordance with Australia's Constitution and deserved to be treated properly and respected as someone who had been elected by the people to serve in this place. And I know he has taken that responsibility very seriously.

He spoke of his family. I cannot imagine coming from a family of 16 kids; I don't know how you would manage to get feed in among that fight. But I know his own family has been very important to him and he always speaks fondly of his kids and their experiences. I know that is very special to him.

Steve has been viewed as being a conservative in this place and has sometimes been at the centre of controversy. That probably goes with the job of being a small party or an Independent in a finely balanced Senate. I think both sides of politics have been frustrated by him, particularly when he does not vote with us. As I say, that is a function of the role he plays in terms of the balances in the Senate, and Senator Xenophon can be pretty frustrating as well from our point of view for that same reason. I think Steve has been pretty hard to classify or put in a particular category because he has voted with both sides on different aspects. I think from our point of view we are most appreciative of the position he took in terms of industrial legislation in this parliament. His critique and opposition to Work Choices and his support for the Fair Work Act is something that the Labor Party and, I think, working people in Australia are very appreciative of.

I know in the last three years Steve has been in the position of contributing to the balance of power in the Senate. I think every senator in that position feels huge pressure in having to vote on every bill on every vote before the Senate. I know those of us who are part of parties appreciate that we can concentrate on various aspects of the parliamentary work but the minors and Independents have to be across it all. I know the pressures that places on people and the huge demand. Generally people who have been in that position, I have seen in this parliament, have aged very quickly as those pressures build.

In spite of all that Steve has maintained good relationships across the chamber. He referred to his admission about his learning difficulty a year or two ago. It was a tremendously brave act and I think all members of the parliament were appreciative that he took a very courageous step. As he pointed out I think it provided great leadership to people with learning disabilities to be able to confront and admit them and to be proud of the contribution they make. I think it was a great measure of leadership to be brave enough to make that public.

Steve also referred to his various sporting injuries. I do not know whether Senator Arbib and Senator Conroy have been hacking him in their regular soccer games but he forever seemed to have an injury. I am a rugby man and soccer seemed to me to
always be a bit of a soft game so I could never quite understand how Senator Fielding was always hurt.

 Senator Arbib: You are so wrong!

 Senator CHRIS EVANS: The Minister for Sport takes exception to that as do my sons. To Steve I would suggest that maybe he ought to act his age and that his best days are behind him in terms of his soccer career.

 Steve also referred to his particular activities, some would call them stunts, designed to attract attention for the causes that he was advocating. I think it is fair to say that I have seen far too much of you, Senator Fielding, and I do not want to see that much of you ever again and I think I speak on behalf of the whole chamber in that regard. The other famous time was when you appeared in a costume which I am told was a beer bottle—it looked like a condom to me and that is how I remember it. I am sure it was in a good cause because, as Steve said, he has consistently argued for action on the excessive consumption of alcohol. That is to his great credit; it is a major problem in our society and he has been right to take a keen interest in promoting more responsible use of alcohol and how we might deal with that as a community so, Steve, that is a great credit to you.

 I know you are looking forward to the next stage of your life. We wish you and your family all the best. You have clearly, like all of us, had a great honour and I know you have appreciated that and always respected it and we wish you all the best for your future as well.

 Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (17:33): This evening we are dispatching the last batch of three senators out of the total of 12 that will be retiring as of 30 June. Tonight, it is two Labor and one Family First. This is largely a night for the Labor Party so the coalition will keep its contribution short but, nevertheless, wants to make some observations about the senators that are leaving us now.

 I do confess I used to think I was a bit of a dab hand at giving free character assessments to the Australian Labor Party. I think Senator Hutchins is the undisputed master now and he has clearly trumped any attempts I may have made in the past. Senator Hutchins and I, I was surprised to learn, have similar backgrounds. He used to be a forklift driver and a garbage collector. I happened to be a taxi driver and a farm hand and amongst my duty statement was the requirement of the removal of debris from below caged hens, if you get my drift, so we seem to deal in the same substances. It might explain a lot about both of us.

 On the fundamental issues facing society it would be fair to say Senator Hutchins and I and most in the coalition shared a similar approach. He was right to have stood up for those issues. He was right to oppose a bill of rights; he was right to dissent on the territories bill. He was right to advocate a debate on nuclear power. In fact as I go through the list I discover he was Right, very Right; in fact, he was a warrior of the Right. I do not know whether I have to put that in the past tense because I understand that he may have resigned from that faction but I will leave that to the Labor Party.

 Senator Hutchins: Just in New South Wales.

 Senator ABETZ: Just New South Wales.

 Senator ABETZ: Just New South Wales

 I am told so that is good and reassuring to hear because I think he has been a force for good within the labour movement and indeed within the nation. Just recently, I think it was in an adjournment speech, Senator Hutchins talked about what has been described as ‘entryism’. If I may quote, he said:

 Communism as an ideology was a vehicle for encouraging 'entryism', the political tactic of
infiltrating an organisation in order to turn it to another altogether different purpose, and throughout the Cold War the ALP was a destination for many such efforts.

This is the bit I really want to quote. He said: I suspect the Greens political party understand the concept of entryism all too well. Communism in the ALP took many decades to eradicate and only truly perished with the fall of the Berlin Wall.

He went on to talk about other matters within the ALP. Can I say that I agree with Senator Hutchins about the Greens and entryism. What is more he is right about the Greens. Senator Bob Brown I think in the past has cleverly harnessed but hidden those elements within the Greens. With Senator Hutchins's unfortunate demise he will no longer be able to hide that element, because Senator elect Lee Rhiannon will be joining us.

I daresay I will have plenty of opportunities to make further comments in relation to Senator elect Rhiannon; however, what does sit very uncomfortably with me is that the major parties clothe the Greens with a cloak of respectability by preferencing them before each other. I will repeat what I have said before. I find it somewhat difficult to justify that which my own party did. I am not sure—I have not looked at the figures in recent times—but I understand our allocation of preferences may well have assisted the demise of Senator Hutchins and the rise of Senator elect Rhiannon. If that is the case, I find it very difficult to justify.

Senator Hutchins was a great servant and remains a great servant of the labour movement and his state. We in the coalition wish him very well. If I were to describe him in a phrase, it would be 'a warrior with a soul'. We wish him all the best.

I turn to Senator Hurley. Like Senator Hutchins, I understand she is from the Labor Right, which means she cannot be too bad. She too has a very good record on social issues. I think she was courageous and correct when she suggested we might discuss matters relating to nuclear energy. I confess that I got to know Senator Hurley only in her capacity as chair of the economics committee. She worked hard and diligently. Indeed, her deputy chair, Senator Alan Eggleston, spontaneously on the occasion of the last Senate estimates put on the public record the coalition's appreciation of her work in that committee. I think that speaks volumes for the work she did and about the respect she gained from coalition colleagues.

From time to time I have made guest appearances, if I can describe it as that, at the Senate economics committee and I have heard those accolades. They were well deserved. I will not bother repeating them this evening. I do recall Senator Hurley's, if I am correct, frustrations. She undertook the Fuelwatch inquiry. I chalked up to myself defeating Fuelwatch. I travelled around the country and was able to crunch Fuelwatch. I personally feel that that is one for me. But I can say it was all downhill from there because I also made a guest appearance at the Senate economics committee in relation to a matter that is best forgotten—OzCar. I also recall another occasion when, as deputy leader in this place—they pushed me forward into this chair to make sure I do not have control of Senate question time tactics anymore—I thought it would be a good idea to ask Senator Hurley, as chair of the committee, a question during question time. It would be fair to say and characterise that smart tactic as not having been very successful. Those opposite might understand when I say, not uncharitably however, that I feel somewhat relieved at Senator Hurley's departure from this place—because the score is two to one in her favour.

Senator Hurley, you have done yourself proud and the Labor Party proud. I wish you
ongoing success in whatever you turn your hand to after parliamentary life.

Senator Fielding was right to talk about stories, and his entry into this place is a story in itself. To be able to get elected after scoring 1.9 per cent of the vote and representing a very new political party at the time was a feat. I do not know how much Senator Fielding was involved in the preference negotiations, but tonight we have had it revealed that Alan Griffin seemed to have had something to do with it. The new party did to a certain extent encroach on the territory that we as a coalition believed was ours—support for small business, concern about superannuation matters, keeping down the cost of living, opposing a carbon price and many other values with which I personally did not have too much difficulty.

In his first speech Senator Fielding said:

... too often decisions made in Canberra do not put families first.

I will say possibly somewhat uncharitably that Senator Fielding in his retirement will have time to reflect whether his decision today actually puts families first in relation to the price they may well have to pay on the carbon tax. Having been uncharitable, allow me to be charitable and say that all is forgiven, given what he said about the Australian Greens and what former senator Don Chipp opined and observed. Former Senator Chipp was right, as were you Senator Fielding.

Whilst we might still bear a bit of discomfort about today in relation to giving students the freedom to undertake tertiary education without having to belong to a student union, your votes were great and courageous. I know a lot of pressure was put on you at that time. I understand you had demonstrations at your office in Victoria et cetera. But those who were aggrieved were those who were on the gravy train, while the overwhelming number of mums and dads forking out that student union fee at the beginning of each year just to gain an entry ticket to university will say that you put their families first by assisting the coalition in getting that policy through.

You also put families first, especially independent contractors and small builders, with your support for the continuation of the Australian Building and Construction Commission. The Cole Royal Commission can leave nobody in doubt that there was a culture of thuggery in our construction industry. Just recently, one of the unions involved in that sector agreed to accept the fine of $1.25 million. That was on their own plea and acknowledgment. That was the price they were willing to pay not to have all the details dragged out in court via hearings and cross-examinations. So your protection of that body has given great comfort and support to all those small contractors, small builders and individual workers.

I could mention other important issues in which you supported the coalition. I know you never viewed it as supporting the coalition; when you did, you viewed it as doing the right thing by your conscience and by the people who had elected you and supported you. On the occasions you voted with us, you did the right thing by the country; when you did not vote with us, I am not so sure you did. But I can say that, no matter how you exercised your vote, I think you did it appropriately. We have to agree to disagree on those occasions that you did not vote with us.

Whilst, undoubtedly, Senator Fielding is disappointed to be leaving us, the simple fact is that, if any of us were offered the opportunity to serve for a period of six years in the Senate, I think we would all take it. Then, if you were told, halfway through, that you might be given the balance of power and
really have a say, chances are we would grab it with both hands. And you, Senator Fielding, have had that opportunity and you have exercised it on a number of occasions wisely, sometimes not so wisely in our opinion, but nevertheless in a way that is respectful to the Australian community. We wish you and your family all the best for the future.

The ACTING DEPUTY PRESIDENT (Senator Barnett): I understand informal arrangements have been made with respect to allocating specific times to each speaker in this evening’s discussion. So, with the concurrence of the Senate, I will ask the clerks to set the clocks accordingly. I call Senator Faulkner.

Senator FAULKNER (New South Wales) (17:48): I join other senators in wishing all our retiring colleagues well for their non-institutionalised futures. Between all 12 of them, they have chalked up a remarkable 154 years and one month of service in this place. I bet it feels like it at times.

I have known three of our retirees—Senator Kerry O’Brien, Senator Mike Forshaw and Senator Steve Hutchins—since I was a teenager. Senator O’Brien and I were allies in those endless Young Labor factional wars of the 1970s—allies most of the time. Senators Forshaw and Hutchins were my allies—never. But I forgive them. Kerry, let me say to you that I believe you have been a real contributor in this place, a serious and successful exponent of using the great accountability mechanisms of the Senate and using them to real effect. You have been a fine advocate for the cause of Labor.

I first locked horns with Mike Forshaw when I won a knock-down, drag-out battle with the then leadership of the left-wing steering committee in New South Wales to assume the exalted position as a member of the New South Wales ALP disputes committee. I remember arguing then, as the left operative on that committee, at one of the endless hearings into the alleged malfeasance of some hapless party member who had fallen out with the New South Wales head office, with Mike Forshaw that I was standing up for the rights of rank-and-file party members while Mike was just standing up for the rights of the right. It did not do me much good. But, 35 years later, with much water under the bridge, I want to acknowledge this evening on the occasion of Mike Forshaw’s retirement what a fine parliamentarian he was and what a contributor he has been. Like Kerry, he was very unlucky not to have served as a minister in a Labor government.

If I were to say that Steve Hutchins and I were always in agreement, I would be summarily frogmarched into the Privileges Committee for contempt of the Senate. For nearly 40 years now, Steve and I have been prominent warriors in opposing New South Wales Labor tribes. Unfortunately, I am the one who regularly ended up in the cooking pot. Although I can report some success back in the late 1970s, when I managed to trounce Steve in a ballot for President of Young Labor, that is just about the end of the success story. Frankly, I must say that when you are my age it is disappointing to reflect that your most recent triumph in a ballot occurred when you were in Young Labor! Steve and I were still contesting ballots decades later.

I listened carefully and appreciated what you said today, Steve, about our most recent ballot at the New South Wales annual conference, which was an unnecessary ballot where we decided at the party conference the party’s 2004 New South Wales Senate ticket. As a result of your speech, history will now record that it was not your wish to make that ballot the circus that it became, and I
suspect, to be frank, we were all losers in the end.

Steve, you have been a significant figure in both the New South Wales branch of the Australian Labor Party and the federal parliamentary Labor Party. You are a tough player in this game but, as others have said, you have a strong sense of social justice and, of course, commitment to Labor's traditional constituency: working people. I think the term 'old-school Labor' might be an appropriate one for Steve Hutchins and something that he would say would be an appellation he would wear with pride. I read four weeks ago in the *Sydney Morning Herald* that you were having second thoughts about the New South Wales right. I suppose that all I can say to you on this occasion is that I had woken up to them 40 years before you did!

Steve and Mike are both sons of the Sutherland Shire, where internal Labor Party politics was and is played for keeps. I remember the 1984 federal election, when a left-wing candidate unexpectedly won the preselection for the federal seat of Cook. An extremely prominent right-wing figure was handing out pamphlets in the main street of Cronulla and used these absolutely immortal words: 'To support our candidate's campaign,' he said to the very startled passers-by, 'vote 1 for Labor's socialist left candidate for Cook.' Needless to say, it did not help and our candidate did not win—but that is the nature of the Labor Party in the Sutherland Shire.

This evening I would also like to say just a few words about Nick Minchin. Nick yesterday spoke of his 32 years full-time service to the Liberal Party. All senators, regardless of party affiliation, should acknowledge that this is a remarkable record of service and one he and his party should be proud of. Nick concluded his valedictory speech yesterday with some advice to us about earning respect for integrity, decency, passion, commitment to your ideals and your willingness to do unto others as you would have them do unto you. So much of our effective parliamentary and broader political management, particularly in the Senate, must be done outside the chamber, so over the years I have found myself on quite a number of occasions in a back room with Nick Minchin. While I have very little in common with his political philosophy—in fact, some of it appears positively extraterrestrial to me—I can say what I consider to be very high praise: Nick Minchin has always been honourable in his dealings, his word has been his bond and what you see is what you get. So, Nick, let me say as a political opponent: my experience is that, to your credit, you have always followed your own advice.

My best wishes go to my colleagues Mike, Steve, Kerry, Dana and Annette, and all who are retiring next week.

**Senator Wong** (South Australia—Minister for Finance and Deregulation) (17:57): I thank Senator Joyce for allowing me to speak ahead of him. I join with all my colleagues in wishing all retiring senators well and to say that I hope this next stage in their lives is rewarding and fulfilling. I want to make some very brief remarks tonight focusing on the couple of South Australian colleagues.

Before I do that I want to, because he has spoken tonight, say something about Steve Hutchins. When I came into the Senate I knew Steve Hutchins as one of those scary right-wing hard men. He was not that scary, actually. In fact, I found Steve, as he has demonstrated in the work he has done here as well as in his speech tonight, a right-wing hard man with a compassionate heart. He is also somebody who showed enormous
personal courage to be in this place through his illnesses. I wish him and his wife all the very best.

I also wanted to very briefly say something about Senator Nick Minchin, who has been another hard man of the right. I said when I was yesterday publicly asked by journalists to make some comment about Senator Minchin that, despite our differences of views, I think he is a man who keeps his word and honours his beliefs. I sometimes wish he had not fought so hard to honour his beliefs. I certainly wished that at the time he was participating in the rolling of Malcolm Turnbull after Mr Turnbull had done a deal with me—but anyway. That is history. He certainly was very effective, and I wish him all the very best in the future. As a South Australian Labor senator, I want to make some comments in relation to Senator Annette Hurley. It is important to place on record that Senator Hurley is one of the senior figures of South Australian Labor and one of our most senior women. Her achievements have been substantial. She has held a range of positions and some very senior positions, which, I think, confirm the regard with which she is held in the South Australian branch. She has been not only a state member of parliament for many years prior to coming to this place but also deputy leader of our party in the state parliament during some very difficult times for South Australian Labor. It is no small thing to be the deputy leader of the party. She did that job extraordinarily well.

Senator Hurley has brought a number of qualities to her political career which I want to remark on. The first is that, in a profession that is not short of egos, she is somebody who puts her party and her group before herself. A hallmark of her career has been the fact that she has not made it all about her, as I think this profession sometimes causes people to do. She has been intrinsically a team player, both in the South Australian parliament, with the seats that the party has asked her to run for, and also in this place.

The second quality is that she has been extraordinarily calm in some very difficult circumstances. As a minister who has had to appear before the Economics Committee, I have been most grateful for the fact that she has stayed calm and grounded amidst some pretty lively discussion, some of which has been rather public.

So I place on record my personal thanks to Senator Hurley for her contribution to Labor but particularly South Australian Labor, and I also want to ensure that this place recognises that she is a very senior person in South Australia who has made a very significant contribution. I wish her well in the future.

I join with all of my colleagues to wish all of our senators, but particularly our Labor senators—Annette Hurley, Kerry O’Brien, Dana Wortley, Steve Hutchins and Mike Forshaw—all the very best for the future.

Senator Joyce (Queensland—Leader of The Nationals in the Senate) (18:02): I want to briefly add to the remarks made by other senators. Steve Fielding has been an absolutely extraordinary endowment to this parliament. At times Steve and I are soul mates, mainly on ethical issues, and at other times we are in serious disagreement. Steve, there are many things they can say about you, but boring will never be one of them. Your speech tonight took people through all of the emotions, from joy to hilarity to poignancy. What can we say about a person who has been seen in the news pushing a shopping trolley, dressed up as Santa and dressed up as a bottle? It is your peculiar way of doing things, but it was for effect and I have no doubt you had your heart in every moment of it.
I would also like to commend your wife, Sue, who is in the gallery. The wives and partners of parliamentarians seem to do a vastly better job of finding the camaraderie that we should possibly find more easily amongst ourselves. I commend Sue and Steve and wish you all the best in your future. It was right that you were elected to the Senate. You have had that great honour, and I have no doubt that sometime in the future we will see you again. Until such time, I wish you and Sue all the very best.

I move to Annette and Bob. Bob, Annette's partner, is one of the great pillars of the partners' group. I am sure we will all be sad to see Annette go, but the partners will be very sad to see Bob go. I remember a trip to Sarajevo, I think, and a certain cultural peculiarity whereby all the men sat at one table and all the women sat at a lower table, at our feet. Annette was not having a bar of that, but Bob was quite happy because he was sitting with us. Both Bob and Annette made it to the high table. It was always fun to get on a plane and find Bob. He did not mind having a champers before he got on the plane and he did not mind having one after he got off, so he is a great bloke to go flying with.

We wish you all the best. It was great to have a scientist here and someone of Annette's discipline. During my time on the Economics Committee, when we were doing our very best to make life as hard as we possibly could for the Labor Party—that was our job—your job was to stop us and you were generally successful, so I am glad you are going!

Steve Hutchins and I have an unusual link: we are both descendants of Irish orphans who came to this nation. There is a memorial near St Mary's church marking my forebear Mary Troy, both of whose parents starved to death in a hedge during the Irish famine. Steve is also a very strong part of that community. On that score, we have a link that will continue long after Steve leaves this place.

In the National Party we have always admired Steve. We always thought that, if you threw all the Labor parliamentarians up in the air and they all came down and made their way to certain corners of the chamber, Steve would be a fair bet to end up with the National Party—though maybe our agrarian socialism would scare him away!

Steve, it has also been great to have a chance on the odd occasion to go down to the Grail—where you were almost attached to the hip with Bisho. It was great to catch up with you. We always thought he was a very reasonable, honest and straight-up-and-down person. Now that you are leaving here I think you can give us your honest opinion on such things as global warming, and we look forward to that op-ed appearing in the Australian. I will do everything in my power to get you to write it.

Like Forshaw, faith, family and the Labor Party were epitomised by people such as you, Steve. I think that is honestly where the Labor Party had its greatest strength, and you will be sadly missed around here, mate.

Senator STERLE (Western Australia) (18:07): I thank Minister Arbib for letting me squeeze in. I have a function to attend, but I could not leave without saying a few words—firstly, to Steve Fielding. He and I came in as part of the class of 2004. Steve, you never were short of a stunt, but I have to tell you, mate, that when I saw you without a shirt on you gave me hope. You actually made me feel human. I am still trying to work out how you got injured at tennis, mate—but that is coming from a bloke who played Aussie rules. Good luck to you, mate, and your family.
Annette is another one from the class of 2004. We do actually form a special bond when we come in—and I see Senator Adams nodding. We were told very clearly by our Senate leaders that we would form these bonds with the class on both sides of the chamber, and we have. There is no doubt about that. We are going to miss you, Annette. I want to throw this out for everyone: as a scientist who actually worked in a roadhouse, you and I have got a lot in common. There is no doubt about that. I do honour and I have admired you, Annette, in giving up a safe seat. I have got to tell you that you are right: there are not many people who would follow your lead in the best interests of the Labor Party. I know you are going to enjoy your time with Bob, who truly is—to echo Senator Joyce's words—a damn good bloke. You have had a win, mate, and we have had a loss. I know you will enjoy your future with Bob and Patrick. Good luck, Annette.

I promised I would be quick, but I am not going to let Hutcho get away without me throwing my thoughts onto the table. As I said earlier, when I do write my book, I will change the names to protect the guilty, Hutcho, and I will ask you to do the foreword under your assumed identity as we'll. We met at the races in Perth. I cannot remember when it was. All I know is that Hutcho was drunk, because he was all fuzzy around the edges and as the day went on he got fuzzier.

Hutcho and I cut our teeth in the Transport Workers Union—Hutcho as a garbo and a forkie and me as a furniture removalist. He beat me once again—I envied him because at least he could not damage his freight, which I seemed to manage to do quite successfully. Hutcho was a very successful New South Wales state secretary. I came on board with the federal committee of management as a brash young smartie who thought he knew everything about trucking. Not much has changed, Hutcho, except my hair is starting to go grey too. Hutcho was also our federal president.

Those within the TWU family will know this, but I want to let those outside know that two of the greatest people in the history of the Transport Workers Union are Senator Steve Hutchins—and I say that from the heart—and a good mate of Hutcho's and mine, Johnny Allan. John was our federal president. Hutcho and John actually reformed the Transport Workers Union. They took us from seven warring factions for all the time that we were tied up there to form a strong, powerful union that put dignity in organising at the forefront. Well done, Hutcho. You will never be forgotten for that, mate, especially by me.

I cannot let the following story slip of when Hutcho was diagnosed with cancer. One of my best mates, Jimmy Jim McGiveron, is also a great mate of Hutcho's. Jimmy, Hutcho and I have formed a very close bond that nothing will break. Through our federal council years, when Hutcho was diagnosed, we all felt it and we were really worried about our mate. But when you got on the road to recovery, Hutcho, we were not ignoring, you, mate; we were just damn well dodging you—because you have never seen a cancer survivor realise that he is going to have another crack!

I will leave it at that. Hutcho, you deserve to party like the animal that you were—not are; were. Good on you, mate. I wish you and Natalie all the very best in your new life. I am also told that the secret is out of the bag: that the young x-man has gone off the Aussie rules. I have a drawing from when he first went down to Melbourne. I think he drew himself as a Sydney Swan. Being the great mate that I am, I am going to step in, mate. I have got a Geelong jumper, a
Geelong pair of shorts and a Geelong pair of socks that will fit him. We will convert him. We will not let him go back to that silly game that you were brought up on.

On that, we are looking forward to telling a few tall tales later I believe at the Holy Grail with the Bishop. I will be there. Thank you very much, Minister, for letting me squeeze in. Hutcho, I am not saying farewell, mate, because you are not leaving us—but, crikey, I am going to bloody miss you, mate. Sorry, did I say 'bloody'?

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (18:12): I rise to pay respect to the three senators tonight and to pay my respects to and thank Senator Ferguson, Senator Minchin and Senator McGauran for the work they have done and for their speeches last night.

Tonight I pay respect to Senator Hurley for what she has done in her time here and also in the South Australian parliament. While I have not spent much time professionally with Senator Hurley, I have been in awe of her chairing of the Economics Committee—one of the toughest committees, with the most detailed legislation. Her chairing of that committee has been inspirational, under some very, very tough and difficult debates. I wish her and her family luck in the future. To Senator Fielding: I have to apologise because I have cursed your name so many times in this parliament and out of this parliament on a number of votes that you undertook with the coalition, but I have to say that, over time, you have grown on me. I am one of the people who has spent a great deal of time with you on the sporting field, in either football, squash—and I still have not beaten you in a game of squash—or touch football. Without doubt, you are the most outstanding athlete in this place. It is my understanding that, even today, you are the squash champion of the parliament, so I congratulate you on that.

Largely—and you have said this before as well—you have been a misunderstood politician. You are someone who has great convictions. In many ways you are extremely conservative, but at the same time you are extremely compassionate. When I look at your voting record, I can understand where you come from as a politician. From the side of Labor, I see that you voted against Work Choices, you voted for the stimulus and you protected and saved thousands of jobs. We worked closely together in terms of the Getting Communities Working program. I know how committed you were to that. You fought for pension increases—but I, too, add my voice: it would have been better if you had kept your shirt on—and you fought for unit pricing. So you really did represent families and working people. I thank you for that. It must have been a lonely place for a single senator in this chamber, but you should be very proud of the work you have done.

To Senator Hutchins, two minutes and 27 seconds will not give me enough time to talk about my feelings on losing you in the Senate. It is a very sad day for me, seeing you give your last speech here. We have had our moments. We can both admit that. You have been a very close and dear friend to me for a long period of time. You gave me my first job in the Labor movement. You told me at the time that this is a five-to-nine job, not a nine-to-five job, and you were so right.

I have to say that, having watched you as secretary of the TWU, as far as I am concerned and knowing a little bit about the history of the TWU, there will be no greater secretary than you. In the disputes for
increasing the pay of transport workers and owner-drivers, you really were a warrior. You were a warrior that succeeded in so many ways. So many people can thank their livelihood on the work you did as secretary of that organisation, but also as an organiser and an assistant secretary. We should be very thankful. In the Senate, you always stood proud by your Labor roots and you fought many times to preserve the conditions of Australians, through fighting Work Choices and in legislation that we passed in this house. We should be very thankful for that.

You have a wicked sense of humour. I still remember the day when I was giving my inaugural speech in this chamber and I noticed that my speech had gone missing. There could be only be one person who would take an inaugural speech and that was, of course, Senator Hutchins. I will never forget that moment.

Senator Hutchins: I gave it back.

Senator ARBIB: You did give it back, just before I spoke. Steve, I will truly miss you. I will miss your friendship and I will miss the time we spent together. You are so right: the New South Wales branch and I would have loved for you to have stayed in the No. 2 spot. You made the decision in the best interests of the party, and I thank you for that. I wish you luck into the future.

Sitting suspended from 18:17 to 18:46

Senator STEPHENS (New South Wales) (18:46): It is a curious coincidence that most of the departing senators are members of the Australia-Ireland Parliamentary Friendship Group. As they say, there are only two kinds of people in the world, the Irish and those who wish they were. Tonight I would like to begin these farewells with the outgoing chair of the friendship group, my good friend Senator Michael Forshaw. Senator Forshaw has spoken about his work—mostly well out of the limelight—over his years in the Senate. Politics is to some extent a labour of love, a matter of chosen values opted for and stood for. A product of staunch Irish freedom fighters and servant of the AWU, he has served working people all his life, through brain rather than brawn. As Seamus Heaney wrote in his poem Digging:

But I've no spade to follow men like them.
Between my finger and my thumb
The squat pen rests.
I'll dig with it.

Also known for his fondness for Ireland is Senator the Hon. Alan Ferguson. Consider, if you would, Ireland's national drink, Guinness. It is, as we all know, more than a drink; it is a memorable experience, distinctive, something to be savoured. It commands our respect. When pouring a Guinness you cannot rush it. You must wait till it settles, then top it up and wait some more. In time, all those orphan bubbles unite to form a creamy top on a fine, strong base. What you end up with is—like the good senator himself—a substantial presence with a magnificent white head, the product of years of dedication, knowledge and skill: an experience like none other. A drink like that, or indeed a decent Jameson, is enough to move a man to song, and it is known that occasionally Senator Ferguson has been moved to entertain a delegation or two with a fine rendition of Carrickfergus. Thank you, Alan Ferguson, for all you have done here. Yours has been a wonderful contribution to public life.

Senator Steve Fielding, who we heard from this evening, does not come from a long line of politicians—quite the contrary. His background is, like that of so many Australians, a very modest one, and I am sure that as a young man he never imagined that he would be representing his fellow Australians in this place. I want to acknowledge that it took some courage for
him to step forward to lead the Family First party. He had no way of knowing precisely what was in store for him when he embarked on this phase of his life. As Sean O'Casey so memorably remarked, 'All the world's a stage, and most of us are desperately unprepared.' Senator Fielding stepped up and took his place on that stage, aided by a few good props, and withstood criticism with good grace. So I thank him for his efforts and, in consideration of his sporting injuries, which we heard about tonight, want to extend his repertoire and introduce him to this Irish prayer:

May those who love us, love us;
and those who don't love us,
may God turn their hearts;
and if He doesn't turn their hearts,
may he turn their ankles
so we'll know them by their limping.

Senator Guy Barnett leaves us to pursue his commitment to improving the health outcomes of Australians. In his speech he captured all that had motivated him in public life. The Barnetts moved to County Cork in Ireland as privileged landowners, and the first Barnetts arrived in Australia in the early 1800s. It will not be lost on Guy, as a Tasmanian, that his name derives from living off the land having cleared the forest by burning! I wish him success in his new life and all that it brings.

I am also sad to say goodbye to Senator Judith Troeth, whose heritage is actually Scottish. Her Irish roots, though a bit obscure, are through the derivation of her name 'Troeth' from 'Troth', or 'truth'. When Judith stands for something, she does not count the cost, and, when the chips are down, she simply refuses to compromise. In her 17 years in the Senate she has shown what it means to be principled and compassionate. Her championing of the cause of asylum seekers made a deep mark on me, and I thank her for her steadfastness and sense of purpose and for the example of Australian womanhood that she has provided to our young people.

She may well in fact be distantly related to Senator Russell Trood—which is another variation of the Troeth family name, originally from Berkshire. They too took up land in Ireland. Russell's experience in areas of international relations and foreign policy is widely recognised, and his curiosity about the world in all its variety and wonder has inspired all his working life, not just his last six years in the Senate. So it stands to reason that he would include Ireland among his interests. I wish him lots of interesting travels in his retirement. If it is not too Irish to put it this way: he hasn't been everywhere, but it's on his list! But a busy man must take time to rest, and I would like to farewell Senator Trood with a few words from Patrick Kavanagh's *Lines Written on a Seat on the Grand Canal, Dublin*:

O commemorate me where there is water,
Canal water, preferably, so stilly
Greeny at the heart of summer. Brother
Commemorate me thus beautifully
Where by a lock niagarously roars
The falls for those who sit in the tremendous silence
Of mid-July.

I hope he finds himself in a very good place in mid-July. Now I come to Senator Julian McGauran. It is widely reported around Ballymagaurin in Tullyhall, County Cavan, that the McGaurans are a ferociously tenacious clan. We certainly saw that in Senator McGauran's fight for East Timor and in his adherence to his convictions throughout his career. The McGaurans are also reputed to have a great gift with horses and to be lucky at the track, so the senator's early career in the stables of Bart Cummings was formative. Certainly he is one of the very
few people in this country to be given the legal right to ride a horse into St Patrick's Cathedral in Melbourne and, incidentally, to pardon a condemned criminal if he should meet one on the way to the gallows—courtesy of his investiture as a knight of the Equestrian Order of the Holy Sepulchre of Jerusalem, one of the two remaining crusader orders and the oldest, formed in 1099. Well, as they say in Ireland, there's more to being a knight than a horse, a sword and a lance, and in farewelling Senator McGauran I would like to thank him for his chivalrous qualities of courage, honour and justice, and congratulate him on regaining his Irish citizenship.

We come now to Senator Steve Hutchins, heading for pastures green in Victoria. Another senator of proud Irish stock, Steve has been an amazing advocate for the bruised and the broken, as we heard tonight, through his work on the community affairs committee. I know that, as a De La Salle boy, well schooled in the injustices of Irish history, he attributes his passion for egalitarianism to the stories he heard at his father's knee, and the glorious rebel songs that were part of his childhood, as they were of my own. For him, an Irish prayer: 'God grant me the hindsight to know where I've been, the foresight to know where I'm going, and the insight to know when I've gone too far.'

There is no question of course about Senator Kerry O'Brien's ethnic origins. O'Brien—descended from Brian Boru, the last great high king of Ireland and his home in Ballingarry. Although his deeds were legendary he was very much a real man, a man's man. Immortalised in the Battle of Clontarf in 1014, he rooted out corruption and skullduggery and unified the regional leaders of the country—a very fitting forebear for Senator O'Brien, given his forensic work in regional policy and in uncovering rural rorts in this country. So, Kerry, I thank you for your friendship and support, and the fun we had on the regional and rural affairs committee.

Senator Annette Hurley shares her surname with the national sport of Ireland. The game of 'hurley' has been played for at least 3,000 years. It is still played throughout the world, and is very popular among the members of the Irish diaspora here in Australia. There is a longstanding family tradition of parliamentary service in the Hurley line: back in 1585, Thomas Hurley attended Perrot's parliament, and this fine family has been fighting for the rights of the underdog ever since. The Hurleys in Ballinacarriga were dispossessed for siding with the rebels in the fight for Irish freedom. So the efforts that Senator Hurley has made on behalf of battlers dealing with the intricacies of immigration, superannuation and Centrelink, her work with health reform and on the Senate Economics Committee are a continuation of a fine legacy. Best wishes, Annette, and thank you for your friendship.

And although Wortley is not a name we associate with Ireland, her first name, Dana, certainly is. The people of the Goddess Dana are the famous Irish fairy folk, the Sidhe. Like Senator Fielding, she never anticipated when she was growing up that a political future awaited her; it was her sheer commitment to a truly equal society that brought her to this place, where she has made a name for herself as a champion of the disadvantaged and particularly for her work promoting cybersafety among young people.

Finally, I come to Senator Minchin. While there is no ostensible Irish connection here, I just have to look at the twinkle in his eye, and think of his ingenuity and resourcefulness, his cunning and the sheer power of his wits, and I think of the Sidhe, and in particular of the leprechaun. In my childhood, stories of leprechauns abounded.
They are famously difficult to capture, and if one ever does get caught, he invariably gets away. I will admit that Senator Minchin differs from a leprechaun in stature, and he does not sport a beard anymore, but anyone who saw the photo of him in the Adelaide Advertiser will see the connection. And we should never underestimate the sheer cleverality of a leprechaun's mind: as my dad used to say, 'Give him enough rope, and he'll hang you.' His valedictory speech was witty and revealing, and I certainly wish him well as the convenor of the Friends of Carbon Dioxide Society.

I will finish now, because, as the Irish say, 'a silent mouth is sweet to hear.' Tomorrow, the current Australia-Ireland parliamentary group will meet for the last time, at the luncheon to farewell our departing Irish ambassador. I will miss them and I will miss him, and the Australia-Ireland group will not be the same. So: slainte agus saol agaibh, agus bas in Eireann!

The ACTING DEPUTY PRESIDENT (Senator Moore): Thank you, Senator. I allowed you special Irish time!

Senator MARK BISHOP (Western Australia) (18:57): Previously I have spoken of the contributions of Senator O'Brien, Senator Forshaw and Senator Wortley, and I will not go over that again tonight, except to hold to those remarks.

On Senator Hurley: Senator Annette Hurley has had a distinguished career for more than 20 years in the labour movement, both in South Australia and here in Canberra. She has held high office in both Adelaide and Canberra, served on the national executive and done a sterling job as chair of the Senate Economics Legislation Committee. I wish her and Bob all the best in their retirement—well, in the paths they choose to pursue in forthcoming years!

I now turn to Senator Steve Hutchins. I have known Steve Hutchins since the late seventies or early eighties. In some respects we followed a similar career path, although on different sides of the continent: firstly being active at university; then associating with and joining various ideological or philosophical groups that were relevant at the time; spending time in the trade union movement, at Harvard University in the United States, and then coming to this place in 1996 and 1998 respectively. Steve, there are a lot of anecdotes or stories that I would love to tell, but I will confine my remarks tonight to the relatively G-rated ones, to highlight two aspects of your character, and leave some of the other material perhaps to other forums at a later hour of the night.

Firstly, let me talk of Steve's particular method of operation, his modus operandi, because he is a person who is quiet and thoughtful and thinks far ahead, and who generally achieves his purpose by making suggestions to others. I recall that, about this time last year, or perhaps a couple of weeks earlier—52 weeks plus two—he said to me, 'What are you doing next Saturday?' I said, 'I'm going home.' He said, 'Why don't you come up to Sydney? We've got a by-election there in Penrith and we need some help in handing out how-to-vote cards.' I thought at the time that was an odd request; surely they had enough people to hand out how-to-votes in Penrith, but I said to myself I would go there. I went up there and I was on the polling booths from about 10 am till about 3 pm, when I came back to Canberra. After about an hour or so it was quite clear what the outcome in Penrith was going to be. I think we were polling about 25 per cent, the Greens were polling about 25 per cent, the Libs who were challenging were up around 50 or 55 per cent and the writing was clearly on the wall. I have one particular memory of that day. A little old lady slowly walked up
the path outside school and I was one of the first handers-out. This lady came to me and as she approached I said, 'Australian Labor Party how to vote, ma'am.' She stopped and looked me up and down and said: 'Thank you, but not today, son—perhaps another time.' It was about an hour into the process and I thought then that we were done, as it turned out to be.

When I came back to Canberra, on the Sunday and Monday I told a few stories to colleagues. During those 24 or 48 hours, 25 or 30 people wandered around to my office to get my take on what was happening that day. I told them my impressions of what was happening in Penrith as an outsider, and I think that had some bearing on events later that week or early the next week. The point of the yarn is that I suspect all that which was about to occur had been anticipated by Steve Hutchins when he asked me and Senator Farrell to go there and hand out how-to votes that day. That was his way of operating.

I have another story about how he works in this place. He is a particularly quiet, effective and charming operator in a lot of respects. I recall around four or five years ago there was a vacancy on the front bench of the Labor Party. We were still in opposition and the powers that be had determined who was going to win the eventual position. It was a right-wing position and they had made it clear who they wanted to get on to the front bench. Shortly after that was made clear, Senator Collins wandered around to my office and said: 'I would like to go on to the front bench. Can you give me a hand?' I said, 'I'll see what I can do, Jacinta.' I ran into Senator Hutchins later and said, 'Steve, I want a yarn with you.' He said, 'What about?' I said, 'Jacinta wants it.' He said: 'I'll see what I can do. I'll talk to Leo.' He came back to me later that afternoon and said: 'I've raised the issue. It's going to be hard, Mark, but we'll see what happens.' Jacinta was pressing fairly strongly to know the outcome of discussions and that went on for a week or so while there was no resolution.

We had the ballot scheduled for midday on a particular day. About half past 10 or 11, Steve came around to my office and said, 'You know that matter you raised with me?' I said, 'Yes.' He said, 'How many votes do you want?' I said, 'I want six.' He said, 'You can't have six; you can have four.' I said, 'I need six.' He said, 'Four's enough.' We went into the ballot and the outcome was 21 to 20. The outcome was delivered and Senator Collins went on to the front bench. As we know, she has been reappointed by the Prime Minister in later years.

Steve is quite deserving of my final comment. He is, as has been outlined to everyone, shifting down to Melbourne in a month or so. His wife is a member of the opposition in Victoria, and they are going to do their best down there. Steve is a typical New South Wales person. He thinks and believes in his heart that Australia ends and begins at New South Wales' northern, southern and western borders and the rest is populated by nice people but largely unexplored. There is some justice in the fact that he has to live in Victoria!

I am particularly reminded of that by a bitterly cold weekend some years ago when we were both in Canberra with our families and it was -3 degrees on a Saturday afternoon. I said to him I had a couple of tickets for the footy—the West Coast Eagles were playing North Melbourne. I suspect his wife is now an avid supporter of Essendon, the Western Bulldogs or some team out there in the western suburbs, but then she was an avid supporter of North Melbourne. We all went to the footy together. About three-quarters of the way through the match I leant
over to him because he had been passing rude comments about Australian rules. I said to him, 'What do you think of that?' He said: 'I think one thing: I think our Indigenous are doing better than your Indigenous.' That was his comment on Australian rules football. I think there is some justice in his now having to go down to Melbourne town and live where they talk and breathe nothing other than Australian rules.

I was asked to be brief—I have not quite respected that. Steve, you have been a very good friend, a more than able ally, and a very capable operator in Labor Party and labour movement terms. You are much respected; you are much liked. You have served well your faith, your family, your union and your party. I wish you, Natalie and your extended family all the very best in forthcoming years.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (19:05): I start by wishing Senator Fielding all the best. I was here for only three years of his six years in the parliament, and I would like to extend best wishes to him. More particularly I would like to talk about the two Labor senators who are retiring on this occasion. In a sense it is a pity that we are doing these valedictory statements as a collective, but from my own point of view these two people are quite intertwined because I met both of them in that Orwellian year of 1984. I met Senator Hutchins when the first snowflakes were falling in Boston and together we did the Harvard TUCP course. I met Senator Hurley later in that year at, I think, the first ALP conference she attended in South Australia. That was during the halcyon years of the Hawke prime ministership. My own union in Victoria had reaffiliated to the Labor Party, but we were not well received in certain sections of the Labor Party back then. To her credit Senator Hurley, who had just come back from a bit of inculcation from the much-maligned New South Wales Right, decided to come and sit at the SDA table at the ALP conference. That was a very brave thing to do at that time, but I have never forgotten it. It was so characteristic of her subsequent career and the bravery that she displayed throughout that political career.

With respect to Steve Hutchins, when I met him we were, as I said, at Harvard. It always amazed me that he had such a grasp of all of the subject matter that we were studying. We would spend long hours at the boathouse. I would go into that in more detail, but it would be inappropriate at this particular forum and, like Senator Bishop, I am hopeful that we will get another chance to go into more detail. Senator Hutchins looks very relieved at that suggestion. This was a man with a rugged exterior that belied the sharpness of his mind. Steve's political genius, I would call it, was on display in full at Harvard, and it is no surprise to me that, in the 30 or 40 years that he was battling Senator Faulkner's Left, he always won those battles. This is a bloke who not only read history but also understood it in a way that most people do not. You do not come across many people, even at this highest level of politics, who really understand how history works, how politics works, but this man did understand that. He has talked about his health so I raise that topic. I think that but for the problems he had with his health he would have gone to the very highest levels of the political party.

You could say the same about Annette Hurley. It was not health that caused her problems. She was prepared to put the party before herself in the 2002 election in South Australia. We needed to win one seat, the seat of Light, in order to get government and we knew how we were polling in the other seats. It was a risk that almost no other politician would have been prepared to take, but Annette was prepared to take that risk. It
did cost her the deputy leadership of the party and therefore the deputy premiership of the party, and how differently things might have ended up in South Australia had she got the extra few votes that she needed to win that seat—which has now become a relatively safe Labor seat. She was just one election too early in making that shift. One of the greatest tragedies of the last parliament was that she was not given the opportunity to serve in a ministerial capacity, as I believe she was entitled to do. I think that is one of the great travesties that have occurred in this party.

I wish both Senator Hurley and Senator Hutchins all the best. I hope to be able to continue to see both of them, and their families and partners, well into the future. Good luck and congratulations on a fantastic political career.

Senator PRATT (Western Australia) (19:11): I rise this evening to wish all my departing colleagues all the best for their futures. Senator Kerry O’Brien, thank you for being an understanding whip to new senators. I very much appreciate the role that you played as I came in as a new senator. I will recall Senator Hutchins and Senator Forshaw mostly as being part of my introduction to the greater Australian Labor Party as the diverse national organisation that it is. It took me a little while to distinguish one grey-haired man from the other across the parliament; but you two I managed to sort out from each other very quickly, you will be pleased to know.

Senator Hurley, you have been an amazing chair in the economics committee. We have had some extraordinary experiences, as you have reflected on this evening, right from the OzCar affair, and it really has been an amazing experience. We have done a huge number of reports and I know what an incredibly significant workload you carried. I thank you very much for guiding me through that and for being such an excellent chair. To Senator Dana Wortley, thank you for your friendship. It was a pleasure to work with you on the cybersafety committee. I think you have laid the foundations for some really significant work.

To my colleagues on the other side of the House: Senator Troeth in particular, with respect to the principles within the Parliamentary Group on Population and Development, it is incredibly important when the views in parliament are so contested that we have the opportunity to have strong bipartisan relationships on these significant issues. I thank you for that. I would like to acknowledge Senator Barnett, whom I usually have diametrically opposed opinions to. My experience with him on the legal and constitutional affairs committee provided for me what is notable about Senate committees, which is: when you listen to the experiences of Australians, you can actually make mutual decisions based on what is in their best interests and move forward.

I have things to say about all our departing colleagues, but I would like my colleague Senator Carol Brown to get the call before we finish this evening, so I will finish with a quote:

Man's feelings are always purest and most glowing in the hour of meeting and of farewell

On that note, I would like to thank all departing senators for their valedictory speeches and say what a pleasure they have been to listen to.


Leave granted.
Senator **FEENEY** (Victoria—
Parliamentary Secretary for Defence)
(19:14): *The incorporated speech read as
follows*—

I rise tonight to farewell two fine Senators and
good friends, Senator Steve Hutchins and Senator
Annette Hurley.

"Hutcho", as he will always be known, is a
Lion of Labor. As his speech tonight typified, he
is a man who is fearless, outspoken,
compassionate, and imbued with the values and
traditions of the ALP and the Labor movement.

I first met Hutcho in 1994, when I joined the
Transport Workers' Union of Australia as a
Federal Industrial Officer. It was a mighty
opportunity for me, and I am ever grateful for it.
Although I was a federal official of the union, and
Hutcho was the NSW secretary, there was no
doubt that Hutcho was the political and industrial
'force of nature' that led us. My immediate boss,
Federal Secretary John Allan, was proud to be a
friend and confidant of Steve Hutchins.

In those days Hutcho was a deity. Junior
minions like I approached him with awe, and the
opportunity to have a beer with him was like
Christmas.

The 15% wages campaign of 1994-1995 was a
tour de force, and certainly one of Hutcho's great
achievements as a Union leader. Hutcho's
contribution to the union echoes loudly in the
TWU today—he forever remains the patriarch of
the TWU family. Its single minded and united
character, and the TWUs transformation from
being many fractious State and Territory tribes
into a single national voice for its members was
Hutcho's project.

Although Senator Hutchins is well known as
an outspoken voice within the ALP, he receives
too little recognition for his other formidable
skills; an unerring instinct for the hopes and
aspirations of Labor supporters, a formidable
negotiator, a persuasive lobbyist and someone
who shapes the political environment
profoundly—even if often invisibly.

There have been a few occasions when I have
defied Hutcho's advice. I've had cause to regret
them. His political judgement has often survived
the test of time better than mine.

I know that Steve Hutchins married well. His
wife, Natalie Sykes, is a long-time friend of mine,
from Young Labor days. In obliging Hutcho to
move to Melbourne, she has done our great State
a service. As a Victorian, you will all observe in
upcoming months how Hutcho has become
smarter, stronger and better looking.

The parliament is a big place, home to some
3,500 people during sitting weeks. Yet, as we all
know, not withstanding that, it can be a lonely
place. Today I lose a mate, and this place will
now be a little more lonely for me.

Senator Annette Hurley is a former Party
Official in SA, as well as a former Party president
and member of the National Executive. I have
always regarded former Party officials as being a
higher calibre of political animal; people who are
steeped in the values and traditions of their party,
people of organisational skill motivated by
political conviction; people for whom the words
loyalty and discipline still matter a great deal.

It will always be a remarkable act of sacrifice
and courage that as the Deputy Leader of the
Parliamentary Labor Party in SA, Annette Hurley
chose to run as the ALP Candidate in Light.
Rather than run in a seat where the ALP vote was
weighed, rather than counted, Annette put her
career on the line in her resolve to win
government.

It was that same resolve that led to me
receiving a phone call from Annette Hurley in
early 2005 asking me if I was willing to serve as
the ALP Campaign Director in SA for 2005-2006.
After having been assisted in exiting my position
as ALP Campaign Director in Victoria in
December 2002 by Kim Carr and other gentle
souls, I was thrilled to re-join the campaign trail.
My time in SA was a joy and a privilege, and I
know very well that the Party in SA is strong and
vibrant. Your share in that success, Senator
Hurley, should fill you with great pride.

I wish you and your husband Bob Korbell all
the very best for the future.

Senator **CAROL BROWN** (Tasmania—
Deputy Government Whip in the Senate)
(19:14): I would like to take this opportunity
to add my words of appreciation to the
senators retiring from the government benches.

Senator Kerry O'Brien first entered this place in 1996, almost 15 years ago, and he has certainly left his mark in this chamber, in the party and in the community he represented. Kerry has been a passionate advocate for Tasmania and for rural and regional Australia. He was heavily engaged in grassroots and community groups. In his role as the national duty senator for Lyons he worked very closely with his parliamentary colleague Dick Adams, federal member for Lyons, to service what is a vast electorate in Tasmania.

His policy work, knowledge and insight across a range of areas, from primary industries, fisheries and forestry through to aviation safety has been an immense support to the party and the parliament. Through his work on the Senate Standing Committee on Rural and Regional Affairs and Transport, Kerry has ensured that rural, regional and transport issues from across Australia were well represented in the parliament and informed future policy.

As a staffer, I well remember Kerry's work throughout 1998 in gathering evidence through the Senate committee process from questions to department officers and ministers on the waterfront dispute and the then Howard government’s role in that dispute. The answers were carefully framed but enough came out because of Kerry's work for the Labor opposition to begin pulling together the threads of the government's strategy. I also want to echo the sentiments of Senator Sherry when he reflected on the contributions and sacrifices that Kerry made to serve the Senate, the parliament and his party.

Senator Dana Wortley, I have very much enjoyed our time together in parliament, and also many of the times we spent outside of this place. I first met Dana in September 2005 when I came to this place and we immediately struck up a friendship. Dana has an easy, straightforward manner and makes all efforts to ensure those around her are contented. I do not think it is allowed to be down or glum in Dana's presence. Your energy, advice and insight into parliamentary debate, in the caucus and around the dinner table, helped to make the past six years incredibly memorable.

Dana has proven to be a senator with integrity and dedication, diligently pursuing issues of interest to her and to her home state of South Australia. Whilst I cannot say that I was there personally to witness your sporting prowess—and despite all attempts by you for me to exhibit my netballing skills—I have been told that you were a key part of the parliamentary netball team, despite your size. Your work in Vision 2020 Australia has been vitally important, and I hope that you will continue your passionate advocacy for the elimination of avoidable blindness. It was pleasing to see Vision 2020 Australia at their annual dinner on Monday night pay tribute formally to recognise your role and efforts in raising awareness of eye health and vision care.

I also know that Dana has been honoured to chair the very important Joint Select Committee on Cyber-Safety. Dana tabled a significant report yesterday, entitled, *Highwire act: cyber-safety and the young*, which has made a number of important recommendations as a result of the work carried out by the committee, led by Senator Wortley, to ensure that this environment is safer for all users, but especially for our young.

You have remained as passionate in your final days in this chamber as you were when you first arrived, and I admire the commitment you made to serving your
constituents, your state and our great party. If you know Dana, then you know that the most important factor in Dana's life is her family. I know the long absences away from her family have been very hard on Dana. I thank you again for your hard work and dedication. I wish you, your husband, Russell, and your much-loved son, Che, all the best for the future. You will be missed.

Senator Michael Forshaw and I did not come across each other in committees other than briefly in the Senate Standing Committee on Finance and Public Administration. I came to know Mike when we encountered each other in our roles as parliamentary convenors for our respective factions—me, new to the role; and, Mike, the father of the right faction. Mike tutored me in the dark arts of trip formulas and committee memberships. Of course, there is no truth to the rumours that I vacated the left convenor's position to avoid the never-ending meetings on formulas. However, I was rewarded for my work by Mike; he gave me the position of chair of the Senate Standing Committee on Publications—non-paying, of course.

I always thought I did a good job in my negotiations with Mike Forshaw, which probably attests to Mike's abilities to let you believe that you were doing well, whilst he took home all on his shopping list—the mark of a good factional leader. I would like to echo Senator Arbib's comments: 'Mike has done a huge amount of backroom work. He gets little gratification for that in terms of public acceptance, but the work he has done has been so effective!' And might I add that sentiment goes to his enormous contribution to committee inquiries.

Mike, your loyalty to the party and your commitment to Labor's core values remains unshaken. Whilst we have not always agreed, I have always been entertained by your humour and wit. I respect your dedication and your contributions in the caucus and in the parliament.

Senator Annette Hurley, you have had a respected parliamentary career both at the state and federal levels. Your early speeches in the Senate about social inclusion and a cohesive national identity and your work in the shadow ministry of immigration and citizenship was instrumental in formulating our current policy. Madam Acting Deputy President, I seek leave to incorporate the rest of my speech in Hansard.

Leave granted.

The remainder of the speech read as follows—

I want to take this opportunity to commend Senator Hurley for her efforts. Your contributions were always considered and your analysis was a welcome addition to policy debates.

Annette is a quiet achiever but has been a significant achiever and one I have been honoured to work with in the Senate.

I wish you and Bob well for the future.

Senator Steve Hutchins. My fixed view of Senator Hutchins when I came to this chamber was one of being a factional warrior and rewarded thus, and perhaps he was but Steve Hutchins is much more than that—Steve is a dedicated, able and passionate senator. A senator who feels deeply.

I have always found Steve to be frank and forthright and as his colleagues know Steve has a very long memory.

It was Steve Hutchins who assisted me with my first caucus victory though technically this took place outside the caucus room—Steve though not involved in the issue joined me in solidarity in my attempt to ensure that an unwelcome intrusion was ejected from the caucus room.

In his first speech to the senate in 1998—Steve spoke of ordinary people—the forgotten, the disadvantaged and indeed that sense of social injustice remains with him today so it was indeed
fitting that those people were his focus in his last speech here tonight.

As he heads off to Victoria, he perhaps he might like to give the SL a call. Whatever happens, I hope Victoria treats him and his family well.

Good luck and best wishes to all retiring senators—you all have served this parliament well.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Crossin): Order! I propose the question:

That the Senate do now adjourn.

Valedictories

Senator O'BRIEN (Tasmania) (19:20): Senator Wortley has kindly agreed to allow me a few minutes of her contribution because I did not have the opportunity to make some remarks in the valedictory debate that I wanted to make. So I will do that now.

I particularly want to firstly acknowledge my colleagues Steve Hutchins and Annette Hurley. As will be clear from previous contributions, I have known Steve for many years. As Senator Faulkner said, Steve and I have not agreed on much over the years; although, in our later years here I think we found more things we could agree upon in the mellowness of age, which we both show. But we have not changed much except for our hair colour.

In terms of Steve's absolute commitment to the things he believes in, I think they are the hallmark of Steve Hutchins and anyone who knows him here knows that he is a fervent believer in things and he will do everything to pursue the cause of those beliefs. I think that is the greatest mark of a person of honour. I have never had dealings with Steve where I did not believe I could trust his word; he was always honourable in that regard and that is another important mark of a person in my view. Honour in dealings is one of the critical tests that I apply. Annette Hurley I had a little to do with, mostly through the Economics Committee, working on dairy inquiries with other senators in this place. Annette's ability to accumulate knowledge, to understand issues and to work towards a solution were a testament to the capacity that she had. She was very unlucky, from the history that she and others have recounted but also because of what took place in selection of shadow ministries in times gone by, not to have found her way onto the front bench when Labor attained government in 2007. She has made a decision to leave in her own time and do the things that she wants to do, and I can clearly tell from the look on her face that she is entirely comfortable with that decision. I think that is a wonderful thing to be able to say. I have a great deal of respect for her and hope that she and her husband, Bob, continue to be the great partnership that they have been as I have observed them in her relatively short time in this place.

I want to make some comments about Senator Steve Fielding's role here. As most have observed, Senator Fielding has supported both sides on many occasions. I suppose that when you do that some say you please no-one. But in my view he has done what he has believed was the right thing to do on every occasion. In the position that he is in, he was able to do that when some of us, because we are loyal to our parties and the decision-making process, maybe were less comfortable with some decisions than others. So that is a matter which I think Senator Fielding can take from this place. At all times he did what he believed was right. I respect that.

I was pretty regretful of some of the things that happened in this chamber earlier today when a vote took place and comments were being made in a division. I reminded some people that privilege does not apply during a
division and it is probably unwise to make certain comments, even in this chamber, when the benefits of privilege do not apply. But I thought that Senator Fielding handled that particularly well.

I want to say that I think this reflects upon the honourable way in which Senator Fielding conducted himself in here. I have observed his desire that the votes in this place reflect the will of the people. There was one particular vote on a disallowance going up towards 6:50. The debate would have been concluded and, had the debate not gone to a vote, the disallowance, which related to a Queensland fishing issue, would have been deemed carried and the regulation disallowed without the Senate having voted on it. But Senator Fielding, to his credit even though he did not support the ultimate outcome, supported the concept that the will of the Senate, not the effluxion of time and the fact that the matter was not allowed to come to a vote, ought to determine the outcome.

He supported his conscience in that regard. His view on the matter was lost in the vote, but he believed—and I believed and said to him that I believed—that he had done the right thing. That reflected very well on him. I believe that to this day. I think that is one of the greatest marks of Senator Fielding's approach to this place. It was a very honourable approach. Thank you.

Murphy, Mr Jim

Senator HUMPHRIES (Australian Capital Territory) (19:26): I want to rise tonight to pay tribute to a very prominentCanberran who recently passed away and who will be very well known in the Canberra community. That man was Jim Murphy. He was born in 1947, the youngest of eight children. He left his home and came to Canberra in 1967. In 1969, he began to work at the Australian National University Staff Centre. At that time, he noticed the significant appreciation of wine by patrons of that establishment. From that grew a great interest in and association with the development and appreciation of wine as a business and pastime in the Canberra region. It became one of the great passions of his life.

People around Canberra today universally know the name Jim Murphy through his association with the selling of wine through Jim Murphy's Market Cellars. The business that he grew, initially from a tin shed at the ANU, later from Market Cellars at Fyshwick and, later again, from an outlet near the Canberra Airport, became almost the iconic retail outlet for wine and the place a person would go in the ACT to get good advice about the best choice of wine and about the wine industry.

If it were only for the fact that he had developed an appreciation of and a retail industry around wine in the ACT, Jim Murphy would not be marked today in this place and previously in a debate in the ACT Legislative Assembly. Jim Murphy, in a sense, took the platform of a successful business and became a person who changed so much about life in the ACT through his commitment, his passion and his generosity towards so many other activities in the ACT. For example, for five years he acted voluntarily as the chairperson of an organisation called CanTrade, whose object was to develop trade and other commercial opportunities for business in the ACT, a place that, I think it is fair to say, at that time certainly had an underdeveloped private
sector in areas outside servicing of the federal government. In that role he enormously expanded opportunities for ACT business. When the then federal government in 1996 and 1997 caused some contraction of employment in the ACT, Jim led the charge—called initially Youth 500 and, later, Youth 1,000—to create jobs for young Canberrans for whom an unemployment rate in excess of 25 per cent was the reality. And he succeeded. He succeeded brilliantly in creating opportunities for younger Canberrans. He played a crucial role in bringing the BRL Hardy venture to the ACT and was responsible largely for the creation of the concept of an ACT regional wine district, which today produces some of the very finest wines in the whole of Australia. Although he did not personally grow the grapes responsible for that, he certainly harnessed the potential of this region to create a viable and identifiable industry around the ACT. He established the Canberra Business Event Centre, which can be seen on the northern shores of Lake Burley Griffin, a venue that showcases the ACT's strengths in a spectacular setting.

He travelled extensively around Australia and, indeed, around the world. He led numerous trade missions to China, Japan and Ireland, among other places, to build commercial relationships for the ACT business community. I went with him on a trade delegation to Ireland a few years ago, where his dynamism was able to generate a great many opportunities for ACT businesses. When looking at the totality of his contribution, I do not think that any one person in the last 30 years has done so much for the creation of jobs in this region—sustainable jobs in the private sector—and for the promotion of business relations with the rest of Australia and internationally as has Jim Murphy.

He was, however, not content merely in promoting the development of business for its own sake. He used the success of his own business and his networks with other businesses in the ACT to create opportunities for a huge number of people around this region. He was a passionate supporter, for example, of the Open Family foundation, which provides outreach support to homeless youth. He supported the growth of teaching courses at the Australian Catholic University. He was a board member at Calvary Hospital. He was passionately interested in and a supporter of the Canberra Raiders and was on its board for a number of years. He supported numerous organisations and charities in this region. Literally tens of thousands of dollars every year left Jim Murphy's wallet to support businesses around this region. The extent of his generosity is almost legendary.

In 2003 he was awarded the Order of Australia, very deservedly, for his contribution to so many of those charities and worthy causes around the region. He almost had an inability to say no to somebody who came to his door with an important mission to put before him.

Jim passed away much too early, at the age of 63, last month after undergoing surgery for cancer at the Royal Prince Alfred Hospital in Sydney. A measure of his mark on the Canberra community is the funeral that was held for him on 6 June at St Christopher's Cathedral, the largest of Canberra's churches. When I got there, almost half an hour before the start of the funeral service, there were no seats left in the cathedral and no standing room left in the cathedral. I could not even hear the service because there were so many people packed in the doorways of the cathedral that it became impossible to even participate. That is a measure of how much this man touched the ACT and its surrounding community. He
was a man who truly dedicated his life to changing the outcomes and the prospects of people around him.

I express my deep sympathy and condolences to his wife, Margaret, and his sons, Adrian and Damian. I treasure very much my time with him in a number of contexts. I remember him particularly as a very passionate and proud supporter of the Liberal Party. Again, his generosity extended very much to that organisation. I share with a great many Canberrans a great sense of sadness at his passing but I know that he has left this world having made an indelible mark on the Canberra community. For that reason, I am extremely grateful to have known him and his kindness and his commitment to the people of this city.

Project 10 Per Cent

Senator MOORE (Queensland) (19:34): Earlier this month Project 10% was launched. Project 10% aims to reduce the rates of imprisonment of Aboriginal and Torres Strait Islander people by determining which programs and services are not working and replacing them with ones that actually do work. One of the key aspects of Project 10% is that it is Aboriginal and Torres Strait Islander led and directed. It will only work in partnership with the community, the government and other stakeholders.

Its directors show that leadership. The current directors are Ken Georgetown, who is also the CEO of Murri Watch in Brisbane; Kitty Cara, the current president of Australians for Native Title and Reconciliation, ANTAR, and Monique Bond, the former president; Megan Williams, a researcher at the Indigenous Health Unit at the University of Queensland; well-known Uncle Norm Clark, a member of the Premier's Advisory Council and a respected elder; Colleen Wall, from the Aboriginal and Torres Strait Islander Women's Legal and Advocacy Service; and John Close, from the Gurri Recovery Centre.

The well-known law firm McCullough Robertson is working with this group to establish the project as a legal entity and ensure that they have proper standards of governance and an application for charitable status. McCullough Robertson is taking on the project as part of its Community Partnerships Program, which prioritises access to justice. Project 10% seeks to start turning around those damning statistics which we all know, and deserves more than just the support of law firms.

We know that in the 30 years since the report into Aboriginal deaths in custody the rates of incarceration for Aboriginal and Torres Strait Islanders have increased. The increase in the incarceration of Aboriginal and Torres Strait Islanders has occurred at the same time as the average national crime rate has fallen. In my own state, Queensland, Aboriginal and Torres Strait Islander people are more than 11 times more likely than any other Queenslander to be in the prison system.

Queensland is currently home to the second largest population of Aboriginal and Torres Strait Islanders, just after New South Wales. And we know, because it is part of our great state, that we have the largest population of Torres Strait Islander people. By 2020, with the current statistics, Queensland will have the largest population of people who identify as Aboriginal and Islander people. But what kind of home will it be? If the current stats continue, will the prison system be more likely to be home than any other residence?

Project 10% can succeed. At its launch, Professor Boni Robertson—a good friend of mine—from Griffith University talked about how the program originated and how we are
able to make a difference. She asked—and this is a challenge to all of us: ‘Why are we still giving custodial sentences to a vulnerable 19-year-old person with the intellectual capacity of a 14-year-old?’ That question hangs before us. Professor Robertson went on to answer her own question. She said:

We need real programs. Not real systems. Prison is a system but there are no real programs (in rehabilitation) to reduce the changes of people returning to prison. Very little is being done about dangerous home environments, poverty, alcohol and drug abuse, unemployment, violence against women and other s and the very many situations that lead to women and youth going to prison. It's time to knuckle down and work out why we haven't made any progress in thirty years. It's time to redirect those funds from building more prisons to investing in social capital and rehabilitation.

Professor Robertson has identified many areas where we do not know or do not understand what happens to Aboriginal and Torres Strait Islanders after a prison sentence. We know that they return to communities but we also know that there is not the safety or support required for those people in those communities. We have to look at what systems have not been working and what does work. Project 10% is about protecting the whole community, not just Aboriginal and Torres Strait Islanders.

Spending on rehabilitation and prevention is not proportionate to the amount we spend on prisons themselves. Project 10% is not just about spending money. In 2008 and 2009, the expenditure on prisons was $2.8 billion nationally, at a cost that has been estimated at $276 per person per day. The question that Project 10% is raising is: how much more could we do in our community if we were to put some of that money into effective rehabilitation services? How could we better focus the efforts of the whole community in looking at prevention, education and support?

Project 10% has adopted an international model of a justice centre, which analyses crime, arrests, convictions, prisons, and probation and parole supervision data provided by state and local agencies. We know that this data is available, and we need to look at how best we can use that in partnership and collaboration and working with communities. The justice centre would map specific neighbourhoods where large numbers of people under criminal justice supervision live and cross reference this with information with reports of criminal activity and the need for services, including substance abuse and mental health treatment programs. There is a crying need. This need has been identified, and we can make this work.

This information would enable assessment of current services aimed at reducing recidivism. Using the local information and working with the local people, this justice centre could develop practical, evidence based and consensus-based policies that would reduce spending on corrections to reinvest in strategies that can improve public safety and reduce crime, incarceration and recidivism. The impact of those changes would be able to be seen in people, families and communities.

Only this week the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs released a report called Doing time. Time for doing. Indigenous youth in the criminal justice system. This very important report identified many of the same issues that were discussed by Project 10%. The report's research showed that young Indigenous offenders are more likely to be referred to court than non-Indigenous offenders for exactly the same offence—and we need to
understand why. No-one has been able to effectively say why, if you have two people, particularly young people, who are charged with the same offence, there seems to be across the country differing responses to that offence.

As Professor Robertson said at the launch of Project 10%, we need to understand why. The best way of doing that is to work with communities to ensure that communities are safer and provide more support and that we genuinely respond to the challenge before us—because those stats are not acceptable. We cannot have a prison system which seems to be more of a home to a large number of people who identify as Aboriginal and Torres Strait Islander than the homes from which they come. One of the clear requirements must be that the homes and the communities are made safe. People need to have effective education and support systems. Those issues which have been raised by Project 10% need to be taken up by governments and communities and we need to work together to make a change.

According to the Australian Bureau of Statistics 2006 Census, 10,000 of the 50,000 Indigenous people surveyed indicated that they spoke English not well or not at all. Can there be a more damning statistic—that within our population we have people who are not comfortable and able to communicate effectively? That shows the need for effective education systems.

There are of course also the issues of mental health and general health. We know that within prison populations there is a higher rate of people who are suffering from mental health conditions and people who do not have sound health outcomes—people who are not able to effectively hear or people who have a range of conditions that need immediate treatment and support.

Project 10% is about raising these issues in the wider community and working out ways to make sure that there is support. We need to ensure that our criminal justice system is fair and that there is a hope for a full recovery in terms of living full lives with effective futures. It is important that we support initiatives such as Project 10%. It is an honour to know the people who work in this area. It is an ongoing challenge to all of us. I commend the people who are part of this project and I hope to work with them into the future.

South Australia

Senator WORTLEY (South Australia) (19:44): For the past six years I have had the honour of being a senator for South Australia. It is in this context that I have been reflecting on the things that make my home state so special. Flying into Adelaide on a 737 on a Thursday or Friday night after a parliamentary sitting week, with the lights of Adelaide below, really is a wonderful sight.

Tonight I want to speak briefly about some of what makes South Australia a truly brilliant blend. There are the little towns that unite the people of the winemaking regions of our state; the beautiful Clare Valley that supports a working rural community, which upholds traditions that are generations old; and heritage towns like Kapunda and Burra, with their restaurants and antique shops, complement the valley's boutique wineries, some of which are known worldwide. Home to about 20,000 South Australians, the Barossa Valley is one of Australia's premier wine producing regions and is particularly noted for the luscious shiraz grapes that contribute to making the famous Grange Hermitage.

Meanwhile, south of the capital, McLaren Vale takes full advantage of its climate to combine stunning beaches, more excellent
wineries, rolling hills and almond orchards. Moving even further south, the largest regional city in South Australia is Mt Gambier, on the slope of a dormant volcano. It is a region of great natural beauty. There are caves, sinkholes, rivers and lakes, including the famous Blue Lake—which I have walked around—which changes colour every November and serves the city and surrounds with pure water.

North of Mt Gambier is the Coonawarra where the terra rossa soil combines with pure, limestone filtered water to produce some of Australia's greatest reds. Then there is Hahndorf, Australia's oldest surviving German settlement, which still retains its German flavour, particularly in the bakeries and restaurants that cluster around its main street. Continuing with the regional theme, Wilpena Pound is a 40 million-year-old majestic natural amphitheatre located inside an ancient crater. Wilpena Pound is the gateway to the Flinders Ranges and to the deep outback, to the Dreaming. I have shared many wonderful days there with Russell and Che.

Water is of course a crucial element in the survival of the driest state of the driest continent. The River Murray is the lifeline of South Australia and it must be treated with the greatest respect to ensure its longevity. Off the Fleurieu Peninsula is Kangaroo Island, with its sheep milk cheeses, fresh water marron, honey made by the only known pure strain of Ligurian bees in the world, native bush and wildlife, and pure air and pristine beaches.

Then to the city. The Montefiore Hill in North Adelaide offers a panoramic view of Adelaide Oval, Memorial Drive, the parklands, the city centre, and across the city to the hills. Adelaide Oval is often spoken of as the most beautiful test cricket ground in the world. Soon it will be further developed as part of a major riverside link to the CBD to accommodate AFL football and a broader array of cultural events. I have seen many SANFL games here, including my beloved Sturt, and in recent times, with Russell, Che, my sister Angelique, and nephew Cale, witnessed Adelaide United's sensational win over Melbourne victory.

At the west end of the city is the JamFactory, a craft and design centre, which has been supporting artists, craftspeople and designers for nearly 40 years. It was founded by a great man of whom I have fond memories, the then Premier of South Australia, the late Don Dunstan, who was also responsible for the creation of the State Theatre Company, the Adelaide Festival Trust and the South Australian Film Corporation. In my university days, I recall serving Don Dunstan a beer 'in a small glass' at a local football club, after which he asked if I was old enough to do so.

Coastal shipping was part of the South Australian life for many decades but, with the advent of road transport and greater access to areas of primary and secondary production, the shipping trade died off and the port's once bustling wharves declined. Now the port's wharves, grand old warehouses and riverside precincts are being redeveloped as marinas and housing. The port's AFL football team is, of course, Port Power, of which I have been a member since its first year in the AFL. I still live off the glorious memory of the 2004 grand final victory, as I am sure Senators McEwen and Hurley do. For the record—and I know Senator Farrell has difficulty with this—I am considered a rare breed in South Australia because my second team really is the mighty Adelaide Crows.

There are so many things that are uniquely South Australian: Balfour's green frog cakes, Haigh's chocolates, pie floaters, Coopers
beer, the Adelaide Festival and the Adelaide Fringe. South Australia is indeed a brilliant blend of cultures, terrain, climate and produce, of innovation and aspiration, of tradition and creativity. It has been my privilege to be a representative of the people of South Australia in this place.

**Senate adjourned at 19:50**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—

AD/DHC-1/34 Amdt 2—Shock Absorber Strut Piston Tube [F2011L01087].

AD/DHC-1/36 Amdt 2—Flap Operating Cables [F2011L01086].

Corporations Act—ASIC Class Order [CO 11/576] [F2011L01092].


Explosives Act—Select Legislative Instrument 2011 No. 89—Explosives Transport Amendment Regulations 2011 (No. 1) [F2011L01099].

Fair Work Act—Select Legislative Instrument 2011 No. 91—Fair Work Amendment Regulations 2011 (No. 2) [F2011L01088].

Health Insurance Act—Select Legislative Instruments 2011 Nos—

98—Health Insurance Amendment Regulations 2011 (No. 2) [F2011L01083].

100—Health Insurance (General Medical Services Table) Amendment Regulations 2011 (No. 1) [F2011L01091].

101—Health Insurance (Pathology Services Table) Amendment Regulations 2011 (No. 1) [F2011L01095].

Long Service Leave (Commonwealth Employees) Act—Select Legislative Instrument 2011 No. 96—Long Service Leave (Commonwealth Employees) Amendment Regulations 2011 (No. 1) [F2011L01105].

Migration Act and Australian Citizenship Act—Select Legislative Instrument 2011 No. 105—Migration Legislation Amendment Regulations 2011 (No. 1) [F2011L01098].


Safety, Rehabilitation and Compensation Act—Select Legislative Instrument 2011 No. 94—Safety, Rehabilitation and Compensation Amendment Regulations 2011 (No. 1) [F2011L01094].

Therapeutic Goods Act—Select Legislative Instruments 2011 Nos—

102—Therapeutic Goods Amendment Regulations 2011 (No. 2) [F2011L01100].
104—Therapeutic Goods (Medical Devices) Amendment Regulations 2011 (No. 2) [F2011L01102].

Therapeutic Goods (Charges) Act—Select Legislative Instrument 2011 No. 103—Therapeutic Goods (Charges) Amendment Regulations 2011 (No. 2) [F2011L01097].

Wine Australia Corporation Act—Select Legislative Instrument 2011 No. 86—Australian Wine and Brandy Corporation (Annual General Meeting of the Industry) Amendment Regulations 2011 (No. 1) [F2011L01084].

Tabling

The following government document was tabled:

National Health and Medical Research Council (NHMRC)—NHMRC Licensing Committee—Report on the operation of the Research Involving Human Embryos Act 2002 for the period 1 September 2010 to 28 February 2011.
QUESTIONS ON NOTICE

Stationery

(Question Nos 228, 240, 253, 255 and 256)

Senator Humphries asked the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, Minister representing the Minister for School Education, Early Childhood and Youth, Minister representing the Minister for Employment Participation and Childcare, and Minister representing the Minister for Indigenous Employment and Economic Development, upon notice, on 29 November 2010:

Since 14 September 2010, for each Minister and any Parliamentary Secretaries in their portfolio:

(1) What has been the total amount spent on stationery and publications, including a breakdown of all spending.

(2) What has been the total amount spent on printing ministerial letterhead.

(3) What is the grams per square metre [GSM] of the ministerial letterhead.

(4) Is the letterhead carbon neutral.

Senator Chris Evans: The answer to the honourable senator's question is as follows:

(1) The amount spent on stationery and publications from 14 September 2010:

<table>
<thead>
<tr>
<th>Ministerial office</th>
<th>Stationery</th>
<th>Publications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senator Chris Evans</td>
<td>$2,430</td>
<td>$934</td>
</tr>
<tr>
<td>The Hon Peter Garrett MP</td>
<td>$1,497</td>
<td>$1,535</td>
</tr>
<tr>
<td>The Hon Kate Ellis MP</td>
<td>$620</td>
<td>$2,825</td>
</tr>
<tr>
<td>Senator the Hon Mark Arbib</td>
<td>$1,848</td>
<td>$1,129</td>
</tr>
<tr>
<td>Senator the Hon Jacinta Collins</td>
<td>$365</td>
<td>$353</td>
</tr>
</tbody>
</table>

(2) Total amount spent on printing ministerial letterhead from 14 September 2010:

<table>
<thead>
<tr>
<th>Ministerial office</th>
<th>Printing of Letterheads</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senator Chris Evans</td>
<td>Nil</td>
</tr>
<tr>
<td>The Hon Peter Garrett MP</td>
<td>Nil</td>
</tr>
<tr>
<td>Senator the Hon Mark Arbib</td>
<td>Nil</td>
</tr>
<tr>
<td>The Hon Kate Ellis MP</td>
<td>$1,812</td>
</tr>
<tr>
<td>Senator the Hon Jacinta Collins</td>
<td>$316</td>
</tr>
</tbody>
</table>

(3) 90 GSM paper is used for printing ministerial letterhead. The standard white paper of 80 GSM is used for other ministerial letterheads.

(4) Paper used for letterhead in Minister Garrett's office is carbon neutral. The standard white paper used for other ministerial letterheads is not carbon neutral.