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SITTING DAYS—2014

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- BRISBANE 936AM
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- PERTH 585AM
- SYDNEY 630AM

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FORTY-FOURTH PARLIAMENT
FIRST SESSION—FOURTH PERIOD

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

Senate Office holders
President—Senator Hon. Stephen Parry
Deputy President and Chair of Committees—Senator Gavin Mark Marshall
Temporary Chairs of Committees— Senators Christopher John Back, Cory Bernardi, Sam Dastyari, Sean Edwards, Alexander McEachian Gallacher, Susan Lines, Deborah Mary O'Neill, Nova Maree Peris OAM, Dean Anthony Smith, Zdenko Matthew Seselja, Glenn Sterle, Peter Stuart Whish-Wilson and John Reginald Williams
Leader of the Government in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC
Leader of the Opposition in the Senate—Senator the Hon Penny Wong
Manager of Opposition Business in the Senate—Senator the Hon Mitchell Peter Fifield

Senate Party Leaders and Whips
Leader of the Liberal Party in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Liberal Party in the Senate—Senator Hon. George Henry Brandis QC
Leader of The Nationals in the Senate—Senator Hon. Nigel Scullion
Deputy Leader of The Nationals in the Senate—Senator Hon. Fiona Nash
Leader of the Opposition in the Senate—Senator the Hon Penny Wong
Deputy Leader of the Opposition in the Senate—Senator the Hon Stephen Conroy
Leader of the Australian Greens—Senator Christine Anne Milne
Leader of the Palmer United Party in the Senate—Senator Glenn Patrick Lazarus
Deputy Leader of the Palmer United Party in the Senate—Senator Jacqui Lambie
Chief Government Whip—Senator David Christopher Bushby
Deputy Government Whips— Senators David Julian Fawcett and Anne Sowerby Ruston
The Nationals Whip—Senator Barry James O'Sullivan
Chief Opposition Whip—Senator Anne McEwen
Deputy Opposition Whips— Senators Catryna Louise Bilyk and Anne Elizabeth Urquhart
Australian Greens Whip— Senator Rachel Siewert
Palmer United Party Whip—Senator Zhenya Wang
Deputy Palmer United Party Whip— Senator Jacqui Lambie

Printed by authority of the Senate
## Members of the Senate

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
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<tr>
<td>Abetz, Hon. Eric</td>
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<td>Back, Christopher John</td>
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Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives

### PARTY ABBREVIATIONS

AG—Australian Greens; ALP—Australian Labor Party;
AMEP—Australian Motoring Enthusiast Party; CLP—Country Liberal Party;
DLP—Democratic Labour Party; FFP—Family First Party; IND—Independent;
LDP—Liberal Democratic Party; LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; PUP—Palmer United Party

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<th>Term expires</th>
<th>Party</th>
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(1) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr), pursuant to section 15 of the Constitution.
Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—C Mills
Parliamentary Budget Officer—P Bowen
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<tr>
<td>Prime Minister</td>
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<tr>
<td><strong>Minister for Indigenous Affairs</strong></td>
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<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator the Hon Nigel Scullion</td>
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<tr>
<td>Minister Assisting the Prime Minister for Women</td>
<td>Senator the Hon Eric Abetz</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Josh Frydenberg MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Alan Tudge MP</td>
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<tr>
<td><strong>Minister for Infrastructure and Regional Development</strong></td>
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<tr>
<td>(Deputy Prime Minister)</td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>Assistant Minister for Infrastructure and Regional Development</td>
<td>The Hon Jamie Briggs MP</td>
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<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
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<td><strong>Minister for Trade and Investment</strong></td>
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<tr>
<td>Parliamentary Secretary to the Minister for Foreign Affairs</td>
<td>Senator the Hon Brett Mason</td>
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<td><strong>Minister for Employment</strong></td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<tr>
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<tr>
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<tr>
<td><strong>Attorney-General</strong></td>
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<tr>
<td><strong>Minister for the Arts</strong></td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
<td>Senator the Hon George Brandis QC</td>
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<tr>
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<td>The Hon Michael Keenan MP</td>
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<tr>
<td><strong>Treasurer</strong></td>
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<tr>
<td><strong>Minister for Small Business</strong></td>
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<tr>
<td>Acting Assistant Treasurer</td>
<td>The Hon Joe Hockey MP</td>
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<tr>
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<td>The Hon Bruce Billson MP</td>
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<tr>
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<tr>
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<tr>
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<td><strong>Minister for Defence</strong></td>
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<td><em>Senator the Hon Simon Birmingham</em></td>
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<tr>
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<td><em>Parliamentary Secretary to the Minister for Finance</em></td>
<td><em>The Hon Michael McCormack MP</em></td>
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Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans' Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
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The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 10:00, read prayers and made an acknowledgement of country.

CONDOLENCES

Whitlam, Hon. Edward Gough, AC, QC

The PRESIDENT (10:01): It is with deep regret that I inform the Senate of the death, on 21 October 2014, of the Hon. Edward Gough Whitlam AC, QC, a member of the House of Representatives for the division of Werriwa, New South Wales, from 1952 until 1978 and Prime Minister of Australia from 1972 to 1975.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (10:01): by leave—I move:

That the Senate records its deep regret at the death, on 21 October 2014, of the Honourable Edward Gough Whitlam, AC, QC, former Member for Werriwa and Prime Minister of Australia, places on record its appreciation of his long and highly distinguished service to the nation and tenders its profound sympathy to his family in their bereavement.

Australia mourns the loss of her 21st Prime Minister and the last Prime Minister whose life, in part at least, overlapped every other Prime Minister's life—a claim that no other Australian Prime Minister will be able to make. Of itself, this is an inconsequential fact but nevertheless a reminder of the relative youth of the Commonwealth of Australia and the longevity of our 21st Prime Minister, whose life of service we acknowledge today.

To be endorsed by one's party for public office is an honour. To then be elected by the people as their representative is a greater honour. To be elected by colleagues to a leadership position and ultimately have your party endorsed for national government with you as Prime Minister designate is the ultimate honour. Very few Australians achieve that honour. The Hon. Edward Gough Whitlam AC, QC, did. It is therefore fitting to pay regard and honour his status as a democratically elected leader of our nation. It is one of the hallmarks of our democracy, our civilisation and indeed our decency as a body politic that on occasions such as this we can part with partisan differences and acknowledge the good in political opponents.

Edward Gough Whitlam had a long life. To use cricketing terminology, he did not quite make a century but his innings was long, it was illustrious and had moments of sparkling success. His passing is also very much the passing of an era—the last Prime Minister of the generation who as adults experienced the Great Depression and the Second World War. Gough Whitlam was born on 11 July 1916 in Kew, Victoria. The name 'Gough', I am told, is derived from the Welsh word meaning 'red'. I understand that had nothing to do with the reason for his naming but, rather, was in honour of a forebear's commanding officer, Viscount Gough.

His father, Fred Whitlam, as a young lawyer moved the family to Sydney from Melbourne and then later to Canberra on his appointment as Commonwealth Crown Solicitor. Young Gough attended Knox Grammar and later Canberra Grammar School. He sat the Leaving Certificate numerous times, which, on the face of it, might suggest an intractable dullness. The opposite, of course, is the truth. His intellectual giftedness had allowed him to pass the
Leaving Certificate at an early age, but he could not proceed until his age caught up with his scholastic abilities. He had one sister, Freda, who became a notable teacher, Principal of Presbyterian Ladies’ College and later Moderator of the Uniting Church in Australia. His parents were strong followers of the Christian faith.

Gough Whitlam attended Sydney University from the age of 18 and graduated as a Bachelor of Arts with honours in classics. He then studied law, but it is true to say that the classics remained with him throughout his life. He often quoted one of the ancients, be it a Greek or Roman philosopher, in the parliament, party room or an interview, usually to the bewilderment of his audience. Senator Bernardi would be interested to learn that Mr Whitlam excelled in the sport of rowing whilst at university.

In 1942 at university he met and later married a fellow student, Margaret Dovey, a champion swimmer and daughter of a prominent Sydney lawyer who later became a judge. So began a long and happy marriage of mutual intellectual regard and support. Mrs Whitlam became a prominent figure in Australia's public life in her own right. At their 60th wedding anniversary, Mr Whitlam proclaimed, with untypical understatement, that their marriage had been 'very satisfactory', but he did describe her as 'the love of his life'. His passing sees them reunited.

He joined the Sydney University Regiment Army Reserve and, after the Japanese attack on Pearl Harbor, transferred to the Royal Australian Air Force. He trained as a navigator and flew in Lockheed Ventura bombers based out of northern Australia. For a man not widely known for his modesty, Mr Whitlam was quite reticent about his war service and rarely wore his service medals, although he was quietly, and rightly, proud of this part of his life.

While still in uniform, Mr Whitlam finished his law studies and was admitted to the bar in 1947. With a war service loan he built a house at Cronulla, also buying the block of land next door with his prizes from winning the Australian national quiz championships in both 1948 and 1949. It was at this time he joined the local branch of the ALP. He soon stood for local council. Can I admit, try as I might, my mind could not conjure up the picture of Mr Whitlam campaigning on roads, rubbish and stray dogs. Suffice to say he was twice unsuccessful. He later ran for a seat in the New South Wales Legislative Assembly in 1950, which, as he said later, he was grateful to have lost as well. In 1952 the third tier of government beckoned, and he was endorsed for the Werriwa by-election when the sitting member, Bert Lazzarini, died. He significantly increased the Labor majority in the seat, gaining two-thirds of the vote, and went on to defend the seat successfully until he retired from the House in 1978.

From when he entered the House of Representatives to when he left it, Gough Whitlam was the quintessential parliamentarian. His physical height, combined with a commanding voice, a love of language, a sharp wit and some experience in amateur dramatics, all combined to provide the ingredients of a gifted orator. When you mix that cocktail of qualities, you get a formidable political force and, to the coalition, an opponent not to be underestimated.

Mr Whitlam became Deputy Leader of the Opposition in 1960 to Arthur Calwell. Following the 1966 election defeat for Labor, Calwell resigned as Labor leader and, in February 1967, Whitlam was elected Leader of the parliamentary Labor Party. The very next year, he resigned the leadership over the status of a former Father of the Senate, who used to sit where Senator Madigan now sits, who was at the time still a union official who was
banned from certain Labor fora. It was a gutsy move, but he was re-elected by the caucus 38 votes to 32.

Mr Whitlam led successful ALP campaigns in the year of 1968 to win by-elections for the seats of Corio and Capricornia. In the October 1969 election campaign, which some say was actually Whitlam's best in terms of prosecution, there was a substantial swing which reduced the coalition's majority to seven.

In 1971 Whitlam went to mainland China on a much publicised visit at a time when many Western countries were grappling with the issue of recognition of Taiwan and the People's Republic of China. This visit preceded President Nixon's bold recognition of China and elevated Mr Whitlam to a degree of prominence on the world stage.

On 2 December 1972, following the celebrated 'It's Time' campaign, Mr Whitlam led the ALP to victory at the House of Representatives election. For many in my generation, the 'It's Time' campaign was the first time politics exploded into our consciousness. It was an energetic and modern campaign. The euphoria around this campaign has not been seen since, although the Kevin 07 campaign would come close—some might say with similar consequences. But the Kevin 07 campaign, built around a personality and a few catchphrases, had, if I might say, nowhere near the substance and impact of Labor's 1972 campaign.

As an aside, there is perhaps a lesson: the euphoria of a campaign does not of necessity translate into stability of government. Its result was a slender nine-seat majority, but this did not deter Mr Whitlam from progressing full steam ahead with his agenda. On 5 December 1972, Mr Whitlam advised the Governor-General, Sir Paul Hasluck, to appoint him and his deputy, Tasmanian Lance Barnard, as a two-man ministry for a week to give time for the caucus to convene to elect the ministry. They divided all the portfolios in half, and Barnard—who was the member for Bass and very well regarded in our home state of Tasmania, Mr President—later joked that Whitlam inadvertently gave him one more portfolio than the new Prime Minister allocated to himself. For his part, Mr Whitlam joked that he had appointed one minister too many.

That two-man ministry undertook a blur of administrative decisions—so much so that the morning newspapers began publishing a front-page column headed 'What the government did today'. Among their immediate actions were the recognition of China in place of Taiwan, boosting expenditure on the arts, a ban on racially segregated teams from South Africa, the ending of conscription and, finally, ending Australia's military involvement in Vietnam.

Whitlam's first government charted new directions, making changes to higher education and beginning the architecture for a new health scheme, then called Medibank. However, the 1972 election was only for the House of Representatives and Mr Whitlam had to deal with the lack of a government majority in the Senate. Some things never change, even if governments do. After a number of refusals of bills by the Senate, in 1974 Mr Whitlam surprised his political opponents with advice to the Governor-General that a snap double dissolution be held, the first since 1951. The result saw Labor returned in the House with a reduced majority, but the composition of the Senate still lined up against the government. The provisions of the Constitution were employed for a joint sitting of both houses to consider the bills previously rejected—the only joint sitting we have ever had and one which was televised live, of which we were all reminded with the black-and-white footage being shown in the last few days.
The second Whitlam government faced significant challenges, not least economic ones, together with a Senate it did not control. Today is not a day to recount in detail the circumstances which led to the 1975 double dissolution other than to say it was an extraordinary and volatile political time, the Khemlani loans affair being the exemplar.

The dismissal of the Whitlam government and the election it precipitated stressed the fabric of Australia's democracy whatever your opinion of the events. Mr Whitlam's call to 'maintain the rage' reverberated and cast a pall over the body politic and Australian society more generally. But, having said that, I acknowledge that one of his many achievements was to help the nation heal the wound in our body politic opened by the events of 1975. He did this by overcoming the personal resentment he must surely have felt, thereby allowing others to do likewise. I believe that his doing so is the reason his life of service to our country is now being celebrated so sincerely by both sides of politics. The healing process included Mr Fraser and Mr Whitlam joining forces publicly on issues media and then later on matters republic. That these two foes could put their bitter differences aside to work for what they perceived to be in the national interest clearly helped the healing process.

After Labor was heavily defeated at the 1975 poll, Whitlam was re-elected as Labor leader, a position he held until after the election in December 1977 when Labor suffered a defeat of similar proportions. In June 1978, he was appointed a Companion of the Order of Australia, a system of honours that he had advised the Queen to create in 1975 and, for years later, he delighted in sending people telegrams when similarly honoured with the comment, 'Welcome to my order.' That was just one of many examples of his mischievous wit.

On 31 July 1978, Mr Whitlam resigned from the House of Representatives, ending 26 years of parliamentary service. After parliament, he and his wife enjoyed Sydney life, especially theatre and opera, and reconnecting with their children and grandchildren. He became a fellow at ANU and undertook a stint as a visiting fellow at Harvard. In 1983 he was appointed Australian Ambassador to UNESCO, based in Paris. He served a three-year term, relishing the cultural life of the city and the work he was able to do internationally.

On return to Australia, he continued to be involved in public life, chairing the National Gallery of Australia, serving on the Constitutional Commission and chairing the Australia-China Council. He also happily supported his wife in her own busy round of public engagements. Mr Whitlam wrote prolifically and maintained a busy schedule of public speeches and a staggering personal correspondence with Australians from all walks of life and friends from across the world well into his 90s. The range of topics on which he corresponded was almost limitless, from current affairs, the arts, the law, languages to—you name it—any subject. His Sydney office groaned with shelves of books to which our Attorney, I understand, is still aspiring. Quite apart from his political life, Mr Whitlam was a voracious reader of history, biography and philosophy.

I had the privilege of personally meeting Mr and Mrs Whitlam on a number of occasions. They were enormously engaging as a couple. My last meeting with Mr Whitlam was a few years ago when we were both waiting for a flight. I always found him charming, and he loved talking about current affairs and the political issues of the day. In these conversations, he applied any political judgement very lightly because, for him, a good chat seemed to mean enjoying the art of company and conversation.
On our first meeting, I was surprised to learn how much Mr Whitlam knew about my own personal history. I confess, it made a pleasant change, as I have usually found Labor operatives determined to tell me my fortune as opposed to my history. His interest, his warmth, his charm, the twinkle in his eye and his wit were all on display, and I was clearly the beneficiary of our brief interactions.

A colleague who will remain nameless tells the tale of inviting Mr Whitlam to launch the book this colleague had written after a very successful high-profile court case. In typical Whitlam style, the assembled throng were told that, by the age of 33, Alexander the Great had conquered the world, Jesus Christ had saved it and Malcolm had written a book!

Gough Whitlam's was a long and full life of service to his country—in war, in parliament, as Prime Minister and foreign minister, as an ambassador and as a leader of cultural institutions. I am reminded of the Greek historian Polybius, who said:

Those who know how to win are much more numerous than those who know how to make proper use of their victories.

Short though his victory was, there is no doubt that Mr Whitlam was among the latter.

At times like these when we all reflect on a significant public life, it is important that we remember how the Whitlam family is feeling. In their statement they said simply that they had lost a loving father. It did not matter to them that he was also a famous Australian. As one of his sons said, they had never known any different. He was their dad. So, to them, to Tony Whitlam QC, former member for Grayndler and former judge, to Nick Whitlam, former chief executive of the State Bank of New South Wales, to Stephen Whitlam, a distinguished former diplomat, and to Catherine Dovey, a writer and thinker, and to the grandchildren and extended family, we offer our most sincere condolences and thank them for lending him to our nation.

Senator FAULKNER (New South Wales) (10:22): Let me begin by thanking the Leader of the Opposition in the Senate and my colleagues in this chamber for giving me the great honour of supporting this condolence motion on behalf of the opposition. We are all here today to honour the memory, celebrate the achievements and mourn the loss of a giant on the Australian political stage—a giant both metaphorically and literally. For Australians, he was the Prime Minister who inspired and transformed the nation. For the Labor Party, he was the leader who reformed and modernised our party, encouraged and energised the faithful, and delivered both election victories and sweeping progressive reforms. For me, he was, first, an inspiration, then a mentor and, finally, a friend. For me, his death is a personal loss.

Despite Gough's great age—remember, he was born during the First World War, fought in combat in the second and was first elected to parliament more than sixty years ago—he seemed, as he himself said once, if not actually immortal then at least eternal. As we have heard, his lifetime overlapped that of every Australian Prime Minister.

Gough did not depart politics in 1978 when he departed this parliament. If anything, he was more influential by way of example and encouragement. He was living evidence that being involved could make a difference. For a generation, Gough was the elder statesman of our nation—tirelessly and enthusiastically working for the great causes he set out in that famous 1972 campaign launch speech:

- to promote equality
- to involve the people of Australia in the decision-making processes of our land
and to liberate the talents and uplift the horizons of the Australian people.

Gough's advocacy ended only last Tuesday.

But in the last week, as our nation remembers and mourns him, we have once again seen the old photographs and newsreels that remind us of a younger Gough Whitlam, of the schoolboy who in 1932, as he reminded me again just last year, won every 5th year subject prize at Canberra grammar—except the divinity prize, even though he topped the examination. The prize went to second-place getter Francis James, later a very prominent Anglican publisher. Why? The headmaster, WJ Edwards, informed Gough: 'The reason, Whitlam, is that James actually believes it and you, Whitlam, do not.' Gough may not have believed, but he kept an open mind. Many years later, asked what he would do if he discovered, after death, that there was indeed a God, he assured the questioner that there was no need to worry—he would be generous enough to treat the Almighty as an equal.

We have been reminded, too, of the young bridegroom, arm in arm with his new wife, Margaret, who would be for the rest of her life his partner, his companion, his support and, when called for, his critic. She shared his pre-selection battles, his campaigns and his causes, through both good times and bad. She raised their children, often in solitude while Gough attended to public duties elsewhere. Margaret was always at Gough's side; she was never in his shadow. She accomplished an extraordinary balancing act as a private citizen in a very public role, and did so with such good humour and graciousness that she earned an enduring place in the hearts of the nation. They were married for nearly 70 years. They were, in every respect, partners and equals.

And we have been reminded of the young airman, serving on Lockheed Ventura bombers flying out of the Northern Territory, defending our shores at the time of Australia's greatest peril. It later gave Gough great pleasure to say that the first Whitlam ministry—the duumvirate, as he liked to call it, just Lance Barnard and himself—was the only federal ministry to be comprised entirely of war veterans.

Gough's political engagement began during his wartime service. He was eager to see Curtin's Labor government granted wider postwar reconstruction powers. He believed in the principle that significant and permanent improvements can be secured for the Australian people through legislative and constitutional reform. He campaigned for Curtin within his RAAF squadron during the 'Fourteen Powers' referendum of 1944. Gough carried the squadron. Curtin, alas, was not so fortunate. But it was that campaign and that defeat that galvanised Gough into becoming not only a supporter but a champion of Labor's cause.

In late 1952, he stood for and was elected in a by-election in the federal seat of Werriwa. He served 20 years in opposition. Opposition is never easy. It is a hard slog. It can be demoralising, dispiriting and disillusioning. But Gough, who could have so easily chosen an easier life, a better paid career, one without the arduousness of travel, without the constant branch meetings and party functions at night and on the weekend, stuck it out. He distinguished himself as a parliamentarian, serving on committees, using his quick wit and sharp tongue to memorable effect in both speeches and interjections. There was no-one more feared or more effective at the dispatch box. The Hansard index records his astounding industry, speaking more and asking more questions, with or without notice, on a far wider range of subjects than any member in the history of the House of Representatives.
And he distinguished himself as a Labor member, setting about modernising, reforming and making the Australian Labor Party electable once more. He took on vested interests within his party and set about changing a culture comfortable with defeat. Gough became deputy leader and then leader of a Labor Party still struggling with the scars of the split. He fought in every party forum to resolve those longstanding problems—corruption in the New South Wales branch, ideological rigidity in Victoria. The public saw the flashes of brilliance, the breathtaking moments of brinkmanship, but not the many patient hours of negotiation.

Ultimately, the reforms that Whitlam fought for brought the ALP into line with community expectations, just as his policy reforms brought it into line with Australia's expectations for government. He made the ALP electable. But, more importantly, he made the ALP worth electing—and he took risks to do so. In early 1966, with one eye on the leadership, Gough broke with the party on the issue of public funding for non-government schools. At the ALP federal executive, Gough's enemies used the opportunity to seek his expulsion from the party and destroy him once and for all. Gough took them on. He said, 'I can only say we've just got rid of the 36 faceless men stigma to be faced with the 12 witless men.'

While his enemies rounded on him, Gough flew to Mackay. He campaigned hard in the Dawson by-election with Rex Patterson, and the ALP won that by-election unexpectedly on 26 February, dealing the government its first by-election defeat since 1952. Everyone knew that this was Gough's victory. Gough was summoned to Canberra for his political execution at an emergency meeting of the federal executive in Canberra on 3 March. He beat the charge of 'gross disloyalty' by a margin of two votes, after a switch by the two Queensland delegates in the afterglow of the Dawson triumph.

In 1969, by then leader, Whitlam took the ALP to the cusp of a famous victory. Labor won the majority of the vote and 18 additional seats, but the conservatives held on. The Labor vote in 1969 remains the greatest swing achieved by an opposition in Australian federal politics.

By 1972, Whitlam's and the ALP's time had come. In 1972 a simple slogan encapsulated the country's readiness for change: 'It's Time'. It was time. The list of the Whitlam government's legislative reforms is familiar to us all: replacing Australia's adversarial divorce laws with a new, no-fault system; introducing Australia's first federal legislation on human rights, the environment and heritage; establishing the Legal Aid Office, the National Film and Television School, the Australian Development Assistance Agency, the Prices Justification Tribunal and the Trade Practices Commission; introducing sweeping electoral reforms—the vote for 18-year-olds, Senate representation for the territories, and the cause of a lifetime, 'one vote, one value'; establishing the Australian National Parks and Wildlife Service, the Law Reform Commission, the Australian Film Commission, the Australian Heritage Commission, the Technical and Further Education Commission, a national employment and training program; launching construction of the National Gallery of Australia and making the Australia Council a statutory authority; vigorously promoting the arts, including the then controversial purchase of *Blue Poles*; improving the position of women and our Indigenous population through reforms such as laws banning discrimination of the grounds of race and sex, equal pay for women in the Public Service and the creation of a separate ministry responsible for Aboriginal affairs and instituting Indigenous land rights; ending the last legal vestiges of White Australia; creating a single Department of Defence rather than separate departments for Army, Navy and Air; establishing the Royal Commission on Human
Relationships; slashing tariff barriers by 25 per cent; ending conscription; establishing Medibank, the precursor to Medicare; implementing education reforms like needs based funding for schools and free vocational and university education, and introducing the Tertiary Education Assistance Scheme; changing the national anthem to *Advance Australia Fair*; replacing the British Honours system with the Order of Australia; abolishing appeals to the Privy Council; replacing the Postmaster-General's Department with Telecom and Australia Post; and foreign policy achievements such as diplomatic and trade relations with the Peoples Republic of China.

Medibank and fair electoral boundaries were rejected by the Senate twice, to become matters resolved by a double dissolution—or so we thought. The measures were again rejected by the Senate, went before a joint sitting and were passed. Gough was, if nothing else, determined.

Gough commissioned inquiries that changed the landscape of politics. He did not create an inquiry to put a problem off. For Gough, an inquiry was intended to focus on problems, identify inequality and poor administration, and return to the government with solutions.

Contemporary Australia benefits from the Henderson inquiry into poverty, Borrie on population, Karmel on private schools funding and Martin on teacher education. The policies he embodied and enacted looked outward to the world and forward to an Australia where all citizens had the opportunity to realise their ambitions and make good on their potential, an Australia where the government accepted responsibility for the commonwealth and the commonweal of our citizens.

Those policies were bitterly resisted by his conservative opponents. Blatant disregard for the conventions of casual vacancies saw conservative premiers turn a closely balanced Senate into a hostile one. Supply was blocked in the Senate. On 11 November 1975, the Whitlam government was dismissed. The elected Prime Minister of our nation had been deceived and then ambushed by the Governor-General he appointed. In the ensuing election, the Labor Party was routed.

The manner of the government's demise, and the outrage it inspired in so many Australians, has from time to time obscured that government's achievements. Gough rejected the idea that his government and his life could or should be viewed through the prism of the dismissal or the brilliant and memorable extemporaneous speech he made on the steps of Old Parliament House that day. He rejected the label 'martyr'; he preferred 'achiever'.

I know that not all in this chamber regard the Whitlam government's program fondly. At the time, there was unrelenting opposition to so many of the government's reforms. Many today remain opposed to the spirit and substance of the Whitlam agenda. I do hope, however, that everyone here and everyone in politics can respect and admire Gough's example—to always try, to learn about issues and develop an opinion, to get involved and to stay involved, to work out how you think Australia can be made better and to bend every energy to that end.

After a second crushing election defeat in 1977, when others might have become discouraged or disillusioned or have simply felt they had given enough of themselves, their time and their energy, Gough remained indefatigable, irrepressible and unflagging. His desire to serve his country and his community was genuine and deeply, deeply held. His gifts of character and intellect would have, I believe, ensured his success in any age, in any field. But he was emblematic of his age and of his chosen cause.
For young people at the end of the 1960s, Gough Whitlam embodied a modern Australia. Although already in his 50s when he became Labor leader in 1967, he seemed young, especially in comparison to the leaders of the conservative parties. The strength of his character has perpetuated the myth that he won his victories purely through his famous 'crash through or crash' approach, that it was bravado rather than deftness and tenacity that won the day. But this conceals a more complex truth: Gough's success was as much determination, dedication, and persuasion as it was breathtaking brinkmanship and dazzling public performances.

For more than six decades in politics and public life, Gough aimed at targets higher than personal success or vindication. His energy and enthusiasm, combined with the powerful relevance of his goals, have made him a hero to a great many Australians. When I interviewed Gough in 2002 for the documentary Gough Whitlam: in his own words, he spoke for many hours during the filming about his life, his career, his goals and his hopes for Australia. One thing that he kept returning to, time and again, was his belief that politics is an honourable profession. He said this to me:

Politics is a very honourable profession and ... anybody who's interested in improving matters which are determined by the Constitution or by acts of parliament should join the Labor Party or the Liberal Party and try to do something about it. Because, as far ahead as we can see, the Prime Minister of Australia will be a Labor man or a Liberal man, or woman; but otherwise you're just treading water or spouting into thin air if you say that you can change things other than by supporting the Labor or the Liberal Party.

Gough chose Labor. He did not do it to make himself wealthy. As a successful young barrister, he had far better prospects for financial success out of the parliament. For Gough, politics was a cause, not a career choice.

Gough chose Labor as the party that best represented his belief in the reforming power of government, in the power of government to transform people's lives for the better. He chose Labor because Australia's political life, for more than a century, has been defined by Labor's battle against the conservative forces of this country. He remained a lifelong member. In fact, along with Margaret, he became Labor's first national life member. He did this in the unshaken belief that Labor was then, and remains today, the most powerful and pervasive force for progressive change in the nation.

No-one would disagree that Gough was an ambitious man. He pursued leadership; he pursued power; he pursued electoral victory. But ambition is not a vice if it is ambition for a worthy end. Gough's ambitions were, in equal measure, personal and national. He was ambitious for Australia—for a nation at ease with itself and the world, confident, progressive, for a land with an uplifted gaze towards our wide horizons. He was ambitious for the Labor Party because he believed that the ALP was the political party best suited to bring about that Australia. He was ambitious for himself because he believed that, of all the members of caucus, he was best suited to lead the ALP to the federal victory necessary for those necessary reforms.

And yes, in the struggle to see his vision become reality Gough made mistakes—some on a grand scale. Gough did not suffer fools kindly—in my experience he did not suffer them at all—and the bravado of opposition did not always suit the demands of government. And yet his desire to serve his country and his community was genuine and deeply, deeply held. One
of his most memorable and famous remarks was made in rebuke to those in the ALP who preferred the purity of principle even when it guaranteed perpetual powerlessness. 'Certainly,' he told the Left at Labor's Victorian state conference in 1967, 'the impotent are pure.'

Gough never claimed to be pure. He was certainly not burdened with false modesty. In fact, after Labor's thumping in the Parramatta by-election in 1973, the party's then federal secretary, David Combe, and Eric Walsh from Gough's staff briefed the leader on Labor's parlous electoral standing. David Combe said to Gough, 'It's not as though we don't think that you are the best thing the government's got going for it.' Gough wheeled around. 'Comrade, you've got it almost right. I'm the only thing the government's got going for it.' Then, questioned in a press conference in October 1974 about how indispensable he might be, he said, 'I believe that I have the greatest amount of talent at the present time. This is unquestionably the opinion of my colleagues, and this is not an issue on which I feel disposed to differ from them.'

The truth is Gough refused to be cowed or diminished by the criticism of those who sought any excuse to attack the man who brought much needed change—change long overdue but bitterly resisted. His public service was to continue after parliament. He was a visiting fellow and visiting professor at several universities. In 1983 he was appointed as Australia's Ambassador to UNESCO and in 1989 he chaired the General Assembly of the World Heritage Convention. He campaigned passionately for the republic alongside his old foe and later friend, Malcolm Fraser, during the 1999 referendum. And in 2008, aged 92, Gough, the early prime ministerial champion of land rights in this country, the man who decades earlier had placed earth in Vincent Lingiari's outstretched hand, returned to this parliament to witness Prime Minister Kevin Rudd's apology to the stolen generation.

Let me again remind the Senate that in 1997, aged 80, Gough Whitlam published *Abiding Interests*. In the foreword he notes:

If I begin this book with a short review of the dismissal of my Government, it is to emphasise that my abiding interests for Australia did not end with it. They shall only end with a long and fortunate life. Gough Whitlam's long and fortunate life has ended, but his legacy lives on. It was Ben Chifley who evoked the light on the hill to inspire the labour movement, but it was Gough Whitlam who set aflame the light on the hill for a new generation of Labor supporters. Gough's vision of a fairer, more decent and more open Australia remains a guiding light for the Australian Labor Party, an inspiration for those Australians who seek reform for the many and not just the few, and a reminder to all of us of the tremendous potential for positive change the power of government brings with it.

At this time I would like to acknowledge the director and staff of the Whitlam Institute at the University of Western Sydney for their support of Gough and his life's work and causes; and also the staff who have worked in Gough's Sydney office over many years. I had the privilege of opening Gough's new office on the 14th floor of 100 William Street in Sydney some years ago. That office was to continue as a centre of enthusiastic public policy and spirited political engagement almost until the very end.

I also know that in the assisted care facility where he resided at the end of his life, Gough bore his waning powers remarkably well. He never complained or indulged in self-pity, whilst being exceptionally courteous to all. He maintained a lively interest in things about him. In this final period he was indeed a gracious, genial and wise old man.
As we remember with gratitude this very public figure, let us also remember that Gough was, as well as a great Labor leader, a father, a grandfather and a brother, and that there are those whose loss today is deeply personal. Our sympathies are with his family.

He was a great Australian, in every way. I have known none greater. I will always remember, and always strive to emulate, his unflagging, tireless commitment to the causes and the values which we shared. I know I will never cease to miss his advice, his company and his friendship.

Senator MILNE (Tasmania—Leader of the Australian Greens) (10:57): I rise today on behalf of the Australian Greens to join my parliamentary colleagues in celebrating the life and contribution to our nation of Edward Gough Whitlam, who died last week aged 98. What a life—1916 until last week. In that lifetime, having been born during the First World War, he served with the RAAF in World War II, served 26 years in the House of Representatives, became our 21st Prime Minister and was married for almost 70 years to Margaret, who he described as the love of his life. He was a towering figure in the life of the nation for all of us born after the end of the Second World War.

In 1972 I was at the University of Tasmania as a 19-year-old. I was not able to vote in that election, because 21 was still the voting age at that time. But I had known nothing in my entire life except Liberal-Country Party government. It is an extraordinary thing to think about what it would mean to a young person to have got to the age of 19 and known nothing other than one political perspective. For 23 years, from 1949, the Liberal-Country Party had governed this country. That is why the Whitlam years politicised a generation. Those three years changed us. At that time we were still a nation which followed. We followed the United Kingdom. We followed the United States into the war in Vietnam. We still had capital punishment for federal crimes. What Gough Whitlam did was throw off all the shackles and allow us to rethink who we were as a nation. What did we love about our country? What was our place in the world? What did we want for people? He set us all on a path of exploring what it is to be truly Australian—indeed independent and confident—and distinctively Australian in the cultural context.

As a 19-year-old at that time I saw that there were two issues that were central to our thinking. One was the call-up. When you are a young person and your friends and family are standing around a radio or a television and waiting for the lottery, where the birth dates come out on balls out of that machine, you know that that means being destined for either national service or conscientious objection and imprisonment. That is what it actually meant. Even though most of the troops had been brought home from Vietnam by that time, we still had people serving in Vietnam as advisers, and we still had national service. That was something that everyone in that 1972 election was thinking about at that time.

As a young person, I came from the country, from north-west Tasmania. There is no way my family could have afforded to get me to university as a young woman in 1971, my first year at university, unless I got a scholarship or found some other mechanism for getting there. I chose a teacher studentship, because a teacher studentship paid more than a Commonwealth scholarship—which I did get, but I had to go on a teacher studentship because it was less of a burden on my family. So I can tell you that in the 1972 election what we were thinking about was ending the call-up and getting to the point of free universities, because we knew what it meant for people of all backgrounds to be able to get to university.
So, the two weeks following that election result, when so much happened so quickly, was transformative for our whole generation. In terms of what was achieved, I talked about a sense of who we are as a nation. I thank Senator Faulkner for a wonderful contribution outlining the achievements of the Whitlam years, and I want to refer to some of his comments. One was of course about nationhood—the fact that we stopped having God Save the Queen as our national anthem and got Advance Australia Fair, that we got our own Australian honours list and that we had the change in terms of the Queen of Australia. We had a commitment there to the notion that Australia was an independent country and one day could become a republic. It set an inspiration in the minds of all of us that this is what we as a nation could do. The recognition of the People's Republic of China meant a redefinition of who we were as a nation in terms of where we looked and how we thought of ourselves. It was a recognition of where we sit in the world, not only geographically but geopolitically, and the idea that the Commonwealth had a role to play in the nation, whether it was in education, in health care or in urban development. And one of the things we can look back and recognise is that the decision by the Whitlam government for the Commonwealth to enter health and education and urban development changed Australian cities, and the urban development engagement led to the reconstruction in many parts of Australian cities that we can look back to today as the legacy of those years. Our cities are better for it. And of course there is universal health care, with Medibank; ending university fees; and a recognition of needs based funding in our schools. They were incredible achievements.

Regarding Aboriginal land rights, Senator Faulkner spoke about the putting into the hand of Vincent Lingiari the sand in Wave Hill Station as one of those incredibly important moments in the history of the nation and the move to recognise land rights, hand in hand with a recognition that we had to do something about racial discrimination more broadly in Australia when it came to Aboriginal people, as well as globally. Remember, this was 1972, the year after the Springbok tours. Again, I was at university at that time, and there were protests from one end of the country to the other about the fact that we had racially discriminating sports teams touring our country at that time. People wanted to take a stand, and the Whitlam government did, banning that from occurring.

I want to talk about the environment for a moment, because that too was important. At that time we had the Bjelke-Petersen government in Queensland prepared to drill for oil on the Great Barrier Reef, and they intended to do it. Looking back today, imagine what would have happened if they had been successful in doing that. But they were not, because the Whitlam government took them on. Ultimately the Great Barrier Reef became a marine park. Other achievements were the ratification of the World Heritage Convention, the National Parks and Wildlife Act, and the Environmental Protection (Impact of Proposals) Act—the Commonwealth for the first time taking a role in overseeing the environmental impact of major projects as they were proposed.

But it was not only that. The Whitlam government went on to negotiate several treaties. Ramsar, the protection of wetlands around the world, was a major contribution of that period, and also the treaties on protection for migratory birds, particularly with Japan. We had the international trade in endangered species treaty also negotiated, with the Whitlam government taking a predominantly important role in that. And, of course, there was the setting up of the Australian Heritage Commission. All of those things have had profound ramifications for the
nation in years since. But saying that the Commonwealth had a role on the environment, in actually ratifying the World Heritage Convention, meant that in later years the Hawke government, as a result of the major community campaign, could support and protect the Franklin River in Tasmania. All of these things have their seeds during this time.

On the arts, I think there is no doubt that the contribution of the Whitlam years is highly significant. As Gough Whitlam, himself, said:

In any civilised community the arts and associated amenities must occupy a central place.

Senator Faulkner mentioned the letting of the contract to build the National Gallery. As people go into the National Gallery, it is not only the construction of the National Gallery but it is the collection of Aboriginal and Torres Strait Island art he supported in being a predominant part of the collection. But I remember Pollock's *Blue Poles* very well. One point one million dollars on one painting! I remember the conversation around the kitchen table in the farm in North West Tasmania, and my father, for the life of him, could not understand how you could possibly spend $1.1 million on a painting—and that painting. So we had this conversation around the table. It was not until I was researching Gough's life and contribution for this speech—and it fits entirely with Senator Faulkner's analysis—I could see that Gough Whitlam would never take a backward step. When he had approved the $1.1 million to purchase Pollock's *Blue Poles* he made sure that it was the image on his 1973 Christmas card—which just demonstrates his commitment to it.

Apart from the National Gallery, he also legislated for minimum Australian content for radio stations in Australia to give a boost to local, Australian talent and our cultural identity. Of course, his establishing of the Australian Film Commission led to films such as *Picnic at Hanging Rock* and *Gallipoli*, and others made as a result.

In terms of family law, there is no doubt that the no-fault divorce made a huge difference to the social cohesion and life of the nation. That was a major contribution to the way that people thought about their possibilities and their capacity to change things. That change to the divorce laws was highly significant for many of us. In terms of the life after his political career, it was entirely appropriate that he was made Ambassador to UNESCO, especially since he had made such a contribution to establishing environmental law and Australia's role as part of global treaties protecting the environment. That ambassadorship to UNESCO was important and, of course, his Companion of the Order of Australia was so well deserved. As chairman of the National Gallery, for someone who let the contract for the gallery I am sure he felt that was an enormous achievement and something he could successfully do. Also, he was part of the successful Sydney Olympic bid. The work he did was always looking to the future of the country. Then, of course, there was his profound commitment to Australia as a republic, and the role that he played in the 1999 referendum.

I want to just conclude by saying to his family—to his four children, his five grandchildren and his great-grandchildren—that he made an enormous contribution to the nation, for which we are grateful. We send our love and condolences to you at this time of grief but hope also that you can take comfort in the outpouring of the respect, the gratitude and the love that so many Australians have for a man who shaped our nation, for the courage and commitment that he demonstrated his entire life in whatever he did and for the fact that he gave Australia the confidence to break with the past and set out on a journey towards a progressive, independent future in which all people are equal. That is a great contribution to our nation.
Senator WONG (South Australia—Leader of the Opposition in the Senate) (11:12): I rise to support this motion of condolence and to pay tribute to the Hon. Edward Gough Whitlam AC, QC. The passing of Gough Whitlam is a time of sadness and loss. But it is also a time to remember, to reflect, to honour this most extraordinary life: a life devoted to the service of the public and to the service of the nation; a life as a husband, a father, a grandfather and a great-grandfather; as an airman stationed in Gove, Leyte and Manila, defending our nation in World War II; as a gifted young barrister in Sydney and even as a national radio quiz champion after the war; and then as a member of parliament and opposition leader, a Prime Minister, an opposition leader again and an Ambassador to UNESCO. One man's life, which touched the lives of multitudes. One man's life, which touched, transformed and lifted up the lives of millions and millions of Australians—indeed, of successive generations of Australians. For Gough Whitlam, and the Labor government he led, made Australia what it is today.

Only a handful of people in history can change a whole nation, and they are the true giants—whether in politics, science, business, the arts or the community. Gough Whitlam was one of those people, because he forged a new Australia. He opened up university education for all. He provide universal healthcare for all, creating Medibank—now Medicare. He increased funding for government schools and introduced state aid for non-government schools, ending one of the most virulent sectarian debates in Australia's political history. He lifted Australia's social safety net, increasing aged and invalid pensions, widows pensions, unemployment benefits and sickness benefits. He cut tariffs across the board, improving living standards for low- and middle-income families by bringing down the prices of everything from children's school shoes to pyjamas. He passed the Trade Practices Act, protecting consumers and promoting competition in the Australian economy by prohibiting price-fixing, collusion and anti-competitive monopolies. He cemented Australia's place in the world as an independent nation, ending our involvement in the Vietnam War, beginning our engagement with the People's Republic of China, granting independence to Papua New Guinea and taking a stand against apartheid in South Africa.

Speaking on his return from his historic first visit to China as Prime Minister—the first visit, as has been said, of any Australian prime minister—he said:

I believe we are now entering a more enlightened and productive era in our relations with China. I believe the great foundations of friendship and cooperation we have laid on this visit will stand for years to come.

Those remarks have stood the test of time.

Gough Whitlam ended a nine-year strike by the Gurindji people by buying their land from the Vestey pastoral company and giving it back. He then drafted legislation extending land rights to Indigenous Australians throughout the Northern Territory. He fought for equal pay for women, instituted no-fault divorce, introduced the single mothers benefit and gave paid maternity leave to Commonwealth employees. He empowered Australia's immigrant communities and legislated against racial discrimination. He stopped oil drilling on the Great Barrier Reef and ratified the World Heritage Convention, giving the Commonwealth the power to protect outstanding environmental and cultural heritage sites.

The Whitlam government made fundamental changes to the social, cultural and economic fabric of our nation. But it also made changes to improve the everyday lives of ordinary people in our cities and communities, extending sewerage to the outer suburbs, funding
improvements in urban public transport and funding the construction of hospitals, community health centres and public housing. This is a list of reforms one would imagine would take decades to legislate and to implement, yet they were adopted in just three years, from 1972 to 1975. It is little wonder it was a time of excitement, controversy, and political turbulence. It is also a list of reforms which confirms the simple but extraordinary fact which I repeat: Gough Whitlam made Australia what it is today.

Whitlam was one of the greatest leaders of our party. He was present at the New South Wales Labor Party conference in 1949 where the then Labor Prime Minister Ben Chifley delivered the famous 'Light on the hill' speech. Gough Whitlam remains our party's longest serving federal parliamentary leader, serving in that position for 10 years and 10 months and leading the party to five elections. He was the first Labor leader to win office from opposition since Scullin in 1929 and the first to win successive elections. Labor is a better political party for having leaders like Whitlam—leaders of vision, of passion, of values and of courage. Australia is a better society for having a progressive political party that is also a party of government.

Gough Whitlam famously declared to the Victorian ALP state conference in 1967:
I do not seek and do not want the leadership of Australia's largest pressure group. Rather, he wanted to be the leader of a progressive party of government so the reforms he believed in could be implemented as real-world policies and programs, not as slogans or postures from the sidelines. He understood that the Labor Party has one of the most challenging tasks in Australian politics: to be a progressive party but also a party of government; a party not of vested interests, single issues or perpetual opposition but a party of the national interest.

Gough made real for a whole generation what it meant to be Labor; what it meant to be committed to fairness, justice and progress; what it meant to advance the cause of the many, not the few; and what it meant to want to build a better nation and to make the world a better place. He tapped into the social transformation of the 1960s, generating a mood for change by offering a compelling, imaginative, powerful vision of a post-Menzies future. In opposition, he developed new policies in areas neglected by the Liberals like urban development, housing, health, education and foreign affairs.

In the federal election of 1969, he secured a swing of seven per cent to Labor and won over 220,000 more votes than the Liberal and Country parties but still fell short of the seats needed to win government. But, of course, in the famous federal election of 1972 he was back with the compelling election slogan 'It's time' and with a campaign and a policy platform for embracing change, for remaking Australia and for grasping the future.

Gough Whitlam addressed people as equals. He opened the ALP policy speech for the 1972 federal election with the famous invocation:
'Men and women of Australia!' This was how Labor's wartime Prime Minister John Curtin addressed his fellow Australians—directly and frankly, seeking their support at another turning point in our nation's history. Gough went on to enunciate the three great aims of his policy program: to promote equality; to involve the people of Australia in the decision-making processes of the land; and to liberate the talents and to uplift the horizons of the Australian people. It was a famous program
comprising more than a hundred different detailed policies. Key policy themes were education, health, cities and welfare. Gough concluded that speech in the Blacktown Civic Centre by saying:

I need your help. I need the help of the Australian people; and given that, I do not for a moment believe that we should set limits on what we can achieve together, for our country, our people, our future.

Nineteen days later the people responded to his request.

The federal election on 2 December 1972 was a fulcrum in the life of this nation—a dramatic turning point—because on that day Australians opened a new door and strode through it with confidence and excitement, electing a new government and a new prime minister, embarking on a new drive for equality, creating fresh opportunities, embracing a new vision and stepping into a new Australia. Many of those who have spoken on this motion here and in the other place have shared their memories of the Whitlam government, perhaps none more movingly than his friend Senator John Faulkner.

I was not in Australia during this period. My family arrived here from Malaysia in 1976. Yet we too benefited from his reforms, from the access to education and from the support from a multicultural and tolerant Australia. So I asked some of my mother's family who were here at the time what Gough Whitlam meant to them. It might surprise those opposite to know that my mother came from a farming family, a family of five girls. One of my many aunts and her husband spoke about the effect on their lives. They both got jobs at their local teachers college because of the expansion that resulted from the opening up of higher education. They said:

During our years of teaching, we had the opportunity to work with many disadvantaged and mature aged students who never would have had the opportunity for tertiary education without Whitlam's foresight. Academically, they were some of the best and most rewarding students that we were privileged to work with.

My uncle said:

I would hate to think what the cost without Medicare would have been for my surgery, chemo and other treatments following my cancer diagnosis.

Another one of my aunts recalled the heady excitement of the It's Time campaign and the elation she felt at an election night party in Tasmania and the large number of women she knew who were able to go to university and start a new career, thanks to Gough and his policies.

Another one of my aunts spoke about the amazing hope she felt during the It's Time election. She said:

Having been born in 1949 I had lived all my life till 1972 under conservative governments and Gough gave hope for fairness and equality.

The It's Time party at her house, apparently, involved plastering of the walls with many posters. But the final word on what my family who lived through this time thought comes from my mother, who says of Gough Whitlam:

He was a complete man, a man of great intellect, compassion, vision, humour, creativity and these characteristics coupled with his awareness of what comprises a civic society made him a unique leader.

Gough Whitlam was a Labor reformer. He rebuilt, revitalised and refocused the Australian Labor Party, reminding us that our values, our principles, our mission are all for nought if we
are not ready, willing and able to win government. Gough Whitlam was a national leader. He captured the mood of the nation, galvanising people, winning their support, commitment and admiration. He articulated, communicated and implemented an extraordinarily comprehensive policy program. And he fought against the vested interests and the ideological opponents who did not want Australia to change. Gough was a parliamentarian, a man deeply committed to the place of this parliament in our democracy and in our system of government.

He was the dominant parliamentary figure of his era, deploying by turn eloquence and passion; wit, humour and sarcasm; aggression, anger and drama; even classical learning and the colloquial vernacular—wielding and bringing together all the tools of the parliamentarian's trade to devastating effect.

Parliament was where Gough Whitlam's prime ministership was made but of course the Senate is where it was unmade.

The Labor Party won a majority of seats in the House of Representatives at the federal elections of 1972 and 1974. But it was in this chamber that the Whitlam prime ministership was unmade by the most undemocratic act we have seen since Federation. As Gough Whitlam himself put it in a speech in the other place on 28 October 1975:

Governments are made and unmade in the House of Representatives—in the people's House … The Senate cannot, does not and must never determine who the Government shall be.

He went on:

It is because this Government has attempted to make this Parliament the instrument for reform, for long overdue change, for progress, for the redistribution of wealth, for the uplifting of the underprivileged, for the reduction of the privileges of great wealth and deeply entrenched vested interests, an instrument towards equality of opportunity for all Australians, that our opponents and those vested interests have from the very beginning … embarked on a course to destroy this Government at the earliest opportunity. But what the Opposition is really seeking to do is destroy the financial paramountcy of this House and in so doing the very basis of parliamentary democracy—responsible government—in our country.

The Senate rejected more bills in the three years that his government was in office than it had rejected in its previous 72 years of existence. Reckless obstructionism at the expense of good public policy, civility and the national interest is not unknown to Australian politics. But, in 1975, the Liberal Party went even further, abusing the powers of the Senate to block supply, creating a constitutional crisis and destroying the popularly elected government of the day. That was a fundamental breach of principle, a deeply antidemocratic act, which has permanently affected the reputations of those involved and it must never happen again.

Although Labor lost the subsequent election in 1975 the irony is that, with the passage of time, victory has been Gough Whitlam's. And it has been a comprehensive victory, for his reforms have lasted, his achievements have been recognised across the political divide and the parliamentary tactics of 1975 have been repudiated and discredited.

Gough was not only a courageous Labor reformer, an inspiring political leader and a committed parliamentarian; he was of course also a dedicated family man. The marriage between Gough and Margaret Whitlam was a love story, a partnership of soul mates and equals that spanned 69 years. Margaret was one of the most important sources of strength and sustainment in Gough's life, as he was in hers. Margaret Whitlam was an inspiration for Australians, especially Australian women.
In a television interview at The Lodge, in 1973, Gerald Stone put it to her that many people had a preconceived idea of what a Prime Minister's wife was supposed to be. 'You mean she's supposed to be nothing?' Margaret shot back. 'She's supposed to be the woman behind the man,' Stone responded, 'to go along with whatever her husband says.' Margaret's reply was forthright:

I'm prepared to voice my own opinion, my own personal opinion on things, even if they're political.

Margaret and Gough had four children: Antony, Nicholas, Stephen and Catherine. They have all followed their parents in making significant contributions to public life in Australia: in politics, the law, banking and business, and as public servants.

On behalf of the opposition in this place, I acknowledge their service to the nation and I express heartfelt sympathy to them and to their extended family for their loss. Gough's family and close friends will feel this loss most deeply, most personally and most grievously. But it is a loss felt by millions of people because all of us are his beneficiaries—beneficiaries of his reforms, inheritors of his vision and carriers of his torch. The Whitlam torch lit the way for a modern Australia, a fair and just society, a forward-looking nation—optimistic, engaged with the world, confident about its place and always striving for a better future.

For those of us in the Labor Party, Gough Whitlam is an enormous figure. He will always be present, reminding us that our mission is to fight for reform, to cleave to our values, to be courageous and to be principled; reminding us all that politics can be a source of inspiration and of transformation; reminding us that it is the Australian Labor Party, representing the working people of this nation, which has made the equalising social reforms and the modernising economic reforms, and which has secured the nation at times of existential threat, and which has built this nation and offered hope for the future; reminding us that it is Labor governments which have put the stakes of reform in the ground, and that our opponents may try their best to tear those stakes out, to burn them to the ground, but, over time, Labor's reforms have prevailed, they have delivered, and they have become embedded in the nation's psyche—part of what it means to be Australian.

Graham Freudenberg's phrase 'a certain grandeur' captures something of Gough Whitlam's presence, his intellect, and his character. Yet it was a certain grandeur grounded in the real world—in the real lives, challenges and struggles of the people of Australia.

A thank-you note from a Qantas pilot several years ago said: 'Mr Whitlam, when you were PM you changed conscription. Thanks to you I missed Vietnam by only weeks. Out of my five mates who went, only two are alive today.'

A moving hand-written letter to Gough from an 88-year-old woman, nearly blind and suffering from disabilities, declared: 'What you did for pensioners was almost too good to be true.' Her letter concluded by saying simply: 'I want to thank you for being you.'

But the last word should go to the great man himself. He said:

… a more equal, open, tolerant and independent Australia. These values are at the heart of the Whitlam legacy.

They are, and they always will be.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (11:32): I rise to associate the National Party in the Senate with
this motion of condolence for the former Prime Minister of Australia, Mr Gough Whitlam. Our thoughts and prayers are with his family and friends.

As minister for Aboriginal and Islander affairs, I would like to particularly focus on the difference that Gough Whitlam made in Aboriginal and Islander affairs by bringing land rights onto the national agenda. One of the most defining images I think we can all recall of Gough's prime ministership was when he poured soil from his hand into the hand of Vincent Lingiari during the handover of land at Daguragu.

Whitlam's intentions to change the way we think about Indigenous affairs meant that one of the earliest reforms of the new Whitlam government was upgrading the Office of Aboriginal Affairs to a ministerial level. This fulfilled, in his view, an election promise designed to meet some of the responsibilities afforded them at the 1967 referendum. In June 1975, the Racial Discrimination Bill was enacted, outlawing discrimination on the grounds of race, enabling Australia to ratify the International Convention on the Elimination of All Forms of Discrimination.

In this place, in the short time I have been here, we have tended to reflect on changes and reforms that are almost behind where Australia is. We have already got there and we very comfortably make those reforms in a reflect of what Australia now thinks. And almost all of Mr Whitlam's reforms were moving ahead to where we should have been as a nation. And I think that, in 1975, even the introduction of the Racial Discrimination Bill was were we should have been, but I suspect it was not where Australia was at that stage.

In August 1975, at Daguragu in the Northern Territory, Vincent Lingiari of the Gurindji mob formally accepted from Prime Minister Whitlam title deeds to a part of their traditional lands. The grandson of Aboriginal land-rights activist Vincent Lingiari, Maurie Japarta Ryan, remembers the moment when the Prime Minister, Mr Whitlam, returned to Wave Hill cattle station to the traditional owners. He told the ABC:

It was enormous, it's like the equivalent to Armstrong walking on the moon. It was a giant step for him to do that on behalf of the Australian people.

This is what Prime Minister Whitlam said on that day—and this is back in 1975: 'On this great day, I, Prime Minister of Australia, speak to you on behalf of all Australian people—all those who honour and love this great land we live in. For them I want to say to you: I want to acknowledge that we Australians still have much to do to redress the injustice and oppression that have for so long been the lot of Black Australians. Vincent Lingiari, I solemnly hand to you these deeds as proof, in Australian law, that these lands belong to the Gurindji people, and I put into your hands part of the earth itself as a sign that this land will be the possession of you and your children forever.' Again: that was in 1975. I first went to the Territory some three years later, in 1978. And that is an unequivocal message to many people in the Northern Territory who simply saw this and this message as a message of dispossession of farmers and white people who had taken the land from the original inhabitants. And, in many ways, that, perhaps no so much down south, was seen as a very courageous political position, and I think it was possibly the position that allowed, in the Northern Territory, the then Country Liberal Party to stay in power for the best part of some 30 years.

In August of each year, people gather from all parts of Australia at Kalkarindji. This is Freedom Day, where we all celebrate, and sometimes re-enact the walk-off. In many ways,
this annual celebration is in fact a celebration of the legacy of Prime Minister Gough Whitlam.

I often wonder what impact the previous life of Mr Whitlam had on some of his views in parliament. A number of the participants today have already mentioned the impact of the famous Bark Petition. It was rightly judged to have been the beginning of land rights which Whitlam took up and gave national leadership and life. It was quite a humble petition. I will read into Hansard some parts of it:

The Humble Petition of the Undersigned aboriginal people of Yirrkala … respectfully showeth.

1. That nearly 500 people … are residents of the land excised from the Aboriginal Reserve in Arnhem Land.
2. That the procedures of the excision of this land and the fate of the people on it were … kept secret from them.
... ... ...
4. That the land in question has been hunting and food gathering land for the Yirrkala tribes from time immemorial: we were all born here.
5. That places sacred to the Yirrkala people, as well as vital to their livelihood are in the excised land, especially Melville Bay.
6. That the people of this area fear that their needs and interests will be completely ignored as they have been ignored in the past, and they fear that the fate which has overtaken the Larrakeah tribe will overtake them.
... ... ...
8. They humbly pray that no arrangements be entered into with any company which will destroy the livelihood and independence of the Yirrkala people.

And your petitioners as in duty bound will ever pray God to help you and us.

This, at the time, did not have a huge impact on the parliament in Canberra. I suspect it was, in fact, that in the early stages of the war, in 1942, Gough Whitlam was posted in Nhulunbuy, right in the middle of Yolngu country. Whilst I cannot find any association in research, I do know that many of the air force personnel had a good working relationship with the very friendly and outgoing people, not only the then mission in Yirrkala, but more generally with Yolngu people. I suspect that when he saw the petition it meant something slightly different to him than it may have to other politicians. This was the leader who would give breath to this petition and to land rights, and he would be the one who would ensure that this became a central part of the national political agenda.

In the early 1970s there were plenty of attempts by Aboriginal people to take their fight to the courts, and whilst the plaintiffs tried with all their depth of evidence and much support to claim land ownership, Australian law at that time clearly could not provide a vehicle for Aboriginal land rights. It was devastating to the Yolngu people, but it was not the end. The leadership of Gough Whitlam changed the legal basis of land claims forever. The Yolngu case ended up being integral to the 1972 Woodward royal commission into land rights in the Northern Territory. This, of course, was something that Gough Whitlam was very strongly behind. This ultimately led to the Territory land rights act of 1976 and from there to successful land claims all over Australia and the eventual overturning of the concept of terra nullius in the Mabo case in 1992. The Whitlam legacy of the way we engage with Indigenous Australians is today an integral part of political life. But it was different then. He used his
political power, his influence and his leadership to move history on. As we look back, the change then was seismic. I would like to end with the words of Galarrwuy Yunupingu AM, himself a towering force in continuing the historic courage of the Yolngu people. He said on the passing of Gough Whitlam:

It is with great sadness that we mourn the passing of former Prime Minister Gough Whitlam. Mr Whitlam was a unique and sincere man, and he is remembered fondly by the Yolngu clans of Northeast Arnhem Land. In his time as Prime Minister Mr Whitlam was a great friend to Indigenous Australians. He always acted in a direct and determined way to resolve the issues. The Bark Petition started the move towards land rights, but Mr Whitlam's leadership brought it to life and made it real. He was a true friend of the Yolngu people. I send my most sincere condolences to his family on this sad occasion.

As Leader of the Nationals in the Senate, I too send sincere condolences to Mr Whitlam's family and friends.

Senator CAMERON (New South Wales) (11:40): I rise to support the motion of condolence, to pay my respects and to honour the massive contribution made by former Prime Minister Edward Gough Whitlam to this country and to international affairs. I would like to express my condolences to Gough's family—to Antony, Nicholas, Stephen and Catherine. Their father was a remarkable Australian. They were also honoured to have a remarkable mother, in Margaret Whitlam—Margaret, Gough's wife and soul mate.

Gough was a great intellectual, a great politician, an airman, a QC and a campaigner. I heard Senator Abetz talk about roads, rubbish and stray dogs—in the Labor Party you do deal with roads, rubbish and stray dogs, and Gough Whitlam dealt with them in the western suburbs of Sydney. He was a great orator and he was a great fighter. He was also extremely courageous. I think, given what has been said here today, that while politics provides great honour and great support to many individuals, it does bring about some brutal personal times. And I think that Gough Whitlam suffered some of the highest elements of political brutality against himself, his government and his position. But he always was courageous. He always dealt with it with dignity and he was always someone that you could look to and see a great deal of courage and intellectual capacity.

I was not here in 1972, so I am one of the few people of my vintage in this parliament who cannot remember the 1972 'It's Time' campaign. I came here in 1973. When I look at the objectives of the 'It's Time' campaign, there were two key objectives. One was to achieve basic changes in the administration and structure of Australian society. Looking at how Australian society was when I came here in 1973, I think that that was a very, very prescient position to adopt. Certainly, some of the changes that Gough Whitlam argued for then we are still trying to deal with here. One of his issues was equal opportunity. Another was the promotion of Australian ownership and control of industries and resources. That was something I was very supportive of at the time. When you look back since 1973 and see the missed opportunities in Australian resources in this country, when you see what other countries around the world have done with some government intervention in terms of their industries, you see that what happened over that period of time was a lost opportunity in terms of promoting Australian ownership and Australian control over our future through our resources. I think that is something that we can look back on and say that Gough, in my view, had right.
There were a number of programs, including the cities program. When I came here from Scotland in 1973 I could not believe that there were still people in the western suburbs of Sydney who did not have reticulated sewerage. That was probably the second shock—after realising that there was no colour TV in this country! It just showed that we were not at the cutting edge of social and economic reform in the seventies in this country. In the early seventies to have Gough Whitlam lay out such a prodigious position on social and economic change was fantastic, to me personally it was a great thing. To put sewerage in the outer suburbs of our cities was great—as were changes on local government and gender and racial discrimination. Coming from Scotland in 1973 I could not believe that Indigenous people could not go into some areas of pubs. They were being told that they could not have a drink in a pub. To me, that was just unbelievable. And it was one of Whitlam's programs that made sure discrimination was gone.

I came here from the British health system in 1973. When I was told that I had to take out private health insurance to make sure my family was looked after it was a foreign thing to me, as a beneficiary of the health system in the UK, to see how far back the health system in Australia was. Health was another example of the Whitlam approach to bringing about change that was good for society and good for individual Australians.

When I arrived here in 1973 I first went to the Endeavour Hostel at South Coogee. It was a modern hostel built to help migrants to integrate into the community. It was well- resourced under the Whitlam government. Migrants who could not speak English had access to English language training. There was a creche there for the children of the migrants. A lot of money was spent to allow migrants to become engaged in Australian society. For me, that was one of the positives that we had.

When I came here in 1973 I did not really know the figure of Gough Whitlam. But I soon learnt that he was unquestionably the leader in Labor and unquestionably the person who was leading the bulk of Labor's political agenda. He had some fantastic people around him and some fantastic changes were made. One change that has not really been well understood over time was giving ordinary Australians access to the legal system. In the early seventies, unless you had the money you could not get access to the legal system. That was another great change that Labor and Gough Whitlam implemented.

The issues that I was looking at when I came here in 1973 were international issues. There was Watergate. There was the first real act of terrorism when a plane was blown up at Benghazi airport. There was the CIA coup in Chile, where the Allende government was overthrown. At the hostel in South Coogee I met many people fleeing that coup. They were looking for support and refuge in Australia. There was a coup in Greece. Idi Amin was still in power in Uganda. The Vietnam ceasefire was being negotiated. Papua New Guinea was just about to get self-government. There were also the Tory sex scandals dominating the press in the UK.

In Australia the issues were about trying to get this country engaged internationally and trying to open the economy up. Many of those issues I did not agree with at the time. I did not agree with the 25 per cent across the board tariff cut because my job as a fitter in the engineering industry was protected by those tariffs. My approach was that that tariff helped me get along in this country. But the Whitlam government changed it. It is interesting that the Financial Review said this was undeniably one of the most forthright and courageous
economic decisions by any Australian government. But it was not all about pushing for social change; it was not all about trying to deal with what the Whitlam government wanted to do. Inflation was a problem and, as I understand it, there were huge debates within the party about it at the time.

In 1973 we were in what was still a pretty rugged society. What comes to mind is the 1973 rugby league grand final, between Manly and Cronulla, where we were watching people nearly beating each other to death on a football field. I could not understand what was going on. That was the society we had in 1973. But we have come a long way and changed a lot of things since that time. In those days we had *Number 96* on the television, and Abigail was saying that the casting couch was not a myth. So there were lots of things happening in Australia when I first came here. We bought *Blue Poles*. At that time, a Country Party politician saying it was a crazy idea. But I do not think anyone in the arts would now say it was a crazy idea.

I think Gough Whitlam also said that one of the greatest mistakes of the government was the ASIO raids by Lionel Murphy. I have to tell you that I am a bit of a Lionel Murphy fan. Lionel Murphy was a senator and a QC. He was actually a good QC. He did not talk about it, but he was a good QC. Lionel Murphy helped set up a system that everyone here benefits from, and that is the Senate committee system: a system where analytical approaches were taken to legislation, where we looked at that legislation in great detail. It was the Whitlam government and Lionel Murphy who set that process up within the Senate.

There was that issue of ASIO, and I take the opportunity to say that I believe that, if you are going to give more power to ASIO, and if you look at the history of ASIO in this country, then it is absolutely essential that the scepticism that the Whitlam government had about ASIO remains loud and clear in this parliament. I believe that if you are going to give more power to ASIO in this country, then the checks and balances must be increased, and those checks and balances, in terms of ASIO, must include proper parliamentary oversight. If that becomes a legacy that has been fought for for many years and we get that, then we should do that. I think it is important that that oversight takes place because, as I said, Gough Whitlam did indicate that that position with ASIO was one of the biggest mistakes of the government.

In 1975, as a rank-and-file shop steward working in the power industry in the Hunter Valley, I was horrified that the Queen's representative could dismiss a democratically elected government. I could not think of many other countries where that could happen, and I was appalled. I took industrial action with workers right around the country in protest against the dismissal of the Whitlam government. In those days, let me tell you, many workers—certainly in the power industry, which was a rough and tough industry—did not have a lot of money, so to take two days off work for a political issue was a big deal. It showed that rank-and-file workers, working-class people in this country, could not understand how that could have come about and were absolutely appalled that the Governor-General, the representative of the Queen, could dismiss the elected government of the country.

I have to say that I was disappointed that the ACTU did not organise more decisive and effective industrial action around the country at the time. As a rank and filer, I could not understand why Bob Hawke, the leader of the trade union movement at that time, was not as disgusted as I was, which I thought was the rank-and-file view of working class people around the country. I was very committed to continuing to take industrial action. If there had
been a different ACTU decision, then history might have changed in this country. There was a lot of nervousness. We know that people were ready to cross the floor against the Senate leadership of the coalition and, if we had hung out a bit longer—I think in hindsight—then things may have changed. But that is history, that is hindsight and that is not what happened.

Gough Whitlam gave me the drive and determination to participate in not just industrial politics but also parliamentary and party politics in this country. I think he did that for many, many people. It was so fantastic to see someone who stood up for their vision, who stood up for their politics, who stood up against all the attacks and did that with such dignity and such courage. That is the thing that stands out to me about Gough Whitlam. It is not his intellect, which was, I think, unquestionable and what people have all talked about. It was not his biting sarcasm, his self-deprecation or his ego. It was none of those things. It was that Gough was a leader who understood his values, who understood what was in the interests of the country and was prepared to take that up despite the personal cost to him and his family.

He was a role model to many; he was an inspiration to many. In the future, we always need to keep in mind that your values and your principles are so important in this game. That is what Gough Whitlam taught me: values and principles and to be courageous in support of your values and principles. That is the lesson that Gough Whitlam gave me and that is the lesson all political parties need to continue with. I hope it is a lesson that is laid out for a long period of time.

Vale Gough Whitlam. You have been a constant in my life since I came to Australia. You will be sadly missed by Australians. You will be sadly missed by the body politic of this country. You have made a fantastic contribution to this great nation. I think we owe Gough Whitlam a lot.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (11:58): I rise to support the motion of condolence moved by the leader of the government this morning. Today the Senate honours former Prime Minister Gough Whitlam AC, QC, Australia's 21st Prime Minister. Today, we will honour his accomplishments and the impact that he had on Australia. His legacy to Australian politics is remarkable.

I was moved to rise to make some comments today as Gough Whitlam is my very first political memory. In 1975 when I was 10 years of age, he made an indelible impression on me; so much so that in 1975, when we were having a family holiday up on the North Coast and were driving from Sydney to the North Coast, I did impressions of Gough Whitlam almost the entire way. I have been counselled by my staff not to do it again now 40 years later, but my memory serves me that was actually pretty good at it. Perhaps for Senator Faulkner I might give a private showing later, because he undoubtedly would be the one able to judge my impression at the time! That was interspersed with me quoting Grover from Sesame Street. I figure they both have their place in history. Certainly it was an extraordinary time in this nation's history.

The leader said this morning that today was one where we could part with partisan differences and acknowledge the good in political opponents. That is very much the case. As Prime Minister, Gough Whitlam made his mark on the policy arena with sweeping reforms, notably in health and education and, as has been mentioned, changing the national anthem.
Today as a National I want to make mention of what the former Prime Minister did for rural and regional Australia. I refer to a speech that the former Prime Minister made on Monday, 14 January 1974. He said: 'The Australian government, as any government must, recognises the vital importance of our rural areas for the whole nation.' While the National Party rarely agrees with the political philosophy of the Labor Party, I could not agree more with this statement—as a farmer, someone who lives in a rural and regional area and who also represents those areas as a member of parliament.

Gough Whitlam had a vision of decentralisation. He implemented policies to focus on regional towns. The Whitlam government argued that positive, direct intervention would help stimulate social and economic development in rural regions and established the Department of Urban and Regional Development in 1972. In 1974 to 1975 the Commonwealth began to provide general revenue assistance to local governments, which provided assistance to local government to promote equality among regions and to ensure adequate services and the development of resources at local and regional levels.

Financial-assistance revenue was disbursed through Regional Organisation Councils, which were greatly expanded to a total of 76, backed by a small administrative grant. These ROCs were designed to promote interaction between local authorities and help minimise spatial economic and social inequities across regions through direct participation by better funded local government. It certainly does sound familiar.

The Regional Councils for social development, a part of the Australia Assistance Plan, were charged with distilling complex ideas of social need, social welfare and social development at a local level. Run by volunteer management committees, the RCSDs were to function as a cooperative forum for statutory and voluntary agencies. They were established with a mandate to relate to other regional planning bodies, evaluate and monitor social needs, devise plans for welfare-service provision, advise and assist local government and non-governmental bodies and advise the Commonwealth government on the development of services and the allocation of grants and subsidies in the region. Grants were provided to fund basic infrastructure costs and equipment for local voluntary organisations.

The growth centres program was developed by the Department of Urban and Regional Development. The GCP was designed to facilitate decentralisation of selected centres by encouraging migration with improved services across a range of areas. Four regional growth centres were established: Albury-Wodonga, in New South Wales-Victoria; Bathurst-Orange, in New South Wales; Macarthur near Sydney, in New South Wales; and Monarto, in South Australia.

Former Prime Minister Whitlam also reformed concessions and subsidies to the farm sector in the 1973 budget. It did strike me, as I was reading through some of the speeches of former Prime Minister Gough Whitlam, that some things do not change very much when successive governments are dealing with issues in the rural sector. I quote, also from the 1974 speech:

One industry of concern to the people of this area the dairy industry—

he was in the North Coast of New South Wales at the time—

has faced continuing problems. I am aware that our decision to phase out the dairy bounty has aroused criticism among dairying interests.

He goes on to say:
In our view the dairy bounty had ceased to be purposeful. Despite the outlay of $770 m. over the years the bounty had not contributed to solving the industry's major problem that of adjusting farm production to realistic local and overseas market demand.

Some of the things the Prime Minister was dealing with at the time we are still dealing with today.

Gough Whitlam pushed the policy boundary and dared to make tough decisions that were sometimes unpopular, but he had the strength and tenacity to see it through. Senator Cameron has just made some comments about the importance of values in this place.

With all of former Prime Minister Whitlam's achievements in the political and policy arena we should also recognise his wife, Margaret Whitlam. Margaret and Gough were a team. She was a true political wife in that it seems she was just as interested in politics as her husband. She was outspoken about her role as a prime ministerial wife and she wrote apparently, in her diary, in December 1972: 'What am I meant to do?—stay in a cage, wide open to view, of course, and say nothing? That's not on, but if I can do some good I'll certainly try.' It points to the political team that Gough and Margaret Whitlam were and which has been commented on already in this place.

She was continuously by his side, travelling with Gough to China, Japan, India, North America and Europe. I did like the fact that Gough Whitlam often referred to her, apparently, as his 'tower of strength'. On their 30th wedding anniversary he was quoted as saying, 'Of course, my 25 years as member for Werriwa and three years as Prime Minister were flashes compared to the long, warm glow of the other significant anniversary I celebrated this year: 60 years with Margaret Elaine Dovey.' It really is important to mention that. In this place, it is about the support we have from family, and the support we have from friends, that allows anyone—in either this place or the other place—to do our jobs of representing the people of Australia.

Gough Whitlam was committed to Australia; he was committed to the prosperity of this nation and Australia will recognise his contribution. One thing did strike me though when I was talking to a friend of mine, the other day, who used to be a flight attendant. Sometimes these small stories really give you the measure of a person. She was apparently working on a flight one day when Gough Whitlam was at the front of the plane. It was terribly busy and she was madly getting everybody's lunch organised. She finished doing that and he turned and said to her, 'When are you having your lunch?' She said, 'Actually, I've finally finished all of that. I'm going to have it now.' He said, 'You sit down and I'll get it for you.' Apparently he went up into the galley and organised lunch for her. In recognition of him, that, clearly, was a mark of the type of man he was.

He was our 21st Prime Minister, and when many prime ministers fade from our memories, I doubt very much that Gough Whitlam ever will. Australia mourns his passing, and our condolences go out to his family—in particular, his children Nicholas, Tony, Stephen and Catherine. Gough Whitlam AC, QC, was truly a great Australian.

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (12:07): I rise on behalf of the Palmer United Party to offer our deepest sympathies to the family of Edward Gough Whitlam AC, QC, and acknowledge the significant impact that Gough made on our great country.
I am told that Gough was committed to bringing about social reform in Australia, and that the Whitlam government was relentless in enacting legislation. In fact, in 1973 alone, 203 bills became legislation. While I was only a young bloke when Gough was Prime Minister, it is clear that as an adult today I am enjoying many of the great reforms that Gough was responsible for. Our challenge is to show the same degree of tenacity and bravery, while maintaining the important balance between delivering what is important from a social perspective and what is possible from a budget perspective.

I would also like personally to thank Senator Faulkner for giving us an insight into the great man Gough Whitlam and his legacy—not only in his speech today, but in the days since Gough's passing. Thank you.

Senator PAYNE (New South Wales—Minister for Human Services) (12:08): In participating in this afternoon's debate, I also offer my personal condolences to the Whitlam family following the passing of Edward Gough Whitlam AC QC, Australia's 21st Prime Minister. Mr Whitlam was, by no short measure, an indefatigable social reformer, but for my purposes this afternoon I particularly want to speak about the enormous contribution that he made to the city of which I am so proud—the City of Sydney and, most particularly, Western Sydney.

He convincingly won the federal seat of Werriwa in 1952 and moved to Cabramatta in Western Sydney in 1955 following an electoral redistribution. The Cabramatta of 2014 and the Cabramatta of 1955 are almost unrecognisable as the same place, but there are vestiges of that very traditional Sydney environment still remaining.

In moving to Western Sydney, the Whitlam family experienced the lack of infrastructure and the lack of amenities at first hand, whilst he and Margaret tried to raise a family of four children in that part of Western Sydney. And that gave him a strong resolve to do everything he could to improve the lives of those living in the new residential areas on city fringes.

Whilst Mr Whitlam's reformist zeal is most recognised, probably, in the areas of education, health and the rights of Indigenous Australians, his commitment to empowering regions like Western Sydney was an overarching objective. In his 1972 campaign speech, which others have spoken about and quoted today, Mr Whitlam said that cities were fundamental to the mission of his government and that 'a national government which cuts itself off from the nation's cities is cutting itself off from the nation's real life'.

It was his government that was the first Commonwealth government to provide significant funding for urban public transport projects. In 1973, the Whitlam government announced the Urban Public Transport Assistance Scheme to provide states with matching funds for public transport improvement projects, including new trains, buses and ferries. That scheme also extended and electrified railways. For Sydney and for Western Sydney it opened up extraordinary new opportunities for our residents by providing faster and easier links to the Sydney CBD and other business centres throughout the region.

Mr Whitlam recognised that improved access to GP services and to tertiary education and the resulting employment opportunities would only be beneficial if residents in the expanding outer suburbs had the transport they needed to get them to the doctors or to their university lectures.
Another important contribution by Mr Whitlam—that Senator Wong mentioned, and that
others have also referred to—was his government's major investment in developing a
sewerage scheme in Western Sydney, whose rapid expansion in the 1950s and 1960s was not
accompanied by basic services. Their government implemented the National Sewerage
Program soon after it was elected in 1972, investing $330 million in urban sanitation
projects—an extraordinary amount of money in those days.

They also initiated the Area Improvement Program, which funded state and local
governments to make Western Sydney and particularly suburban Melbourne, more liveable.
That included parks, bridges, libraries and community centres. I think you can see by the
architecture of many of the libraries that you see around the suburbs of Sydney and
Melbourne that they most definitely date from that Area Improvement Program.

His government introduced Medibank—the government precursor to Medicare—which
provided access to medical care for people who could not afford private insurance. I note at
this point that that initiative of the Whitlam government means a great deal to many staff of
long-standing in my own Department of Human Services, who were part of the original
Medibank and Medicare.

He also oversaw a major investment in public hospitals in Western Sydney. The Whitlam
government invested more than $140 million in those days in new hospitals, including a
seeding grant for the construction of Westmead Hospital, the region's first major teaching
hospital and the centre of a precinct that has grown to become a world-class research hub.

His experiences also taught him that education was the key to opportunity and social
mobility for people living in the western suburbs of Sydney, and he worked very hard to close
the funding gap between government and non-government schools, particularly given that so
many children in Western Sydney were attending those schools.

At the tertiary level, his government abolished tuition fees for students at universities and
technical colleges. That, of course, led to flow-on policy effects in later Labor governments,
but it opened up opportunities at the time for students in Western Sydney and provided
means-tested financial assistance for students. In 1974 they established the Commonwealth’s
full responsibility for university funding throughout Australia. He strongly advocated the
establishment of a university in Western Sydney, and although he did not achieve it during his
time in office, there is nobody who could deny that his tireless advocacy contributed to the
establishment of the University of Western Sydney in 1989.

In 2000 he joined with the University of Western Sydney to establish the well regarded
Whitlam Institute
The institute really has excelled in the study of the history and future development of the
Greater Western Sydney region and in teaching and scholarship on urban regions throughout
the country. It is a vital resource in Western Sydney as we strive to develop the road, the rail,
and the air infrastructure and the knowledge jobs in the new Western Sydney employment
area as part of our quest to help the region fulfil its great potential. I must say that I am very
proud to be part of the Liberal government that is doing that for Western Sydney and in
Western Sydney now.

Mr Whitlam made an important contribution to the process of the growth of the Whitlam
Institute when he provided access to his records and papers from his private collection to form
the Whitlam Prime Ministerial Collection at UWS Parramatta. These documents, which span his leadership in the areas of health and social welfare, urban and regional planning and development, and education and Indigenous affairs, helped provide a blueprint, if you like, for what is now happening in Western Sydney in the 21st century.

My father and Edward Gough Whitlam were born in the same year. They both served in the Second World War, my father in the Army and, of course, Mr Whitlam in the Air Force. They were, however, men of very different views. The passing of Mr Whitlam has made me contemplate in the last week or so, when I realised that my father and Mr Whitlam were the same age, what had happened in my family in 1975 and whether perhaps that was the energising process, if you like, for my own personal engagement and involvement in politics—because the events of 1975 were much discussed in my home around the table amongst my family. My father was a conservative man and had some very strong views. In fact, I remember, when I was first at university, I had a very serious car accident which resulted in a third-party personal injury claim that had to be litigated, ultimately. My father, with our solicitor, had chosen a barrister who was on the 10th floor of Wentworth Chambers. He took me to see this particular barrister, Peter McEwen, now SC and the head of Martin Place Chambers. We went into his chambers with the solicitor, sat down and the door was shut, and we saw that on the back of Peter McEwen's door was EG Whitlam's old nameplate from having previously been in Wentworth Chambers himself. For a split second, I really thought my father was going to get up, walk out and say that we were not going to consult with the barrister on that matter. But it struck me that Mr Whitlam's contribution—in fact, the entire Whitlam family's contribution—to the legal profession in Sydney was very important.

In 1975, I was a student at Earlwood Public School in what I suppose you would describe as inner south Sydney. In the year before, 1974, I had had as my teacher Mr Lawrie Daly, the son of the famous and famed Whitlam cabinet minister Fred Daly. In 1974, Lawrie Daly indicated that he had given up on me because I had chosen Leilani as my horse in the Melbourne Cup because it was owned by Andrew Peacock. He thought I was a lost cause then, but, when 1975 came and you had Fred Daly's son teaching along the same veranda as you on the day of the Dismissal, it most certainly, I think, provided to the students of Earlwood Public School in grades 5 and 6 a very close-up experience of what that event meant to the adults in the room but, most particularly, to people of that era who were actively in the Labor Party. It was an insight, totally serendipitous, that I believe very few would have had.

On issues like media diversity and Australia becoming a republic, I watched Mr Whitlam and Mr Fraser engage together. As some have said earlier today, to see those two giants, both literally and figuratively, of Australian politics able to do that was, to me, a remarkable study in human nature. I think the event on media diversity was held at the Sydney Opera House and I saw them standing together on the stage united in that cause. I was a younger woman then but very interested in the concepts, and I thought they were very important to Australia. I remember sitting in that audience marvelling at them being together. As a strong republican, I mentioned, in the few words I spoke in relation to Mrs Whitlam's passing, that she, Mr Whitlam and I had spent quite some time together.

But my most recent memory, which I would like to refer to very briefly, is of the Australian Law Reform Commission 25th anniversary dinner held in the year 2000 in Sydney.
The Australian Law Reform Commission was established by Mr Whitlam in 1975. At the dinner I was privileged to share a table that evening with Mr and Mrs Whitlam and with Michael Black AC, QC, then Chief Justice of the Federal Court. I had never been in such close proximity to a former Prime Minister at that stage and I was fascinated by the erudition of his conversation and by his natural charm. He was, of course, as one might expect, voluble. I watched with amusement as Mrs Whitlam gently chided him across the table, indicating that perhaps the Chief Justice might like to contribute to the conversation, or even Senator Payne. He took the admonition poorly and indicated that he thought they would much prefer to listen to him. He was probably right.

I extend my sympathies to his extended family, particularly his children, Tony, Stephen, Nicholas and Catherine, and his grandchildren, and also to Miss Freda Whitlam, who has long been in Western Sydney and whom I have seen from time to time around Penrith over a number of years.

Australia has lost a leader, an intellect and an extraordinary wit not often seen in today's parliament, perhaps. The days of Killen and Whitlam and Daly will go down in Australia political history, not to mention Menzies, of course. Australia has lost a leader, but the Whitlam family have also lost their leader. Our thoughts are with them all. I am proud to have had the opportunity to make a small contribution in this debate.

Senator KIM CARR (Victoria) (12:21): I would like to join with Labor colleagues and other senators in mourning the passing of a great Prime Minister and in extending our sympathies to Gough Whitlam's children, Tony, Nick, Stephen, Catherine and their families. This is recognition of a person of great importance to this country. As a consequence, I think it is appropriate to make a more substantive contribution on these matters. I do not often contribute to these condolence debates because it is so often difficult to argue much that is different from what has been said, but this occasion requires a more significant intervention.

Gough Whitlam was first and foremost a Labor man. He was a great Australian social democrat. As Manning Clark, a contemporary of Whitlam, observed, too often in this country we have seen society divide those who are engaged in public life as either enlargers or straighteners. There is no doubt in my mind that Whitlam was one of the great enlargers of life for the people of this country. He demonstrated just how important it is to understand that politics is a long game. Obviously, it is important to reassert exactly what he was about and why he was about those causes.

It sometimes happens that, when a great national leader dies, many rush to claim his or her legacy, unfortunately including some who have done so for opportunistic and deceptive reasons. I do not refer to those on the other side of the chamber on this occasion, despite their different assessments of the Whitlam era. It is acknowledged by members of the government that Whitlam and his government transformed Australia for the better. The contributions to this condolence motion have highlighted—and it is similar in the House of Representatives—the proposition and, in fact, refuted the accusation that politics is always marked by partisan rancour and that in this country it lacks generosity of spirit. A condolence motion of this type has demonstrated that there is a much bigger question here for us to consider. It seems to me that the issue here about the role of the great man in politics is one of those questions. Can the role of the individual be entirely separated from the mores, from the habits of thought and from the events of their time?
It may well be one of the great defining qualities of great political leadership to unchain a society from its past. That in its essence epitomises Whitlam’s greatness. I am of the school of history that says that ‘men make their own history’—that quote is from the 19th century and referred to women—but they do not make it as they please; they do not make it under self-selected circumstances, but under circumstances existing already, given and transmitted from the past.’ The reference there is to the 18th Brumaire of Louis Napoleon. The question of leadership has played a pivotal role in Australian politics because it helps us define a party. For many people, the leader is seen as the person who interprets the party to the public at large and is seen as a representative, or as an interpreter, of what that political party’s movement stands for. That is why I say that it is important to appreciate what it was that Whitlam stood for and why.

What does it mean to say that he was a social democrat? It means, to begin with, that Whitlam understood what the great sociologist Harold Lasswell meant when he wrote during the Great Depression that ‘politics is a fight over who gets what, when and how.’ Whitlam understood that the winners in that fight were all too often those who could wield disproportionate power and influence because of the wealth they possessed, whether inherited or acquired, and the privileges that their wealth bestowed. Senator Faulkner made the point that Whitlam could have gone on and had a different life, but he understood that principle and stood against championing the cause of inherited wealth and privilege.

He understood that the only enduring way to overcome the imbalance of power was to create a society that was more equal and that that could only be done through democratic political action. The aim of political action—and the reason for it was to take up the necessary political leadership—was, as he saw it, to build a majority for change. I think reform is a much abused word in this country. He was genuinely a reformist social democrat who sought to win a majority of people for this country to build a better society. That is the mission he set for himself and the Labor Party. That is clearly what he sought to achieve, not just while he was in parliament but beyond his work in parliament. He saw politics as noble, although he saw parliament as the primary arena of struggle to create that new society. In so doing, he inspired a generation of activists that clearly opposed the stultification of that Menzies’ ‘white picket fence’ stupor. He inspired a generation of activists who were genuinely shocked by the belligerence of those who opposed him while he was in government and who defended entrenched class privilege. Whitlam aggressively advanced the proposition that only the impotent were pure and he rejected the idea that protest politics in the name of principle was sufficient to achieve social change.

He of course in that process drew quite an ambivalent attitude from the Victorian left. Senator Faulkner made reference to the ideological position of many in the left in Victoria in the 1960s. In fact, there was incredible hostility to him; it is one of these points that gets overridden these days when there is a conversation about the Whitlam legacy. The ambivalence towards Whitlam was I think expressed in the relationship through Jim Cairns, who was, as I said, champion of the Victorian left, and the relationship was not always a steady one.

But it is interesting that Whitlam’s intervention in 1970 in Victoria helped transform the Labor Party but also helped transform the Socialist Left. It is an irony that Victoria went from being the jewel in the Liberal crown to being one of Labor’s strongest states. In 1974 there
were actually seats won in Victoria, whereas there were seats lost for the Labor Party in New South Wales. It is an equal irony that just before the intervention the group around George Crawford, who were removed, were replaced in and won the presidency in the Labor Party election within two years. That is an irony in itself. But I think the discussion about the role of Labor in that period allowed Labor to reach a view about the importance of a progressive legislation so that Labor could be both principled and electable. And those who worked closely within—and I think Graham Freudenberg is one of those—demonstrated this political understanding:

He took certain propositions as self-evident ... that the role of government was constructive, positive and benevolent; that action by governments, through parliament and the public service, was the normal and natural approach for the solution of Australian problems …

The concept of a government being constructive, positive and benevolent has been strongly disputed. In some quarters it has become quite fashionable to sneer at the positive role of government and reject the notion that democratically elected, reforming governments can unshackle the country and can actually be a great liberator of society. That argument seeks to question the value of social democracy and suggests that somehow those who argue this position are interested only in the distribution of wealth and ignore the creation of wealth.

I do not believe that is the position Whitlam would have argued. He suggested that inequality itself retards economic growth. He argued that it was probably the most important factor in limiting the potential of this country. He argued that the greatest spur to growth is the breaking down of barriers to opportunity, such as lack of access to quality education and to adequate health care, neglect of crucial social infrastructure, and insufficient income support for those blighted by poverty, unemployment, family breakdown and disability. He would argue that the exclusion of people from full participation in the life of the nation, because of their gender or because of their status or because they were members of minorities, was in itself one of the great causes of our restrictions as a nation. So he argued that social democracy had to set about dismantling these barriers to opportunity. Equality of opportunity was of course the refrain that so often demonstrated his argument. He achieved this by first reforming the way in which the Labor Party itself would have to function. They had to rebuild Labor's relationship with the Australian people, because Labor throughout that period—up until his leadership, for so many years in opposition—had learnt to turn on itself and adopt a position that essentially was to defend a cul-de-sac of politics. He wanted to see a majority created for change through the party and a modern era of social rights that he suggested went beyond the idea of liberty, equality and fraternity of the enlightenment. He argued that social rights such as universal quality health care and education and economic justice were absolutely fundamental to Labor's mission. Whitlam was able to forge that renewed relationship not because he and his colleagues devised the policies necessary to implement change but because they had a clear vision of what Australia could be if it was able to pursue those policies.

So, Whitlam led by articulating that vision and by inviting others to share it with him. This was a view that rejected the doctrine of individualism that is now seen as so closely identified with neoliberalism but at the time was championed by those known as the 'new right'. Whitlam argued that economic individualism encouraged selfishness and social conflict. He argued against the conservative view that individualism should on the other hand be suppressed by the requirements of social order. He took quite strong libertarian views on moral issues,
arguing that the state should stay out of the bedroom. This was an argument that suggested that collective responsibilities required society to meet the challenges of injustice as a means of securing prosperity and cultural enlightenment.

This was a vision that was set out in many great and now famous speeches. It is extraordinary, the number of his speeches that have become popular and understood more widely than among the immediate audience. He delivered these speeches with great verve and wit and with an erudition that he always wore so lightly. Many of those speeches have been cited in the past week, and I think it is worth going back to a couple that should be better known. On 3 December 1973 he gave a speech in Ballarat on the occasion of the unveiling of the newly restored Eureka flag. Whitlam said:

The kind of nationalism that every country needs ... is a benign and constructive nationalism [that] has to do with self-confidence, with maturity, with originality, with independence of mind.

If Australia is to remain in the forefront of nations ... if it is determined to be a true source of power and ideas in the world, a generous and tolerant nation respected for its tolerance and generosity, then I believe that something like 'the new nationalism' must play a part in our government and in the lives of us all.

Forty years later, those words could still serve as a measure of what we do here in this parliament—both as a challenge to do it better and perhaps as a reproach for the ways in which we have failed to do it as well as we should. We should ask ourselves: in the past four decades, has Australia become a more generous and tolerant nation, respected for its tolerance and generosity? As a nation, do you think we are in fact marked by our attitudes of self-tolerance, of maturity, of originality and of independence of mind?

Whitlam wanted Australia to be the best that it could be. He was not afraid to dream large for this country. Because he spoke about politics in that way, he sparked a ferment of ideas and debate. Whitlam put the social democratic agenda at the centre of national aspirations and, thus, he was able to present himself as a modern Labor leader. But he was also a very traditional one. The vision he held out evoked and resonated with Ben Chifley's 'light on the hill' and an even older image cherished by labour movements around the world—that is, the concept of 'building the new Jerusalem'.

Those of us who reached maturity during Whitlam's tenure have never forgotten the ferment of that time. We have not forgotten, either, the way in which that government was torn down. In 1975, and at the age of 20, I watched with horror as the Whitlam government was dismembered by the ferocious conservative assault, cheered on and orchestrated by an extraordinarily hostile media, particularly the Murdoch press. And that was in itself an irony given the role that Murdoch himself had played in Whitlam's election. As a result of those events, the period after the '74 election was a turning point for me in terms of my commitment—what is a life-long commitment—to the Labor Party.

It was clear that the establishment in this country in the 1970s would never accept the legitimacy of a Labor government. It was the Senate leader of the Liberal Party—a man that had the self-styled title of the 'toe-cutter'—Senator Reg Withers, who argued that the election of the Labor government was in fact an aberration. In that view it demonstrated, in his mind, the justification for the shredding of democratic and parliamentary conventions. For me that experience was a catalyst for our subsequent involvement in the Labor movement.
Much of Gough Whitlam's achievements as Prime Minister has not been torn down, and they remain part of the national framework of this country. Young Australians become full citizens at the age of 18 and are no longer conscripted for military service. Those, I think, are things that we would all suggest that Whitlam personally could be very proud of. Indigenous Australians still suffer great disadvantage, but we no longer avert our eyes from it by doing nothing. This is because of Gough Whitlam. Family law is no longer a means of publicly making and contesting bitter accusations of fault. This is because of Whitlam. It is inconceivable that gender could ever again be used to justify discrimination in employment or other areas of life. This, too, is because of Whitlam.

As the Prime Minister noted in his speech on condolence in the other place, some of Whitlam's greatest legislative achievements are as contested now as they were in 1975. Mr Abbott did not specify what he meant, but I do not think he really had to. The parliament has before it legislation that would see an end to universal free access to primary health care and would exclude many areas of access to universal university education, because of people's ability to pay. The fight still is about who gets what, when and how. Those of us who seek to be the bearers of Whitlam's legacy—the sharers of his vision of a social democratic Australia—will not abandon that fight. We will not allow the restoration of the barriers to inequality of opportunity to be removed. As Whitlam declared in 1972:

We believe that a student's merit, rather than a parent's wealth, should decide who should benefit from the community's vast financial commitment to tertiary education.

In launching Labor's campaign, he placed that belief in a wider context. I think it is worth repeating the remarks from that great speech—and which Senator Faulkner made here, also—where he said:

Our program has three great aims. They are:
- to promote equality
- to involve the people of Australia in the decision-making processes of our land
- and to liberate the talents and uplift the horizons of the Australian people.

We want to give a new life and a new meaning in this new nation to the touchstone of modern democracy—to liberty, equality, fraternity.

Gough Whitlam knew there was a direct connection between liberating people's talents and uplifting horizons. He knew that you could not raise the horizons of a nation while the talents of individuals were locked up—while they were denied opportunities to participate fully in the life of the nation because of income or other barriers to equality. The agenda for the nation that Gough Whitlam set down at the Blacktown Civic Centre in 1972 still lives, even though the man who proclaimed it does not. He has passed the torch, which burns brightly and will not be extinguished.

Senator FIERRAVANTI-WELLS (New South Wales—Parliamentary Secretary to the Minister for Social Services) (12:45): I too rise to make a contribution on the passing of Mr Whitlam. I have been patron senator for his old seat of Werriwa virtually since becoming a senator in 2005 and so I have had a long association with his old seat. I have visited it often and campaigned as well—to no avail, of course, because whilst our vote has increased over time we have not successfully taken that seat. Senator Payne has spoken and outlined Mr
Whitlam's commitment to Western Sydney. I know his memory certainly lives on in that area, and I associate myself with comments that she has made.

In paying tribute to Mr Whitlam, Prime Minister Abbott said that we all have our stories about Gough Whitlam, and I too have my story. I was at the Australian National University at the time when Mr Whitlam was there as a visiting fellow, and that is where I first met him. I recall a day when I was near the steps of the library and he was walking past and I went up to him and said hello to him. You would frequently see him walking around at the university campus, engaging with the students who stopped him to meet him. He was always willing to share his views and his thoughts on a whole range of different issues.

As parliamentary secretary responsible for multicultural affairs and settlement services, I want to acknowledge the contribution that Mr Whitlam made and his support for cultural diversity in Australia. As I come from the Italian-Australian community, I know that Mr Whitlam was very close to many people in that community. I know that I speak on behalf of many in our community in offering my condolences to his family. He was very well known in the Italian-Australia community, a community that I have been involved in since the early eighties.

There was a recent article by Mark Kenny on 21 October, entitled 'Gough Whitlam, me, mum and Garibaldi', in which Mark Kenny outlines that many years ago as a journalist in Canberra in early 2002 he was fortunate enough to interview Gough Whitlam after the publication of his book My Italian Notebook.

Mark Kenny writes:
My Italian Notebook was a typically Whitlam-centric account of Italians in Australia—he had shared an office in the old Parliament with Labor's Tony Luchetti …

So this book was full of detail about Mr Luchetti and, of course, as Mark Kenny notes, the author himself was never far from the action.

I saw Mr Whitlam and Mrs Whitlam frequently in the Italian community. He often would quiz me on my political travails and kindly referred to me as Donna Concetta, which was, I thought, quite a nice term of endearment. As I have said, he certainly was generally regarded very well and with great affection in the community, but most especially I wanted to add these comments on behalf of the Italo-Australian community.

In conclusion, I offer my condolences to the Whitlam family, most especially to Tony Whitlam, whom I got to know as a solicitor when I was working at the Australian Government Solicitor and through my very frequent appearances in the federal court, and to Nick Whitlam and his family. Nick Whitlam resides with his family in the Illawarra. As my electorate office is located in the Illawarra, I know that I speak for many there in recording our condolences to Nick Whitlam and to his family.

Senator MOORE (Queensland) (12:50): As we know, everyone has a Gough story. I would like to say that his inimitable style was important, but unfortunately everyone tries to imitate his style. When people talk about Gough they inevitably go into a ponderous deep voice to sound just like Gough, and over the last week we have heard way too much of that.

I wanted to talk a little bit about why I remember Gough and what he means to so many people of my generation. Senator Milne actually stole some of my thunder this morning when she talked about her dad's reaction to Blue Poles. I, as you know, do not come from a party
political family. But my father had exactly the same response to the purchase of *Blue Poles* and would talk about it. I very rarely ever heard him talk about politics, but I heard him talk about the expense of 'that picture' and about the fact that it did not have a person or an animal in it and how could it be worth that much money. I think that dad's view, until the day he passed, was that perhaps the dismissal was directly related to the purchase of *Blue Poles*.

My mother, on the other hand, actually cried when Mr Whitlam stopped conscription and pulled us out of the Vietnam War. I was unaware of her concern about conscription. She had three daughters. But she was a child of World War II, and she had many friends who had sons, and she was absolutely traumatised by the concept of having to send a son to war. When Gough Whitlam made the decision very early in his prime ministership to stop that linkage she was so overwhelmed that she cried. She rang a friend of hers who did have a son and said, 'It won't happen now.' That was particularly confronting for me.

Another thing which mum found disturbing and a little challenging but which, I think, she was thrilled about was the very same TV interview with Margaret Whitlam that Senator Wong referred to about the role of the wife of the then Prime Minister. Certainly, my mother came from a relatively conservative, Catholic, regional country Queensland background. Her image of the partner of a Prime Minister was someone with good hats and gloves! However, we should remember the excitement that that interview caused for women of that generation. Margaret Whitlam was an equal partner. In the contributions over the last few months, first of all, when we lost Margaret and now when we are celebrating the life of Gough, we have so often heard about the true partnership that was the Gough and Margaret show. I think Australia got a really good deal when we got those two, together, as part of the leadership of our country.

For me, the role that Margaret played in working with Gough was one of the stimulants to the exciting changes that Gough Whitlam's government brought into Australian society, along with the hope and expectations of women. But no more gargantuan challenge did Gough Whitlam achieve around the issues of equity, engagement and celebrating talents—those things which we have heard he articulated so well in 1972—than the internal operations of the Labor Party. Over the last couple of days we have heard many times about the way that Gough identified that within the Labor Party there was not a quality engagement and a celebration of talents. We also heard how, in 1964, Gough went to talk to a Victorian group and he said that he could not make an open speech to that group 'because there were two Labor parties involved'. There were the men, the delegates and the candidates, and the women—members of the party—who were operating a support staff, working in the kitchen, making the tea.

So at that time he started the ongoing journey for our party—which I know has been watched by other groups—to ensure that women, their talents, their excitement, their involvement would be shared equally and would be engaged in the development of policy in Australia.

Mr President, I want to talk about some of the things that Gough achieved when he got to government and there is no better place to talk about it than in the Senate. Queensland had some role in the way Gough lost government in the Senate and we all learnt that at school. Nonetheless, I was so pleased to hear Senator Faulkner this morning talk about the fact that
Queensland votes actually maintained Gough's leadership when he was under challenge before that time. So I think our result was about fifty-fifty then.

No sooner had Whitlam became Prime Minister of this nation—and I know there were many parties on this side of the chamber at that stage—than he tackled front on the issues of equal pay for women in our nation. This issue had been simmering for years. There had been some previous cases but he knew—and I actually know this was part of the partnership with Margaret; I just know that—that in fact there was not equal pay for equal work.

Through the work Gough Whitlam made sure happen very early under his prime ministership we did reopen that case and, again, there was a movement towards establishing equal pay rights for women in this nation. Like so many of these things, it is an ongoing discussion. In terms of the evolution of equal pay, that was an extraordinarily valuable time. Part of his government process was to establish a first full-time adviser on women's issues in any parliament. We can celebrate that; Elizabeth Reid was the first adviser. She was appointed particularly around the aspects leading to the 1975 UN International Women's Year. We made a decision in our parliament, led by Gough Whitlam, that Australia would not just sit back and watch this happen but engage. We would be leading and we would have true involvement in looking at how we could attain advances for women leading up to the international conference. At that time Elizabeth Reid and her office, which grew, was responsible for ensuring that a range of funding grants were given out to organisations which were women focused, women centred, all across our nation. Many of our refuges, shelters, women's health centres were initially funded with money that came out of this important change. So when Margaret Whitlam led our delegation to that conference she had with her proven examples of where the Australian parliament had made positive decisions which were reflecting true equality for women not just as a participant. We have heard people talk about the issues around changes to the divorce laws, when 'no fault' divorce came in. So many families were affected by that and still to this day we trace the impact of law changes in that area with the ongoing horrors of domestic violence in our nation.

The first parliament that actually spoke openly about this was under Gough Whitlam, about how the issues of domestic violence were important policy issues, that they were not to be put on the side, not to be cried over but tackled, and that we would engage women in making those decisions themselves.

I note that Jenny Macklin in her contribution the other day particularly pointed out the fact that one of the early actions of the new Whitlam government was to take the sales tax off the contraceptive pill. That seems so straightforward now, but I bet there were serious debates in this place, if in fact they could bring themselves to talk about this issue and about the change that actually made during that time. Also, about the savings and the freedom that that gave women to make decisions about their own reproductive rights and how they could afford it and not have to save or borrow money to achieve that. It is something so straightforward but so real.

When I think of Gough's years, I think about not only inspiration and change, and a flurry of activity involving our community, but also music. In the last couple of days we have seen so much archival film of the time, but, throughout all that watching of black-and-white images, I consistently think of a range of music that, for me, as someone who was at school at the time, sums up the kind of change that Gough and Margaret, and the parliament at that
time, were involved in. So I just want to go through it. Many people have talked about the 'It's time' campaign, and I think we can hum that tune to this day, though I won't. I was a bit concerned about how tight those T-shirts were. And I still have trouble thinking about Gough Whitlam in a T-shirt—it's just wrong! Nonetheless, with those tight 'It's time' T-shirts and people singing around, it was exciting. Politics and political campaigns in Australia had not been exciting. They were speech-based; they were talking about what was going to happen. This was a community campaign with its own theme song, and a theme song which worked. So I think of 'It's time' and I hum along, and I know that it is used over and over again but it works for me.

During the wage case and the work around that, which had evolved out of years of work from women who were working with their unions and lawyers to ensure that the issue of equal pay was on the agenda, one of the songs that was consistently sung through that period which is one of my personal favourites now is *Don't Be Too Polite Girls*. It was an iconic song that endorsed the rights of women to have equal pay. So when I think of that time I also think of that song, and, to this day, union choirs across Australia sing this song, and it automatically invokes the issues of equity, engagement and enhancement of talents.

When we think of that iconic image of Gough Whitlam with Vincent Lingiari and those particles of earth—the land being passed over, and the acknowledgement of and genuine respect for land rights—the great song *From Little Things Big Things Grow* by Paul Kelly and Kev Carmody comes straight into my mind, and the collocation of that music and that image and that result I think would be in many people's minds.

Gough and Margaret also challenged the conventions by appearing in a film which is not one of my favourites but one which has become quite famous—the film about Barry McKenzie. When you hear the crescendo of the Barry McKenzie theme song, you think of the role of Gough and Margaret—the Prime Minister of the country and his partner—who took their engagement with the Australian film industry to a new level, and one which I think would be beyond many people, in making that statement. That song evinces the same engagement of this wonderful couple who worked for Australia, who were involved, and who epitomised so much of the social change in the seventies.

More recently, one of my personal favourites, I have to admit, is from the work of Tim Freedman and the Whitlams, a great song called *Gough*, on their first album, which summed up the link between what happened in '75 and a young bloke of that period and how that link was there, and that music just permeates my mind when I think about Gough Whitlam and what happened.

When I think of the changes that occurred, sometimes there are touches of true operatic fervour, because of Gough's and Margaret's dedication to the arts—and, in particular, to opera—and to progressing that in Australia and providing support to our national company, engaging international artists. There are wonderful themes that come forward of moving forward, and giant people and giant personalities, but with that thundering aspect of operatic volume.

In terms of losing Gough, I was not sad. But it gave me an opportunity again to thank him, and to think of the many reasons that we as a community and I as an individual have to thank this man who provided so much inspiration and hope to all of us. I do not think we could begin to count how much memorabilia there is spread across Labor Party offices and union
offices: numerous prints of 'It's time', coffee mugs, and oodles of books about Whitlam. We have not lost that. We have just had another stimulant to remember and to celebrate.

But the outpouring of grief last week was very confronting. I want to end by talking about just one phone call of the many phone calls and emails. This was a phone call from a very good friend of mine who was sobbing when she rang me. She just said, 'He's gone, and he changed my life.' She had been a young woman from regional Victoria who had had no hope of going on to university in the late sixties. She had had good grades, but there was no opportunity financially for that chance to make decisions about what she wanted to do. The Whitlam changes to higher education changed her life, and the lives of so many women and men across this nation. And Rae remembered that, and she knew that her ongoing career, studying both here and in the UK, and teaching and being involved in research around Aboriginal land rights and history—all of that was enabled by a decision of government that Gough Whitlam actually made happen.

I had a chance to meet Gough a number of times, and 'a true gentleman' was the way that I always felt that he was. One of the last times was a commemorative event, down at Old Parliament House in his own stomping ground, to celebrate the work of the Office for Women. At that time, he and Margaret were both there—so this is a few years ago—and there was lots of reminiscing and talking, and many of the early advisers in the Office for Women were there, talking about how their careers were enhanced by the opportunity to work in an active government and how their opportunity to work on cabinet documents changed their ability to look at policy and to bring forward good advice to government. I asked Mr Whitlam, when I was brave enough to talk with him, 'What do you think was the most important thing that you achieved in your government?' And he looked, and he pondered for a while, and—I will not do a Whitlam accent—he said: 'Making sure women got into higher education.' Knowing the list of policy changes, and the impact that the Whitlam government had on our country, on our nation, on our people, that touched me greatly. It may well be that, at other times, other things came to the front of his mind, but when I think about the way he said that, the response, and then that personal story from my friend, nothing could be more important.

People feel as though they have lost a family member. The grief that came out last week was the same as you would feel for someone in your own family, and, in many ways, for us in the Labor Party, we have lost a true family member. Thank you, Mr Whitlam.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (13:07): It really is an honour to speak to this condolence motion upon the death of former Prime Minister Edward Gough Whitlam. I remember hearing the then-Prime Minister of the United Kingdom, Tony Blair, say that political leaders campaign in poetry and govern in prose. That said, Gough Whitlam was a marvellous poet—truly Labor's Henry Lawson. He was Labor's greatest-ever opposition leader and one of its greatest-ever campaigners. Mr Whitlam had a dozen ideas a day and, like Sir Winston Churchill, not all were good ones, but some certainly were, and they changed our country.

Forgive me, but, like Senator Moore, I am somewhat of a sentimentalist, and we all have 'Gough' moments. I cannot forget the first time I met Mr Whitlam. I was not even a teenager when he was Prime Minister. He bounded up the stairs of Old Parliament House and was standing right next to me and my father. My father very politely said: 'Good evening, Sir,' and
Mr Whitlam touched my shoulder. Just for that split second I thought that here, truly, was a man from Mt Olympus—he had just a touch of a Greek god about him. He certainly looked the part. I met him many times after that, and he was one of the most gracious, polite and witty men I have ever had the privilege to meet. He even agreed to sign a very large black-and-white photograph—a rather enlarged one of about the size I am indicating—of that famous moment, some would say infamous moment, in front of Old Parliament House when David Smith, the official Secretary to the Governor-General, read the Governor-General's proclamation dissolving parliament. Thanks to the good offices of Senator Faulkner, Mr Whitlam signed that for me, and then David Smith also signed it. It hangs in pride of place in my electorate office.

I found Mr Whitlam to be a marvellous individual, and perhaps our greatest ex-Prime Minister. Can I conclude by echoing Senator Faulkner's remarks earlier today. The thing to me about Gough Whitlam was this: that Gough Whitlam was quintessentially modern. He was modern and he was a moderniser. When I think of political life before Gough Whitlam, it was black and white—actually, it was mostly grey. When Gough Whitlam became Prime Minister our political life exploded into colour, and it has never been the same since. Sometimes the colour was perhaps too bright, but I am very glad he brightened our nation's palette.

Senator PERIS (Northern Territory) (13:10): I too am deeply humbled and honoured to be able to make a contribution to this very significant motion, and to follow other members not just from the Labor Party but from all branches of politics in expressing heartfelt condolences over the passing of our former Prime Minister of Australia, Gough Whitlam AC, QC. Like Senator Lazarus, I too would like to thank Senator John Faulkner, who gave not only to parliament but to Australia a very personal reflection on Gough Whitlam.

Gough Whitlam's vision, in my view and that of thousands of others, created modern Australia. His big, grand vision and his larger-than-life, optimistic character were of progression and of justice for all. With that in mind he changed the social architecture and our ideas of fairness and equality. Gough Whitlam did what true world leaders do—that is, he stepped into the unknown to address the known. He had courage. His reforms shaped Australia and its people. Gough Whitlam was indeed a great Australian and a great friend of the Northern Territory and of Aboriginal and Torres Strait Islander Australians. We have heard already today how, in 1944, during the Second World War, Gough was stationed at the Gove airstrip in the Northern Territory for six months. He fought in combat. He was a navigator for the RAAF with 13th Squadron and was patrolling Northern Australia, providing convoy escort and attacking enemy positions and shipping. Gough had a deep understanding of the strategic importance of the North, and it was there he developed a sincere understanding of Aboriginal people and our culture. His love of the Northern Territory most likely started right in north-east Arnhem Land.

Just last week Yothu Yindi Foundation chairman and Gumatj clan leader, Galarrwuy Yunupingu, said Mr Whitlam will be remembered fondly by the Yolngu clans of north-east Arnhem Land. He said:

Mr Whitlam was a unique and sincere man. In his time as prime minister, Mr Whitlam was a friend to Aboriginal Australians. He always acted in a direct and determined way to resolve the issues. The Bark Petition started the move towards land rights, but Mr Whitlam's leadership brought it to life and made it real. He was a true friend of the Yolngu people.
Mr Yunupingu passed on his most sincere condolences to his family on this sad occasion.

This is a man who made such a difference to many. Under Gough, for some, being on social security went from being something that meant you were not a good citizen to being a real member of society who was just trying to find work. He provided equality to opportunity—his visions of his reforms mattered to everyday Australians. He transformed the health system by establishing Medibank, the precursor to Medicare. He changed education so that being able to attend university was no longer based on the proviso that you had rich parents, but instead was based on merit. He inspired young people to believe that they could achieve, no matter where their start in life was. He held his hand out to the Aussie battlers and he lifted their spirits. He brought the troops home from Vietnam, and the list goes on.

One very personal memory to me was with Cyclone Tracy, as a survivor. We know that Gough was a driving force in the post-war reconstruction of Darwin—which without a doubt proved valuable following the devastation that was visited upon Darwin with Cyclone Tracy. In 1974, Darwin was completely flattened by the devastation of that cyclone, which visited on Christmas Eve and Christmas Day. In order to provide the initial emergency response, a committee was created. The committee, comprising several high-level public servants and police, stated that 'Darwin had for the time being ceased to exist as a city'. Gough Whitlam, the Australian Prime Minister, was overseas at the time but flew to Darwin upon hearing of the disaster. Gough established the Darwin Reconstruction Commission and in January 1975 pledged himself to 'a determined and unremitting effort to rebuild Darwin city and relieve the suffering'. Our population dwindled. In January 1975, Darwin had a population of about 10,000. But by May that year the population had grown to 30,000 people. Gough made the deliberate decision to not just rebuild Darwin but to seriously invest in Darwin, turning it from a country town into a capital city of strategic importance.

The two things I really want to talk about are the impact Gough had on the country's first nations people, which led to land rights and the defence of all people with the introduction of the Racial Discrimination Act. Gough was a friend of the Northern Territory and, as I have previously indicated, a very close friend of Aboriginal Australians. He was one of the first to reach out to Aboriginal Australians and say we are equal.

I want to read an extract from a beautiful tribute to Gough by Patricia Turner. Patricia Turner, an Arrernte and Gurdanji woman, was Deputy Secretary of the Department Of Aboriginal Affairs in 1989 and the Department of the Prime Minister and Cabinet in 1991-92. She was also the Chief Executive of the Aboriginal and Torres Strait Islander Commission from 1994 to 1998 and a very well regarded Aboriginal woman. She said:

Gough visited the tent embassy and promised that when elected he would legislate Aboriginal land rights. He kept his word, at least in the Northern Territory, where he had Commonwealth authority. For Aboriginal people across the country, Gough Whitlam was our giant among former prime ministers. He was the first leader to campaign so openly for us. During his short term in office he and his government made momentous decisions to include Aboriginal people within the fabric of the nation.

Gough also created the Aboriginal Loans Commission, the Aboriginal Land Fund Commission and the National Aboriginal Consultative Committee (NACC). The NACC was the first opportunity for Aboriginal people to elect their own representatives to a national committee to directly advise the federal government.

Gough knew his job was to lead people. He would not be dragged down by widely entrenched racist views. He was clear about his commitment to improve our lives and give us long overdue recognition.
My colleague Senator Moore talked about when Gough poured sand into the hands of Vincent Lingiari, which was the defining moment of recognition that led to the Aboriginal Land Rights Act. On 16 August this year I travelled back to Wave Hill, to Gurindji country, with my colleague Warren Snowdon. It was on the very same day 39 years ago that Gough poured the land into Vincent Lingiari's hand at the exact same place. Gough said these words:

Vincent Lingiari, I solemnly hand to you these deeds as proof, in Australian law, that these lands belong to the Gurindji people and I put into your hands part of the earth itself as a sign that this land will be the possession of you and your children forever.

Vincent Lingiari simply replied:

We are all right now. We are all friendly. We are mates.

What really got to me when Warren and I stood at the place where this happened is the way the Gurindji people continue to pay their respects to the great man. On 16 August each year, which they call Freedom Day, the whole community shuts down to pay their respects. They have been doing this for the past 39 years. With about 90 Gurindji children we left the school grounds and went to the cemetery. Each of the children laid a wreath they made from flowers they had picked. These Aboriginal children speak two or three Aboriginal languages—English is their third or fourth. I asked these children: 'Why are we here?' One of them said: 'Because of this great man who gave our land back.' These kids are aged between five and 14 and they have a knowledge of and respect for this great man. What Gough really understood was that the Aboriginal people have a deep spiritual connection with the land. Every Aboriginal child has a relationship not only with people but also with their environment—the land, the animals, the plants, the skies, the waters, the weather and the spirits. Just like a human mother, the land gives us protection and enjoyment and provides for our needs economic, social and religious. We have a human relationship with the land.

We have talked about what Gough was able to do. In that significant moment, like my colleague Senator Moore, all I was able to think about was a song that was constantly ringing in my head—*From Little Things Big Things Grow* by Paul Kelly and Kev Carmody. Knowing the history and walking the path and retracing the steps of that historical moment, I was thinking of the words of that song:

Gather round people I'll tell you a story
An eight year long story of power and pride
It continues:

Gurindji were working for nothing but rations
Where once they had gathered the wealth of the land
Daily the oppression got tighter and tighter
Gurindji decided they must make a stand
So they did that. In 1966, 200 workers walked off Wave Hill Station and sat down at Wattie Creek. I was privileged to sit down there with Warren and the Gurindji people and the many tourists who came along that day to pay their respects. The song continues:

A Vestey man said I'll double your wages
Seven quid a week you'll have in your hand
Vincent said uhh we're not talking about wages
We're sitting right here till we get our land
People got upset but they continued. The song continues:
Then Vincent Lingiari boarded an aeroplane
Landed in Sydney, big city of lights
And daily he went round softly speaking his story
To all kinds of men from all walks of life
Back to his country …
And he told his people let the stars keep on turning
We have friends in the south, in the cities and towns
They waited and, as the song continues:
Eight years went by, eight long years of waiting
Till one day a tall stranger appeared in the land
And he came with lawyers and he came with great ceremony
And through Vincent's fingers poured a handful of sand
It was during that time when Warren and I were sitting at this one place. This is the most important part of the song, which resonates with this history:
But this is the story of something much more
How power and privilege can not move a people
Who know where they stand and stand in the law
If it were not for Gough Whitlam, Aboriginal people's spirits would continue to be broken, because we do not own the earth; the earth owns us. I am happy to report that the Gurindji people, when they heard of the passing last week, expressed their sorrow at the passing of, as they called him, the jangkarni marlaka, which means 'big important man'. I know that the Gurindji men and women, including descendants of Vincent Lingiari, are planning to travel to the funeral service to pay their respects.

As an Aboriginal woman, as a Territorian and also as a traditional landowner, I am grateful for what Gough's vision has done for all Australians. The Racial Discrimination Act is not just about Aboriginal people. Through it, Gough protected so many hundreds of thousands of people who now call this place home. As we heard, Gough was a visionary, he was ahead of his time, and we must never lose sight of that. We cannot go backwards as a country. We have to maintain his vision. We all know that racism exists in this country, but Australia is a better place and a less racist place because of this great man. All Australians should be able to live free from discrimination.

We talk about a lot of things that people are trying to pull back now. We are talking about Medicare and fees for university, and we have seen just last week the Northern Territory Country Liberal Party clearly outline their intention to forcibly take away land from Aboriginal people. It absolutely repulses me that this can be happening when we should be looking at a shared vision for this country. This is why the battle will continue. This is why we cannot and we must not let our guard down or believe that the liberties that we enjoy today will never be threatened. We must never cease or tire in our pursuit of justice and opportunity for all. We all owe it to Gough and we owe it to all Australians. Gough told us back then, 'It's time' and because of Gough it is always time for a better, more generous and inclusive...
Australia—something that I will always fight for. Thank you, Gough. Thank you, jangkarni Marlaka: the big important man.

Senator RICE (Victoria) (13:26): I am rising today to add a few words to the many heartfelt and important contributions that have been made to celebrate and remember the life of Gough Whitlam, because I feel that he made a massive difference to my life and a massive difference to the lives of all Australians.

In 1972, I was 12 and just beginning to take an interest in political life. I did not grow up in a political household, but I remember that the 1972 election was I think the only election at which my father voted Labor. He certainly had not before then; I am not sure whether he ever did afterwards. There was a sense that here was a big change and a change that was needed in Australia.

To me, as a young person then, the achievements of the Whitlam government opened up possibilities. They gave me a sense of the potential of politics and the potential of politics to change lives and to really make a difference. I think about those three years of government and how important they were in Australia to find our feet as a modern nation and, as people have been saying today, establishing ourselves as a progressive, independent, tolerant, equitable and diverse Australia. To me, the critical thing, which I certainly realised at that time, was the abolishing of university fees. I was the middle child of five and there was a sense that we would all be able to go to university. I had the sense that the world was my oyster, that there was opportunity, that there were no barriers in the way and that I was going to be able to achieve my potential. I think that multiplied across the whole community of people my age—realising that potential and what a difference to our Australia that made.

In relation to the achievements of the Whitlam government, their support for universal health care is another area which radically changed so many people's lives. When you visit countries that do not have universal health care, you think of the potential that is wasted there. The potential that opens up because people know that they have access to health care to be able to achieve their potential is so significant. The ability to access quality health care and quality education enables us to all achieve our potential. Before 1972 we did not have equal pay for women—it just was not on the agenda—and we did not have good quality support and funding for child care. They are fundamental differences to what it means to be an Australian post-1972 compared to what it meant before.

I remember in 1975, at the time of the dismissal, that sense of shock. I was 15 at the time and, again, not particularly politicised, but I remember that sense of shock, that sense of loss and that sense of confusion. I remember thinking that this was not right, that these changes that had been ushered in in 1972 were now under threat. I remember a sense, at that stage, that they really were things that were worth fighting for.

I went on to work in the environment movement. I think back over the years and recognise the importance of those three years in government, of establishing the architecture that those of us who were campaigning for environmental protection depended upon: the ratifying of the World Heritage Convention, the creation of the Australian Heritage Commission and Register of the National Estate, the introduction of national environmental protection legislation and establishing a National Parks and Wildlife Conservation Act. All of this was national infrastructure and it set the environment as a national priority. The environment took its place...
with society and the economy as one of the three points on the triangle that good government is based upon.

Being involved in the environment movement and environmental protection, having been successfully part of the campaign to protect the Franklin River—which was only possible because of the federal role available through us having signed the World Heritage Convention—built that sense of the environment being of national importance and something that was significant and something that Australians across the country could be working for together. It was also because of connections, seeing the Australian environment as part of the global environment and something that we needed to focus on. It was not parochial; it was important. It was fundamental.

I recall travelling overseas for the first time in 1986. I had worked on environmental campaigns for three years since 1983 and a number of years before then. I was so proud to be an Australian, so proud of Australia being a leader in environmental and humanitarian and other social justice agendas. It is not a pride I have any more. At that stage there was such an important contribution, because of the legacy of those three years of the Whitlam government. It is something we need to be still fighting hard for.

Drawing upon the legacy of the Whitlam government, drawing upon the legacy of Gough Whitlam and his contribution to Australia, will enable us to bring those three agendas—social justice, environment and economic—together and create and continue to build a prosperous, healthy, equitable and sustainable Australia. I pass on my great sympathy to Gough's family and friends and to all Australians, because we have all been touched by his legacy.

**Senator McEwen** (South Australia—Opposition Whip in the Senate) (13:32): I too acknowledge the life and achievements of the Hon. Edward Gough Whitlam AC, QC, the 21st Prime Minister of Australia—a great Australian, a great Labor man and, for me, a Labor icon and an inspirational leader. I offer my sincere condolences to his children and their families and to all his friends and colleagues.

In the days since his passing, many reviews of Gough's life and impacts have dwelt on whether or not he instigated many of the reforms that are associated with his name or whether he detected the mood of a population receptive to change and new ideas and built his famous program around that mood.

I do not think it particularly matters where his inspiration came from. The important thing, for me at least, was that Gough Whitlam was prepared to stand up and put some very big and well-constructed ideas out there. Not only did he have the ideas but also he was able to explain what change he thought was good for Australia. He was extraordinarily brave as well about standing up to the naysayers and pursuing his reform agenda.

While Gough was famous for his witty putdowns, when it came to articulating his big ideas he did not speak down to the Australian public. He did not put us down, because he wanted us to rise up and be a part of the new, modern, progressive Australia. He believed we were all up to it. It is worth recounting, as other speakers have done, how Gough Whitlam described Labor's program during the 1972 election campaign. He said:

Our program has three great aims. They are:

- to promote equality
- to involve the people of Australia in the decision-making processes of our land
and to liberate the talents and uplift the horizons of the Australian people.

It is important to recount that statement of aims in the context of this condolence motion, for our former Prime Minister, but it is also worth remembering it every other day. These are great aims and should always be at the heart of what we do here in the federal parliament.

I was 18 when Labor, under Gough, was elected in 1972. I could not then vote in federal elections, but Labor soon changed that and 18-year-olds—who could be required to fight in wars for Australia or who could get married—could also vote. The fact that I was now able to vote probably awakened my political consciousness.

In South Australia we were already a bit used to visionary reformers. We had elected the Dunstan government in 1970 and Dunstan's comprehensive and progressive agenda for change, at a state level, was beginning to be rolled out. We were getting familiar with the potential for legislative change to progress the things young women of my age were talking about: feminism, equality, Aboriginal land rights, the legacy of the Vietnam War, racism and multiculturalism.

The far-reaching, progressive changes that Labor under Whitlam pursued resonated with me and many of my friends. Lowering the voting age to 18 was a great start. Finally ending the draft—conscription—and Australia's military engagement in the Vietnam War, while also recognising China and re-establishing an embassy there, made us aware of how we would engage with Asia as a modern, post-colonial nation. The granting of independence to Papua New Guinea also showed that Australia was going down a new path, where our neighbours were entitled to find their own way forward in the world.

Access to higher education without having to rely on parental or scholarship support was another important step on the way to equality for all—although I did not take advantage of this change until the early 1980s, when I first went to university as a mature-age student. It was a change that particularly helped women to benefit from a higher education.

There was a lot of public debate about women and women's rights in the 1970s. We were all reading Doris Lessing and Germaine Greer. I worked in the Commonwealth Public Service at the time, and women who got pregnant then either had to leave their jobs or lose their permanency. Whitlam introduced the first maternity leave scheme for the Commonwealth Public Service. It brought home that women had a long way to go but at least we had a champion on the federal scene. Whitlam's commitment to equal pay through legislative change, and his creation of the new Office for Women's Affairs, to cast a gender eye over government policy, were stand-out achievements.

Gough was not afraid to confront social issues, including the abortion issue, and to support women's right to control their own lives and bodies—including by putting the contraceptive pill on the PBS. The Labor government funded special services for women, including refuges, health centres and crisis centres. Mr Whitlam supported legal aid, which was of great importance to women, who otherwise struggled to get legal representation. It is tragic that these services are still struggling for funding today. The single parent payment and no-fault divorce were part of Whitlam Labor's clear statement that women must no longer be considered second-class citizens, dependent on men for their economic independence.

No comments about the legacy of Whitlam should ignore his work to improve the lot of Indigenous Australians. Who will ever forget that iconic image of Gough, in 1975, pouring...
dirt into the hand of Vincent Lingiari at Wattie Creek? It was such a potent symbol of giving back what we had stolen from Indigenous Australians—not just their land but their dignity.

There were other things about the Whitlam government that might not have had a legislative legacy but which, for me, defined us as a modern Australia. I remember the huge controversy over the purchase of Blue Poles for $1.3 million in 1973. That decision was an extraordinary statement of a commitment to the arts and to artists, and to the public good that comes from supporting cultural excellence. Every time I am lucky enough to look at that magnificent piece in the National Gallery of Australia I am reminded how clever and bold Gough was, and how he wanted Australia to aspire to be a great country—not just economically, but socially and culturally. And I loved it when the national anthem was changed from God Save the Queen to Advance Australia Fair, and when the British system of honours was replaced by our very own Order of Australia gongs.

While, in the early 1970s, I was interested in politics and thought of myself as a leftie, I was not particularly engaged in politics. But I was outraged and saddened when the Whitlam government was dismissed in 1975. It crystallized for me that there was an us and a them, that there would always be forces who would fight against progressive change, and that the only way to win and keep progressive changes was to fight for them, especially at the ballot box. I did maintain the rage; I still do. But I also noted Whitlam and Fraser standing together for the cause of the Australian republic. Who would have thought that that could ever happen? It was a measure of both those men that they could put aside their enmity in the cause of great reform.

I know the Labor government under Whitlam was not without its flaws and, as was their right, the Australian voting public made their displeasure known at the election in 1975. Despite that, we should never forget the vision of Whitlam and his courage in pursuing that Labor vision. He was a Labor man. Equality and a fair go for all were the planks on which his reforms were built. So it should always be. Thanks, Gough.

Senator POLLEY (Tasmania) (13:41): I, too, would like to make a contribution to honour and respect the passing of Edward Gough Whitlam AC, QC, member of the House of Representatives for the division of Werriwa New South Wales from 1952 to 1978, and Prime Minister of this great country from 1972 to 1975—our 21st Prime Minister.

Many have paid their respects—from the Prime Minister, who I thought gave a respectful speech in the other place, to the Leader of the Opposition—but Senator John Faulkner yet again spoke in this chamber about this relationship with Gough and encompassed, so eloquently, not only Gough's great vision and passion for this country but also his endearing love for his wife, his family, his political party and his country.

It would be remiss of me if I did not at least highlight some of the great reforms that Gough was largely responsible for. We know that the Labor Party had been out of government for 23 years. For us who are fortunate enough to stand in this place it is very hard to imagine that. We hope most sincerely that we never have to stay out of government for anywhere near that long. But the Labor Party had to be modernised at that time. It needed someone to come along and show great vision and wisdom and to have the motivation to tackle the challenges within the Labor Party at that time to develop policies so that we were able, in 1972, to go to an election with the policies that the Australian people were willing to support.
It was not an easy transition because, as we all know, the Australian Labor Party, has been a party for well in excess of 100 years. With that comes a lot of tradition, and it took a great deal of encouragement and coercion to get people at that time to see that there needed to be real change to the Labor Party. But Gough Whitlam, along with others, was able to achieve those changes.

We also know—and it has been mentioned by other senators today—the enormous contribution that Gough Whitlam made to our Indigenous people. He also made a huge difference to this country in instigating well-known and well-supported universal health care, which later became Medibank. We also note the change that was brought about in this country to enable people to go to university. For many families, the 1970s was the first time that someone from their family was able to go to university. But particularly it was so important for women of this country to be able to attend university. Senator Milne spoke in her contribution this morning about the impact being able to attend university had on her, and she said that she entered teaching because that provided more support for her family. So many of us in this chamber have been personally impacted not only by being able to go to university but in being able to say that we were motivated and inspired by Gough Whitlam to become politically active.

I was only a young girl in 1972—though probably not as young as I would like to have been!—and my family were on the cusp of being affected by the Vietnam War because my brother was due to go into the draw for service in Vietnam. Many people in my community, including my neighbours’ sons, were sent off to Vietnam. Whitlam coming into power and changing that had an enormous impact on our communities and on us as a family and as individuals.

The creation of Medibank, the precursor to Medicare, was so important—and we are still fighting to this very day under this government to ensure that universal health care is still part of the fabric of Australia’s society. In the area of equal pay for women, the first act of the Whitlam government was to reopen the national wage and equal pay cases at the Commonwealth Conciliation and Arbitration Commission. The 1972 equal pay case held that Australian women doing work similar to that of men should be paid an equal wage. Two years later, the commission extended the adult minimum wage to include women workers for the very first time. Mr Whitlam also instigated paid maternity leave for women working in the Public Service.

We know that his vision, his wisdom and his passion for all Australians and for those who were less well-off in our community saw the creation of an Australian Legal Aid Office and the setting up of the Australian Law Reform Commission. This led to significant law reform in a range of issues that Whitlam saw as absolutely critical to the social justice outcomes of this country. He and his government were also responsible for the abolition of the death penalty in this country. As we know, the Family Law Act, providing for a national Family Court, was enacted, and simplified, non-punitive divorce laws were introduced. These were real policies that would impact on Australian families.

We saw the Whitlam government also establish needs based funding for our schools after appointing Peter Karmel to head a committee examining the position of government and non-government primary and secondary schools throughout Australia. Karmel’s report identified many inequities in the funding scheme, which, for the first time, led to the federal government
providing funding to state schools. As I said, a free university education was briefly available to all Australians. In Whitlam's three years of government, participation in higher education increased by 25 per cent, with 276,559 enrolments. As I said earlier, the main benefactors of that were women.

We know that all governments make mistakes, but, overwhelmingly, the Whitlam government was a government of vision. It was prepared to tackle issues that no government before it was able to address. As mentioned by my good Senate colleagues today, the impact of the National Sewerage Program and of the connection of homes to sewerage in places like Western Sydney is hard to imagine now, in 2014, but these were big issues that affected people of low income. It was the Whitlam government that reduced the voting age to 18, where previously it had been 21, and provided the Northern Territory and the Australian Capital Territory with representation in the Senate.

It might have been—and I often think so—that my high school, Deloraine High School in Deloraine, Tasmania, was ahead of its time, but there is one circumstance where I think it shone out above most others in Tasmania. We sang *Advance Australia Fair*, as well as *God Save the Queen*, before the Whitlam government made *Advance Australia Fair* our national anthem, a move I agreed with. At that time, I think it inspired me to start thinking about where I saw Australia going forward in the world—and I certainly felt that our future should see us become a republic. Unfortunately, so many decades later, we still have not achieved that goal, but another step on that path was when Gough removed the British honours system and installed the Order of Australia, which I think was so much more fitting for the Australian community. Today, it is like we have gone back in time, because we now have seen that system reintroduced by the current government.

Among the most significant social reform that has had the widest impact on our community was the reform that provided benefits to mothers and widows, and single mums in particular. This addressed the stigma attached to young women who had children on their own or who, through various reasons, were forced to raise their children alone and saw them given the assistance that they needed.

We can talk about all the great reforms. There were so many more if you talk about things like Papua New Guinea becoming independent on 16 September 1975 after being administrated by Australia since the First World War, and before that it was a German colony. Whitlam knew that Australia's colonial control of this country was outdated. He also was a man ahead of his time when he chose to engage with China. This is certainly another example of his vision in wanting to ensure that Australia was able to participate on the global stage, not being afraid and not staying with the things that we have known of old. He was prepared to go that one step further.

If we go back to 1969, the election that we almost won at that time was a game changer for me. It was actually the year that I joined the Australian Labor Party. I was but a wee child in those times! It was a time when the Labor Party was preparing itself and starting to get policies ready to ensure that we could take that next step, from opposition after all those long years, to form government. The lead-up to the election of 1972 had an enormous impact on me, my brother and my family. My mother was always a Labor person. She always espoused the necessity to be a member of your relevant union, to be respectful and to work hard, and that the world was at your feet if you were prepared to work hard. My father was a
conservative and came from very much a rural background and, indeed, a considerably conservative family. But, leading up to the 1972 election, my father, along with so many others and their families—we used to talk about this around the kitchen table because we did not have a television in those days—used to sit around, play cards, have dinner and talk about politics and what was happening the community. My father became a believer. The 'It's Time' campaign was very exciting. I can remember the T-shirts I wore, the energy that was in our community and the hope for Australia. I have felt that a number of times in the lead-up to federal and state elections, but no others left such a meaningful mark on me and on my personality.

In terms of Gough and his vision, the thing that struck me was: first and foremost, he was about equality. This man inspired me as a young girl in forming my beliefs, my standards, my morals and my vision for what I wanted to do when I was an adult. He inspired me because he was about equality, fairness and giving women opportunities. He also inspired my older brother, who was elected before Whitlam changed the voting age. When he was elected to state parliament, he was 21 and that was still the voting age. We have a very personal story.

But, as we transitioned from 1972, when I was in high school, there was another person who inspired me: my social science teacher, Mr Gillespie. He had been teaching in the United States and had come back. He was passionate about politics. He was passionate about what was happening during that 1972-75 period. When we were studying the Australian political system, we had a role-play of parliament—much like what happens here through the Parliamentary Education Office. Unfortunately, we did not have all the materials provided to us, so we had to do research. As you can imagine, it was a lot more difficult with our computers than it is now. I was given a huge responsibility in that role-play. We sat in parliament for over three days in that social science class, and I, of course, was none other than Gough Whitlam. He left an everlasting imprint on me and my active participation in politics and within my community.

The other person associated with Gough Whitlam during that 1972-75 period was the late the Hon. Lance Barnard, whom I was fortunate enough to know very well over a long period of time. In two other places of employment, he shared an office, so we would quite often sit around and have a cup of coffee and hear the stories. As has been noted on numerous occasions, it was in the first week of forming government in 1972 that all the portfolios were shared between Gough Whitlam and Lance Barnard. Those two men never forgot where they came from. It is a very good life lesson: they never forgot where they came from. They were great men of the Australian Labor Party. They always put other people first. Once they had left public office, as far as being elected representatives in the other place, they still participated in the Australian Labor Party. They were still available to assist where they could in the community. It goes without saying that Gough and Margaret Whitlam were a couple that enjoyed decade after decade of marriage, raised their four children and were able to celebrate having grandchildren and great-grandchildren. They were a great couple within the Australian Labor Party and a significant part of our wider Australian community.

I will talk for a moment about Margaret Whitlam and her contribution. One of her still redeeming features was that she was a woman who was prepared to speak out on a whole range of issues. She was as intelligent and as passionate about her views as Gough himself was. She established the Australian Labor Party Sisterhood in this country, and the only group
still meeting and in existence is in Launceston in Tasmania, my home state and my home city. The thing that inspired me about Margaret Whitlam was that when she worked to support and develop the sisterhood she envisaged that that organisation, that grouping within the Labor Party, would be one that would embrace all women—to help educate them, to help them gain the skills to run for public office—and that they would raise money to assist women, irrespective of their views. If you were a member of the Australian Labor, you could—as you still can in Tasmania—be a member of ALPS, unlike the modern groups that exist for women in the Labor Party currently.

We have all spoken this morning and since the passing of Gough Whitlam about his legacy. I think the legacy of decency, of equality, of passion, of vision and of fairness were some of the greatest contributions he made to this country. I believe he also inspired a generation of activists. There are so many people I could mention—Michael Field, Michael Aird, Terry Aulich, Michael Polley, and the list goes on and on—who were inspired to enter into public life, whether it was at a federal level or a state level. I too join with my colleagues in passing on my condolences, my thoughts and my prayers for his four children, their grandchildren and their great-grandchildren, as well as the extended family. Although we all grieve as members of this chamber, of the Australian Labor Party and of the greater Australian community, his family can be so very proud of both their mother and their father in terms of what they gave to the Australian community and the Australian Labor Party. want to thank them for sharing their parents and for allowing us—and I was fortunate enough to meet Margaret and Gough on numerous occasions—to share with them our sorrow at the passing of Gough last week.

We have had many journalists write about Gough Whitlam and whether when someone passes away we think only about the good things. Of course, like every human being, Gough Whitlam had his flaws. We all do. But people have asked me, 'Why is it that he has left such a mark on our community?' I think it is because he was a man who, when he spoke to the Australian community, spoke to every man and every woman in this country and because he knew that we could aspire to be so much more than what we had been as a country in the 1950s and the 1960s. He had vision for the future. He wanted us to break away from being just a colony of the United Kingdom. He was a man who wanted to ensure that Australia's future was bright and that we were prosperous.

So, vale to you, Gough Whitlam. Thank you for inspiring me and so many others to become political activists. You will be long remembered as a giant of a man within Australia and within our hearts.

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:04): I rise to make a short contribution on this condolence motion and offer my condolences to the Whitlam family. I felt I couldn't not speak, given the large part Gough Whitlam has played in the making of this country. There is absolutely no doubt in my mind that he made this place and this country a better place and that we have all benefited from that. Also, as I think everyone who has spoken has said, his vision and his actions have had an individual impact on us. I, like a number of people in this chamber, had at the age of 11 my first political engagement and experience in the 1972 election. My grade 5 class was very engaged in the politics of the day, and I painted banners for that election. My first engagement with painting political banners was for the 1972 election.
My first really great political outrage was in 1975, when the Whitlam government was sacked. In fact, I was so upset that a good artist friend of mine at school drew me a little caricature of Gough Whitlam that said, 'My hero'. I carried that around for a significant period of time, and it still exists. He made such an amazing contribution to everyday things. I particularly want to talk about his contribution to the arts and the purchase of Blue Poles and how it got people to think about art and changed the way people related to art. I remember my father put us three kids on the bus—until I was 12 I lived in Sydney, and we lived a way out of Sydney—and he took me, my sister and my brother in to the Art Gallery of New South Wales so that we could see Blue Poles and see what all the fuss was about. We joined the queue and we had a look. My brother did not like it. My sister, who was the youngest, was a bit less engaged. And my father and I stood there and had a very significant discussion about art: modern art, what Dad liked, what I liked, what I did not like. We also had a look at other art. And from that day onwards my father and I would continue to travel in to the art gallery as a father-daughter thing. We continued to do it in Sydney, and we continued to do it when we moved to Perth. Our activity together was to go to see art galleries and art shows. Anything to do with art, Dad and I would share that experience together. My brother still talks about Blue Poles. And the point there is that it touched our lives. That engaged us with art, and it touched our lives.

The other thing that touched our lives—as with a lot of the things he did—was the changes to higher education. I was the first one from my family—from both sides of my family—to go to university. That is true, but it is only just on the truth, because on the day I started university my father started at teachers college. If it had not have been for the changes to higher education, I would not have gone to university and my father would not have gone to teachers college. So it made a significant difference at a personal level, too, because it fundamentally changed my father's life and enabled him to do something that he had a passion for and not could afford to do when he was growing up. That made a fundamental change.

Other changes have been articulated in this place through people's excellent condolences and participation in this condolence motion. We have talked about single parents. People have talked about the single parent payment being introduced but people in this place will also know of the work that the Senate has done on forced adoptions. The single parent payment made such a difference there, as well. It enabled women to keep their children and not be put in the position of being forced into adopting. That is another significant contribution to Australia. It helped inspire me to get into politics. It has been a huge presence in politics in Australia for a very long time.

I hope we see his likes again, because it is his vision, commitment, passion and drive that has helped shape this nation. I am hoping it will continue to in the future. That is how we get change. That is how we have lasting legacies. It is why many of us are so passionate about protecting universal health care, access to higher education and access to opportunity in this country. I will remember for my entire life his contribution. I will remember the things he fought for and enabled to happen in this country, and the fact that it is a better place. We need to fight to protect the opportunities that he helped generate—these are opportunities that are available in this country and are not available in many other places in the world. I think we should be proud of that and not try to tear them down.
Vale Gough Whitlam. Thank you for your contribution—your huge contribution—to our society and to our country. It is a better place for the fact that you were here.

Senator IAN MACDONALD (Queensland) (14:10): I want to say a few words about a giant of a man in Australia's history and relate my own very small personal interaction with the great man. I want to start by saying that I endorse the very fine and precise words of the Leader of the Government in the Senate, the Hon. Senator Abetz, in his wonderful and statesman-like address at the beginning of this condolence debate. I extend to Mr Whitlam's family and also to Senator Faulkner my condolences. It was Senator Faulkner who spoke very movingly about a couple whom I know he was very proud of, and who, I, suspect, both in his mind and in the minds of Gough and Margaret, was part of that political family.

I am one of the few in this chamber who actually lived as an adult through the times of the Whitlam prime ministership. It was a colourful time. There was never a dull moment. The media absolutely loved him for the papers he sold. I remember being a newly admitted solicitor buying into my legal practice and trying to save for a new home, and struggling, as with many others, as interest rates skyrocketed. I well remember that many businesses failed at the time. I remember that the common talk in my home town at the time was how to emigrate to New Zealand—talk that, in at least one case I know of, actually materialised.

Gough Whitlam is certainly Australia's most recognised citizen across the last half century—even more so, I might concede, than Sir Robert Menzies, who I call the father of modern Australia. Menzies, however, is not so well known to people born since his passing. I was never a fan of Gough Whitlam, nor of the ABC's absolute fixation with the dismissal. I always remembered that the Australian people gave their verdict on the Whitlam government and the dismissal, at the election following that event.

So I was somewhat taken aback at the funeral of the late Sir Jim Killen—a personal friend of mine and one of Australia's politicians who I greatly admired. I was taken aback when I found that the running sheet at Killen's funeral showed that Gough Whitlam was to do the eulogy. Killen, during his parliamentary career, had been vociferously anti-Labor and a great, entertaining and very vocal critic of Labor administrations, including the Whitlam administration. But Gough gave a wonderful eulogy that highlighted the very close friendship and association he had formed with Jim Killen over recent decades. Both had the same quick wit and eloquence, and it became clear during the eulogy how much both men had in common and how much feeling they each had for the other. Gough gave a very warm and typically eloquent speech that completely changed my mind about him. I came to understand how he had touched so many people with his compassion, his intellect and his wit. In his wonderful tribute to Killen, he showed himself to be a very caring, open and forgiving man. I was delighted to have had this minor personal association with him in the latter years of his life.

In the parliamentary condolence motion on Killen, I did have cause to mention my admiration for Whitlam for the eulogy he had given. To my surprise, a few days after that I received a very warm, personal, handwritten note from Whitlam thanking me and sending me a copy of his eulogy. He indicated that he had been listening to the parliamentary broadcast and had heard my contribution. I remember at the time thinking how extraordinary it was that someone with Gough Whitlam's background, experience and stature during his active life would still, in his retirement, listen to broadcasts of parliament and would take the time to honour me with a personal note.
Whilst I and many others on my side of politics will always attribute to Whitlam some of the worst government decisions in Australia's history, I have now joined the very large and significant band of Australians who see him as a wonderfully warm, clever, articulate, friendly and caring person—and one who will never be forgotten. In that capacity I mourn his passing. Rest in peace, a great Australian.

Senator LUNDY (Australian Capital Territory) (14:15): I still get goose bumps hearing that iconic song, *It's Time*, from the 1972 election. For me, it captured so much of the optimism that was embodied in the vision and policies of the Whitlam-led federal Australian Labor Party. I do not actually remember it when it happened. It was in playing a small role in supporting the 20th commemoration of the dismissal 20 years after 1975—in 1995—that I sought the footage and we were given permission to play it at that commemorative function.

My observation is that the emotions felt at that time, by both rusted on followers of and converts to the Labor cause alike, were obviously a high point in Australian political idealism. They are emotions that people hunger for still as they look to the Labor Party to present this higher vision for Australia. The expansive policies and programs of the Whitlam government have changed Australia for the better. They started many initiatives which were subsequently brought to fruition by subsequent governments, and they worked on many campaigns and ideas that may not have come to fruition at all but remain part of that large body of ideas that are pursued by the Labor Party and by people who have at their heart a progressive nature.

I want to reflect on just a few of these achievements today, and it is an interesting and very long list of achievements. I put my own list together listening to and reading the media commentary and listening to colleagues here today. Just off the top of my head, it includes everything from the pulling together of the Order of Australia so that Australians would have our own system of recognition, which I think is an enormous achievement, to the republic, environment conservation, heritage preservation, equal pay, freedom from discrimination, the arts, industry, regional development, being a confident global citizen, land rights, universal health care, free education and multicultural Australia, which is one I do want to focus on.

The Minister for Immigration in the Whitlam government from 1972 to 1974 was Al Grassby. He was the person who launched Australia's policy on multiculturalism in 1973, earning him the tag 'father of multiculturalism'. The first official reference to multiculturalism is in a 1973 speech entitled 'A multi-cultural society for the future'.

During this time, the Whitlam government introduced a variety of wide-ranging reforms in citizenship, immigration, services for people from non-English-speaking backgrounds and Indigenous affairs. This included introducing community radio in a range of languages for the first time. Of course, as we have heard today already, they banned racially selected sporting teams from playing in Australia and applied new non-discriminatory procedures for the selection of migrants and the issue of tourist visas.

One of the specific initiatives that I want to reflect on is immigration policy. This is summarised by the Whitlam Institute who reflect that many aspects of the White Australia policy had already been removed up to that point, but discriminatory measures in immigration still remained, and certain privileges and advantages were still given to white or British migrants and denied to others. It was the Whitlam government that acted to remove this discrimination. The Whitlam Institute goes on to reflect that before the election of the Whitlam government the assisted passage migration scheme, which provided financial
assistance to new migrants, discriminated against immigrants on the basis of their ethnicity. The Whitlam government was the government that extended the scheme to include immigrants of any ethnicity. Further, eligibility for citizenship was made more equitable. Before the Australian Citizenship Act 1973, migrants from non-Commonwealth nations had to reside in Australia for five years before they were eligible for citizenship, whereas Commonwealth migrants could qualify after one year of residing in Australia. The Whitlam government's legislation meant that all immigrants, regardless of their origin, were eligible after three years residence in Australia.

During this time as well it was reflected on that the absence of non-Anglo Australian cultural representation in popular culture, especially in the media, was attracting a lot of comment. The question was asked: how often do our television screens reflect anything like the variety of migrant groups encountered in a real-life stroll through our city streets and suburbs? It was not a stretch that these observations formed part of the motivation for the subsequent government's—the Fraser government's—1978 Galbally report. As an important aside, the Galbally report recommended additional program structure around Australia's multicultural society and articulated principles for access and equity for all Australians. These principles remain alive and well today. The Galbally report also provided the framework for the establishment of Australia's Special Broadcasting Service, the SBS.

Following the passage of the Racial Discrimination Act, the minister at the time, Mr Grassby, was appointed the Commissioner for Community Relations. With two staff, he set about putting it into action. Of course, Gough was at the launch. At the time, he said:

The Racial Discrimination Act wrote it firmly into the legislation that Australia is in reality a multicultural nation, in which the linguistic and cultural heritage of the Aboriginal people and of peoples from all parts of the world can find an honoured place … For the first time Australia affirmed its opposition to all forms of racial discrimination …

Today I would like to pay my respects and acknowledge the leadership provided by Gough Whitlam and the Whitlam government in shaping a genuinely multicultural nation. We were by definition, anyway, but it had yet to be reflected in formal policy and programs. The Whitlam government showed us and called it what it was. We were already a diverse nation, with our diversity stemming well before the great wave of post Second World War migration.

Combined with the profound steps taken by the Whitlam government in progressing the rights of Aboriginal Australians, human rights and this theme of equity, regardless of one's race or ethnicity, became one of the Australian Labor Party's themes, one of our principles and I am proud to say it remains so to this day. ACT branch members whom I work with constantly remind me that this is one of the great principles of Labor and it is all of our responsibility to uphold. Gough was at one time a member of the ACT ALP's Canberra South's sub-branch and I am sure they will take the time to reflect on that auspicious membership in their monthly meeting to come.

Today we are commemorating Edward Gough Whitlam, Companion of the Order Of Australia, Queen's Counsel, but to most Australians he was a genuine hero. He changed their world in many ways and he gave us a sense of pride and national identity. For me personally the legacy that this man has left me as a Labor activist and representative in this place is Australia's place in the world, that we are a nation that can stand on our own two feet proudly, confidently and with a strong vision for the future.
He was able to stand up and bring new conversations into the parliament, new issues that were affecting people, born out of what his experience was in talking to people and in taking the time to do so. These are all wonderful lessons for us and it is incumbent upon us all to uphold the legacy that Gough Whitlam gave us and to still take these lessons and apply them in a very genuine way, as I try to. But, most of all, it was his optimism and outward focus for Australia to take its place in the world and for this I am truly grateful.

I would like to extend my condolences to the Whitlam family. I would also like to extend those to Senator Faulkner—he is obviously feeling pain now—and to each and every one of my colleagues in reflecting on Gough Whitlam, his life and his extraordinary contribution. I should just speak for myself: it has had an uplifting effect. It has helped remind me of the Labor legacy and why I do the work I do. Thank you, Gough.

Senator HANSON-YOUNG (South Australia) (14:26): I rise today to speak in favour of the condolence motion, moved by the Leader of the Government in the Senate.

Much has already been said about the passing of Australia's 21st Prime Minister, Edward Gough Whitlam. As one of the youngest members of this parliament, in this place and the other, I missed the excitement, hope and drama that surrounded his short time as Prime Minister. I was but a twinkle in my father's eye. But ever since I was a young girl I have been very aware of the longevity of his leadership.

His legacy and vision have been a point of discussion and hope amongst my parents, aunties and uncles, and many of my family friends. I remember growing up, hearing many debates and discussions about the reforms of the Whitlam government.

We have already heard much today and in the past week of the achievements of Gough's government, the sweeping reforms and the vision of policies that have stood the test of time—grand visions built on practical improvements, not only sewerage and indoor plumbing but also immediate measures such as ending conscription.

Education reforms have seen a significant and lasting impact with many even in this place gaining a free education because of the reforms of the Whitlam government and, of course, something very close to my heart, his leadership for embracing multiculturalism and reforms for a fairer immigration and citizenship policy and program.

Leaders are, by definition, ahead of the pack. History is a better judge of the vision of a politician than the polls and this is no truer than in the case of Gough Whitlam. In the main 18 months when he made sweeping reforms that changed our nation forever, many criticised the speed at which he did so, changes that made the world a better and fairer place for a young girl like me growing up: equality, human rights and respect for the difference of others.

Few criticise Whitlam for the direction of these changes but many for the pace with which he pursued them. But sometimes sweeping change and acting quickly are necessary. When it comes to big problems like climate change, for example, the science tells us that it would be better to try too hard and to do too little, too late. I sincerely believe that, if Whitlam were in this place today, he would be bold on climate action and he would be telling everybody else to pull up their socks and to get on with it.

When speaking to friends and family this past week about Gough's passing, everybody spoke with gratitude and love in an obvious and often very personal manner. One family friend told me: 'I think of Gough as the Prime Minister for Australia rather than of Australia.'
He was a person who wanted better for people.' For my parents' generation, Gough Whitlam spoke to and inspired them. Mr Whitlam spoke to and inspired the best in people. He gave people something to believe in, which is no small thing.

I first met Gough Whitlam when I was 15 years old, and I distinctly remember the day. It was 9 February 1997—in fact, 9 February was the day he was first elected, so it was an anniversary. It was also the launch of the Whitlam Lecture Series at the Sydney Town Hall. Gough spoke, and he gave great hope and brought great gravitas, and, to the Labor side of politics, he gave some much-needed inspiration, when Labor had just lost government to John Howard at the 1996 election. My aunt Mary had organised the event, and some may think that, as a 15-year-old, I was dragged there—but that would be far from the truth. I remember being extremely excited, and hoping that I might just get to meet the former Prime Minister, who I had heard so much about. I did, and it was a formative moment for me and one I will never forget. The Sydney Town Hall was overflowing and banked up outside. Gough's message, all those years on, was about believing in and standing up for the things that matter, and never giving up on values, ideas and people. It was a very hot February day in Sydney, and the town hall air conditioning broke down. Someone was sent out to get bottles of water for the hundreds of people crammed inside. It was very hot, but, even at the age of 81, it did not bother Gough at all. He stood there and spoke, and you could have heard a pin drop. He spoke of the importance of values: 'Values are not a luxury. They are vital. They steer and give reason to why we always fight the good fight. If our nation is to achieve true equality, we must have hope and be prepared to work for it, no matter how tough it gets. Values are for when things are hard, not simply for when decisions are easy. We must be prepared and ready to stand still in the wind.' These are lessons that I have always remembered, and that, I would like to think, in my own small way I have carried into this place. At the age of 15 I did not believe I would be speaking to a condolence motion in the Senate for the 21st Prime Minister, Gough Whitlam.

It is often forgotten in this place, in the midst of debate, that values and vision are not always the most popular at the time. But it is the mark of leadership to know when to move and went to stand, when to listen and when to speak. As I said earlier, history is a better judge of leadership than the polls, and it is truer today than ever before. Gough was a leader in every sense of the word—a man whose strength of value and efforts stretched far beyond his own side. I join today with my colleagues in this place and with the nation as a whole in offering my condolences to the Whitlam family. What a great man Gough Whitlam was—what a true leader. We are all richer as a nation because of his service, and, in return, a little poorer because of his passing.

Senator McLUCAS (Queensland) (14:33): Like many of my colleagues, I say that the news last Tuesday of the passing of our former Prime Minister, the Hon. Edward Gough Whitlam AC, QC, has left a hollowness and a sadness that has been felt deeply across the country. And, like many of my colleagues, my office received that day and the day after many, many calls and contacts from local Labor Party members and local residents who wanted to record their respect for him and their sadness on his passing. His legacy of reform is immense and was transformative, and, while strongly contested, stands today, in my view, as the basis of our society. And he did it all in three years. He changed Australians' view of
ourselves. He opened our eyes to the future and gave us a confidence, a belief in ourselves, that has stood us in good stead.

Also, as so many other regional senators and members have commented, Gough was a champion of the regions. Further, he was determined to redress discrimination against Aboriginal and Torres Strait Islanders and to put in place structures to protect our environmental values.

Senator Faulkner has spoken fulsomely and graciously today about the astonishing record of the Whitlam government, and today I want to take this opportunity to direct my comments to and to reflect on two pieces of history where Gough's passion for fairness and justice intersected with my part of Australia, Far North Queensland.

In 1974, Mr John Koowarta, an Aboriginal man of the Wik nation and the Aurukun region of Cape York Peninsula, and a number of other traditional owners were planning to purchase the Archer River cattle station. They had been successful in gaining approval for funding from the Aboriginal Land Fund Commission, which was established by Whitlam in that year following the royal commission that was completed the previous year.

The Queensland Premier, Joh Bjelke-Petersen, directed the Queensland minister for lands not to approve the sale. Queensland cabinet policy at the time was to not allow Aboriginal people to own large tracts of land, and it was deemed that the Archer River cattle station was a large tract of land, which it was. This shameful act resulted in protracted legal action, firstly in the Human Rights and Equal Opportunity Commission, where John Koowarta's complaint about racial discrimination was upheld. Queensland then took the matter to the Supreme Court and then took a matter against the Australian government arguing that it was not within the power of the Australian government to actually legislate around racial discrimination. Vindictively, then, the Bjelke-Petersen government declared the cattle station a national park, as a final measure to block the ownership of John Koowarta and other traditional owners. These horrible, terrible events cemented a friendship between Gough Whitlam and John Koowarta that lasted throughout John Koowarta's life. In 1991, Gough travelled to Aurukun to attend the funeral of John Koowarta, an amazing leader and a person whose friendship Gough, I know, valued very much. It was on that day that I was able, and very fortunate, to meet him.

I also pay tribute to Gough's leadership that resulted in the protection of the Great Barrier Reef. It seems almost inconceivable that in 1973 the Queensland government planned to drill for oil on the Great Barrier Reef. As you would expect, huge debate ensued—as it did, can I say, in 2000, when the former Howard government attempted to do the same. However, huge debate ensued in 1973. That was the time when the Queensland environment minister of the day made the astonishing statement that, 'Even if there was a spill it would be okay, because as every schoolboy knows, oil floats on water.' Therefore, if there was a spill, it was not going to affect the corals under the sea. Whitlam responded by legislating the Seas and Submerged Lands Act, which gave the Commonwealth authority over the states in matters concerning seas around Australia. This legislation was the method by which the Australian government blocked the Bjelke-Petersen government's plans to allow oil drilling on the Great Barrier Reef.

At the same time, Whitlam was acting on the international stage, building the legal framework for the protection of Australia's environment. In 1974 the Australian government
ratified the World Heritage Convention, which gave the government the tool to protect exceptionally valuable cultural or natural heritage sites. By ratifying this convention the Whitlam government gave future Commonwealth governments the power to protect sites designated as World Heritage Sites or sites by the United Nations Educational Scientific and Cultural Organization. Then, in 1975, Whitlam created the Great Barrier Reef Marine Park. The protection of the Great Barrier Reef is often attributed to Malcolm Fraser, because it was in 1981 that the Great Barrier Reef was inscribed on the World Heritage list. But it was certainly under Whitlam's watch that, initially, protection from oil drilling and then the ratification of the World Heritage Convention occurred. If this had not happened, it would have been impossible for Fraser to take those actions.

Events such as these were happening around me when I was a teenager from Far North Queensland attending boarding school in Brisbane. I think the perspective I bring is very much about growing up in a very conservative state—and the animosity between Bjelke-Petersen and Whitlam was legendary—so it is through that prism that I make these comments today. Gough Whitlam was the person who most strongly influenced my thinking about politics, about human rights and justice, about women in society, about environmental protection and about discrimination—particularly discrimination against Aboriginal and Torres Strait Islander Australians. These issues were simply not part of the public debate in the part of the world that I came from. We did not have the language to have informed conversations around these fundamental issues that are very much part of a progressive agenda. For me, listening to Gough Whitlam was like peeling the scales from my eyes—I had never even contemplated these sorts of conversations. Certainly I was of an age where I was open to hearing alternative views from what I was hearing around me, but it was his ability to make the argument so powerful that, in my view, made his leadership so successful.

Many colleagues have talked about Blue Poles, and it is also an important part of my thinking about this time. I was a boarder in grade 12 at a conservative boarding school in Brisbane when $1.1 million, if my recollection is correct, was spent to buy a painting. Like many senators' fathers, mine was also somewhat bemused or confused about why you would spend such a large amount of money on a painting that did not have anything you could recognise in it, but by this stage my views were moving very much to a more open way of thinking. Gough—quite sensibly, in my view—declared that Blue Poles would tour, so the Brisbane City Hall had Blue Poles in the hall for people to see, and the school took us to have a look at it because it was fairly contentious. Whilst by this stage I had thought, 'I am going to defend this, because that is a good thing to do,' I did not understand art at all. This is probably the first piece of modern art I had ever had a look at, and I was prepared to just go in and defend it—then I saw this painting, and it changed my views. That purchase allowed me and allowed millions of Australians to think differently about modern art. He was a master to do that. If that was the plan and he knew it would be contentious, he changed the way Australians view modern art.

He did take large sections of the community with him on his reforming journey. He was not afraid of ideas and was not afraid of engaging in the debates that changed our nation. One of the most proud moments of my career in the Senate to date is the introduction into the Senate of the legislation to bring in the National Disability Insurance Scheme. It is another transformative Labor policy, and when I stood over there and brought that legislation into the
In a beautiful sense of balance, that same adviser, when she started work in the Whitlam government, had worked on designing an insurance based scheme for people with disability. So it gave me an immense sense of completion that we were able to bring into this place and bring into law a system that supports people with disability, ensures discrimination against people with disability does not occur and, importantly, gives people with disability and ability to achieve their aspirations. I acknowledged on that day and I acknowledge again today that this good policy had its genesis in the Whitlam years.

The loss which I feel, the loss which I believe is felt by the Labor family, pales against the loss that will be felt by the Whitlam family. We thank you, the children of Gough and Margaret Whitlam, for sharing your parents with us for so long. Our task now is to defend the legacy of Edward Gough Whitlam. Vale Gough.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (14:46): I too rise to offer my condolences to the family of Edward Gough Whitlam. There is no doubt that the contribution of the late Hon. Edward Gough Whitlam to our nation has been extraordinary, especially given his short time in government. It is a lasting legacy that has stood the test of time and shaped public policy in Australia, even to this day. It is difficult to imagine what our policy landscape would look like had Mr Whitlam not achieved what he did—in education, health care, Aboriginal rights, foreign affairs and a variety of other areas. Indeed, it is difficult to imagine how much more he could have achieved had the people of Australia granted his government another term.

Because so much has already been said by other senators in this place and by members in the other place, many of whom knew Gough personally, I will keep my comments fairly brief. For me, it was a great honour to even have met Gough and, like many others, I remember him with great respect and thanks. I remember sitting around the family table when Gough's government was dismissed. I come from a fairly strong Labor family. I remember to this day the anger of my mother and father at what had happened. My cousin's partner decided later on to run for the Labor Party. I remember the dismissal and the impact the dismissal had in our family. As a young teenager at the time, it was the moment I decided I would start doing what I could to support the Labor Party. Indeed, that is when I first started letterboxing in the local area, where my cousin's partner was running for state parliament—and he was successful.

In this chamber and in the other chamber, there have been many tributes and many stories told of a great man. I want to focus on a few achievements that are of particular importance to me. Those achievements were in the advancement of women's rights. Prior to 1972, in a lot of ways women were treated as second-class citizens. We still have a long way to go in women's equality, but the three years of the Whitlam government went a long way towards addressing this imbalance. To help advance the agenda for women, Gough appointed Elizabeth Reid as the women's adviser. Gough's wife, Margaret, remarked that Ms Reid must be the 'bravest woman in Australia'. She said of Ms Reid's job title: 'How many male advisers are there? It's a weighted battle, but at least we're in it.' Gough pursued equal pay for women by reopening an equal pay case at the Commonwealth Conciliation and Arbitration Commission. There is still a significant gender pay gap that needs to be closed, but part of Gough's great legacy as Prime Minister was to ensure that women could not be paid less than men for doing the same job, as
many were. In a 1972 decision the commission extended the adult minimum wage to women, which led to a 30 per cent rise in women's wages.

The Family Law Act of 1975 provided for no-fault divorce, meaning that women—and men—no longer had to prove desertion, cruelty or adultery. This allowed separated couples to have greater financial and legal independence and made it easier for women to escape family violence. The Whitlam government also established the supporting mothers benefit, which helped lift many single mothers out of poverty. The Whitlam government increased funding for a range of health and welfare centres providing services for women, including family planning services and women's refuges. This helped many, many women gain much greater control of their own lives. Also helping women to gain greater control of their lives was the Maternity Leave (Commonwealth Employees) Act of 1973, which gave 64,000 women working in the Commonwealth Public Service access to 12 days paid leave and 12 months unpaid leave after having a child.

While I have focused on the Whitlam government's advancement of women's rights, I would also like to recognise their work in advancing the rights of people with disability—and Senator McLucas has just mentioned this. It was Gough who first tried to pursue the idea of a national disability insurance scheme. He outlined his vision for equal rights for people with disability in a 1974 policy speech as follows:

We are determined to place the security, the welfare, of those who suffer incapacity through accident or sickness on a sure and certain basis—on the basis of confidence and freedom from financial anxiety for themselves and their families. Australians should not have to live in doubt or anxiety lest injury or sickness reduce them to poverty. We want to reduce hardships imposed by one of the great factors for inequality in society—inequality of luck.

A great measure of how ahead of his time Mr Whitlam and his government were is that it took almost 40 years for this scheme to be fully realised. It is a reform which is decades overdue—but better late than never, I say.

I extend my sincere condolences to the Whitlam family and friends and especially to Senator John Faulkner, who was such a long-time friend and close ally of Mr Whitlam. Your loss is also Australia's loss, and Australia mourns with you.

I have mentioned women and people with disability as just two examples which illustrate how Prime Minister Gough Whitlam pioneered policies which advanced the causes of the disadvantaged in our society. Through these policies—through universal health care, free education, and land rights for Indigenous Australians—he shaped Australia to make it a fairer, more equitable and more caring place: a country with a social safety net that remains the envy of the world. He redefined our country and changed the lives of a generation. Edward Gough Whitlam, Australia's 21st Prime Minister, a grateful nation salutes you.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (14:53): It is entirely appropriate and right that today, and last week, this parliament pauses to acknowledge someone who held the highest elected office in our land. I would like to add a few words of my own, although I suggest that Mr Whitlam would probably appreciate the irony of the Senate spending a day on this, given those historic clashes.

Today is not a day to go through specific measures. From my point of view, it will not surprise anyone to hear that on some measures I would likely have disagreed with Mr Whitlam. Yet there is one measure that he implemented that I will note: the tariff cut of 25 per
cent. Bert Kelly, the lone voice in the wilderness of tariffs and protection at the time, was famously asked to campaign in the Bass by-election in 1975. In response to this request, he said that he would if he was allowed to campaign for Gough, given the then opposition's position and their criticism of the 25 per cent tariff cut. As has been spoken of by Senator Macdonald and a number of others earlier today and those who met Mr Whitlam, Mr Whitlam also spoke at the funeral for Bert Kelly, indicating his graciousness towards political opponents over many years.

I rise to specifically acknowledge someone who was a democrat and who believed in the political process. He obviously inspired so many on the other side of politics, and we heard much of that expressed in emotional and moving terms over the past week. So many aspects of Mr Whitlam's career and 'the Program', as it was famously known, crystallised debates that we still have in this country, albeit on different issues and different measures. Many people have spoken in moving terms of what Mr Whitlam's arts policy or urban development policy meant to them and how it inspired them into public life.

In the other place last week, I recall one member with whom I was speaking saying that Mr Whitlam was a great recruiter for Labor. I mean this in the nicest possible way: he was also a great recruiter for our side of politics. The reason was that he made his arguments and he made us do the same. He gave those opposite a faith in the power of the Commonwealth and government generally, yet he also served as a reminder to some, including me, of the limits of government and politicians. But we are better for having these arguments in public and seeking to persuade voters of our decisions.

Gough Whitlam believed in making the case for change, and this was outlined in such historic detail and emotional terms by Senator Faulkner earlier today. He famously sought constitutional change, but he was far from the first Prime Minister to fail at that hurdle. He famously sought to change the balance between the House and the Senate. While he did not succeed in that, he did ensure that the previously discussed legal technicality or argument over constitutional scenarios were given a colour and reality that Mr Whitlam himself brought to so many aspects of political debate.

The test for a political leader is: did they make an impact, did they leave footprints and is the nation better off due to that contribution? One does not have to agree with anything or everything to endorse that Australia would be a very different place without EG Whitlam. We may argue about measures or history, but we can all agree—I hope—that no-one in politics has a halo and no-one has a claim on perfection. We measure the contribution of substantial public figures as men and women with all their gifts, foibles and flaws, and Australia is a better place for the service of Gough Whitlam.

I was not yet born when Gough Whitlam was elected as Prime Minister of Australia and I was two years old when he left office. I never had the opportunity to meet him. His contribution to public life during and, I might add, particularly after his service in politics and in this place, as well as the warmth described by those who knew and met him, are reminders of the virtue, opportunity and blessing that is public service and service in this place.

I would like to pass on my deepest condolences to the family members who have lost a father and a grandfather, to those opposite, and particularly to Senator Faulkner, who has lost an inspiration and a mentor. Australia has indeed lost a historic figure, but, may I say, there
will never be a history book written in Australia about our nation without there being a long index item under the listing 'Whitlam, EG'.

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (14:57): I rise today to offer my condolences to the family of Edward Gough Whitlam, and my thoughts are with Senator John Faulkner at this time.

What I have to say has been said by many already, but in repeating it I think we should never forget about the things that Gough did in this country in the short period of time that he was Prime Minister and the long time that he was in parliament. How hard it is to do justice to the man who was responsible for the boldest, bravest and most visionary set of reforms that this country has ever seen. The breadth and depth of the advances brought about by one government in three short years simply cannot be overstated.

In the area of education, Gough laid the foundations for a clever, competitive nation and invited all Australians to take part. He recognised that, by investing in Australian people, the returns—both social and economic—are considerable and enduring. He established needs based funding, delivered federal funding to state schools for the first time and abolished university tuition fees so that, suddenly, tertiary education was in reach of everyone.

He established a strong universal healthcare system that would ensure that all Australians would have access to quality health care regardless of their income. He made steps to repair some of the injustices wrought on Aboriginal people, by removing discriminatory elements left over from the White Australia Policy, drafting the first Commonwealth legislation to grant land rights and handing land title deeds to the Gurindji traditional land owners in the Northern Territory. He forged a more inclusive country by embracing communities from all nations and passing the Racial Discrimination Act, which made it unlawful to discriminate on the basis of ethnic origin and bestowed the right of all Australians to equality before the law.

He supported greater independence for Australian women by instituting no-fault divorce, introducing the single mothers benefit and fighting for equal pay, which saw a rise of around 30 per cent in women's wages. He reached out a helping hand to those who were doing it tough by increasing social security funding and establishing welfare for homeless people.

He set up important national legal institutions, including the Australian Legal Aid Office and the Australian Law Reform Commission, and he enacted the Family Law Act, which provided for a national Family Court. He elevated the arts by bringing plans for the National Gallery of Australia to fruition, creating the Australia Council for the Arts and providing increased support for our local film and television industries through the National Film Commission and increased local-content requirements.

He opened our doors to the world by building diplomatic relations with China, reorienting our relationship with Asia and encouraging international trade with a 25 per cent tariff cut. He reinforced our burgeoning independence by replacing the British honours system with the Order of Australia and enshrining Advance Australia Fair as our national anthem. He established Australia's role as a strong and principled global citizen by engaging with the United Nations, fighting nuclear testing in the Pacific, taking a stand against apartheid, increasing foreign aid, ratifying the World Heritage Convention and withdrawing the remaining troops from Vietnam.
Perhaps the most enduring and pervasive change, brought about by the Whitlam years, was the very way we saw—and continue to see—ourselves as a nation. It would not be an overreach to suggest that Gough Whitlam had more impact on our national identity than any other individual in our history. He elevated social justice as a key value for our young country and embedded diversity, inclusion, fairness, opportunity and a ‘fair go’ in all his reforms. It is virtually impossible to have a conversation about our national identity without calling on some of the key defining characteristics that Gough championed.

Gough's passing last week provides a timely message to the entire nation—especially to those who hold progressive values dear—that we cannot be complacent about his achievements. It is a clear reminder that we must continue to draw deep on the inclusive values that make Australia great and fight with all the energy we have to ensure they are not lost.

There will always be those who want to rewind history, to avoid progressive reform and desperately cling to the status quo, to turn their backs on the national interest to favour the interests of a few or to trade in the politics of fear and division rather than hope and optimism. But our sense of what it means to be Australian is enduring—and, I suspect, much harder to break down than some might imagine. We must be galvanised by Gough's memory and reminded that he has left us a precious legacy that we simply cannot afford to lose.

I also want to recognise Margaret Whitlam, who was a steadfast companion and constant inspiration to Gough as well as a fiercely intelligent and vigilant fighter for progressive values in her own right. It was heartening to hear both sides of the chamber in the other place recognise Gough's legacy and reinforce its historic impact. It gave me hope that these shared values can be enlivened to allow us to work towards a fairer, smarter, healthier, braver and more inclusive future. I believe there is no greater symbol of these fundamental values than Gough Whitlam. May we long treasure his memory and forever fight to maintain his legacy.

Senator SINGH (Tasmania) (15:03): I also rise to speak on this condolence motion and pay tribute to Edward Gough Whitlam. I do so with a sense of sadness yet gladness that this great man, this Labor hero, who has now passed, leaves such an indelible memory in our hearts and minds. In doing so, I acknowledge his family, Catherine, Nicholas, Tony, Stephen and their partners and families and give my sympathies to them.

The year 1972 has always had a significant double meaning in my life. Mere coincidence though it is, I was born the same year that Gough Whitlam became Prime Minister of the first federal Labor government for 23 years. Since 1972, Australia has never been the same. Because of Gough Whitlam, we never can be. The significant, progressive policies implemented by his Labor government in such a short timespan have been absolutely life changing. The opportunities that have been offered to me throughout my life are the fortuitous products of Gough Whitlam's courageous and ongoing reforms to Australian society. He makes me proud to be a member of the Australian Labor Party and he makes me proud to be an Australian.

Gough's impact on my life and many of my generation—and of my parents' generation—has been profound, but his impact on Australian society has been transformational. In the sad days since his death, I have been reflecting on the enormous influence he has had on Australia and the Australian Labor Party and the inspiration he has given to so many Australian Labor Party members.
His impact was as unique as it was comprehensive, as substantive as it was stimulating. When the pages of Australian history are turned in decades and centuries to come, Australia's 20th century will be identified, in part, as Whitlam's century. We are so fortunate for his life and his enormous contribution to Australian politics. Many members of parliament and senators have remarked on that, including a very heartfelt contribution by his dear friend Senator John Faulkner. He was a man of substance and a leader with the intelligence, courage, wit, charisma, vision, ambition, social conscience and power of oratory to alter the course of our nation's history. This was Gough Whitlam and we were lucky to have him.

Gough Whitlam believed in our society, institutions and ambitions. Politically and socially, he was the catalyst for a modern, multicultural Australia, proud of its own identity. He lived out his progressive values every day, while he sculpted Australia into a more equitable society. He personified the fundamental values at the heart of the Australian Labor Party's purpose. He wanted people to have the opportunity to reach their full potential, to be happy and to be what they wanted to be and not be held back by the barriers of class, wealth or social disadvantage.

His uncompromising commitment to equal opportunity, women's empowerment and free education embedded egalitarianism in government policy. In acknowledging and thanking him for his commitment to equality for women, I pay tribute to his beloved wife Margaret, who was such a driving force for equality. They were, indeed, a great partnership, and she was, indeed, an incredible support and companion—a great woman herself.

His achievements made in just three years, continue to shape the lives of Australians. His government introduced universal health care and no-fault divorce. He established legal aid, reduced the voting age from 21 to 18, increased and indexed pensions, abolished the death penalty, abolished the British honours system, and established the Order of Australia.

Mr Whitlam established the Australian National Parks and Wildlife Service and initiated federal protection of the Great Barrier Reef. He increased investment in all levels of education and increased investment in the arts. And hasn't Pollock's Blue Poles lasted the test of time? He gave us an Australian national anthem and endorsed the institution of Indigenous land rights. How could we ever forget the image of the pouring of the sand from his hand into the hand of Vincent Lingiari?

As a strong campaigner for a republic, it would be remiss of me not to mention that Gough united with Malcolm Fraser to campaign for a republic and to build our own identity—and to cement Australia's independence in doing so. However, this is something we are yet to achieve.

As has been accurately written elsewhere, Whitlam also committed Australia to the highest standards of international citizenship. Abandoning Australia's fossilised attitudes of colonialism and long-held suspicions of Asia, he opened Australia to the world. And in doing so his government increased foreign aid spending, established diplomatic relations with China, granted independence to Papua New Guinea, withdrew Australia's last troops from Vietnam and ended conscription, introduced the incredibly important policy of multiculturalism, and formally abolished the White Australia policy. He initiated a partnership with the Association of South-East Asian Nations—ASEAN—and pledged Australian financial assistance to its development program; banned South African apartheid sporting teams from visiting Australia; and signed or ratified numerous United Nations
conventions like the UNESCO World Heritage Convention, the Covenant on the Political Rights of Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and the Treaty on the Non-Proliferation of Nuclear Weapons.

As Senator Wong said, Gough Whitlam made Australia what it is today. He reminds us that politics is a cause—a noble pursuit—and he inspires us, as Labor politicians, to strive for equality in all that we do. Gough Whitlam introduced Australia to the world, and the world to Australia. In many ways, he introduced Australia to itself. And in many ways he set us free. Thank you, Prime Minister Gough Whitlam.

Senator LINES (Western Australia) (15:11): I rise in support of the condolence motion before us today. I was deeply saddened to hear the news of Gough Whitlam’s passing last Tuesday. Gough passed away in the early hours of the morning. As Senator Faulkner said this morning, on behalf of the Labor Party in the Senate, 'Honour the memory, celebrate the achievements and mourn the loss of Gough Whitlam.'

Despite his longevity and the fact that I never personally met Gough, I grieved—and continue to grieve—the passing of this amazing man—this Labor hero, this great reformer. And I remember, despite never having met Gough Whitlam, how he positively impacted my life and the lives of my children and my family.

Gough Whitlam's positive impact on my life was no accident. In his historic 1972 'It's Time' speech, he set out his agenda for Australia. He said:

… we are determined that the Australian people shall be restored to their rightful place in their own country—as participants and partners in government, as the owners and keepers of the national estate and the nation’s resources, as fair and equal sharers in the wealth and opportunities that this nation should offer in abundance to all its people.

Gough Whitlam said:

Our program has three great aims. They are:

• to promote equality
• to involve the people of Australia in the decision-making processes of our land
• and to liberate the talents and uplift the horizons of the Australian people.

And he said our choice was between the past and the future. He said, 'It's time for a new team, a new program, a new drive for equality of opportunities.'

The changes Gough Whitlam's Labor government implemented had a positive impact on my family and the families of thousands of Australians. Let me start with an early memory. When I was about 13, my mother divorced my father. This was before Gough's important reform to divorce laws, particularly the no-fault divorce provision. My mother worked full time as a teacher and had worked her way up to the position of assistant principal—a real achievement in the 1960s. But her marriage had failed and she wanted a divorce. Under the old laws my mother had to publicly name the reason her marriage had failed. She settled on adultery as the reason—it was, at the time, allegedly the easiest reason to file for divorce—despite the humiliation she felt, as divorce and the reason for the divorce were published in the newspaper for all to read.

I remember, when Gough brought in no fault divorce, the hue and cry from conservatives that marriage was doomed to fail as it was now too easy to get out of. I remember my mother
and how ending her marriage was not an easy decision, made more difficult by the public naming of a reason.

My next memory is of my brother, a university student, who was deeply opposed to the Vietnam War and conscription to fill the ranks of those going to war. My brother Bill's number came up as part of the conscription lottery. He was required to report for duty but, instead, he became a draft resister. My brother participated, organised and led moratorium marches and continued protesting, all the while being pursued by the Commonwealth police. They knocked on our door and harassed my grandmother, looking him. Gough saved my brother from jail by ending conscription and withdrawing Australian troops from Vietnam.

The Vietnam War left a dark stain on Australia's involvement in foreign wars. It has taken decades for us as a nation to come to terms with this. It has left unhealed scars for enlisted and conscripted soldiers, and their families. Gough Whitlam set us on the right path when he ended conscription and withdrew our troops.

Gough established Medibank, the forerunner to Medicare and, while the parliament fought bitterly over universal health care, my family continued to struggle with healthcare costs. Thankfully, Gough's determination won but was short-lived.

Unfortunately, between the Whitlam and Hawke governments, I was a victim of Malcolm Fraser's decision to unwind Gough's universal healthcare scheme. In 1975, I had two very young children. We struggled as a family on a low wage—not low enough to be entitled to a healthcare card; just a few dollars a week above the cut-off—so we were forced to take out private health insurance to pay for our own health care. Not only was this a big burden on our meagre earnings; we had the cheapest cover, which meant our out-of-pocket expenses were greater. When my children were sick, we crowded out the emergency department of our local hospital. In my case, I put off medical procedures because of costs. In the years between Whitlam and Hawke, health costs left my family in debt.

On a positive note, I was a beneficiary—along with hundreds and thousands of Australian women—of Gough's reforms and gained access to higher education. Under these reforms, I was able to go to university as a young mature age student and graduate. I was able to not only increase my future earnings but be a role model to my family about the benefits of a university education. It was hard work—full-time study, part-time work—while juggling two primary school-age children. Looking at the reforms currently being proposed by the parliament and adding $100,000 of debt to my family would have been unthinkable. I simply could not have undertaken the university education that Gough's reforms enabled me to.

Many of Gough Whitlam's reforms brought about equality for women. In 1975 I voted for the first time, and my vote coincided with Gough's reform of lowering the voting age from 21 to 18. My life is not special or unique; it is simply an illustration of all that Gough Whitlam achieved for ordinary Australians, especially women, and he did this in a very short period of time.

The words of Kev Carmody and Paul Kelly's *From Little Thing Big Things Grow* evoke the wonderful and enduring image of Gough Whitlam pouring red dirt through the hands of Vincent Lingiari as the title deeds of Gurindji land were handed back to the Gurindji people.

Gough Whitlam was a giant among his peers, a Labor legend. Gough Whitlam, your legacy will always be remembered: you stood for your reforms and built a modern Australia.
Senator DASTYARI (New South Wales) (15:20): It is hard not to be moved by the many condolences given across the political divide for Gough Whitlam today in the Senate. I rise to offer my condolences to the family and friends of our former Prime Minister.

There are many among us, myself included, who are here because of the legacy of Gough Whitlam who in a small way personified the incredible impact he had on Australia and Australian society. I was a child born in Iran, a nation at war, but welcomed to Australia in the midst of the bicentenary celebration. I was raised in Sydney's multicultural suburbs.

My short lifetime, before I was given the privilege of serving in this place, was spent among the world's most wonderfully diverse communities. I am just one Australian, who, like many of us here, is from another place, with another history, another culture, who was gifted the great opportunity of Australia by Gough Whitlam.

I am fortunate to have thanked Gough for that gift both in person and through my commitment to the values of the Australian Labor Party. My parents, my sister, my family and my children are eternally thankful to him.

Today, during this time, I would like to reflect on Gough Whitlam's living legacy among the ethnic and multicultural communities of Australia that I grew up in and among—the richness, the vibrancy, the diversity, the colour and the movement. In this place and the other place, we have been reminded repeatedly over the past week of what Australia was like before Gough and what Australia became after Gough. Like the world's great visionaries, he saw what was and with great clarity saw what could be and he took the action to ensure that it could be done.

Over the last week, I have asked my friends in the multicultural communities—the elders and the youngsters—what impact Gough Whitlam had on their lives. Again and again, they pointed with firmness and clarity to his contributions to race relations and in giving dignity to their cultures, while extending a warm welcome to Australia. He embraced all of us, not just some of us. As Senator Peris noted earlier, Gough understood how racism hurt.

Early on, the Whitlam Labor government took three steps to change how race affected our migration policy: firstly, to introduce legislation to ensure that all migrants, whatever their origin, were eligible for citizenship after three years of permanent residence; secondly, to issue instructions to our embassies overseas to totally disregard race as a factor in the selection of migrants; and, thirdly, to ratify all international agreements relating to immigration and race. One of these was the International Convention on the Elimination of All Forms of Racial Discrimination, which led to the introduction of our own Racial Discrimination Act in 1975. I respectfully note the work of the Fraser government and other governments and especially Gough's great friend, John Menadue, in continuing these policies and in turning away from White Australia era.

I would like to use the opportunity provided to me in this chamber to lend my voice to the words of others on these changes and what they mean today, more than a generation later. I would like to share a few words of some ethnic community leaders in Sydney and what they wanted to say about Gough if they had been given the opportunity that I had been given. Ms Maha Abdo, the 2014 NSW Human Rights Ambassador and an executive officer of United Muslim Women Association, says:
Gough Whitlam opened up opportunities for families like ours. He is the reason I am where I am today and doing what I do. His legacy will live forever and we are the ones carrying it forward through our actions with courage and willpower. Wasalam.

Professor Nihal Agar, the chairman of the Hindu Council of Australia, says:
Gough Whitlam had a vision for a culturally diverse society. We refer to him as the "greatest reformer in Australian history". He will be remembered always by multicultural Australia as a leader with egalitarian principles who fought for a just society.

Varuni Bala, the head of the Australian Tamil Congress, tells us:
Australian Tamils proudly call Australia home because of this great man and his vision. A vision of an outward looking, progressive and egalitarian Australia. We were one of the beneficiaries of the introduction of the official policy of multiculturalism and Racial Discrimination Act. The first expressions of this policy were the introduction of new translation services for migrants, and the establishment of multicultural radio services. As a community, we are proud that Tamil is now a HSC subject.

Aneeta Menon, a young leader from the Fijian community, tells us:
Making discrimination on the grounds of race and ethnicity in Australia illegal was the single most pivotal moment in creating an enriched multicultural community.

My good friend Sheikh Huque, the president of the Bangabandu Council Australia, on behalf of the Bangladeshi community tells me:
Australia was the first among western nations to recognise Bangladesh. Under Gough Whitlam's instruction, Australia assisted Bangladesh to secure membership to the United Nations in 1974. He was the first and last Prime Minister of Australia to pay a state visit to Bangladesh on January 19 1975 and sent James Allen, who spoke Bengali, as the first High Commissioner as a demonstration of goodwill towards the new nation.

Where the mighty tree falls, a forest rises in its place. We in this place measure our contributions to this country in many ways. One way is to judge the impact that our actions will have on the lives of the poor and the powerless. But we know, you and I, that the contributions that we make in this place to the lives of their children are always much more important. We are all the children and the grandchildren, a line of succession coloured in many hues, of the many great contributions made to this country by Gough Whitlam.

Senator O'NEILL (New South Wales) (15:27): I too rise with affection and sorrow to mourn the passing of Gough Whitlam AC, QC. Australia has certainly lost and mourns one of our giants. I will commence by offering my condolences to the Whitlam family and good friends. I want to pass particularly my condolences to Gough's family; his children Tony, Nick, Stephen and Catherine; as well as his grandchildren. I say to them: thank you for sharing your father with the nation and thank you for your sacrifices so that others around you could have a better life because you gifted him to us.

I can only imagine the hole that was left in Gough's world on the passing of his wife and great love Margaret in 2012. Partners and equally each other's enablers for more than 70 years, the two of them cut an amazing and a truly significant figure in Australian political life for decades. Gough was loving, generous, and gregarious. He was an intellectual of the highest order and a gifted public servant. We were so lucky to have him born into this nation and so committed to serving it.
In preparing for the opportunity to make this speech today, one of the great Gough quotes that came up was an assessment of his view of the world. What was so wonderful about Labor was that it contrasted so much with the conservatives. He put on the record this statement with which I definitely agree:

A conservative government survives essentially by dampening expectations and subduing hopes. Conservatism is basically pessimistic, reformism is basically optimistic.

I think those words encapsulate that view of the world—that hopeful optimistic view—that enabled Gough to do so much, that has been so much a feature of the speeches people have made this week. They have described him as a man not just of vision but of optimistic vision—a man who believed things were possible for this great nation and who helped us to change the way we dreamed about what we might become.

Gough is on the record as saying that we have to make choices and that the critical times are when we face a choice between the past and the future, between the habits and fears of the past and the demands and opportunities of the future. He was undoubtedly a man for the future, for the Australian Labor Party's vision. He declared three great aims which remain at the heart of our party to this very day and will be with us into the future. He said:

Our program has three great aims. They are:

- to promote equality
- to involve the people of Australia in the decision-making processes of our land
- and to liberate the talents and uplift the horizons of the Australian people.

That is exactly what Gough did.

When Gough came to power in 1972, I was just starting high school. As a young woman in an Irish-Catholic family, with parents who were not highly engaged with the political landscape, I watched at a distance—and I watched from a Bandstand point of view. I want to put on the record how influential Little Pattie was in making me think that Gough was a good guy—because I knew Little Pattie was a good person. I think it was very appropriate, as the Labor Party gathered down at Old Parliament House on Tuesday of last week—that very memorable day—that the image on the screen throughout was the enduring photo of Gough in his 'It's time' T-shirt with Little Pattie right beside him. I know that her commitment to justice for the Australian people and her service to this nation is a testament to the values and beliefs that were expressed in the period of the Whitlam government—and which continue to this day for all those people who care about this country.

I was very privileged last Tuesday to sit in that liminal zone, in that period of time between the passing of a great person and the time we farewell them. I got to sit next to Senator Peris. What a privilege that was: to be sitting over in the other place next to Senator Peris, Australia's first Aboriginal woman senator, as she watched her former history teacher speak about Gough's contribution to the North—and to hear her response. Could I possibly have imagined this day? Maybe, if I had Gough's vision, I could have. But that was a remarkable man with a remarkable vision. I was nearly completely overwhelmed by the experience.

There were many wonderful speeches and comments from those who were there in the chamber that day, but I think Tanya Plibersek, the member for Sydney, marked something powerful with her comment that it was appropriate that Gough was the 21st Prime Minister of this nation. We understand that a 21st marks a coming of age and I think that is what it was
for our nation—that the pent-up demand for change, for a new Australia, for a braver Australia, for a more optimistic and fairer Australia, was enabled by the coming of Gough Whitlam to power.

The little that I heard, during the period when Gough was Prime Minister, was about significant change, including change to the language we used about single mothers. We have heard this last week about how significantly welfare changed, how it was turned into an appropriate response to the needs of our fellow citizens rather than remaining the badge of shame that people had experienced it as up until then. In our caucus last week, we acknowledged just some of Gough's achievements. The list is long and has been well expounded by many of my colleagues. It included universal health care, now Medicare, which was critical in providing equity in our health system; free university education, Indigenous land rights; the end of conscription; the abolition of the death penalty; the diplomatic recognition of China; the Racial Discrimination Act; no-fault divorce; legal aid; vital changes to the social security system; and of course reform of the Labor Party. Gough did all of that, exercising power and showing us that a great government can act justly and achieve justice. Despite all those many and varied achievements, when I heard of Gough's passing the image that came to me—an image that endures for so many Australians and an image that has been the subject of much discussion—was the image of the red dirt being poured into the hands of Vincent Lingiari. What a powerful image! What an opportunity he took, as a leader, to right that incredible wrong.

Parliament is always going to be a place to contest ideas. It is reliant on good process and the action of goodwill. Gough's dismissal forever showed us the fragility of this place and of the processes that are embedded in it. But what we saw with Gough was a good man doing good things for the nation. Senator Peris in her speech today indicated how lasting and powerful the actions of one good man—or one good woman—can be. She talked about the Gurindji people's Freedom Day, speaking to the 14-year-olds who were there as she, in her own words, honoured the life of a great man. Senator Peris went on to speak about the relationship between people and land—and certainly that is what Gough helped an entire nation to see.

As a former member for Robertson, I want to record how proud I am to know Barry Cohen, who served with Gough Whitlam, and to acknowledge the many wonderful stories he put on the record about that time in government. This morning we have heard from many members from my side of parliament, from the crossbenchers and, indeed, from those opposite. I was touched by the story from Senator Macdonald, who is not known as a great friend of the Labor Party. He articulated what he saw of Gough Whitlam. It is a great testament that we can have these words on the record. Senator McDonald described him as warm, clever, caring and articulate—a man of compassion, intellect and wit. He told a story about a letter that he sent and a letter that he received in correspondence from the great Gough Whitlam. I want to share with the Senate a piece of correspondence I received this week from two wonderful people who live on the Central Coast, Barbara and Mark d'Arbon, who I had the privilege of teaching with at the University of Newcastle Central Coast campus. They too had an interaction with Gough, having sent a letter. This is Barbara and Mark's record of that—and I wonder how many Australian people have had this experience:
There are only a few times in a life when it is possible to point and say—That was a sudden shift from the ordinary to the extraordinary. Tuesday, May 18th at 5:49 was such a time. The weekend before, we had been in Canberra and, taken by a touristic bout of nostalgia, we decided to visit Old Parliament House.

There are some buildings that seep history, and this is one of them. It is as familiar to our generation as Westfield is to a suburban shopper. In and around this building Australia has been moulded, hammered, sculpted, mythologised, eulogized, insulted and generally beaten about the head and body. And along this particular time-worm of public activity a few figures stride, trailing, as the poet said, clouds of glory. One such is Gough Whitlam.

How interesting that both God and Gough begin with the same capital letter …

It was fascinating to walk through the various Rooms of Significance and to imagine the bloodletting that occurred in them; possible even to conjure faces and voices as we passed through; but it wasn’t until we came to the 1975 Room that the full force of the experience hit us. On the 1975 television, a 1975 James Dibble was reporting the Dismissal.

WELL MAY WE SAY ‘GOD SAVE THE QUEEN’—BECAUSE NOTHING WILL SAVE THE GOVERNOR-GENERAL.

It came like a tsunami—the feeling of disbelief, shock and—finally—outrage. There it was, the tall, commanding figure towering over a furtive ferret of a man, the servant of a drunkard who was so besotted by the trappings of an outmoded irrelevancy that he saw nothing wrong with putting a steel-capped boot into the very foundations of western liberal democracy … the BASTARD!

Gough, as always, rose to the occasion and, we reckon, continues to do so. For lesser, more mortal men, the hair-tearing, the fist waving, the futile shrieking at unheeding fate. Here was the man for whom we had voted in our very first election and his Dismissal, we realised, still resonates with us.

So, after the experience, on our arrival home, Barbara decided that we should write Gough a letter—recorded below for posterity. After it was posted, we had no special expectation of a response, except to fantasise about an invitation to breakfast chez Whitlam. So, when the telephone rang at 5:49 on Tuesday 18th March, 2004, Barbara answered it with no premonition whatsoever.

"Is that Barbara d’Arbon?"
"Yes."
"It's Gough Whitlam here."

Savour that for a moment.

Barbara let me know who was on the other end of the phone and I picked up the extension. He had already complimented us on the quality of our letter (high praise from the Man of Letters and Words) and proceeded to provide us with an acute reminiscence of the event, including an insightful analysis of Malcolm Fraser's Eventual Change of Heart.

"Go to original sources." He said—(He was telling us?)

And then it was over. He graciously intimated that breakfast chez d’Arbon was, unfortunately, not on the immediate horizon; and rang off. But the memory line will be forever open.

Labor is a richer party for his leadership; Australia is a richer nation for his vision. Farewell Gough Whitlam—may you rest in peace, wrapped in the affection of a nation.

The PRESIDENT (15:41): In closing the debate I thank senators for their contributions. I cannot help but wonder whether our late Prime Minister ever thought the Senate could be so kind and compassionate towards him—as it has been today. I, too, extend my sympathy to the family of the late Gough Whitlam—and to you, Senator Wong, and your Labor Party
colleagues here and in the other place I also extend my sympathy. I particularly extend my sympathy to Senator Faulkner, who was such a close friend of Gough Whitlam.

Question agreed to, honourable senators standing in their places.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (15:43): I move:

That, as a mark of respect to the memory of the late the Honourable Edward Gough Whitlam, AC, QC, the Senate do now adjourn.

Question agreed to.

Senate adjourned at 15:43

NOTICES

Presentation

Senator Fawcett to move:

That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold public meetings during the sittings of the Senate, as follows:

(a) Wednesday, 29 October 2014, from 11 am to noon, to take evidence for the committee's inquiry into Australia's trade and investment relationships with countries of the Middle East;

(b) Wednesday, 29 October 2014, from 1 pm to 2 pm, to take evidence for the committee's inquiry into the role of the private sector in promoting economic growth and reducing poverty in the Indo-Pacific region;

(c) Thursday, 30 October 2014, from 11 am to 12.30 pm, to take evidence for the committee's inquiry into human rights issues confronting women and girls in the Indian Ocean - Asia Pacific region;

(d) Monday, 24 November 2014, from 5.30 pm to 6.30 pm, to take evidence for the committee's inquiry into the role of the private sector in promoting economic growth and reducing poverty in the Indo-Pacific region;

(e) Tuesday, 25 November 2014, from 12.45 pm to 2 pm, to take evidence for the committee's inquiry into human rights issues confronting women and girls in the Indian Ocean - Asia Pacific region;

(f) Wednesday, 26 November 2014, from 11 am to noon, to take evidence for the committee's inquiry into Australia's trade and investment relationships with countries of the Middle East;

(g) Monday, 1 December 2014, from 5.30 pm to 6.30 pm, to take evidence for the committee's inquiry into the role of the private sector in promoting economic growth and reducing poverty in the Indo-Pacific region;

(h) Tuesday, 2 December 2014, from 12.45 pm to 2 pm, to take evidence for the committee's inquiry into human rights issues confronting women and girls in the Indian Ocean - Asia Pacific region;

(i) Wednesday, 3 December 2014, from 11 am to noon, to take evidence for the committee's inquiry into Australia's trade and investment relationships with countries of the Middle East;

(j) Wednesday, 3 December 2014, from 12.45 pm to 2 pm, to take evidence for the committee's inquiry into human rights issues confronting women and girls in the Indian Ocean - Asia Pacific region; and

(k) Thursday, 4 December 2014, from 10 am to noon, to take evidence for the committee's inquiry into human rights issues confronting women and girls in the Indian Ocean - Asia Pacific region.
Senator Hanson-Young to move:
That the Senate—
(a) notes that Mr Zainullah Naseri, a Hazara man and the first Afghan forcibly removed by the Australian Government, was tortured by the Taliban on his return;
(b) agrees that the security situation in Afghanistan is deteriorating and remains extremely dangerous for Hazaras; and
(c) calls on the Government to:
   (i) issue a moratorium on the forced return of asylum seekers back to Afghanistan, and
   (ii) send a contingent of officials to Afghanistan to investigate the security situation there and in the Hazara region of Ghazni and report to Parliament on their return.

Senator Fifield to move:
That the government business order of the day relating to the Social Services and Other Legislation Amendment (2014 Budget Measures No. 1) Bill 2014 and the Social Services and Other Legislation Amendment (2014 Budget Measures No. 2) Bill 2014 be discharged from the Notice Paper.

Senator Abetz to move:
That the days of meeting of the Senate for 2015 be as follows:

**Autumn sittings:**
- Monday, 9 February to Thursday, 12 February
- Monday, 2 March to Thursday, 5 March
- Monday, 16 March to Thursday, 19 March
- Monday, 23 March to Thursday, 26 March

**Budget sittings:**
- Tuesday, 12 May to Thursday, 14 May

**Winter sittings:**
- Monday, 15 June to Thursday, 18 June
- Monday, 22 June to Thursday, 25 June

**Spring sittings:**
- Monday, 10 August to Thursday, 13 August
- Monday, 17 August to Thursday, 20 August
- Monday, 7 September to Thursday, 10 September
- Monday, 14 September to Thursday, 17 September

**Spring sittings (2):**
- Monday, 12 October to Thursday, 15 October

**Spring sittings (3):**
- Monday, 9 November to Thursday, 12 November
- Monday, 23 November to Thursday, 26 November
- Monday, 30 November to Thursday, 3 December.

Senator Milne to move:
That the following bill be introduced: A Bill for an Act to require reporting of certain payments to governments in relation to resource extraction activities, and for related purposes. Corporations Amendment (Publish What You Pay) Bill 2014.
Senator Milne to move:
That there be laid on the table by the Minister representing the Treasurer (Senator Cormann), no later than noon on 24 November 2014, a copy of the Future Fund's analysis of risks posed by climate impacts and 'unburnable carbon' to its portfolio, through the Asset Owners Disclosure Project 2014 survey.

Senator Gallacher to move:
That the following matter be referred to the Foreign Affairs, Defence and Trade References Committee for inquiry and report by the last sitting day in June 2015:
The potential use by the Australian Defence Force of unmanned air, maritime and land platforms, with particular reference to:
(a) their role in intelligence, reconnaissance and surveillance operations, including in support of border security, civil emergencies and regional cooperation;
(b) their cost- and combat-effectiveness in relation to conventional military platforms;
(c) the Government's force structure review and defence capability plan;
(d) challenges, opportunities and risks associated with their deployment;
(e) domestic and international legal, ethical and policy considerations;
(f) research and development capabilities and Australia's industrial expertise;
(g) transport, health and air safety implications; and
(h) other related matters.

Senator Cash to move:
That the Senate:
(a) notes that:
(i) the International Day of the Girl Child was celebrated on Saturday, 11 October 2014, presenting an opportunity for all Australians to recognise girls' rights and the unique challenges girls face around the world,
(ii) the theme for this year was 'Empowering Adolescent Girls: Ending the Cycle of Violence', and
(iii) empowering and investing in girls is crucial in order to break the cycle of discrimination, violence and inequality suffered by girls around the world; and
(b) acknowledges the Government's:
(i) commitment to the National Plan to Reduce Violence Against Women and their Children 2010-2022, and the launch of the Second Action Plan on 27 June 2014, which will assist women to lead happy, productive lives in safe communities,
(ii) continuing work under the National Action Plan on Women, Peace and Security 2012-2018,
(iii) commitment to improving women's economic empowerment and increasing their economic independence and stability through a range of policies and practices,
(iv) new aid paradigm which sets a target requiring that at least 80 per cent of investments, regardless of their objectives, will effectively address gender issues in their implementation, and
(v) recent aid announcements to support women and girls in conflict zones or other vulnerable security situations, including committing:
(A) a further $2 million to the United Nations Population Fund specifically to support women and girls who have been brutalised by ISIL during this conflict, noting that this support will be for reproductive and other health services and this is in addition to the $5 million in humanitarian support that Australia has already provided to Iraq, and
(B) an additional $12.4 million to support women and their children subjected to violence in Afghanistan and Pakistan, bringing Australia's total contribution to ending violence against women and children in Afghanistan and Pakistan to over $30 million since 2013.

**Senator Fifield** to move:
That—
(a) on Tuesday, 28 October 2014:
(i) the hours of meeting shall be 12.30 pm to 11 pm,
(ii) the question for the adjournment of the Senate shall be proposed at 10 pm,
(iii) the routine of business from not later than 7.20 pm be government business only, and
(iv) consideration of the government business order of the day relating to the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014 have precedence over all other government business; and
(b) on Wednesday, 29 October 2014:
(i) the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014 be considered and that the time allotted for all remaining stages be until 12.30 pm, and
(ii) paragraph (b)(i) of this order shall operate as a limitation of debate under standing order 142.

**Senator O'Sullivan** to move:
That the Senate acknowledges the massive economic benefits delivered to this nation by the black coal industry and the importance it has for the employment fortunes of miners and other professionals in this nation, noting that Australia should maintain a diverse and sensible energy mix.

**Senator Siewert** to move:
That the Senate—
(a) notes the importance of well resourced, expert biosecurity operations in protecting Australia's biosecurity status and agricultural industry; and
(b) calls on the Government to rule out any push to integrate Australia's biosecurity operations into the new Australian Border Force Agency.

**DOCUMENTS**

**Tabling**
The following documents were tabled pursuant to standing order 61(1)(b):
[Documents presented since the last sitting of the Senate, pursuant to standing order 166, were authorised for publication on the dates indicated.]
Attorney-General's Department—Report for 2013-14. [Received 10 October 2014]
Australia Business Arts Foundation Ltd (Creative Partnerships Australia)—Financial statements for 2013-14.
Australian Bureau of Statistics—Report for 2013-14. [Received 15 October 2014]
Australian Centre for International Agricultural Research (ACIAR)—Report for 2013-14.
Australian Commission for Law Enforcement Integrity—Report for 2013-14. [Received 17 October 2014]
Australian Commission on Safety and Quality in Health Care—Report for 2013-14. [Received 15 October 2014]
Australian Communications and Media Authority (ACMA)—Report for 2013-14. [Received 16 October 2014]
Australian Crime Commission (ACC)—Report for 2013-14. [Received 15 October 2014]
Australian Customs and Border Protection Service—Report for 2013-14. [Received 17 October 2014]
Australian Electoral Commission (AEC)—Report for 2013-14. [Received 24 October 2014]
Australian Federal Police (AFP)—Report for 2013-14, including reports on assumed identities and the National Witness Protection Program.
Australian Human Rights Commission—Reports—
  No. 73—Mai v Commonwealth of Australia (Department of Immigration and Border Protection).
  No. 74—MC and Hassan Ghanbari v Commonwealth of Australia (Department of Immigration and Border Protection).
  No. 75—Arif v Commonwealth of Australia (Department of Immigration and Border Protection).
  No. 76—Mordechai v Commonwealth of Australia (Department of Immigration and Border Protection).
Australian Institute of Criminology—Report for 2013-14. [Received 17 October 2014]
Australian Institute of Marine Science (AIMS)—Report for 2013-14. [Received 17 October 2014]
Australian National Maritime Museum—Report for 2013-14. [Received 17 October 2014]
Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2013-14. [Received 15 October 2014]
Australian Pesticides and Veterinary Medicines Authority (APVMA)—Report for 2013-14.
Australian Postal Corporation (Australia Post)—
Australian Public Service Commission—Report of the Australian Public Service Commissioner for 2013-14, including report of the Merit Protection Commissioner. [Received 15 October 2014]
Australian Research Council (ARC)—Report for 2013-14.
Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 2013-14. [Received 17 October 2014]
  Bundanon Trust Limited—Report for 2013-14. [Received 17 October 2014]
Civil Aviation Safety Authority (CASA)—Report for 2013-14.
Classification Board and Classification Review Board—Reports for 2013-14. [Received 10 October 2014]
Commonwealth Director of Public Prosecutions (CDPP)—Report for 2013-14. [Received 17 October 2014]
Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2013-14, including report of the Science and Industry Endowment Fund. [Received 15 October 2014]
Department of Agriculture—Report for 2013-14. [Received 17 October 2014]
Department of Communications—Report for 2013-14. [Received 17 October 2014]
Department of Finance—
   Report for 2010-11—Erratum. [Received 17 October 2014]
   Report for 2011-12—Erratum. [Received 17 October 2014]
   Report for 2012-13—Erratum. [Received 17 October 2014]
   Report for 2013-14. [Received 17 October 2014]
Department of Foreign Affairs and Trade—Report for 2013-14.
Department of Immigration and Border Protection—Report for 2013-14. [Received 17 October 2014]
Department of Social Services—Report for 2013-14. [Received 14 October 2014]
Department of the Prime Minister and Cabinet—Report for 2013-14, including financial statements for the Aboriginal Benefit Account and the Aboriginal and Torres Strait Islander Land Account. [Received 16 October 2014]
Department of the Senate—Report for 2013-14. [Received 16 October 2014]
Departmental and agency appointments and vacancies—Budget (Supplementary) estimates—Letters of advice pursuant to the order of the Senate of 24 June 2008, as amended—
   Attorney-General's portfolio. [Received 23 October 2014]
   Communications portfolio. [Received 10 October 2014]
   Defence portfolio. [Received 21 October 2014]
   Department of Agriculture. [Received 13 October 2014]
   Department of Human Services. [Received 10 October 2014]
   Department of Veterans Affairs. [Received 13 October 2014]
   Education portfolio. [Received 14 October 2014]
   Employment portfolio. [Received 10 October 2014]
   Environment portfolio. [Received 20 October 2014]
   Finance portfolio. [Received 14 October 2014]
   Foreign Affairs and Trade portfolio. [Received 15 October 2014]
   Health portfolio. [Received 16 October 2014]
   Immigration and Border Protection portfolio. [Received 13 October 2014]
Indigenous Affairs. [Received 10 October 2014]
Industry portfolio. [Received 9 October 2014]
Infrastructure and Regional Development portfolio. [Received 13 October 2014]
Office for Women. [Received 13 October 2014]
Prime Minister and Cabinet portfolio. [Received 16 October 2014]
Social Services portfolio. [Received 15 October 2014]
Treasury portfolio. [Received 14 October 2014]

Departmental and agency grants—Budget (Supplementary) estimates—Letters of advice pursuant to the order of the Senate of 24 June 2008—

Agriculture portfolio. [Received 9 October 2014]
Attorney-General’s portfolio. [Received 17 October 2014]
Cancer Australia. [Received 9 October 2014]
Communications portfolio. [Received 10 October 2014]
Defence portfolio. [Received 21 October 2014]
Department of Education. [Received 14 October 2014]
Department of Employment. [Received 16 October 2014]
Department of Health [2]. [Received 16 and 21 October 2014]
Department of Human Services. [Received 10 October 2014]
Department of Infrastructure and Regional Development. [Received 9 October 2014]
Department of Veterans' Affairs. [Received 13 October 2014]
Environment portfolio. [Received 20 October 2014]
Finance portfolio. [Received 14 October 2014]
Foreign Affairs and Trade portfolio. [Received 15 October 2014]
Immigration and Border Protection portfolio. [Received 13 October 2014]
Indigenous Affairs [2]. [Received 10 and 15 October 2014]
Industry portfolio. [Received 9 October 2014]
National Health and Medical Research Council. [Received 8 October 2014]
Office for Women. [Received 13 October 2014]
Prime Minister and Cabinet portfolio. [Received 16 October 2014]
Social Services portfolio. [Received 15 October 2014]
Treasury portfolio. [Received 14 October 2014]

Estimates hearings—Unanswered questions on notice—Budget estimates 2014-15—Statements pursuant to the order of the Senate of 25 June 2014—

Australian Public Service Commission. [Received 13 October 2014]
Australian Trade Commission. [Received 13 October 2014]
Commonwealth Ombudsman. [Received 22 October 2014]
Communications portfolio. [Received 10 October 2014]
Department of Foreign Affairs and Trade. [Received 10 October 2014]
Department of Human Services. [Received 10 October 2014]
Department of Social Services. [Received 13 October 2014]
Department of the Prime Minister and Cabinet. [Received 15 October 2014]
Department of Veterans' Affairs. [Received 13 October 2014]
Education portfolio. [Received 7 October 2014]
Environment portfolio. [Received 16 October 2014]
Export Finance and Insurance Corporation. [Received 10 October 2014]
Finance portfolio. [Received 14 October 2014]
Finance portfolio (Special Minister of State). [Received 13 October 2014]
Health portfolio. [Received 7 October 2014]
Immigration and Border Protection portfolio. [Received 13 October 2014]
Office of National Assessments. [Received 15 October 2014]
Tourism Australia. [Received 13 October 2014]
Treasury portfolio. [Received 15 October 2014]
Federal Court of Australia—Report for 2013-14, including report of the National Native Title Tribunal.

Historical events—Australian Red Cross—Centenary—Letter to the President of the Senate from the Minister for Immigration and Border Protection (Mr Morrison), dated 16 October 2014, responding to the resolution of the Senate of 3 September 2014.
Immigration—Asylum seekers—Mr Hamid Kehazaei—Letter to the President of the Senate from the Assistant Minister for Immigration and Border Protection (Senator Cash), dated 1 October 2014, responding to the resolution of the Senate of 22 September 2014.
Independent cost-benefit analysis of broadband and review of regulation by Dr Michael Vertigan AC—
Volume 2—The costs and benefits of high-speed broadband, dated August 2014.
Independent Hospital Pricing Authority (IHPA)—Report for 2013-14. [Received 16 October 2014]
Indexed lists of departmental and agency files for the period 1 January to 30 June 2014—Statements of compliance pursuant to the order of the Senate of 30 May 1996, as amended—
Attorney-General's portfolio. [Received 23 October 2014]
Treasury portfolio. [Received 8 October 2014]
Indigenous Australians—Western Australia—Demolition of Oombulgurri—Letter to the President of the Senate from the Minister for Indigenous Affairs (Senator Scullion), dated 13 October 2014, responding to the resolution of the Senate of 2 October 2014.
Inspector-General of Intelligence and Security (IGIS)—Report for 2013-14. [Received 16 October 2014]


Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers 1001202, 1001287, 1001292, 1001309, 1001320, 1001323, 1001334, 1001342, 1001348, 1001359, 1001368, 1001371, 1001396, 1001399, 1001412, 1001413, 1001433, 1001453, 1001465, 1001481, 1001483, 1001489, 1001491, 1001494, 1001498, 1001503, 1001512, 1001513, 1001515, 1001521, 1001527, 1001546, 1001547, 1001552, 1001573, 1001575, 1001576, 1001581, 1001592, 1001600, 1001651, 1001657, 1001658, 1001666, 1001669, 1001672, 1001674, 1001694, 1001695, 1001710, 1001714 and 1001748—Commonwealth Ombudsman's reports, dated 22 October 2014.

Government response to Ombudsman's reports, dated 7 October 2014.

Migration Agents Registration Authority—Report for 2013-14. [Received 17 October 2014]

Migration Review Tribunal and Refugee Review Tribunal—Report for 2013-14. [Received 16 October 2014]


National Gallery of Australia—Report for 2013-14. [Received 17 October 2014]


National Health Reform Act 2011—Report for 2013-14 on reports released by the National Health Performance Authority.


National Museum of Australia—Report for 2013-14. [Received 17 October 2014]

National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA)—Report for 2013-14. [Received 15 October 2014]

National Portrait Gallery of Australia—Report for 2013-14. [Received 17 October 2014]

National Water Commission—Report for 2013-14. [Received 7 October 2014]


Old Parliament House (Museum of Australian Democracy)—Report for 2013-14. [Received 17 October 2014]

Parliamentary Budget Office—Report for 2013-14. [Received 15 October 2014]


Remuneration Tribunal—Report for 2013-14. [Received 16 October 2014]

Reserve Bank of Australia—Reports for 2013-14—

Annual report.

Equity and diversity.

Payments System Board.

CHAMBER
Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 April to 30 June 2014.
Torres Strait Protected Zone Joint Authority—Report for 2010-11.
Veterans’ Review Board—Report for 2013-14. [Received 15 October 2014]
Women—Services for victims of domestic and family violence—Letter to the President of the Senate from the New South Wales Minister for Family and Community Services (Ms Upton), dated 28 September 2014, and attachment, responding to the resolution of the Senate of 28 August 2014.

COMMITTEES

Government Response to Report

The following documents were tabled pursuant to standing order 61(1)(b):

Documents presented since the last sitting of the Senate, pursuant to standing order 166, were authorised for publication on the dates indicated.

Corporations and Financial Services—Joint Statutory Committee—Report—Family businesses in Australia—different and significant: why they shouldn’t be overlooked—Government response, dated October 2014. [Received 7 October 2014]
Economics References Committee—Report—Performance of the Australian Securities and Investments Commission—Government response, dated October 2014. [Received 23 October 2014]
Environment and Communications References Committee—Report—Tasmanian Wilderness World Heritage Area—Government response, dated October 2014. [Received 8 October 2014]

The documents read as follows—

Australian Government response to the Parliamentary Joint Committee on Corporations and Financial Services report:

Family Businesses in Australia—different and significant: why they shouldn't be overlooked [October 2014]

Introduction

The report of the Parliamentary Joint Committee on Corporations and Financial Services, Family Businesses in Australia—different and significant: why they shouldn't be overlooked, was tabled in Parliament in March 2013. The report made 21 recommendations on a wide variety of matters relating to Australia's family businesses.

The Government thanks the Committee for its work in preparing the report as well as those who made submissions and appeared before the Committee. The report has made an important contribution to building a greater understanding of the value of family businesses and the challenges they face.

The Government agrees in principle to most of the recommendations of the report and is pleased to provide its response to these recommendations below.
Joint Committee Recommendations | Government Response to Recommendations
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Inter-Departmental Committee (Recommendations 1, 2, 3, 4, 7, 8, 9, 10 and 11) | Agreed in principle.
The Government agrees that family businesses are a significant and enduring feature of the Australian economy.

**Recommendation 1**
The committee recommends that an Inter-Departmental Committee (IDC) be established to identify the policy issues facing family businesses that are not adequately captured within the existing policy framework and with existing Australian Bureau of Statistics (ABS) data collection. The IDC should include: the Department of Industry, Innovation, Science, Research and Tertiary Education; the Treasury; the Australian Taxation Office; the Australian Bureau of Agricultural Resource Economics and Sciences; the Department of Resources, Energy and Tourism, the Department of Regional Australia, Local Government, Arts and Sport; and the Department of Employment, Education and Workplace Relations. The ABS should also participate in the IDC.

The Government agrees that family businesses are a significant and enduring feature of the Australian economy.

The Government is committed to establishing a Small Business and Family Enterprise Ombudsman. The Ombudsman will be a Commonwealth-wide advocate for smaller enterprises, a contributor to making Commonwealth laws and regulations more small business friendly and a concierge for dispute resolution. Public consultations on the scope of the Ombudsman's role and powers were conducted in April and May 2014. The views and information gathered in these consultations will inform how the Government can best equip the Ombudsman to make a difference and help small businesses and family enterprises have the best chance of success. One of the first tasks of the Ombudsman will be to systemically examine the Committee's recommendations to increase public and government awareness of the role played by family businesses.

In its report, the Committee noted that, while family businesses can and do come in all sizes, most family businesses are small and medium sized enterprises. The Government is committed to recognising the importance of small businesses to the economy and for this reason responsibility for small business policy now resides in the Treasury. This will ensure that the views and issues of small business are considered as part of the usual policy development processes of the Australian Government.

The transfer of small business policy to a central agency, namely Treasury, will see many of the activities proposed for the Inter-Departmental Committee carried out as part of ongoing small business policy development by Treasury in liaison with other Government departments and agencies, including those suggested by the Committee. Treasury's role as a central agency provides strong connections to...
Joint Committee Recommendations

**Recommendation 2**

The committee recommends that the initial focus of the Inter-Departmental Committee (IDC) must be on the specific public policy need for these agencies to identify a family business as distinct from a non-family business. In terms of the policy rationale for a survey (and a definition of family business), the committee recommends that the IDC carefully consider the following issues:

(a) the need for policy makers to identify the number of family businesses that are small businesses, and if so, whether the definition of small business should be based on the threshold used for tax purposes (annual turnover of less than $2 million) or the ABS's threshold of fewer than 20 employees;

(b) the extent to which a definition of family business needs to capture employment data, and the possible effect that different thresholds in the definition will have on the number employed;

(c) the importance of succession as a policy objective and the need for a definition to identify whether the owners could pass the business on, whether they intend to pass it on, whether they have a formal plan to do so;

(d) the need for policy makers to identify first, second, third and later generation family businesses;

(e) the need for policy makers to identify the industry and location of the family business;

(f) the need for policy makers to identify the number of family businesses from culturally and linguistically diverse communities;

(g) the need for policy makers to identify the number of non-employee shareholders in a family business and, therefore, the need for data on the number of family businesses that are proprietary companies as opposed to unlisted public companies; and

(h) the need for policy makers to collect data on the superannuation arrangements of family businesses, particularly the evidence that female family members do not have adequate superannuation arrangements in place.

**Recommendation 3**

The agencies represented on the Inter-

Government Response to Recommendations

Agreed in principle.

The Government agrees that consideration should be given to the need for policy makers to collect appropriate data on family businesses. This consideration will be undertaken as part of Treasury's small business policy work.
Joint Committee Recommendations | Government Response to Recommendations

Departmental Committee should periodically consult with key stakeholder groups to seek their input and feedback on the issues it is discussing. These groups should include Family Business Australia, the Australian Chamber of Commerce and Industry, the Council of Small Business of Australia and the National Farmers' Federation, and consider engaging other peak bodies that may be nominated to represent family businesses of differing sizes.

**Recommendation 4**
The committee recommends that the Inter-Departmental Committee report its findings to the Minister for Industry and Innovation within six months of it being established.

The Government agrees with the need for consultation. Treasury will provide opportunities for consultation with a wide range of stakeholders as part of its ongoing policy development process, especially in relation to small business and family enterprise policies.

**Recommendation 7**
The committee recommends that as part of its deliberations, the Inter-Departmental Committee (see recommendation 1) should examine the findings on the wealth transfer survey conducted in 2012 by the accounting firm BDO Australia.

The findings of the wealth transfer survey will inform Treasury's policy development processes.

**Recommendation 8**
The committee recommends that in its deliberations on the specific public policy need to identify a family business, the Inter-Departmental Committee should consider the need for data on the economic contribution of family businesses. This should include the need for data on the contribution of family businesses to Gross Domestic Product, export earnings and employment, both in aggregate and by sector.

The committee recommends that the Inter-Departmental Committee consider the policy need for data on issues including the profits and growth of family businesses of different sizes, and the labour and capital productivity of these businesses.

**Recommendation 9**
The committee recommends that the Inter-Departmental Committee consider the policy need for data on issues including the profits and growth of family businesses of different sizes, and the labour and capital productivity of these businesses.

Data needs will be considered as part of Treasury's usual policy development processes.

**Recommendation 10**
The committee recommends that the proposed Inter-Departmental Committee assess whether data should be gathered to measure the key characteristics and behaviours of family businesses. In particular, consideration should be given to:
- the value of assets on balance sheets;
- debt to equity ratios;

Data needs will be considered as part of Treasury's usual policy development processes.
Joint Committee Recommendations

- the tenure of Chief Executive Officers;
- the average number of years of employee service to the business; and
- philanthropic contributions, as reported to the Australian Taxation Office.

Recommendation 11

The committee recommends that the proposed Inter-Departmental Committee consider the need to quantify the extent to which family businesses will be transferred or closed in the coming decade as a result of the retirement of the baby boomer generation, and the policy implications for the economy.

Agreed in principle.

The Government acknowledges the committee’s finding that there is insufficient longitudinal data available to assess the likely quantity of family business operators retiring over the next decade. The potential economic impacts of these retirements need to be considered within the setting of existing and emerging trends in the Australian economy, including in demographics. Treasury will include in its report to the Minister for Small Business (see response to recommendation 4) advice on the need for data in determining the appropriate policy response in this area.

Collection and provision of data by the Australian Bureau of Statistics (Recommendations 5 and 6)

Recommendation 5

The committee recommends that when collecting official data based on a formal definition of family business, the Australian Bureau of Statistics should incorporate a set of clear and targeted questions into the Business Characteristics Survey. The intent must be to deliver the survey as efficiently as possible, including to limit the time taken by respondents to complete the survey.

Agreed in principle.

A majority of family businesses fall into the small business category, on which statistics are currently collected and published.

The Australian Bureau of Statistics (ABS) has a work programme which is established in response to the current and emerging statistical priorities. The ABS considers new work and changes to surveys in the context of this broader work programme and competing priorities, within the limitations of the resources allocated to it. There are a number of areas where there is pressure to increase the statistical coverage provided by the ABS. The ABS has in place processes, such as statistical user group forums, that attempt to identify and prioritise these pressures.

In relation to the Business Longitudinal Database, de-identified data is available through the ABS Remote Access Data Laboratory. The ABS advises, however, that questions relating to family business were collected only once in this

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**Income Tax Assessment Act 1936 and Income Tax Assessment Act 1997 (Recommendations 12, 13, 14 and 18)**

**Recommendation 12**
The committee recommends that as part of its current inquiry into Division 7A of the Income Tax Assessment Act 1936, the Board of Taxation closely review the evidence gathered through this inquiry about the effect of Division 7A on Australia's family business sector. In considering the evidence, the Board of Taxation should consider what measures can be taken to support Australian family businesses, and by extension the Australian economy, while giving due regard to appropriate taxation obligations.

Agreed.
The Government has extended the terms of reference and reporting date for the Board of Taxation Review of Division 7A. Under the extended terms of reference the Board is examining the broader taxation framework in which Division 7A operates and within this context the tax implications of private business structures. The Board released a second discussion paper in March 2014 and sought submissions from a wide range of stakeholders, including those in the family business sector and their advisors.

**Recommendation 13**
The committee recommends that the government publicly release the Board of Taxation's report into the operation of Division 7A of the Income Tax Assessment Act 1936.

Agreed in principle.
The Board will report to Government by 31 October 2014 and the Government will make a decision about releasing the report at that time.

**Recommendation 14**
The committee recommends that as part of the current analysis of options to reform the Division 6, Part III of the Income Tax Assessment Act 1936 the Department of the Treasury review the evidence gathered through the committee's inquiry into family businesses in Australia and consult with representatives of the family business sector.

Noted.

**Recommendation 18**
The committee recommends that the Department of the Treasury review the evidence gathered through the committee's inquiry into the family business sector in Australia and consider consulting the stakeholders identified through this inquiry about the sector's concerns about the effect of Division 83A of the Income Tax Assessment Act 1997 on their capacity to engage suitably qualified executives. Treasury should advise government about whether appropriate support can be provided, whether through amendments to Division 83A or other mechanisms, to address the challenges faced.

Agreed.
The Government is committed to addressing the concerns that have been raised by startups in relation to Employee Share Schemes. In relation to this, the Government undertook direct consultations with interested stakeholders from 28 January to 7 February 2014. Issues that have been raised in relation to Employee Share Schemes are being considered within the context of the Prime Minister's Taskforce established to develop a National Industry Investment and Competitiveness Agenda.

**Rule against perpetuities (Recommendation 15)**

**Recommendation 15**
The committee recommends that the Council of

Agreed in principle.
### Joint Committee Recommendations

Australian Governments, or its relevant Ministerial Council, inquire into whether the rule against perpetuities can be abolished in each jurisdiction, or whether its scope can be limited to appropriately exclude commercial arrangements. In undertaking this review, the Council should consider how many trading trusts are likely to be affected in the next two decades. It should also consider the effect that abolishing the rule against perpetuities in South Australia has had on trading trusts operating in the State.

**Operation of section 113 of the Corporations Act 2001 (Recommendations 16 and 17)**

**Recommendation 16**

The committee recommends that the Department of the Treasury consult with representatives of the family business sector about the effect of section 113 of the Corporations Act 2001 on large, multigenerational family businesses.

**Recommendation 17**

The committee recommends that the Australian Bureau of Statistics collect data on the effect of section 113 of the Corporations Act 2001 on Australian businesses.

**Information that the Australian Securities and Investments Commission provides to business operators (Recommendations 19 and 20)**

**Recommendation 19**

The committee recommends that the Australian Securities and Investments Commission consult with family businesses to gauge their understanding of the Corporations Act 2001, in particular directors' duties and liabilities, and work with Family Business Australia and other interested organisations that represent family businesses to disseminate information through education and training. Information could also be usefully provided in plain terms on the MoneySmart website.

**Recommendation 20**

The committee recommends that the Australian Securities and Investments Commission review information available on the MoneySmart website about private equity investments, and design information that would assist family and non-family businesses to determine whether it is appropriate for

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<td>The Minister for Small Business will raise the issues identified by the committee regarding the rule against perpetuities for trusts, and the implications for family businesses, with the relevant state Ministers.</td>
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<td><strong>Recommendation 16</strong></td>
<td>Agreed in part. The Australian Securities and Investments Commission (ASIC) is committed to engaging with Family Business Australia to identify the most appropriate means of tailoring communication and engagement with Family Business Australia's members. Family Business Australia is currently a member of ASIC's Business Advisory Committee. This forum provides a mechanism for the organisation to provide direct feedback to ASIC in respect of registration and corporate register functions. ASIC undertakes a range of work to educate those in business, and help improve national financial literacy. The Government thanks the Committee for its recommendations on education and training, and will take them under advisement.</td>
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<td><strong>Recommendation 17</strong></td>
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<td>their business to seek private equity finance.</td>
<td>ASIC has established partnerships with key small business stakeholders, including other regulators, business associations and business advisors. ASIC will continue to progress these partnerships and build further ones with a view to increasing small businesses knowledge about the role of ASIC and their compliance obligations. The Government notes that ASIC currently provides information about the obligations of company officeholders under the Corporations Act through its website, <a href="http://www.asic.gov.au">www.asic.gov.au</a>. With respect to directors' duties and liabilities, there are also various sources of publicly available information including through the Australian Institute of Company Directors website and Chartered Secretaries website. The Government has established <a href="http://www.business.gov.au">www.business.gov.au</a> as a whole-of-government service which provides essential information on planning, starting and growing a business in Australia. While the website currently provides information about business financing options, including both debt and equity finance, the Government will consider the recommendation for the publication of further materials on accessing private equity. The Government does not agree that it is ASIC's role to give commercial advice on the appropriateness of certain types of fund raising activities to particular businesses or types of businesses.</td>
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**Family business representatives on the Reserve Bank of Australia's annual small business panels (Recommendation 21)**

**Recommendation 21**

The committee recommends that the Reserve Bank of Australia include representatives of the family business sector on its annual small business panels as an interim measure. Agreed in principle. As an independent central bank, the Reserve Bank of Australia (RBA) is responsible for determining the makeup of its advisory panels, including the Small Business Finance Advisory Panel. The Government notes that there are currently a number of family business representatives on the Small Business Finance Advisory Panel. In determining the constitution of such panels, the RBA is mindful of the need to select representatives from a cross-section of the small business sector, including family...
Australian Government response to the Senate Economics References Committee Report:  
Performance of the Australian Securities and Investments Commission  
October 2014

Economics References Committee
Performance of the Australian Securities and Investments Commission

Government Response

Recommendation 1

- The committee recommends that ASIC develop a multi-pronged campaign to educate retail customers about the care they need to take when entering into a financial transaction and where they can find affordable and independent advice or assistance when they find themselves in difficulties because of that transaction.

The Australian Government notes this recommendation.

The Australian Securities and Investments Commission already undertakes a multi-pronged approach to the education of consumers of financial products through its MoneySmart, financial literacy and consumer outreach programs.

The Australian Securities and Investments Commission's MoneySmart website has wide-ranging online content and practical tips about the questions people should ask, and the issues they should consider, when entering into various types of financial transactions or buying various financial products or services. It also has information and publications about where they can seek advice or how they can complain if they find themselves in difficulties.

The Australian Securities and Investments Commission regularly reviews its key messages to investors to ensure they remain accurate, up to date and reflect the external environment.

Recommendation 2

- As part of the multi-pronged campaign (see Recommendation 1), the committee recommends that ASIC actively encourage consumers to report any suspected unscrupulous conduct related to consumer credit.

The Australian Government notes this recommendation.

The Australian Securities and Investments Commission already undertakes a multi-pronged approach to the education of consumers of financial products through its MoneySmart, financial literacy and consumer outreach programs.

As part of these programs, the Australian Securities and Investments Commission already encourages consumers to report any suspected unscrupulous conduct related to consumer credit.

The Australian Securities and Investments Commission also fosters close working relationships with consumer groups, community legal centres, financial counsellors and legal aid offices. These organisations see large numbers of consumers affected by unscrupulous conduct in relation to credit. The Australian Securities and Investments Commission encourages these organisations to pass on complaints and concerns from consumers.

Recommendation 3

- The committee recommends that as the national credit reforms introduced in 2010 bed down, ASIC should:
– carefully monitor the implementation of the new laws giving particular attention to activities that may fall outside the legislation but which pose risks to consumer interests;
– ensure that it acts quickly to alert consumers to likely dangers and the government to any problems that need to be addressed; and
– build capacity to monitor and research lending practices and to be prepared to launch marketing and education strategies should poor practices begin to creep back into the industry.

The Australian Government agrees with this recommendation.

Since the introduction of national credit reforms in 2010, the Australian Securities and Investments Commission has been very active in monitoring and enforcing compliance of the law. It will continue monitoring lending practices to ensure compliance with the national credit reforms.

The national credit reforms included a comprehensive licensing regime for all providers of consumer credit, including brokers and intermediaries. The reforms also included responsible lending requirements: these requirements ensure that credit providers do not provide unsuitable credit products and services—that is, products or services that do not meet the consumers' requirements or that the consumer does not have capacity to repay.

Recommendation 4

• The committee recommends that ASIC devote a section of its annual report to the work of the financial services and consumer credit external dispute resolution (EDR) schemes, accompanied by ASIC's assessment of the systemic and significant issues the EDR schemes have raised in their reports to ASIC. Further, the committee recommends that ASIC include in this commentary information on any action in response to the matters raised in these reports.

The Australian Government agrees with this recommendation.

The Australian Securities and Investments Commission will devote a section of its annual report from 2014-15 to the work of External Dispute Resolution schemes.

Recommendation 5

• The committee recommends that the Financial Ombudsman Service and the Credit Ombudsman Service set key performance indicators (KPIs) for meeting milestones in their management of a complaint, publish these milestones and KPIs on their website and report their performance against these KPIs in their annual reports.

The Australian Government notes this recommendation.

The Financial Ombudsman Service and the Credit Ombudsman have already started reporting against key performance indicators in their annual reports. As the Financial Ombudsman Service and the Credit Ombudsman are independent entities, any decision to introduce further reporting is a matter for them.

Recommendation 6

• The committee recommends that ASIC, in consultation with the Financial Ombudsman Service (FOS) and the Credit Ombudsman Service (COSL):
  – consider amending the terms of reference for FOS and COSL so that the caps on the maximum value of a claim that the EDR schemes may consider and the maximum amount that can be awarded are increased and indexed to the consumer price index;
  – examine the processes for reporting to ASIC matters of significance and emerging systemic issues with a view to improving the reporting regime;
  – establish protocols for managing allegations of less serious fraud to ensure that such complaints do not get lost in the system and are recorded properly on ASIC's databases;
  – improve the guidance provided to complainants so they fully understand that FOS and COSL are dispute resolution bodies and that complainants must prepare their own cases; and
– consider establishing special divisions in FOS and COSL to deal with small business complaints.

The Australian Government notes this recommendation.

The Financial Ombudsman Service and the Credit Ombudsman have been putting in place improved business processes to address this recommendation. The Financial Ombudsman Service has put in place processes to report matters of significance to the Australian Securities and Investments Commission, including fraud, and updated its guidance to complainants. The Financial Ombudsman Service has recently released a Consultation Paper on potential amendments to its Terms of Reference; the Paper included questions around the caps. The Credit Ombudsman has been improving its timeliness in accessing cases.

As independent entities, any further improvements will be a decision for the Financial Ombudsman Service and the Credit Ombudsman to make. Such changes are made in consultation with the Australian Securities and Investments Commission, which is ultimately responsible for overseeing the effective operation of EDR schemes, as well as with industry and consumer representatives.

The Australian Securities and Investments Commission will consult with the EDR Schemes on both improved reporting of systemic issues and the monetary and compensation caps.

Recommendation 7

The committee recommends that the government establish an independent inquiry, possibly in the form of a judicial inquiry or Royal Commission, to:

– thoroughly examine the actions of the Commonwealth Bank of Australia (CBA) in relation to the misconduct of advisers and planners within the CBA's financial planning businesses and the allegations of a cover up;
– identify any conduct that may amount to a breach of any law or professional standard;
– review all files of clients affected or likely to be affected by the misconduct and assess the appropriateness of the compensation processes and amounts of compensation offered and provided by the CBA to these clients; and
– make recommendations about ASIC and any regulatory or legislative reforms that may be required.

The Australian Government does not agree with this recommendation.

There have been several Senate Committee and other inquiries into these and related issues in recent years, including the very comprehensive inquiry by this Committee. Since the Committee has reported, the Senate has also initiated a further inquiry related to these same issues.

Instead of initiating another inquiry, in relation to CBA Financial Planning, the Government considers that the most important focus must be on resolving any legitimate outstanding grievances from affected customers.

In that context, the Government has welcomed the Commonwealth Bank's announcement of the Open Advice Review Program, including the establishment of an Independent Review Panel, headed by retired High Court Justice the Hon Ian Callinan AC, the appointment of Promontory Financial Group as the Independent Expert to the Review and the provision of a national advertising campaign to notify affected customers.

The Government considers that the Open Advice Review Program and the various related initiatives as undertaken by CBA should be given the opportunity to work and resolve any outstanding and unresolved legitimate issues for aggrieved Commonwealth Bank customers.

In the meantime, the Government will of course engage with and respond as appropriate to the further inquiry initiated by the Senate in recent weeks.
Recommendation 8

- The committee recommends that ASIC establish a pool of approved independent experts (retired experienced and hardened business people with extensive knowledge of compliance) from which to draw when concerns emerge about a poor compliance culture in a particular company. The special expert would review and report to the company and ASIC on suspected compliance failings with the process funded by the company in question.

The Australian Government agrees in part with this recommendation.

The Australian Securities and Investments Commission regularly commissions independent experts to prepare reports on the compliance culture of particular entities. Although this commonly occurs in the context of negotiated outcomes, such as enforceable undertakings, the Australian Securities and Investments Commission may have the power to impose such an arrangement in a limited range of matters.

The Australian Securities and Investments Commission has experience dealing with a range of independent experts for this purpose and will seek to add to that range to ensure that the right expert (with the right mix of skills, experience and culture) is chosen in each case.

Recommendation 9

- The committee recommends that the government consider increased penalties and alternatives to court action, such as infringement notices, for Australian financial services licensees that fail to lodge reports of significant breaches to ASIC within the required time.

The Australian Government notes this recommendation.

The Government will consider this recommendation as part of its broader response to the Financial System Inquiry.

Recommendation 10

- The committee recommends that ASIC review its surveillance activity with a view to making it more effective in detecting deficiencies in internal compliance arrangements.

The Australian Government agrees to this recommendation.

The Australian Securities and Investments Commission recognises the importance of a targeted and risk-based surveillance program to identify misconduct. The Australian Securities and Investment Commission will give consideration to this recommendation when designing individual surveillances.

Recommendation 11

- In light of the Commonwealth Financial Planning matter, the committee recommends that ASIC undertakes intensive surveillance of other financial advice businesses that have recently been a source of concern, such as Macquarie Private Wealth, to ensure that ASIC's previous concerns are being addressed and that there are no other compliance deficiencies. ASIC should make the findings of its surveillance public and, in due course, provide a report to this committee.

The Australian Government agrees in part with the recommendation.

The Australian Securities and Investments Commission conducted an extensive surveillance of Macquarie Private Wealth (Macquarie) in 2011 and identified recurring compliance deficiencies. The Australian Securities and Investments Commission accepted an enforceable undertaking by Macquarie in January 2013, under which Macquarie agreed to rectify these deficiencies. As part of the enforceable undertaking, Macquarie was required to compensate those customers who had been adversely affected by an adviser's failure. On 15 August 2014, the Australian Securities and Investments Commission announced that Macquarie would begin writing to 160,000 current and former clients of Macquarie about possible remediation for flawed financial advice.
The enforceable undertaking is scheduled to run until 29 January 2015. The Australian Securities and Investments Commission will continue to work with Macquarie to ensure that they improve their compliance to the meet the standards the community expects of the financial advice sector. The Government welcomes the Australian Securities and Investments Commission's recent statement to the effect that the enforceable undertaking has already led to changes in Macquarie's management team and internal standards.

The Australian Securities and Investments Commission routinely publishes summary findings of surveillances that are conducted across an industry, including the financial advice industry. However, confidentiality considerations restrict the level of public reporting on the details of individual surveillance matters.

The Government further notes that the Australian Securities and Investments Commission has ongoing investigations into a number of former Macquarie financial advisers.

The Australian Securities and Investments Commission will continue to have a strong risk-targeted focus on the area of financial advice, as it is a sector that the Australian Securities and Investments Commission considers to be high-risk.

Recommendation 12
- The committee recommends that, consistent with the recommendations made by ASIC, the government develop legislative amendments to:
  - expand the definition of a whistleblower in Part 9.4AAA of the Corporations Act 2001 to include a company's former employees, financial services providers, accountants and auditors, unpaid workers and business partners;
  - expand the scope of information protected by the whistleblower protections to cover any misconduct that ASIC may investigate; and
  - provide that ASIC cannot be required to produce a document revealing a whistleblower's identity unless ordered by a court or tribunal, following certain criteria.

Recommendation 13
- The committee recommends that an 'Office of the Whistleblower' be established within ASIC.

Recommendation 14
- The committee recommends that the government initiate a review of the adequacy of Australia's current framework for protecting corporate whistleblowers, drawing as appropriate on Treasury's 2009 Options Paper on the issue and the subsequent consultation process.

Recommendation 15
- The committee recommends that, subject to the findings of the broader review called for in Recommendation 14, protections for corporate whistleblowers be updated so that they are generally consistent with and complement the protections afforded to public sector whistleblowers under the Public Interest Disclosure Act 2013. Specifically, the corporate whistleblower framework should be updated so that:
  - anonymous disclosures are protected;
  - the requirement that a whistleblower must be acting in 'good faith' in disclosing information is removed, and replaced with a requirement that a disclosure:
    - is based on an honest belief, on reasonable grounds, that the information disclosed shows or tends to show wrongdoing; or
    - shows or tends to show wrongdoing, on an objective test, regardless of what the whistleblower believes;
remedies available to whistleblowers if they are disadvantaged as a result of making a disclosure are clearly set out in legislation, as are the processes through which a whistleblower might seek such remedy;

– it is a criminal offence to take or threaten to take a reprisal against a person (such as discriminatory treatment, termination of employment or injury) because they have made or propose to make a disclosure; and

– in limited circumstances, protections are extended to cover external disclosures to a third parties, such as the media.

**Recommendation 16**

- The committee recommends that, as part of the broader review called for in Recommendation 14, the government explore options for reward-based incentives for corporate whistleblowers, including qui t'am arrangements.

The Australian Government notes these recommendations.

The Australian Securities and Investments Commission has agreed to establish an Office of the Whistleblower, which will monitor the handling of all whistleblower reports, manage staff development and training and handle the relationship with whistleblowers on more complex matters. The Office will build on improvements that the Australian Securities and Investments Commission has made to its whistleblower arrangements through the adoption of a centralised monitoring procedure.

**Recommendation 17**

- The committee recommends that ASIC, in collaboration with the Australian Restructuring Insolvency and Turnaround Association and accounting bodies, develop a self-rating system, or similar mechanism, for statutory reports lodged by insolvency practitioners and auditors under the Corporations Act 2001 to assist ASIC identify reports that require the most urgent attention and investigation.

The Government notes this recommendation.

Auditors and liquidators provide statutory reports to the Australian Securities and Investments Commission. These reports provide information on, among other things, alleged offences committed by officers of the companies the subject of audits or external administration.

The Australian Securities and Investments Commission has worked, and continues to work, to ensure that it promptly identifies statutory reports that require the most urgent attention and investigation. The Australian Securities and Investments Commission has done this by:

- Implementing a sophisticated scoring system to assess statutory reports. This system is designed to ensure that those matters which warrant further investigation are identified and referred to the appropriate team within the Australian Securities and Investments Commission for further investigation.

- Improving the questions asked in the statutory reports around potential offences. The Australian Securities and Investments Commission has consulted with the Australian Restructuring Insolvency and Turnaround Association (ARITA) concerning the questions about potential insolvent trading. This has resulted in the drafting of better questions about insolvent trading (these changes are currently being incorporated into the statutory report template). The Australian Securities and Investments Commission will further engage with ARITA and the accounting bodies to continue to improve the questions asked in the statutory reports around other alleged offences, such as breaches of director duties. The Australian Securities and Investments Commission will also seek to better communicate the results of our assessments, how we might better inform registered liquidators of what matters to the Australian Securities and Investments Commission in terms of alleged
misconduct and better inform registered liquidators about how we use their reports other than as a basis for enforcement action (for example, our public reporting on corporate failure statistics).

**Recommendation 18**
- The committee recommends that ASIC establish a dedicated channel for complaints from certain key professional bodies, industry bodies and consumer groups, as well as for accountants and financial advisers/planners.

The Australian Government notes this recommendation.

The Australian Securities and Investments Commission already maintains dedicated channels and structured processes to allow stakeholders to make complaints to the Australian Securities and Investments Commission. The Australian Securities and Investments Commission has agreed to monitor the effectiveness of the existing measures before considering making further changes to its processes.

**Recommendation 19**
- The committee recommends that ASIC examine carefully:
  - its triage system to ensure that the officers managing this process have the skills and experience required to identify complaints and reports of a serious nature requiring attention;
  - its misconduct reports management system to ensure that once identified, a serious misconduct report is elevated and more senior people are available to deal with the issue; and
  - its culture to ensure that those managing complaints and reports who wish to draw to the attention of senior officers what they perceive as a potentially serious matter are encouraged to do so; that is, for ASIC to foster an open and receptive culture within the organisation so that critical information is not siloed.

The Australian Government agrees in part to this recommendation.

The Australian Securities and Investments Commission has recently undertaken a comprehensive review of its complaints management process. As a result, the Australian Securities and Investments Commission has made significant improvements in its handling processes. This has included increased telephone contact with persons who report misconduct, new procedures to identify and respond to misconduct reports that can be resolved quickly, improved website information about how to report misconduct, and how reports will be responded to, and regular online and telephone based customer satisfaction surveys to monitoring satisfaction with processes and identify areas for improvement.

The Australian Securities and Investments Commission will undertake a formal review of its complaints management processes in 2016 to ensure that the improvements it has made have led to a more effective handling of alleged misconduct reports.

**Recommendation 20**
- The committee recommends that ASIC look at the skills it needs to forensically and effectively interrogate its databases and other sources of information it collates and stores, with a view to ensuring that it is well-placed to identify and respond to early warning signs of corporate wrongdoing or troubling trends in Australia's corporate world.

The Australian Government notes this recommendation.

The Government supports the Australian Securities and Investments Commission's risk-based approach to surveillance. In determining how it will allocate its resources efficiently to achieve the greatest market impact, the Australian Securities and Investments Commission will continue to investigate ways to improve its ability to search across its 30 current and legacy registers.
The Government will take into account the Australian Securities and Investments Commission's ability to interrogate information received when considering the findings of the scoping study into the ownership options of the Australian Securities and Investments Commission registry function.

Recommendation 21

- The committee recommends that ASIC put in place a system whereby, after gross malfeasance is exposed, a review of ASIC's performance is undertaken to determine whether or how it could have minimised or prevented investor losses or consumer damage. Spearheaded by a small panel of independent, experienced and highly regarded people (with business/legal/academic/public sector and/or consumer advocacy backgrounds), together with all ASIC commissioners, this investigation would identify lessons for ASIC to learn and how to incorporate them into ASIC's mode of operation. The committee recommends further that their findings be published including details of any measures ASIC should implement.

The Australian Government notes this recommendation.

The Australian Securities and Investments Commission currently conducts internal reviews of most enforcement matters, including independent, external reviews (where appropriate). The Government recognises that the Australian Securities and Investments Commission's current internal review process provides a means for disseminating organisational learnings from significant enforcement matters across the Australian Securities and Investments Commission's enforcement teams. The Australian Securities and Investments Commission is currently investigating how these internal review processes can be expanded to significant non-enforcement regulatory matters. In addition, commencing in September 2014, the Australian Securities and Investments Commission will conduct an internal review of all enforcement matters, except those which are discontinued within five months of commencement.

It is noted that due to commercial and sensitive nature of the information collected by the Australian Securities and Investments Commission during an investigation, there are difficulties in providing external reviewers with access to all of the confidential information collected by the Australian Securities and Investments Commission. This would necessarily hamper the ability of an external party to conduct reviews of the sort contemplated by the Committee.

Recommendation 22

- The committee recommends that the balance of ASIC’s enforcement special account be increased significantly.

The Australian Government does not agree to this recommendation.

The balance of the Enforcement Special Account will continue to be considered in the context of the Government's ordinary Budget processes. The special account has not been fully utilised by the Australian Securities and Investments Commission in recent years.

In order to reduce the barrier to the utilisation of the special account, the threshold that the Australian Securities and Investments Commission is required to spend before accessing the account has been reduced from $1.5 million to $750,000 from 1 July 2014.

Recommendation 23

- The committee recommends that the Attorney-General refer to the Australian Law Reform Commission an inquiry into the operation and efficacy of the civil penalty provisions of the Corporations Act 2001 that relate to breaches of directors' duties.

The Australian Government notes this recommendation.
The Government recognises that there are number of questions as to how effectively the civil penalty provisions of the Corporations Act 2001 have operated, including whether they are hampering the Australian Securities and Investments Commission's ability to enforce the law. The lack of clarity as to their operation also impacts on director's understanding of their obligations under the law.

The Government is considering this recommendation, having regard to the capacity of the Australian Law Reform Commission to undertake this inquiry and other references that the Government may make to the Commission.

**Recommendation 24**

- As enforceable undertakings can be used as an alternative to court proceedings, the committee recommends that when considering whether to accept an enforceable undertaking, ASIC:
  - require stronger terms, particularly regarding the remedial action that should be taken to ensure that compliance with these terms can be enforced in court;
  - require a clearer acknowledgement in the undertaking of what the misconduct was;
  - as its default position, require that an independent expert be appointed to supervise the implementation of the terms of the undertaking; and
  - consider ways to make the monitoring of ongoing compliance with the undertaking more transparent, such as requiring that reports on the progress of achieving the undertaking's objectives are, to the extent possible, made public.

The Australian Government notes this recommendation.

The Australian Securities and Investments Commission has implemented some changes in relation to the drafting, implementation and monitoring of enforceable undertaking since the commencement of the Inquiry, and is continuing to consider further changes.

The Australian Securities and Investments Commission will continue to seek to negotiate stronger terms in enforceable undertaking. However, these terms will depend on the agreement of the other party as it cannot unilaterally impose terms on them.

The Australian Securities and Investments Commission regularly negotiates the independent monitoring in enforceable undertakings where the undertaking involves detailed implementation steps over time including compensation mechanisms or reviews and changes to the businesses compliance mechanisms. This will continue, with a strong focus on ensuring the effectiveness of the independent monitor.

The Australian Securities and Investments Commission has committed to greater transparency and public reporting on the outcomes of enforceable undertakings and these processes are currently being designed.

**Recommendation 25**

- The committee recommends that ASIC should more vigilantly monitor compliance with enforceable undertakings with a view to enforcing compliance with the undertaking in court if necessary.

The Australian Government notes this recommendation.

The Australian Government recognises that compliance with enforceable undertakings is necessary to maintain community confidence. The Australian Securities and Investments Commission will increase its monitoring of enforceable undertakings and public reporting on the outcomes of the enforceable undertakings.

**Recommendation 26**

- The committee requests that the Auditor-General consider conducting a performance audit of ASIC's use of enforceable undertakings, including:
  - the consistency of ASIC's approach to enforceable undertakings across its various stakeholder and enforcement teams; and
the arrangements in place for monitoring compliance with enforceable undertakings that ASIC has accepted.

The Australian Government notes this recommendation.

The Auditor-General has recently announced that it would undertake an audit of the Australian Securities and Investments Commission's administration of enforceable undertakings. The audit objective is to assess the effectiveness of the Australian Securities and Investments Commission's administration of enforceable undertakings. The Auditor-General is expected to table its report in winter 2015.

Recommendation 27

- The committee recommends that ASIC include in its annual report additional commentary on:
  - ASIC’s activities related to monitoring compliance with enforceable undertakings; and
  - how the undertakings have led to improved compliance with the law and encouraged a culture of compliance.

The Australian Government agrees with this recommendation.

The Australian Securities and Investments Commission will include further information about enforceable undertakings in future Australian Securities and Investments Commission annual reports, commencing with the annual report for the current year 2014-15.

Recommendation 28

- The committee recommends that ASIC develop a code of conduct for independent experts appointed as a requirement of an enforceable undertaking. In particular, the code of conduct should address the management of conflicts of interest.

The Australian Government notes this recommendation.

The Australian Securities and Investments Commission will develop a set of guidelines for independent experts appointed under an enforceable undertaking, in particular to address conflicts of interest, as part of its current program of work to improve the drafting, implementation, monitoring and transparency of enforceable undertakings.

Recommendation 29

- The committee recommends that ASIC improve its procedures for updating past online media releases and statements to reflect recent court developments, such as the outcome of an appeal or when proceedings are discontinued.

- ASIC should ensure that these updates are made in a timely manner and published in a more prominent position than what currently occurs.

The Australian Government agrees with this recommendation.

The Australian Securities and Investments Commission has updated its procedures to ensure past public statements are updated, in a timely way, to reflect subsequent court or tribunal developments.

Recommendation 30

- The committee recommends that when ASIC has been unsuccessful in court proceedings both an internal review and an independent review of the initial investigation and case must be undertaken.

The Australian Government notes this recommendation.

The Australian Securities and Investments Commission currently conducts internal reviews in respect of most enforcement matters. Commencing in September 2014, the Australian Securities and Investments Commission will conduct an internal review of all enforcement matters, except those which are discontinued within 5 months of commencement.
In appropriate cases, the Australian Securities and Investments Commission conducts external reviews of enforcement matters, including independent external reviews.

**Recommendation 31**
- The committee recommends that the accounting bodies and ASIC work to repair their relationship and commit to a more constructive approach to discussing regulatory issues. The committee requests that ASIC provide a written report to the committee in six months' time informing the committee of progress achieved in strengthening this relationship.

The Australian Government agrees with this recommendation.

The Australian Securities and Investments Commission recognises the importance of maintaining strong relationships with key stakeholders, including professional bodies and it is committed to productive, professional relationships with all stakeholders.

The Australian Securities and Investments Commission will inform the Senate Economics Committee of its progress in strengthening its relationship with accounting bodies.

**Recommendation 32**
- The committee recommends that ASIC publish on its website information about its secondment programs and the policies and safeguards in place that relate to these programs.

The Australian Government agrees with this recommendation.

The Australian Securities and Investments Commission published its secondment policy on its website on 25 July 2014. This policy provides information about the Australian Securities and Investments Commission's secondment programs and the policies and safeguards in one place.

**Recommendation 33**
- The committee requests that the Commonwealth Ombudsman consider undertaking an own-motion investigation into the allegations related to the process that resulted in ASIC granting regulatory relief for generic online calculators in 2005. An investigation undertaken by the Ombudsman should, in particular, consider whether the process was undermined because ASIC did not adequately manage a conflict of interest identified by a person on secondment from a financial services firm.

The Australian Government notes this recommendation.

The Commonwealth Ombudsman is an independent statutory officer and any investigation is at the Ombudsman's discretion. The Australian Government notes that responding to the recommendation is a decision for the Commonwealth Ombudsman.

**Recommendation 34**
- The committee recommends that after exercising its discretionary powers to grant relief from provisions of the legislation it administers, ASIC should ensure that it puts in place a program for monitoring and assessing compliance with the conditions of the relief.

The Australian Government does not agree with this recommendation.

The Australian Securities and Investments Commission considers a large number of applications for individual and class order relief every year. For example, during 2012–13, the Australian Securities and Investments Commission issued 41 class orders and received 3,094 applications for relief (of these, 2,047 were approved, 358 were refused, 318 were withdrawn and 371 were under consideration at the end of that period).

The Government supports the Australian Securities and Investments Commission's risk-based approach to surveillance. The Australian Securities and Investments Commission should continue to allocate its resources efficiently to achieve the greatest market impact. Diverting surveillance resources to monitoring the many pieces of relief which involve technical or minor amendments to the law would
significantly compromise the Australian Securities and Investments Commission's ability to undertake surveillance on issues of much more significant risk.

**Recommendation 35**
- The committee recommends that ASIC include on all registry search results and extracts a prominent statement explaining ASIC's role and advising that ASIC does not approve particular business models.

The Australian Government notes this recommendation.

It is important that consumers recognise the limits of the Australian Securities and Investment's role and that, in particular, of the Australian Securities and Investments Commission does not approve particular business models. However, such information may be more effectively and efficiently disseminated via the Australian Securities and Investments Commission's main website or the MoneySmart website. The Australian Securities and Investments Commission will take into account this recommendation in updating its website.

The Australian Government will take into account this recommendation when considering the findings of the scoping study into the ownership options of the Australian Securities and Investments Commission Registry function.

**Recommendation 36**
- In bringing together the multi-pronged campaign to educate retail customers outlined in Recommendation 1, ASIC have regard to the fact that:
  - many retail investors and consumers have unrealistic expectations of ASIC's role in protecting their interests; and
  - financial literacy is more than financial knowledge but also incorporates the skills, attitudes and behaviours necessary to make sound financial decisions.

The committee recommends that ASIC include on all registry search results and extracts a prominent statement explaining ASIC's role and advising that ASIC does not approve particular business models.

The Australian Government notes this recommendation.

The Australian Securities and Investments Commission already undertakes a multi-pronged approach to the education of consumers of financial products through its MoneySmart, financial literacy and consumer outreach programs.

As part of these programs, the Australian Securities and Investments Commission is very conscious of these two factors and does and will continue to have regard to them in its financial literacy work and its broader communication with investors and consumers including those who lodge reports of misconduct with the Australian Securities and Investments Commission or use its websites.

The Australian Securities and Investments Commission launched the National Financial Literacy Strategy 2014-17 on 1 August 2014 (the Strategy). The Strategy was developed in consultation with stakeholders across all sectors and expressly acknowledges that financial decision-making is complex and a range of variables, including an individual's level of financial literacy as well as various external factors, can have an impact on outcomes.

The Strategy therefore takes a tailored approach to influencing financial decision making, and its priorities recognise that financial literacy initiatives need to reach people at relevant life stages, when they have particular decisions to make, and that those initiatives need to take into account each person's circumstances, experience, knowledge, beliefs and attitudes.

**Recommendation 37**
- Recognising the importance of giving priority to the needs of consumers when ASIC develops regulatory guidance and provides advice to government, the committee recommends that ASIC
should consider whether its Consumer Advisory Panel could be enhanced by the introduction of some of the features of the United Kingdom's Financial Services Consumer Panel.

The Australian Government does not agree with this recommendation.

The Australian Securities and Investments Commission has a close working relationship with its Consumer Advisory Panel and this relationship is an important part of the Australian Securities and Investments Commission's work to identify and prioritise the needs and problems of consumers.

The Australian Securities and Investments Commission is committed to enhancing the sound and open relationships that it has with its stakeholders, including with the Consumer Advisory Panel. The Australian Securities and Investments Commission is committed to ensuring the effectiveness of the Panel for those purposes. The Australian Government notes that the United Kingdom's Financial Services Consumer Panel is a statutory body with staff and budget. The Australian Government does not support the proliferation of new statutory bodies, where functions can be undertaken by existing agencies.

Recommendation 38

- The committee recommends that ASIC undertake an internal review of the way in which it manages complaints from retail investors and consumers with the aim of developing training and professional development courses designed to:
  - have ASIC officers more attuned to the needs of vulnerable and disadvantaged consumers and to enhance ASIC's consumer advisory role;
  - devise strategies and protocols for responding to retail investors and consumers registering a complaint, many of whom are at their wits end and in desperate need of help;
  - ensure that ASIC officers, when advising a consumer to transfer their complaint to the relevant external dispute resolution scheme, make that transfer as seamless and worry-free as possible while conveying the sense that ASIC is not discarding their complaint; and
  - acknowledge the advantages of making a return call to the complainant and provide guidance for ASIC officers on the times when making a return call would be appropriate.

The Australian Government agrees to this recommendation in part.

The Australian Securities and Investments Commission has commenced work to improve its procedures for dealing with complaints and reports of misconduct. As part of this work, the Australian Securities and Investments Commission is implementing guidelines for communicating with witnesses and victims at various stages in the life of a project and providing training for staff on those new guidelines.

These new procedures build on improvements made to the Australian Securities and Investments Commission's complaints management processes since 2011, which introduced a protocol for dealing with reports of misconduct, provided clear communication objectives at each stage of the process for handling reports of misconduct and a commitment to providing clear information about reporting misconduct on the Australian Securities and Investments Commission's website.

The Australian Securities and Investments Commission has a strong focus and a good track record in identifying and addressing the problems of vulnerable and disadvantaged consumers.

Recommendation 39

- The committee recommends that ASIC promote 'informed participation' in the market by making information more accessible and presented in an informative way.

The Australian Government notes this recommendation.

The Government will consider this recommendation as part of its broader response to the Financial Systems Inquiry.
The Australian Securities and Investments Commission has worked extensively over many years to improve the quality of disclosure to retail investors. The Australian Securities and Investments Commission highlighted issues in relation to the effectiveness of disclosure in its submission to the Financial System Inquiry.

The Government has commenced a scoping study into the future ownership options for the Australian Securities and Investments Commission's registry function. The accessibility of information that is currently lodged with the Australian Securities and Investments Commission will be considered as part of the scoping study.

**Recommendation 40**

- The committee recommends that ASIC consider the aims and purposes of its website and redesign its website so that these aims and purposes are achieved.
- Particular consideration should be given to:
  - explaining ASIC's role clearly on the website's homepage;
  - providing a 'for consumers' category of information; and
  - redesigning the homepage to give greater prominence to key information and services and less prominence to recent media releases.

The Australian Government agrees with this recommendation.

The Australian Securities and Investments Commission is currently redesigning its website to provide greater accessibility and usability. The newly designed website will address the issues outlined by the Committee to give greater prominence to information about the Australian Securities and Investments Commission's role and functions.

**Recommendation 41**

- The committee recommends that the government commission an inquiry into the current criminal and civil penalties available across the legislation ASIC administers. The inquiry should consider:
  - the consistency of criminal penalties, and whether some comparable offences currently attract inconsistent penalties;
  - the range of civil penalty provisions available in the legislation ASIC administers and whether they are consistent with other civil penalties for corporations; and
  - the level of civil penalty amounts, and whether the legislation should provide for the removal of any financial benefit.

The Australian Government notes this recommendation.

The Australian Government will consider this recommendation as part of its broader response to the Financial System Inquiry.

**Recommendation 42**

- The committee recommends that financial advisers and planners be required to:
  - successfully pass a national examination developed and conducted by relevant industry associations before being able to give personal advice on Tier 1 products;
  - hold minimum education standards of a relevant university degree, and three years' experience over a five year period; and meet minimum continuing professional development requirements.

The Australian Government notes this recommendation.

The Government's goal is to ensure a robust but efficient financial services regulatory system; one that is competitively neutral so that people saving for their retirement or managing financial risks throughout their life can access high quality advice that is also affordable.
The Government will keep working with all relevant stakeholders on measures to lift professional, ethical and educational standards across the financial advice industry as appropriate.

The Government has established an industry working group to work with all relevant stakeholders on efficient and effective ways to further lift those standards across the financial advice industry. This will include consideration of initiatives such as increasing the education requirements for advisers, introducing a national exam, or introducing a broad professional standards framework with a professional standards board.

**Recommendation 43**

- The committee recommends that a requirement for mandatory reference checking procedures in the financial advice/planning industry be introduced.

The Australian Government notes this recommendation.

The Government considers that establishing an enhanced register of financial advisers (see also **Recommendation 44**) will go some way to achieving the objectives of this recommendation.

Australian Financial Services licensees already have a legal obligation to ensure their representatives are adequately trained and competent to provide financial services.

The new financial adviser register will support licensees in undertaking thorough due diligence on prospective employees and advisers operating under their licence. For example, the register will enable licensees to view the credentials and status of a prospective adviser.

**Recommendation 44**

- The committee recommends that a register of employee representatives providing personal advice on Tier 1 products be established.

The Australian Government agrees with this recommendation.

An industry working group has been established to advise the Government on the implementation of an enhanced public register of financial advisers. This public register will increase transparency and help to build trust and confidence in the financial advice industry.

The working group will consider:
- the scope and content of the register (including a record of each adviser's credentials and status in the industry);
- whether reporting obligations are placed on licensees and/or advisers;
- who is responsible for providing information and input of data; and
- potential privacy issues.

The working group includes representatives from the accounting, financial services, funds management, insurance broking, banking, stockbroking and superannuation industries, as well as consumer and academic representatives, the Australian Securities and Investments Commission and the Treasury.

The industry working has provided its report to the Government in late August and its recommendations are currently being considered by Government.

**Recommendation 45**

- The committee recommends that the *Corporations Act 2001* be amended to require:
  - that a person must not use the terms 'financial adviser', 'financial planner' or terms of like import, in relation to a financial services business or a financial service, unless the person is able under the licence regime to provide personal financial advice on designated financial products; and
  - financial advisers and financial planners to adhere to professional obligations by requiring financial advisers and financial planners to be members of a regulator-prescribed professional association.
The Australian Government notes this recommendation.
The Government has established an industry working group to consider this recommendation.

**Recommendation 46**
- The committee recommends that the government consider whether section 913 of the Corporations Act 2001 and section 37 of the National Consumer Credit Protection Act 2009 should be amended to ensure that ASIC can take all relevant factors into account in making a licensing decision.

The Australian Government notes this recommendation.
The Australian Government will consider this recommendation as part of its broader response to the Financial System Inquiry.

**Recommendation 47**
- The committee recommends that the government consider the banning provisions in the licence regimes with a view to ensuring that a banned person cannot be a director, manager or hold a position of influence in a company providing a financial service or credit business.

The Australian Government notes this recommendation.
The Australian Government will consider this recommendation as part of its broader response to the Financial System Inquiry.

**Recommendation 48**
- The committee recommends that the government consider legislative amendments that would give ASIC the power to immediately suspend a financial adviser or planner when ASIC suspects that the adviser or planner has engaged in egregious misconduct causing widespread harm to clients, subject to the principles of natural justice.

The Australian Government notes this recommendation.
The Australian Government will consider this recommendation as part of its broader response to the Financial System Inquiry.

**Recommendation 49**
- The committee recommends that the scoping study examining future ownership options for ASIC's registry function take account of the evidence that has been presented to the committee.

The Australian Government agrees with this recommendation.
The Government has allocated funds in the Federal Budget to undertake a scoping study into the future ownership options of the Australian Securities and Investments Commission's registry function. The scoping study will examine the various options for delivering the Australian Securities and Investments Commission's registry function.
The Government's decision on the future of the Australian Securities and Investments Commission's registry function will also be informed by the Financial System Inquiry, which is examining the role and objectives of the regulator.

**Recommendation 50**
- The committee recommends that the current arrangements for funding ASIC be replaced by a 'user-pay' model. Under the new framework, different levies should be imposed on the various regulated populations ASIC oversees, with the size of each levy related to the amount of ASIC's resources allocated to regulating each population. The levies should be reviewed on a periodic basis through a public consultation process.
- The government should commence a consultation process on the design of the new funding model as soon as possible.

The Australian Government notes this recommendation.
The Australian Government will consider this recommendation as part of its broader response to the Financial System Inquiry.

Recommendation 51

- Following the removal of ASIC's registry responsibilities and the introduction of a user-pays model for funding ASIC outlined in Recommendations 49 and 50, the committee recommends that the government reduce the fees prescribed for chargeable matters under the Corporations (Fees) Act 2001 with a view to bringing the fees charged in Australia in line with the fees charged in other jurisdictions.

The Australian Government notes this recommendation.

The Australian Government will consider this recommendation as part of its broader response to the Financial System Inquiry.

Recommendation 52

- The committee notes that the Parliamentary Joint Committee on Corporations and Financial Services could be well-placed to monitor ASIC's performance against the government's statement of expectations and ASIC's statement of intent. The committee recommends that the Parliamentary Joint Committee consider this as part of its statutory ASIC oversight function.

Recommendation 53

- The committee recommends that the Parliamentary Joint Committee on Corporations and Financial Services consider how it could undertake its statutory duties in a way that places a greater emphasis on emerging issues and how action could be taken to pre-empt widespread investor losses or major frauds. As a first step the Parliamentary Joint Committee could, on an annual basis, reserve a public hearing to emerging issues, taking evidence from both ASIC and relevant experts.

Recommendation 54

- The committee recommends that the Parliamentary Joint Committee on Corporations and Financial Services inquire into the various proposals which call for a lifting of professional, ethical and educational standards in the financial services industry.

The Australian Government notes these recommendations.

Under the Australian Securities and Investments Commission Act 2001, it is a requirement of the Parliamentary Joint Committee on Corporations and Financial Services to monitor the Australian Securities and Investments Commission's performance. The Government notes that responding to the recommendation is a decision for the Parliamentary Joint Committee on Corporations and Financial Services.

The Government notes that the Parliamentary Joint Committee on Corporations and Financial Services holds regular public hearings into the oversight of the Australian Securities and Investments Commission and reports its findings to Parliament.

The Government is committed to improving the performance of the Australian Securities and Investments Commission and regulators more broadly. As stated in the Government's statement of expectations to the Australian Securities and Investments Commission, we will provide it with further detail about a whole-of-government risk management framework and expectations for the Australian Securities and Investments Commission's performance against specific performance indicators in the second half of 2014.

The Government appreciates the importance of identifying emerging issues and early warning signals before they develop into major scandals. We support the Australian Securities and Investments Commission's risk-based approach to surveillance, and consider that the Australian Securities and Investments Commission is best placed to allocate its resources efficiently to achieve the greatest market impact.
On 14 July 2014, the Parliamentary Joint Committee on Corporations and Financial Services commenced an Inquiry into proposals to lift the professional, ethical and education standards in the financial services industry.

In addition, the Government has established an industry working group to work with all relevant stakeholders on efficient and effective ways to continue lifting professional, ethical and educational standards across the financial advice industry. This will include consideration of initiatives such as increasing the education requirements for advisers, introducing a national exam, or introducing a broad professional standards framework with a professional standards board.

Recommendation 55
- The committee recommends that at the end of two years, the Government undertake a review of the Australian Securities and Investments Commission Act 2001 that would consider ASIC’s governance arrangements, including whether ASIC should be governed by a board comprised of executive and non-executive members.

The Australian Government notes this recommendation.

The Government will consider this recommendation as part of its broader response to the Financial System Inquiry.

Recommendation 56
- The committee recommends that ASIC publish a code of conduct for its statutory office-holders.

The Australian Government notes this recommendation.

The Australian Securities and Investments Commission Act, APS code of conduct, the Public Governance and Accountability Act 2014, a range of internal Australian Securities and Investments Commission policies (such as the Harassment Policy, and the Disclosure of Interests Policy), as well as other disclosure and contractual obligations regulate the conduct of Australian Securities and Investments Commission employees and statutory office holders.

In order to improve transparency, the Australian Securities and Investments Commission will publish a document on its website summarising the obligations imposed on its statutory office-holders.

Recommendation 57
- The committee recommends that the government give urgent consideration to expanding ASIC’s regulatory toolkit so that it is equipped to prevent the marketing of unsafe products to retail investors.

The Australian Government notes this recommendation.

The Australian Government will consider this recommendation as part of its broader response to the Financial System Inquiry.

Recommendation 58
- The committee recommends that the Financial System Inquiry (FSI) carefully consider the adequacy of Australia’s conduct and disclosure approach to the regulation of financial product issuers as a means of protecting consumers. In particular, the FSI should:
  - consider the implementation of measures designed to protect unsophisticated investors from unsafe products, including matters such as:
    : subjecting the product issuer to more positive obligations in regard to the suitability of their product;
    : requiring the product issuer to state the particular classes of consumers for whom the product is suitable and the potential risks of investing in the product;
    : standardised product labelling;
    : restricting the range of investment choices to unsophisticated investors;
allowing ASIC to intervene and prohibit the issue of certain products in retail markets; and
assess the merits of the United Kingdom's Financial Conduct Authority model which allows the Authority to suspend or ban potentially harmful products.
The Australian Government notes this recommendation.
The Australian Government will consider this recommendation as part of its broader response to the Financial System Inquiry.

Recommendation 59
• The committee recommends that the government clarify the definitions of retail and wholesale investors.
The Australian Government notes this recommendation.
The Australian Government will consider this recommendation as part of its broader response to the Financial System Inquiry.

Recommendation 60
• The committee recommends that the government consider measures that would ensure investors are informed of their assessment as a retail or wholesale investor and the consumer protections that accompany the classification. This would require financial advisers to ensure that such information is displayed prominently, initialed by the client and retained on file.
The Australian Government notes this recommendation.
The Australian Government will consider this recommendation as part of its broader response to the Financial System Inquiry.

Recommendation 61
• The committee recommends that the government commission a review of Australia's corporate insolvency laws to consider amendments intended to encourage and facilitate corporate turnarounds. The review should consider features of the Chapter 11 regime in place in the United States of America that could be adopted in Australia.
The Australian Government notes this recommendation.
The Australian Government will consider this recommendation as part of its broader response to the Financial System Inquiry.

Australian Government response to the Senate Environment and Communications References Committee report:
Tasmanian Wilderness World Heritage Area
October 2014
Government response to the Senate Environment and Communications References Committee inquiry into the Tasmanian Wilderness World Heritage Area
Introduction
On 13 February 2014, the Senate referred the following matter to the Senate Environment and Communications Committees for inquiry and report:
a. the natural world heritage values of the Tasmanian Wilderness World Heritage Area minor boundary extension passed by the World Heritage Committee in June 2013;
b. the interaction between the Department of the Environment and the Prime Minister and other ministers' offices, and the process followed in the department's review of the 2013 extension that led to
a lesser minor boundary extension being submitted for consideration at the 2014 World Heritage Committee meeting;

c. any action the Department of the Environment has funded, directed and overseen to rehabilitate any degraded areas within the World Heritage Area identified in the department's 2013 review, as per the requirements of the World Heritage Convention;

d. the extent and description of any areas of degraded forest included in the 2013 boundary adjustment and the World Heritage Committee's rationale for including them;

e. implications for the World Heritage status of the Tasmanian Wilderness World Heritage Area of the Government's request to withdraw the 74,000 hectares for logging; and

f. any related matter.

On 15 May 2014 the Senate Inquiry tabled its report into the Tasmanian Wilderness World Heritage Area which included two recommendations.

The Australian Government welcomes the opportunity to respond to this report.

**Responses**

**Recommendation 1**

The committee recommends that the Government's proposal to the World Heritage Committee to remove 74,000 hectares from the Tasmanian Wilderness World Heritage Area be withdrawn.

**Government response: Not agreed**

The Government did not withdraw its proposal to the World Heritage Committee for a minor boundary modification to the Tasmanian Wilderness World Heritage Area. The Government presented its case for the proposed minor boundary modification to members of the World Heritage Committee. The proposal, if accepted, would have resulted in the removal of about 4.7 percent of the Tasmanian Wilderness World Heritage Area. The area proposed to be removed was part of the 172,000 extension to the World Heritage Area made in 2013 and included areas (such as plantations and previously harvested areas) that detract from the overall integrity and Outstanding Universal Value of the Tasmanian Wilderness.

The Government was concerned that the World Heritage Committee was not fully aware of the number of communities and landholders adjoining the 2013 extended boundary that did not support the extension and were not given the opportunity to comment.

Given that the Government made an election commitment to request the minor boundary modification, it was not prepared to withdraw the proposal.

On 23 June 2014 the World Heritage Committee did not approve the Government's proposal for a minor boundary modification to the Tasmanian Wilderness World Heritage Area.

The Government has accepted the decision of the World Heritage Committee.

**Recommendation 2**

The committee recommends that the study of the cultural heritage values of the extended Tasmanian Wilderness World Heritage Area be commenced and completed in collaboration with the Tasmanian Aboriginal community and submitted to the World Heritage Committee by February 2015.

**Government response: Agreed in part**

In its next report to the World Heritage Committee (January 2015), the Government will report on its progress in responding to the Committee's request that the State Party undertake further study and consultation with the Tasmanian Aboriginal community in order to provide more detailed information on cultural values and how these relate to the property's Outstanding Universal Value. That report will address any future work needed in relation to this request.
DOUMENTS

Data Retention

Order for the Production of Documents

The following documents received on 20 October 2014 were tabled:

Law and justice—Data retention—Discussion paper—Letter to the President of the Senate from the Attorney-General (Senator Brandis), dated 20 October 2014, and attachment, responding to the order of the Senate of 2 October 2014.

COMMITTEES

Report

The following reports and document were presented and authorised for publication on the dates indicated pursuant to standing order 38(7)(a):

Intelligence and Security—Joint Statutory Committee—Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014—Advisory report, dated October 2014. [Received 17 October 2014]

Legal and Constitutional Affairs Legislation Committee—
Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014—Report, dated October 2014. [Received 17 October 2014]

Exposure draft of the Medical Services (Dying with Dignity) Bill 2014—Interim report, dated 21 October 2014. [Received 22 October 2014]

Scrutiny of Bills—Standing Committee—Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014—
Alert Digest, dated 13 October 2014. [Received 13 October 2014]

Report, dated 23 October 2014. [Received 23 October 2014]