INTERNET

The Journals for the Senate are available at

Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at

For searching purposes use
http://parlinfo.aph.gov.au

SITTING DAYS—2011

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>8, 9, 10, 28</td>
</tr>
<tr>
<td>March</td>
<td>1, 2, 3, 21, 22, 23, 24</td>
</tr>
<tr>
<td>May</td>
<td>10, 11, 12</td>
</tr>
<tr>
<td>June</td>
<td>14, 15, 16, 20, 21, 22, 23</td>
</tr>
<tr>
<td>July</td>
<td>4, 5, 6, 7</td>
</tr>
<tr>
<td>August</td>
<td>16, 17, 18, 22, 23, 24, 25</td>
</tr>
<tr>
<td>September</td>
<td>12, 13, 14, 15, 19, 20, 21, 22</td>
</tr>
<tr>
<td>October</td>
<td>11, 12, 13, 31</td>
</tr>
<tr>
<td>November</td>
<td>1, 2, 3, 21, 22, 23, 24</td>
</tr>
</tbody>
</table>

RADIO BROADCASTS

Broadcasts of proceedings of the Parliament can be heard on ABC NewsRadio in the capital cities on:

- ADELAIDE 972AM
- BRISBANE 936AM
- CANBERRA 103.9FM
- DARWIN 102.5FM
- HOBART 747AM
- MELBOURNE 1026AM
- PERTH 585AM
- SYDNEY 630AM

For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
FORTY-THIRD PARLIAMENT
FIRST SESSION—THIRD PERIOD

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

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

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

Printed by authority of the Senate
<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Adams, Judith Anne</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Arbib, Hon. Mark Victor</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Back, Christopher John (3)</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Barnett, Guy</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Bernardi, Cory</td>
<td>SA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Bilyk, Catryna Louise</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Birmingham, Simon John</td>
<td>SA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Bishop, Thomas Mark</td>
<td>WA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Boswell, Hon. Ronald Leslie Doyle</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>NATS</td>
</tr>
<tr>
<td>Boyce, Suzanne Kay</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Brandis, Hon. George Henry SC</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Brown, Carol Louise</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Brown, Robert James</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Bushby, David Christopher</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Cameron, Douglas Niven</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Carr, Hon. Kim John</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Cash, Michaelia Clare</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Colbeck, Hon. Richard Mansell</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Collins, Jacinta Mary Ann</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Conroy, Hon. Stephen Michael</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Coonan, Hon. Helen Lloyd</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Cormann, Mathias Hubert Paul (2)</td>
<td>WA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Crossin, Patricia Margaret (4)</td>
<td>NT</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Eggleston, Alan</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Evans, Hon. Christopher Vaughan</td>
<td>WA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Farrell, Donald Edward</td>
<td>SA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Faulkner, Hon. John Philip</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Feeney, David Ian</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Ferguson, Hon. Alan Baird</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Fielding, Steve</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>FF</td>
</tr>
<tr>
<td>Fierravanti-Wells, Concetta Anna</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Fifield, Mitchel Peter</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Fisher, Mary Jo (1)</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Forshaw, Michael George</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Furner, Mark Lionel</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Hanson-Young, Sarah Coral</td>
<td>SA</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Heffernan, Hon. William Daniel</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Hog, Hon. John Joseph</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Humphries, Gary John Joseph (4)</td>
<td>ACT</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Hurley, Annette Kay</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Hutchins, Stephen Patrick</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Johnston, Hon. David Albert Lloyd</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Joyce, Barnaby Thomas Gerard</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>NATS</td>
</tr>
<tr>
<td>Kroger, Helen</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Ludlam, Scott</td>
<td>WA</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Lundy, Kate Alexandra (4)</td>
<td>ACT</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Macdonald, Hon. Ian Douglas</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Senator</td>
<td>State or Territory</td>
<td>Term expires</td>
<td>Party</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>--------------------</td>
<td>--------------</td>
<td>---------</td>
</tr>
<tr>
<td>McEwen, Anne</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>McGauran, Julian John James</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>McLucas, Hon. Jan Elizabeth</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Marshall, Gavin Mark</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Mason, Hon. Brett John</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Milne, Christine Anne</td>
<td>TAS</td>
<td>30.6.2011</td>
<td></td>
</tr>
<tr>
<td>Minchin, Hon. Nicholas Hugh</td>
<td>SA</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Moore, Claire Mary</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Nash, Fiona Joy</td>
<td>NSW</td>
<td>30.6.2011</td>
<td>NATS</td>
</tr>
<tr>
<td>O'Brien, Kerry Williams Kelso</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Parry, Stephen Shane</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Payne, Marise Ann</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Polley, Helen Beatrice</td>
<td>TAS</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Pratt, Louise Clare</td>
<td>WA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Ronaldson, Hon. Michael</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Ryan, Scott Michael</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Scullion, Hon. Nigel Gregory (4)</td>
<td>NT</td>
<td>30.6.2014</td>
<td>CLP</td>
</tr>
<tr>
<td>Sherry, Hon. Nicholas John</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Siewert, Rachel Mary</td>
<td>WA</td>
<td>30.6.2011</td>
<td>AG</td>
</tr>
<tr>
<td>Stephens, Hon. Ursula Mary</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Sterle, Glenn</td>
<td>WA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Troeth, Hon. Judith Mary</td>
<td>VIC</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Trood, Russell Brunell</td>
<td>QLD</td>
<td>30.6.2011</td>
<td>LP</td>
</tr>
<tr>
<td>Williams, John Reginald</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>NATS</td>
</tr>
<tr>
<td>Wong, Hon. Penelope Ying Yen</td>
<td>SA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Wortley, Dana Johanna</td>
<td>SA</td>
<td>30.6.2011</td>
<td>ALP</td>
</tr>
<tr>
<td>Xenophon, Nicholas</td>
<td>SA</td>
<td>30.6.2014</td>
<td>IND</td>
</tr>
</tbody>
</table>

(1) Chosen by the Parliament of South Australia to fill a casual vacancy vice Amanda Eloise Vanstone, resigned.

(2) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Ian Campbell, resigned.

(3) Chosen by the Parliament of Western Australia to fill a casual vacancy vice Christopher Martin Ellison, resigned.

(4) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.

**PARTY ABBREVIATIONS**

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

**Heads of Parliamentary Departments**

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

<table>
<thead>
<tr>
<th>Position</th>
<th>Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Minister</td>
<td>Hon. Julia Gillard MP</td>
</tr>
<tr>
<td>Deputy Prime Minister, Treasurer</td>
<td>Hon. Wayne Swan MP</td>
</tr>
<tr>
<td>Minister for Regional Australia, Regional Development and Local Government</td>
<td>Hon. Simon Crean MP</td>
</tr>
<tr>
<td>Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate</td>
<td>Senator Hon. Chris Evans</td>
</tr>
<tr>
<td>Minister for School Education, Early Childhood and Youth</td>
<td>Hon. Peter Garrett AM, MP</td>
</tr>
<tr>
<td>Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate</td>
<td>Senator Hon. Stephen Conroy</td>
</tr>
<tr>
<td>Minister for Foreign Affairs</td>
<td>Hon. Kevin Rudd MP</td>
</tr>
<tr>
<td>Minister for Trade</td>
<td>Hon. Dr Craig Emerson MP</td>
</tr>
<tr>
<td>Minister for Defence and Deputy Leader of the House</td>
<td>Hon. Stephen Smith MP</td>
</tr>
<tr>
<td>Minister for Immigration and Citizenship</td>
<td>Hon. Chris Bowen MP</td>
</tr>
<tr>
<td>Minister for Infrastructure and Transport and Leader of the House</td>
<td>Hon. Anthony Albanese MP</td>
</tr>
<tr>
<td>Minister for Health and Ageing</td>
<td>Hon. Nicola Roxon MP</td>
</tr>
<tr>
<td>Minister for Families, Housing, Community Services and Indigenous Affairs</td>
<td>Hon. Jenny Macklin MP</td>
</tr>
<tr>
<td>Minister for Sustainability, Environment, Water, Population and Communities</td>
<td>Hon. Tony Burke MP</td>
</tr>
<tr>
<td>Minister for Finance and Deregulation</td>
<td>Senator Hon. Penny Wong</td>
</tr>
<tr>
<td>Minister for Innovation, Industry, Science and Research</td>
<td>Senator Hon. Kim Carr</td>
</tr>
<tr>
<td>Attorney-General and Vice President of the Executive Council</td>
<td>Hon. Robert McClelland MP</td>
</tr>
<tr>
<td>Minister for Agriculture, Fisheries and Forestry and Manager of Government Business in the Senate</td>
<td>Senator Hon. Joe Ludwig</td>
</tr>
<tr>
<td>Minister for Resources and Energy and Minister for Tourism</td>
<td>Hon. Martin Ferguson AM, MP</td>
</tr>
<tr>
<td>Minister for Climate Change and Energy Efficiency</td>
<td>Hon. Greg Combet AM, MP</td>
</tr>
</tbody>
</table>

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

Minister for the Arts  Hon. Simon Crean MP
Minister for Social Inclusion  Hon. Tanya Plibersek MP
Minister for Privacy and Freedom of Information  Hon. Brendan O'Connor MP
Minister for Sport  Senator Hon. Mark Arbib
Special Minister of State for the Public Service and Integrity  Hon. Gary Gray AO, MP
Assistant Treasurer and Minister for Financial Services and Superannuation  Hon. Bill Shorten MP
Minister for Employment Participation and Childcare  Hon. Kate Ellis MP
Minister for Indigenous Employment and Economic Development  Senator Hon. Mark Arbib
Minister for Veterans' Affairs and Minister for Defence Science and Personnel  Hon. Warren Snowdon MP
Minister for Defence Materiel  Hon. Jason Clare MP
Minister for Indigenous Health  Hon. Warren Snowdon MP
Minister for Mental Health and Ageing  Hon. Mark Butler MP
Minister for the Status of Women  Hon. Kate Ellis MP
Minister for Social Housing and Homelessness  Senator Hon. Mark Arbib
Special Minister of State  Hon. Gary Gray AO, MP
Minister for Small Business  Senator Hon. Nick Sherry
Minister for Home Affairs and Minister for Justice  Hon. Brendan O'Connor MP
Minister for Human Services  Hon. Tanya Plibersek MP
Cabinet Secretary  Hon. Mark Dreyfus QC, MP
Parliamentary Secretary to the Prime Minister  Senator Hon. Kate Lundy
Parliamentary Secretary to the Treasurer  Hon. David Bradbury MP
Parliamentary Secretary for School Education and Workplace Relations  Senator Hon. Jacinta Collins
Minister Assisting the Prime Minister on Digital Productivity  Senator Hon. Stephen Conroy
Parliamentary Secretary for Trade  Hon. Justine Elliot MP
Parliamentary Secretary for Pacific Island Affairs  Hon. Richard Marles MP
Parliamentary Secretary for Defence  Senator Hon. David Feeney
Parliamentary Secretary for Immigration and Multicultural Affairs  Senator Hon. Kate Lundy
Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing  Hon. Catherine King MP
Parliamentary Secretary for Disabilities and Carers  Senator Hon. Jan McLucas
Parliamentary Secretary for Community Services  Hon. Julie Collins MP
Parliamentary Secretary for Sustainability and Urban Water  Senator Hon. Don Farrell
Minister Assisting on Deregulation and Public Sector Superannuation  Senator Hon. Nick Sherry
Minister Assisting the Attorney-General on Queensland Floods Recovery  Senator Hon. Joe Ludwig
Parliamentary Secretary for Agriculture, Fisheries and Forestry  Hon. Dr Mike Kelly AM, MP
Minister Assisting the Minister for Tourism  Senator Hon. Nick Sherry
Parliamentary Secretary for Climate Change and Energy Efficiency  Hon. Mark Dreyfus QC, MP
SHADOW MINISTRY

Leader of the Opposition Hon. Tony Abbott MP
Deputy Leader of the Opposition and Shadow Minister for Foreign Affairs and Shadow Minister for Trade Hon. Julie Bishop MP
Leader of the Nationals and Shadow Minister for Infrastructure and Transport Hon. Warren Truss MP
Leader of the Opposition in the Senate and Shadow Minister for Employment and Workplace Relations Senator Hon. Eric Abetz
Deputy Leader of the Opposition in the Senate and Shadow Attorney-General and Shadow Minister for the Arts Senator Hon. George Brandis SC
Shadow Treasurer Hon. Joe Hockey MP
Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House Hon. Christopher Pyne MP
Shadow Minister for Indigenous Affairs and Deputy Leader of the Nationals Senator Hon. Nigel Scullion
Shadow Minister for Regional Development, Local Government and Water and Leader of the Nationals in the Senate Senator Barnaby Joyce
Shadow Minister for Finance, Deregulation and Debt Reduction and Chairman, Coalition Policy Development Committee Hon. Andrew Robb AO, MP
Shadow Minister for Energy and Resources Hon. Ian Macfarlane MP
Shadow Minister for Defence Senator Hon. David Johnston
Shadow Minister for Communications and Broadband Hon. Malcolm Turnbull MP
Shadow Minister for Health and Ageing Hon. Peter Dutton MP
Shadow Minister for Families, Housing and Human Services Hon. Kevin Andrews MP
Shadow Minister for Climate Action, Environment and Heritage Hon. Greg Hunt MP
Shadow Minister for Productivity and Population and Shadow Minister for Immigration and Citizenship Mr Scott Morrison MP
Shadow Minister for Innovation, Industry and Science Mrs Sophie Mirabella MP
Shadow Minister for Agriculture and Food Security Hon. John Cobb MP
Shadow Minister for Small Business, Competition Policy and Consumer Affairs Hon. Bruce Billson MP

[The above constitute the shadow cabinet]
SHADOW MINISTRY—continued

Shadow Minister for Employment Participation Hon. Sussan Ley MP
Shadow Minister for Justice, Customs and Border Protection Mr Michael Keenan MP
Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation Senator Mathias Cormann
Shadow Minister for Childcare and Early Childhood Learning Hon. Sussan Ley MP
Shadow Minister for Universities and Research Senator Hon. Brett Mason
Shadow Minister for Youth and Sport and Deputy Manager of Opposition Business in the House Mr Luke Hartsuyker MP
Shadow Minister for Indigenous Development and Employment Senator Marise Payne
Shadow Minister for Regional Development Hon. Bob Baldwin MP
Shadow Special Minister of State Hon. Bronwyn Bishop MP
Shadow Minister for COAG Senator Marise Payne
Shadow Minister for Tourism Hon. Bob Baldwin MP
Shadow Minister for Defence Science, Technology and Personnel Mr Stuart Robert MP
Shadow Minister for Veterans' Affairs and Shadow Minister Assisting the Leader of the Opposition on the Centenary of ANZAC Senator Hon. Michael Ronaldson
Shadow Minister for Regional Communications Mr Luke Hartsuyker MP
Shadow Minister for Ageing and Shadow Minister for Mental Health Senator Concetta Fierravanti-Wells
Shadow Minister for Seniors Hon. Bronwyn Bishop MP
Shadow Minister for Disabilities, Carers and the Voluntary Sector and Manager of Opposition Business in the Senate Senator Mitch Fifield
Shadow Minister for Housing Senator Marise Payne
Chairman, Scrutiny of Government Waste Committee Mr Jamie Briggs MP
Shadow Cabinet Secretary Hon. Philip Ruddock MP
Shadow Parliamentary Secretary Assisting the Leader of the Opposition Senator Cory Bernardi
Shadow Parliamentary Secretary for International Development Assistance Hon. Teresa Gambaro MP
Shadow Parliamentary Secretary for Roads and Regional Transport Mr Darren Chester MP
Shadow Parliamentary Secretary to the Shadow Attorney-General Senator Gary Humphries
Shadow Parliamentary Secretary for Tax Reform and Deputy Chairman, Coalition Policy Development Committee Hon. Tony Smith MP
Shadow Parliamentary Secretary for Regional Education Senator Fiona Nash
Shadow Parliamentary Secretary for Northern and Remote Australia Senator Hon. Ian Macdonald
Shadow Parliamentary Secretary for Local Government Mr Don Randall MP
Shadow Parliamentary Secretary for the Murray-Darling Basin Senator Simon Birmingham
Shadow Parliamentary Secretary for Defence Materiel Senator Gary Humphries
Shadow Parliamentary Secretary for the Defence Force and Defence Support Senator Hon. Ian Macdonald
SHADOW MINISTRY—continued

Shadow Parliamentary Secretary for Primary Healthcare Dr Andrew Southcott MP
Shadow Parliamentary Secretary for Regional Health Services and Indigenous Health Mr Andrew Laming MP
Shadow Parliamentary Secretary for Supporting Families Senator Cory Bernardi
Shadow Parliamentary Secretary for the Status of Women Senator Michaelia Cash
Shadow Parliamentary Secretary for Environment Senator Simon Birmingham
Shadow Parliamentary Secretary for Citizenship and Settlement Hon. Teresa Gambaro MP
Shadow Parliamentary Secretary for Immigration Senator Michaelia Cash
Shadow Parliamentary Secretary for Innovation, Industry, and Science Senator Hon. Richard Colbeck
Shadow Parliamentary Secretary for Fisheries and Forestry Senator Hon. Richard Colbeck
Shadow Parliamentary Secretary for Small Business and Fair Competition Senator Scott Ryan
## CONTENTS

**TUESDAY, 21 JUNE 2011**

### Chamber

**BUSINESS**—

Rearrangement .................................................................................................................. 3369

**BILLS**—

Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Bill 2011—

Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy (Consequential Amendments) Bill 2011—

Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy (Collection) Bill 2011—

  - Second Reading........................................................................................................ 3369
  - In Committee............................................................................................................. 3377
  - Third Reading.......................................................................................................... 3384

**BUSINESS**—

Rearrangement .................................................................................................................. 3384

**BILLS**—

Trans-Tasman Proceedings Amendment and Other Measures Bill 2011—

  - Second Reading........................................................................................................ 3384
  - Third Reading.......................................................................................................... 3385

Governance of Australian Government Superannuation Schemes Bill 2011—

ComSuper Bill 2011—

Superannuation Legislation (Consequential Amendments and Transitional Provisions) Bill 2011—

  - In Committee............................................................................................................. 3386
  - Third Reading.......................................................................................................... 3388

**MINISTERIAL ARRANGEMENTS** .................................................................................. 3388

**QUESTIONS WITHOUT NOTICE**—

  - Carbon Pricing ............................................................................................................ 3389
  - Science .......................................................................................................................... 3390
  - Carbon Pricing ............................................................................................................. 3392
  - Fiscal Policy .................................................................................................................. 3393
  - Carbon Pricing ............................................................................................................. 3395
  - Carbon Pricing ............................................................................................................. 3397
  - Economy ......................................................................................................................... 3398
  - Higher Education ....................................................................................................... 3400
  - Asylum Seekers .......................................................................................................... 3401

**QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS**—

  - Answers to Questions................................................................................................ 3403

**PETITIONS**—

  - Palliative Care ............................................................................................................ 3409

**NOTICES**—

  - Presentation .................................................................................................................. 3410
  - Postponement .............................................................................................................. 3411
CONTENTS—continued

COMMITTEES—
Community Affairs References Committee—
Meeting ........................................................................ 3411
Treaties Committee—
Meeting ........................................................................ 3411
National Broadband Network Committee—
Meeting ........................................................................ 3411
Environment and Communications Legislation Committee—
Reporting Date ................................................................. 3411
Australian Commission for Law Enforcement Integrity Committee—
Meeting ........................................................................ 3411

DOCUMENTS—
Reserve Bank of Australia—
Order for the Production of Documents .......................... 3412

MOTIONS—
Climate Change ................................................................ 3412

DOCUMENTS—
Budget—
Order for the Production of Documents .......................... 3412

BUSINESS—
Consideration of Legislation ........................................... 3412

BILLS—
Carbon Tax Plebiscite Bill 2011—
First Reading .................................................................... 3414
Second Reading .................................................................. 3414

MOTIONS—
Northern Territory Emergency Response ........................ 3415

BILLS—
Consumer Credit Protection Amendment (Fees) Bill 2011—
First Reading .................................................................... 3416
Second Reading .................................................................. 3416
Government Advertising (Accountability) Bill 2011—
First Reading .................................................................... 3417
Second Reading .................................................................. 3417

AUDITOR-GENERAL’S REPORTS—
Consideration .................................................................. 3419

PARLIAMENTARY REPRESENTATION—
Valedictory ...................................................................... 3419

ADJOURNMENT—
Vietnam: Orphanages ....................................................... 3465
War Graves ........................................................................ 3467
Cuffay, Mr William .......................................................... 3469
Middle East ........................................................................ 3472

DOCUMENTS—
Tabling ............................................................................ 3473
Questions On Notice
Foreign Affairs—(Question No. 550) ................................................................. 3475
Tuesday, 21 June 2011

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 12:30 and read prayers and made an acknowledgement of country.

BUSINESS

Rearrangement

Senator ARBIB (New South Wales—Minister for Sport, Minister for Indigenous Employment and Economic Development and Minister for Social Housing and Homelessness) (12:31): I move:

That the order of consideration of government business orders of the day for the remainder of today be as follows:

No. 4—Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Bill 2011 and 2 related bills.

No. 1—Governance of Australian Government Superannuation Schemes Bill 2011 and 2 related bills.

No. 3—Trans-Tasman Proceedings Amendment and Other Measures Bill 2011.

No. 2—Aged Care Amendment Bill 2011.

Question agreed to.

BILLS

Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Bill 2011

Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy (Consequential Amendments) Bill 2011

Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy (Collection) Bill 2011

Second Reading

Debate resumed on the motion:

That the bills be now read a second time.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (12:32): AUSTRAC oversees the compliance of Australian businesses defined as 'reporting entities' under the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 and the Financial Transaction Reports Act 1988. The legislation requires reporting entities to implement programs for identifying and monitoring customers and for managing the risks of money laundering and terrorism financing; report suspicious matters, threshold transactions and international funds transfer instructions; and submit an annual compliance report.

In its intelligence role, AUSTRAC provides financial information to state, territory and Australian law enforcement, security and revenue agencies and certain international counterpart agencies. The Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Bill 2011 seeks to: (1) give effect to the 2010-11 budget announcement that AUSTRAC would recover the costs of its supervisory activities from 1 July 2011; (2) allow the minister for justice to determine by legislative instrument the amount of levy payable by a leviable entity in any given financial year; (3) provide for the collection of the levy imposed by the levy bill and related administrative matters, such as issuing notice of assessments and late payment penalties; (4) provide the AUSTRAC CEO with the power to waive part or whole of the levy or late payment penalty; and (5) amend the Anti-Money Laundering/Counter-Terrorism Financing Act to make it mandatory for reporting entities to enrol with AUSTRAC within 28 days of providing or commencing to provide a designated service.

The Senate Legal and Constitutional Affairs Committee conducted and inquiry
into the bills and reported yesterday. I note that my colleague Senator Guy Barnett, the ranking Liberal senator on the committee, is in the chamber, and I expect that he will have a word to say on this matter in a moment. Liberal senators, under the able leadership of Senator Guy Barnett, noted the concerns raised by the Scrutiny of Bills Committee in its *Alert Digest No. 5 of 2011*. In that digest, the scrutiny committee drew attention to the potential for AUSTRAC to overcollect its regulatory costs. The coalition considers that this situation should be closely monitored. Liberal senators take the view that the current safeguard that has been proposed by the government of reviewing the calculation methodology after five years is inadequate because a five-year review period is too long—at least in the initial stages of the new scheme.

Liberal senators note that the first year in which the levy will be collected is the 2011-12 financial year. Given that the bills are therefore due to commence on 1 July 2011, the Liberal senators were concerned to ensure that adequate consultation and education has preceded the measure. This is what concerns the coalition: the rushed process and lack of proper consultation behind the introduction of these bills, particularly where there is additional red tape and expense for business as a result of them. That is a matter for which we hold the government responsible.

The committee heard concerns that the levy will place Australia and its financial institutions at a substantial competitive disadvantage. Citigroup's submission to the committee complained:
The levy will have unintended consequences in relation to Australia's ability to compete in the Asia-Pacific region given the additional significant costs that the levy will impose on Australian financial institutions. We recommend that the composition of the levy be re-assessed to ensure a more equitable distribution reflective of the designated services that AUSTRAC monitors and supervises.

The government's rationale for basing the large entity component of the levy on the earnings of the entity or group is that AUSTRAC incurs greater expenses in regulating larger entities because larger entities have more customers and usually provide more complex products. However, this calculation does not take into account the extent to which a leviable entity's earnings are related to the provision of designated service.

Under the formula prescribed by the bills, an entity with high earnings may incur a large entity component even though the entity only provides a small volume of designated services. There therefore exists the potential that the levy may have a disproportionate effect on those large entities which only provide designated services as an incidental part of their business. The Australian Bankers' Association Director, Tony Burke, said the government's clear objective was to recover costs rather than to provide any benefit to those subject to the regulation. He said:
As the paper currently stands, the potential cost of compliance would be high. Charge-backs to internal groups and agencies would add significant overheads in tracking costs and reconciling payments.

The Institute of Chartered Accountants Executive General Manager, Lee White, told the *Australian* newspaper on 17 January this year that members already incurred significant costs in supporting AUSTRAC's regulatory aims and it was unreasonable to ask them to bear more. He said:
Our members provide legitimate services to clients who overwhelmingly are law-abiding individuals and businesses. If these legitimate services are exploited by criminals, it is these wrong-doers who create the
need for regulation and who should contribute to the costs through the confiscated proceeds of their crimes.

These concerns are, in the coalition's view, legitimate, and accordingly we will closely monitor the effects of the legislation. To alleviate our concerns and to facilitate parliamentary oversight of the effects, including the possible unintended consequences to which I have adverted, I can foreshadow that the coalition will be moving amendments in the committee stage of the bill. The amendments will provide for a review of the operation of the legislation and the levy calculation methodology after two years operation of the regime, particularly having regard to the regulatory and fiscal burden on small business, and a moratorium on late payment penalties for the first six months of the regime's operation to allow for an appropriate transition and for small businesses to be properly informed of their obligations.

These two amendments reflect recommendations made by the Liberal senators on the Legal and Constitutional Affairs Legislation Committee inquiry. The Liberal senators who participated in that inquiry recognised the importance of ensuring that AUSTRAC can continue to provide a regulatory environment that maintains community confidence in financial flows and minimises the risk to business of exploitation for money laundering or terrorism financing. The coalition acknowledges the importance of introducing a supervisory levy to enable AUSTRAC to recover the costs of its supervisory activities. For that reason—subject to the reservations that I have expressed, which will find form in our amendments—we support the bill.

Whether the bills will achieve their aims without imposing an unnecessarily heavy regulatory and fiscal burden remains an open question. The opposition's amendments will assist the parliament in making the necessary assessment when the new regime has had two years of operation against which to assess its workability. Subject to those reservations, the coalition supports the bills.

Senator BARNETT (Tasmania) (12:40): I stand on this side of the chamber to associate my remarks with those of our shadow Attorney, Senator Brandis. I refer to the additional comments of the Liberal senators on the Legal and Constitutional Affairs Legislation Committee, of which I am deputy chair, in the report that was tabled in the Senate yesterday afternoon. It had a range of recommendations in it, but can I say upfront that we are very strongly in support of the bill before us, the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Bill 2011, though we believe there are areas that have been overlooked and areas for improvement.

It has been noted at Senate estimates and in other places that this country incurs an estimated cost to the community of some $15 billion a year as a result of the social and economic impact of organised crime. The type of measures in this bill will assist the government and our community in combating organised crime, people smuggling and other untoward activities by untoward people and groups.

It is noted that the government indicates the supervisory levy will collect some $118.3 million over the forward estimates period, which is the four-year period 2011-15. It is also noted that there was a discussion paper and there was consultation with key stakeholders last year, and that was made available for public comment. Senator Brandis referred to some of the feedback from the community, including to our Senate committee inquiry, which had to be short, sharp and to the point. It was advertised on 25 May. We got 12 submissions, considered those and then delivered our report.
I refer specifically to the report of the Scrutiny of Bills Committee. This Senate is very well served by the Scrutiny of Bills Committee. They have made some observations which we Liberal senators picked up in our additional comments. They sought the minister's advice as follows:

... as to whether consideration has been given to including a safeguard in the legislation to provide that any overcollection will be adjusted.

They indicated that in respect to the retrospective application of the bill that the clear intention of the bill is that the levy imposed may be charged to cover a period that precedes the commencement of the relevant legislation, and they drew that to the Senate's attention. Obviously, when they do that it is very important.

That is one of the reasons one of our amendments ensures there is a proper, full and comprehensive review of how this legislation will roll out in practice. It is all very well to stand here in the Senate or in government and say, 'This is what we want to do.' We know that this will have implications for business right around Australia, not just for the large entities that will be paying the bulk of the charges that are flowing from this legislation but for the small businesses. In that regard, the advice I have received is based on government information that 199 of the large entities will be paying the bulk of the charges, their levy component. They will be paying between $14,000 and $425,000 per entity in the 2011-12 year, according to the summary of charging arrangements set out in the cost recovery impact statement by the government. It also identifies some specific information about AUSTRAC's projected recovery of the levy. It also refers to and identifies 8,500 other entities that will be subject to the base component, remembering there are some 17,000 entities across the country that relate to this legislation. This legislation specifically targets the 199 that will be paying the bulk, those whose turnover is $100 million or over. But the smaller entities, which are small businesses of five to 20 employees—the definition of a small business is one of 20 employees or fewer—will be paying $284 each. That is the base component for the first year of operations in 2011-12.

We are saying that it will have an impact, and not just on the 199 entities who will be paying the bulk. I am very thankful for the information I received through the committee secretariat. I put on the record my thanks to the committee secretary and the wonderful support of the committee. I want to acknowledge Sandra Kennedy for her good work and her assistance in pulling the Liberal senators report together in very quick time; under challenging circumstances she made it happen as swiftly as possible. For that, on behalf of the Liberal senators, I am thankful. The smaller entities, according to that advice, will pay $284 in the first year. We want to know the impact of the costs of compliance and regulation for those smaller businesses. We think that should be reviewed very carefully.

Another thing we have recommended in the report is that there be a proper education and information campaign as soon as possible, remembering that this bill is meant to commence from 1 July. When is that? I will tell you when it is: it is Friday week. We are talking a matter of days. In one week and a couple of days this bill will commence and the relevant entities will be responsible for paying the fees. The government has indicated in this legislation that any fees that are paid late will incur a late payment fee. That is why we have recommended a moratorium on any late payment fees for six months following passage of the legislation. Let us give these businesses a chance to get their heads around and understand how this
system is going to work. This is new to them.
Yes, there was public consultation last year,
but the fact is we are here debating this
legislation today, it is going to start Friday
week and they are going to have to start
paying these levies from that day. That is
why we have made a recommendation with
regard to a moratorium.

We have also made a recommendation
with regard to the urgent need for an
education, information and awareness
campaign designed to advise affected entities
of their new obligations. That should be
rolled out immediately. Based on the advice
I have received, it is not simply about
sending a letter to the 199 major entities. If
that is not correct, could the minister please
prove me and the coalition wrong. The
advice we have is that the smaller entities
will be paying $284 a year in the first year,
and that is why they need to know. And why
should they pay late penalties? Why should
small businesses across this country have to
suffer those consequences? That is the other
thing. We are the party of small business,
and that is why we have made that
recommendation, No. 2, which says:

Given the unknown impact that the
introduction of the levy will have on small and
micro businesses, Liberal senators recommend
that, in that initial review, the government
investigate the impact of the legislation on these
businesses and in particular, its effects on the
costs to them of complying with regulation and
red-tape.

Surely that is fair, reasonable and
understandable, and I urge the government to
seriously consider that recommendation. We
have also had concern expressed in the
Scrutiny of Bills report. This is a highly
regarded committee in this Senate and in this
parliament. It has indicated there are con-
cerns regarding overcharging and over-
collecting by the government.

All that being said, I want to put on record
my thanks for the chairmanship by Senator
Trish Crossin of the Legal and Constitutional
Affairs Legislation Committee during this
inquiry. As I said the other day in my
valedictory speech—and I want to say it
again—it has been an absolute honour and a
pleasure to work on the committee, both as
chair of the references committee and as
deputy chair of the legislation committee. I
thank all of the members of that committee,
including Senator Crossin for her leadership,
cooperation and professionalism in the
relationship that we have had over the past
few years in those roles. I also want to put on
the record my thanks to the secretariat for
their good work not only on this matter but
on all the other matters over many years.
There is professionalism across the board in
the Senate committee. The secretariats are
wonderful, professional people who do
fantastic jobs, under a great deal of pressure
with time constraints in challenging
circumstances. I have the highest regard for
those people and the service that they offer,
not just the current members of the various
committees but the past members and, no
doubt, the future members.

In conclusion, I stand here supporting the
coalition and the recommendations that we
have made in this report. I hope they are
considered positively by the government and
I look forward to hearing the government's
response. I stand with Senator Brandis in
supporting, firstly, the bill and, secondly, the
coalition amendments. I thank the Senate.

The ACTING DEPUTY PRESIDENT
(Senator Trood): Senator Xenophon, do
you wish to be recognised in this debate?

Senator XENOPHON (South Australia)
(12:51): Yes, I do. It is a last-minute
addition, Acting Deputy President. I too
support the second reading stages of this bill
and support the general principles in relation
to this bill with respect to Australian transaction reports and dealing with the issue of organised crime. There are costs involved in ensuring that these transactions are tracked and establishing whether there is an organised criminal element to them.

I apologise to my colleagues for the late notice of this. With the volume of legislation, ideally you would like to give more notice to your colleagues, but I can indicate that I will be seeking to move amendments in relation to this to give AUSTRAC increased access to intelligence in order to more easily crack down on money laundering in casinos and other gambling venues. The amendment that I will be moving shortly would require all eligible gambling venues—defined as venues with more than one poker machine—to keep on record the details of any patron who wins more than $1,000 while gambling on a poker machine and for this information to be available to AUSTRAC. Currently there are exemptions for a number of venues. This proposes that there not be exemptions for any venues. Money laundering on poker machines is a serious issue, albeit not one that is particularly well known. I rely on academics who have done research on this issue, in particular Dr Charles Livingstone from Monash University together with a number of his colleagues.

Hotel sources have told the Sydney Morning Herald that nationally $2 billion is laundered through hotel, club and casino poker machines and gambling chips, and as much as 40 per cent of this is in New South Wales alone. That is an extraordinary figure and I believe it ought to be appropriately tested. But that is on the basis of sources to the Sydney Morning Herald. There are also reports that certain venues are known by crime gangs as 'LLs' or 'local laundries'. This is how it works, as I understand it. A player may insert $2,000, $5,000 or even $10,000 into a poker machine and, after playing a handful of lines, decide they want to cash out. They then do so. It is a way of laundering the money. They might spend a few hundred dollars but launder thousands of dollars in the meantime.

This is a huge problem but is one that could easily be fixed if AUSTRAC were able to gather the information it needs to better track the movement of money through casinos, hotels and clubs. There is an old saying that if you want to get to the bottom of a matter you need to 'follow the money'. When it comes to crime gangs laundering an estimated $2 billion a year, according to those media reports, that saying could not be more apt. There is a position at the moment where for certain winnings—in some jurisdictions as low as $1,000—there needs to be a record kept in any event and the winnings need to be paid by cheque. It depends on the jurisdiction. So it would not be onerous for those records to be kept. The fact is, not too many people win big jackpots on poker machines. The house always wins—the venue always wins in the long run, or eventually. So this is a case where it would not be onerous; it would strengthen the purpose of this legislation.

I will address the issue of the coalition's amendments—and I do commend Senator Barnett for the very thorough work that he has done, at breakneck speed given the tight deadlines. People do not appreciate the sort of work the Senate does in Senate committees. Whilst there may be disagreements, there is collegiality and goodwill between senators from different sides of the political fence in getting to the truth of the matter, seeing whether there can be improvements to legislation to sort out unintended consequences and the like.

Again, I regret that I have not been able to give earlier notice of this. That is not due to any grand plan; it is just a question of the
workload in my office. It would be remiss of me not to raise this issue for this piece of legislation to ensure that they are dealt with appropriately, and I would welcome debate in the committee stage in relation to the amendments that I am foreshadowing. Again, I look forward to further discussion and debate in relation to the coalition's amendments on this bill, but, broadly, I do support the second reading stage of this bill. I believe the legislation is essential but could be improved with the amendment that I have foreshadowed.

**The Acting Deputy President:** Thank you, Senator Xenophon. It was a late intervention but I think the Senate would like to hear from you more often than not.

**Senator Sherry** (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (12:57): In concluding this debate before the Senate I will focus on some of the issues that have been raised specifically by those who have contributed to this debate.

Firstly, thank you to all those who have contributed to this debate. In relation to the comments by Senator Brandis and also Senator Barnett on the bills through the Legal and Constitutional Affairs Committee report, I can advise that a review of the calculation methodology is planned after five years—or earlier if there are material changes to the AUSTRAC operating environment. However, AUSTRAC will monitor the cost-recovery approach on an ongoing basis.

I would make the general observation—and this is from experience in a number of other areas of financial regulation where levies have applied: insurance, superannuation and, in particular, through ASIC and APRA for companies—that when you apply cost recovery it is always very difficult to satisfy the various entities which are required to pay a levy. Some want to, obviously, pay little or nothing. Whether it is justified or not, some want to shift the levy-paying level from one area to another. That is not an unusual approach. To the best of my recollection, whenever we have been faced with levy bills in this place, there have been relatively common controversies and disputes around who should pay, how much and so on.

The AUSTRAC supervisory level will be set annually. Legislative instruments containing the details of the levy arrangements for the next financial year will be published in draft form after the Australian government budget is released in May and will be issued in a final form prior to the commencement of the financial year. The cost recovery impact statement, or CRIS—another exciting acronym; I quite like that one—will be reviewed over the next 12 months and a new CRIS will be prepared for 1 July 2012. Consistent with the Australian government cost recovery guidelines, a revised CRIS will also be developed should there be any material changes to the cost recovery arrangements.

In relation to small business—which Senator Barnett is interested in and, obviously, as the Minister for Small Business, is an area that I am interested in—the cost recovery model has been modified in a number of ways to reduce the regulatory impact on small business. As a result, many small businesses regulated by AUSTRAC will not be subject to cost recovery at all.

Let me give some examples of affiliates of a registered remittance network, which in the normal course of events you would expect to pay a levy. Affiliates are excluded on the basis that AUSTRAC's primary regulatory relationship will be with registered remittance networks rather than individual...
affiliates. This removes a range of small businesses from the operation of the levy—licensed post offices and newsagents, for example. This partly goes to Senator Xenophon’s gambling amendment, if I could refer to it. We have reporting entities which have been exempted from part 7 of the AML/CTF Act on the basis that AUSTRAC does not incur substantial costs in regulating these entities. Those entities include small gaming venues with an entitlement to 15 or fewer gaming machines. They are exempt from part 7 of the act and would therefore not be subject to cost recovery.

In terms of our general approach to small business, it is correct, Senator Xenophon, that some gambling venues would not be paying the levy; and obviously we will debate the intent of your amendment when we get to that in the committee stage. So far as the government is concerned, it would be unreasonable to apply this levy to entities—including post offices, newsagents and gambling entities with fewer than 15 machines—of this size: We see that as inappropriate. This has been our approach to reduce the impact on what we call small business and, indeed, microbusiness.

We are removing from the levy non-employing entities, sole proprietorships and partnerships without employees, and microbusinesses—businesses employing fewer than five people, as defined by the Australian Bureau of Statistics. These are removed from the base component of the levy. This means that, of the entities which are subject to the levy, 6,800 are expected to be subject to only the base component of the levy, estimated to be $284 in the first year. I think we have taken a very reasonable approach with respect to small business and microbusiness.

AUSTRAC will monitor the impact on all businesses subject to the levy. To the extent that changes need to be made to improve the equity or efficiency of the cost recovery model, these considerations will be taken into account through the review process, to which I have already referred.

In terms of consultation on the proposed arrangements, extensive consultation has already occurred with affected stakeholders. I will make a general point. We often hear criticism and concern about lack of consultation. There has been very significant consultation. The bottom line is: some people do not to pay the levy. That is their attitude, but there can be no complaint about lack of consultation on this issue. Some people disagree. I respect them for that, but it is not a matter of lack of consultation. So often people use this line 'lack of consultation' when they do not agree. They should tell us they do not agree and why. There has certainly been significant consultation on this.

In November last year, AUSTRAC released a discussion paper and held three industry forums, in Melbourne, Sydney and Brisbane. Through the feedback received, the cost recovery model was further refined, and an exposure draft of a CRIS was released in February this year. In March AUSTRAC undertook further limited consultation on the 'large entity' definition of the model, and on 12 May AUSTRAC published a final CRIS on its website. In addition, a draft of the 2011-12 ministerial determination for cost recovery proposed details to be collected through the enrolment process, and a draft privacy impact assessment in respect of the enrolment obligation was also published for comment. Prior to invoices being issued in the 2011-12 year, a final ministerial determination will be made, and AUSTRAC will communicate with industry about the process and time frames for complying with both the cost recovery and mandatory enrolment processes.
Finally, in relation to late payment fees for the first year, invoices for the 2011-12 financial year are not planned to be issued until February or March 2012. Accordingly, there is no intention to issue late payment penalties in respect of cost recovery within the first three months following the passage of this legislation.

To conclude, we know that organised crime is a significant national security threat and it is a challenge. Through the Commonwealth Organised Crime Strategic Framework, the government is ensuring that Commonwealth intelligence, policy, regulatory and law enforcement agencies are working together to prevent, disrupt, investigate and prosecute organised crime. The Australian Transaction Reports and Analysis Centre, AUSTRAC, plays a very important and critical role in the fight against organised crime. Through its regulatory activities, AUSTRAC helps to mitigate the risk of Australian businesses being used for money laundering, terrorism, finance and other organised crime. This package is necessary to give effect to the 2010 budget commitment. Consistent with the government’s cost recovery guidelines, AUSTRAC will recover the costs of its regulatory activities from 1 July 2011. This cost recovery process is entirely consistent with that of the former government. In fact, to the best of my memory, the former Liberal-National Party government established this cost recovery process. So it has been a consistent approach across a whole range of areas of government.

The collection bill enables AUSTRAC to collect the supervisory cost recovery levy and establish the necessary framework for administering the levy, including matters relating to collection, invoicing and dealing with late payments. It provides that the amount of levy payable for each financial year will be determined by the minister by legislative instrument and cannot exceed a statutory limit of $33 million in total, indexed. The collection bill also introduces a system of administrative review of a decision by the AUSTRAC CEO to waive a levy or late payment penalty. Significant consultation has occurred with industry around the structure of the levy. Through this process the government has listened to the concerns of business and has made significant adjustments to lessen the burden, particularly in the area of small business.

The consequential amendments bill amends the AML/CTF Act to introduce compulsory enrolment for all reporting entities regulated by AUSTRAC. This formalises current arrangements where AUSTRAC encourages entities to voluntarily enrol. Mandating this requirement will mean that AUSTRAC can better identify its regulated population for the purposes of calculating and applying the AUSTRAC cost recovery levy. The consequential amendments bill also amends the current infringement notice scheme to allow the issuing of notices for failure to enrol and failure to appropriately maintain enrolment details. I commend this package to the Senate and I thank all senators for their contributions.

Question agreed to.

Bills read a second time.

In Committee

Bills—by leave—taken together as a whole.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (13:10): by leave—I move opposition amendment (1) on sheet 7095, relating to the collection bill; and opposition amendment (1) on sheet 7096, relating to the consequential amendments bill:

(1) Clause 2, page 2 (table item 2), omit the table item, substitute:
2. Sections 3 to 8  At the same time as section 3 of the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Act 2011 commences.

3. Section 9  At the end of 6 months after section 3 of the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Act 2011 commences.

4. Sections 10 to 16  At the same time as section 3 of the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Act 2011 commences.

(1) Page 3 (after line 5), after clause 3, insert:

4  Review of operation of AUSTRAC cost recovery levy

(1) The Minister must cause an independent review of the operation of the levy imposed by the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Act 2011 to be undertaken as soon as possible after the second anniversary of the commencement of section 3 of that Act.

(2) The person who undertakes the review must give the Minister a written report of the review within 6 months after the second anniversary of the commencement of section 3 of the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Act 2011.

(3) The Minister must cause a copy of the report of the review to be tabled in each House of Parliament within 15 sitting days of receiving it.

(4) A report prepared under subsection (1) must include but is not limited to:

(a) a review of the levy calculation methodology;

(b) consultation with industry participants including small and micro businesses about the impact of the levy and the costs of complying with the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Act 2011;

(c) whether the definition of small business that is to be used (of a business employing less than 5 employees) should be amended to the definition of small business currently used by the Australian Bureau of Statistics (a business employing less than 20 employees).

In reliance upon the advice of the clerks, the substantive amendment takes the form of an amendment to the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy (Consequential Amendments) Bill 2011. But, because of the interlinking of the different bills in the suite of legislation, it will give effect to the operation of the scheme established by the principle bill—that is, the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy (Collection) Bill 2011—as we are advised.

The amendment, as I have indicated, which gives effect to the opinion of the Liberal senators in the committee would mandate a statutory review of the operation of the levy and the methodology for the calculation of the levy within two years or as soon as practicable after the second anniversary of the commencement of the legislation. I note the minister's comment that the legislation provides that there may be a review, depending on the circumstances, after five years. There are two reasons why that is not sufficient from the opposition's point of view. First of all, there is no guarantee of a review after five years. The opposition's amendment would mandate that there be a review and so remove any element of contingency. Secondly, for a new scheme—which, as both opposition senators and Senator Xenophon have pointed out, imposes an uncertain but potentially very significant regulatory cost, especially on small business—it is the view of the
opposition that five years is way too long for there not to be a review of its operation.

If this were an adjustment of an existing scheme of regulation, that might be fair enough. But as there is no scheme of calculating a levy and compliance with these statutory requirements at the moment, and therefore the way in which it will impact, particularly on small business, is unknowable. For that reason, we believe having a review after two years is appropriate. Nobody can seriously suggest that the features or characteristics of the operation of this levy will not be able to be ascertained within two years of its operation. Nobody could seriously maintain that, if there are problems experienced in the operation of the levy, particularly in relation to regulatory burden, it should take five years before there is an opportunity to review and correct them. For that reason, as I have said, we favour a mandatory review as soon as practicable after the second anniversary of the commencement of the act. As indicated in subsection (4) of our proposed section 4 of the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy (Consequential Amendments) Bill 2011, the report would review the levy calculation methodology; conduct consultation with industry participants, including small and micro businesses, about the impact of the levy and the costs of complying with the levy; and consider whether the definition of small business that is to be used—that is, of a business employing fewer than five employees—should be amended to agree with the definition of a small business currently used by the Australian Bureau of Statistics: a business with fewer than 20 employees.

As I have said, we support the principle of the legislation and we support the legislation itself, but this is, let me urge the government, a sensible measure. If there is reason for concern about the way in which the collection and the calculation of this levy impinges on small business, it is unthinkable that small businesses so affected should have to wait for five years for a review of its operation. A mandatory levy after two years is the opposition's recommendation to the chamber.

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (13:15): We generally have agreement and sympathy with the points you raise, Senator. You might consider and take a moment to discuss the following with your adviser. We can accept the amendments you move, but there is one concern, and that relates to amendment (1)(4)(c) on sheet 7096, which begins 'whether the definition of small business that is to be used'. Our concern is not with the definition as such but with actually putting it in the legislation. I am advised that that will already occur by ministerial determination. To put it in the bill would mean that a range of other changes to the legislation would be necessary. If you do not proceed with that part of your amendment, we are happy to accept all the rest.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (13:16): All of those people listening on the wireless will be hearing democracy in action as we have this negotiation across the chamber. Minister, what you say—and I acknowledge your depth of experience in this field—we accept at face value. So, in consideration of the government's support for the balance of our amendment, I seek leave to withdraw so much of the circulated amendment, on sheet 7096, as appears in subsection (4)(c).

Leave granted.
Senator BARNETT (Tasmania) (13:17): I thank Senator Sherry and Senator Brandis for that dialogue across the chamber. I am pleased that the minister is willing to accept those amendments put by the coalition.

During his second reading speech, the minister referred to the number of small businesses affected. He said there would be 6,800 entities paying $284 a year in the first year. The advice I have from AUSTRAC is that they have estimated that in that first year there will be 8,512 leviable entities subject to the base component. Clearly there is a difference of 1,712 small business entities between your advice and the advice provided by AUSTRAC. For the record, I think we should get clarity around how many entities are likely to be required to pay that base component.

You suggested that we said there had not been adequate consultation, but we did not say that. I did not say that; I said there had been consultation. What we were supporting in our recommendation was an education and information effort by the government going forward, bearing in mind this is starting on Friday next week, 1 July. I ask the government to positively consider a proper education campaign going forward. Of course there has been consultation, and there was a discussion paper. I make the point that the cost recovery model did change earlier this year. Here we are in June; it changed in January or February or thereabouts. So you cannot just say that business across the board is totally up to date with exactly where we are. There have been changes along the way. AUSTRAC knows this and the government knows this, and that is why businesses need to be advised of the latest developments and changes and exactly how they will be affected.

The minister also said in his second reading speech that there would be no late payment penalty for the first three months. We recommended that it be extended for at least six months through to the end of this year because the first three months is not adequate—it should be six months.

I thank the minister for agreeing to Senator Brandis's recommendations and the coalition's amendments and look forward to his feedback on the number of entities that will be subject to the base component.

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (13:21): Senator, I have some rough figures, which is the best I can do in the circumstances. Approximately 17,000 businesses are affected by the AML/CTF Act. There are 6,000 small businesses, known as affiliates, that are exempt because of their status as affiliates. They are small businesses and microbusinesses. There are a further 3,000 microbusinesses that are specifically exempt because of their microbusiness status. That gives us a figure of approximately 8,000. I am advised that the number affected on the volume of activity is 8,512. I can only give you approximate numbers other than that last number. If I gave an earlier figure that was incorrect, I stand corrected, but they are the approximate figures and the way in which we reached that total.

The TEMPORARY CHAIRMAN (Senator Trood): The question is that opposition amendment (1) on sheet 7095 and opposition amendment (1) on sheet 7096, as amended, be agreed to.

Question agreed to.

Senator XENOPHON (South Australia) (13:22): I move the amendment standing in my name on sheet 7079:

(1) Schedule 1, page 4 (after line 8), after item 1, insert:
At the end of subsection 43(1) 
Add:
; or (c) in the case of an eligible gaming 
machine venue—a person cashes in winnings of 
more than $1,000.

I indicate, as foreshadowed in my second 
reading contribution, that this is a very 
important issue. It relates to very serious 
concerns about money laundering at poker 
machine venues. I refer to reports in the 
Sydney Morning Herald that say that 
 nationally $2 billion has been laundered 
through poker machines and gambling chips 
at hotels, clubs and casinos—as much as 40 
per cent of that amount in New South Wales 
alone. There are also reports that certain 
venues are known by crime gangs as LLs, or 
local laundries. This is an important issue.

The current position is that venues are 
required by statute to pay certain winnings 
by cheque—as I understand it, in Victoria it 
is $1,000—so there is a record or a money 
trail, if you like. In New South Wales it is 
$2,000. My understanding is that in South 
Australia it is in the vicinity of $1,500. I 
cannot be absolutely certain of that, but it is 
in that order. The fact is that there are not too 
many jackpots of more than $1,000 each day 
at a venue. It is not onerous. It is quite 
reasonable that these transactions be 
monitored. If the reports in the Sydney 
Morning Herald are correct—that we are 
talking about $2 billion being laundered this 
way—and we want to tackle the issue of 
organised crime and money laundering, this 
amendment should be passed.

I must say that I have had my run-ins— 
and I will continue to have my run-ins—with 
the hotel, club and casino industries in this 
country, but I accept that they would not in 
any way countenance this sort of behaviour. 
I urge them to support this measure. I am 
sure that people such as Anthony Ball, the 
head of Clubs Australia, would be horrified 
at any suggestion that there is money 
laundering occurring at Australian clubs, 
poker machine venues or, indeed, hotels. 
That is something that I think they would 
have genuine concerns about. I think it is 
important. We have an opportunity to 
strengthen this legislation. If we did not 
include these amendments, it would mean a 
weakened piece of legislation. It would 
ignore the very significant amounts of 
money that are being laundered through 
poker machine venues by virtue of what I 
indicated earlier: you go in, load up a 
machine with up to $10,000 in some 
jurisdictions, play the machine for a while, 
lose $200 or $300, press the cash-out button 
and go to the cashier—and at the moment it 
is not a reportable transaction. To require it 
to be a reportable transaction would be a 
very powerful tool in dealing with those 
organised crime syndicates that use poker 
machine venues to launder money.

Senator SHERRY (Tasmania—Minister 
Assisting on Deregulation and Public Sector 
Superannuation, Minister for Small Business 
and Minister Assisting the Minister for 
Tourism) (13:26): We have only just been 
presented with this amendment. I accept the 
time constraints that Senator Xenophon has 
been working under. Senator Xenophon, I do 
accept your concern. Whether or not this is 
an issue to the extent you or some in the 
media have identified, I simply do not know. 
I do not have advice on that. I accept the 
concern that you have expressed about 
gaming related activities, although I do not 
necessarily agree with at least some of the 
points you make. The amendment you are 
suggesting would have some significance. 
Our concern is, firstly, whether or not it is a 
justifiable response, given what we are 
informed of at this late stage—whether it 
would be justifiable in the context of the 
concern you have. It is very, very late to be 
raising an amendment of this nature.
The objective of the AML/CTF Act relates to the deterrence of money laundering and to hardening reporting entities against terrorism financing. The regulation of gaming venues—of course, we have heard a lot about this in recent times—and their oversight for other purposes is undertaken at a state or territory level. There is a whole set of other proposals and they are controversial, depending on your perspective. All the states and territories other than Tasmania, I am advised, have limits on the amount of cash that can be paid out in winnings from poker machines. The maximum amount that can be paid out is $2,000. Interestingly, my home state of Tasmania bans the use of note acceptors, which means that winnings in that state tend to be lower, because they do not have the facilities of note acceptors—

Senator Xenophon: And South Australia.

Senator Sherry: Yes, and South Australia. Under the AML/CTF Act, any payments made by gaming venues which are suspicious give rise to the obligation of the reporting entity to lodge a suspicious matter report with AUSTRAC. In addition, state and territory gaming regulators centrally monitor payouts from gaming machines. So, even if the current arrangements are not sufficient to meet your concerns, Senator Xenophon, you have raised the issue at this late point in time. I understand the constraints you work under. For that reason we are not going to support this amendment. We think it would have significance. For example, you referred to Mr Ball—whom I know—the CEO of the gaming industry, not wanting the sort of behaviour that you and some in the media claim is occurring. I suspect that is indeed the case, but I also suspect that Mr Ball and the club industry would be somewhat surprised to see an amendment of this significance moved to this legislation very late in the day. The government is willing to examine the claims that you make, but we are not willing to support an amendment of this type at this point in time.

Senator Brandis (Queensland—Deputy Leader of the Opposition in the Senate): I indicate on behalf of the opposition that our conclusion is similar to the government's conclusion. We of course accept entirely Senator Xenophon's concern, bona fides and deep study of this field. But in the time that has been made available to us—and, as the minister said, this reflects no criticism of Senator Xenophon, who has been operating under a lot of pressure lately and I am well aware of that—we just have not had time to properly assess what would be the consequences for clubs in particular and other venues also, of lowering the threshold of the reporting requirement, in effect, to $1,000. I am instructed that at the moment the threshold is $10,000, and for there to be a tenfold reduction of the threshold would, it seems to me without professing any specialist knowledge of the area, be potentially a highly consequential restraint upon the operation of those businesses. No clear evidence, I am bound to say, has been demonstrated to us that the correct balance between the efficacy of what you are seeking to do and the cost of compliance will be struck by lowering the threshold from $10,000 to $1,000. So the opposition concurs with the government's reluctance to adopt this amendment at this late stage of the debate.

The other point I would make, Senator Xenophon, is that the opposition's amendments mandating a review of the legislation after two years have now been accepted, and that review, although it specifies certain matters which must be undertaken as part of the review, can address other matters as well. If at the time of that review two years hence there is a body of
evidence assembled to show that the threshold for the reporting requirements should be lowered to the level you say or to some other lower level than exists currently, then that is a matter that could perhaps be considered by the review. We have had not had time to consider this in detail. I think it is bad legislative practice to adopt an amendment at a late stage simply because it sounds like it might be a good idea and without considering the impact it will have upon those affected by it. For those reasons, and with no disrespect to you, Senator Xenophon, the opposition feels unable to accept this amendment.

Senator XENOPHON (South Australia) (13:32): Madam, Acting Chair, somehow I do not think I have the numbers for this amendment! The sheer arithmetic tells me it is the case, but I want to put some things on the record. I do appreciate the way that both the government and the opposition have given this some consideration. It has been at late notice, but I will put this up as a private senator's bill. It is something that is worth investigating.

I want to put on record a couple of things about this issue. The report that was in the Sydney Morning Herald on 21 October 2010 headed 'Dirty laundry' sets out in considerable detail what goes on, according to this investigative report, in the poker machine industry. In response to Senator Sherry's comments, I want to make it clear that I do not say that Anthony Ball, who I have had many dealings with—I think they have been involuntary for both of us, given our debate on the poker machine issue—would necessarily support this move, but I do say that I think I know him well enough to say that he would be horrified to have any organised crime involvement, through money laundering, in the poker machine industry. I say that as a compliment to Mr Ball; I believe he is genuinely concerned about organised criminal elements. It is a positive reflection on Mr Ball, rather than anything else.

Money laundering through poker machines is big business in hotels and clubs. It is a real issue, and what has been described in this investigative piece in the Sydney Morning Herald is that, after they enter a hotel, the launderers do a reconnaissance of the gambling venue to check if there are any prospective muggers. A money belt would be an obvious choice to carry the cash, but they shun those. They wear a jacket rather than carry a bag. Professional launderers are almost exclusively male, and they do this as a full-time job. During the initial visit they will play a small amount of cash through a machine and then reserve it, going back to their car to collect up to $10,000 in $100 notes. They often make several trips to their car to collect more cash and then return to the same machine. Unlike other automated cash machines, such as ticket dispensers, poker machines are not fussy about gamblers, who can clean $10,000 in just minutes by feeding $100 notes before the reel starts spinning, just a few seconds apart. The gambler then gets a clean cheque from the hotel, and that is the way that the money laundering takes place.

The report states that as much as $2 million passes through the poker machines in a week at each of the state's top poker machine venues. It produces a net profit of $160,000 a week, or $8.3 million a year. I think they are talking about some specific venues. Money launderers do not even need to play the machines; they just feed in the dirty cash and then press the 'win' button and receive a cheque. Some hoteliers say that some public sector in Sydney are well known to criminals as local laundries. An estimated $2 billion is laundered on an annual basis, and this is a large slice of the $14 billion fed through the nation's poker machines in pubs.
and clubs each year. This method is favoured because it is a relatively quick and easy way to convert funds, and we need to bear this in mind. The Australian Transaction Reports and Analysis Centre has been sending out formal questionnaires for months, asking hoteliers to declare who their big winners are, and, as I understand it, they are not happy with the response that they have received. AUSTRAC is working with the Australian Crime Commission, but no hotels or clubs have been prosecuted, despite the fact that there are harsh penalties including jail and fines of $1 million for each offence.

I think money laundering using poker machines is an issue that needs to be dealt with. I appreciate that this amendment was moved at short notice, but there will be a private senator's bill to deal specifically with the issue of money laundering. This is a significant issue. Mr Ball and others can give their evidence, as is appropriate, at such a Senate committee, and I hope that the Senate will not stand in the way of such a bill being considered appropriately. Money laundering using poker machines is the elephant in the room for many in the poker machine industry and is an issue that has not been appropriately addressed. I am grateful to the investigative journalists who have reported on this issue and grateful to experts such as Dr Charles Livingstone from Monash University, who has raised this issue previously. I would like to think that this parliament will have an opportunity to deal with the issue of money laundering sooner rather than later, and I foreshadow that I will be moving a private senator's bill. I accept that it is lost on this occasion, but, because of the short notice they were given, I criticise neither the government nor the opposition. I hope it is understood that this is an issue that will not go away. I hope that this is considered fully in the coming months.

Question negatived.

Bills, as amended, agreed to.
Bills reported with amendments; report adopted.

Third Reading

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (13:38): I move:
That the bills be now read a third time.
Question agreed to.
Bills read a third time.

BUSINESS
Rearrangement

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (13:39): I move:
That intervening business be postponed till after consideration of government business order of the day no. 3 (Trans-Tasman Proceedings Amendment and Other Measures Bill 2011).
Question agreed to.

BILLS

Trans-Tasman Proceedings Amendment and Other Measures Bill 2011

Second Reading

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

Senator HUMPHRIES (Australian Capital Territory) (13:39): On behalf of Senator Brandis I rise to speak on the Trans-Tasman Proceedings Amendment and Other Measures Bill 2011. The bill seeks to give effect to the Closer Economic Relations trade agreement between Australia and New Zealand, in particular the agreement on trans-Tasman court proceedings and regulatory enforcement of July 2008. The
latter agreement was substantively given effect to by the Trans-Tasman Proceedings Act 2010, which was passed with coalition support.

The trans-Tasman proceedings regime implements the agreement between the governments of Australia and New Zealand on trans-Tasman court proceedings and regulatory enforcement. The regime came about following the establishment of the Trans-Tasman Working Group on Court Proceedings and Regulatory Enforcement in 2003. The working group's terms of reference were to examine the effectiveness and appropriateness of current arrangements relating to civil penalty proceedings as well as criminal proceedings relating to regulatory matters. Its membership comprised senior officials from relevant government departments in both countries.

In 2007, the Australian and New Zealand governments agreed to implement the recommendations of the working group. The agreement based on those recommendations was signed on 24 July 2008 by the Attorney-General, Robert McClelland, and the New Zealand Associate Justice Minister, Lianne Dalziel. The regime now allows civil proceedings from a court in one country to be served in the other without additional requirements and extends the range of civil court judgments enforceable between the two countries. Enforcement can only be refused if it conflicts with public policy in the country of enforcement. The regime also adopts a common rule to apply when a dispute could be heard by a court in either country and encourages greater use of technology for trans-Tasman court appearances.

This bill makes minor amendments to the principal act to ensure consistency of language and application with the corresponding New Zealand legislation and to adopt the recommendations of the New Zealand parliament's justice committee. Those recommendations were directed towards preventing spurious claims for a stay of proceedings based upon reliance on jurisdictionally-specific statutes. The bill also corrects a technical error in amendments to the Family Law Act 1975 in relation to court fees payable in respect of de facto relationship financial proceedings.

As we witnessed yesterday with the historic address of the Prime Minister of New Zealand to a joint sitting of this parliament, the ties between Australia and New Zealand are exceptionally close—perhaps closer than those between any other two nations in the world. The harmonisation of our legal systems is yet another example of the closeness of that relationship and one that has bipartisan support, as evidenced by the history of the discussions giving rise to the regime. The coalition is pleased, therefore, to support this bill.

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (13:43): I would like to thank Senator Humphries. I acknowledge he spoke on behalf of Senator Brandis, who had some other commitments. We were pleased to facilitate the passage of the Trans-Tasman Proceedings Amendment and Other Measures Bill 2011. I commend the bill to the Senate.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Troeth): No amendments to the bill have been circulated. Before I call the minister to move the third reading, does any senator wish to have a committee stage on the bill to ask further questions or clarify further issues? If not, I call the minister.
Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (13:44): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Governance of Australian Government Superannuation Schemes Bill 2011

ComSuper Bill 2011

Superannuation Legislation (Consequential Amendments and Transitional Provisions) Bill 2011

In Committee

Debate resumed.

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (13:45): We are in committee and I was thinking, if it were second reading, I could not speak and I would not want to close debate. We are in committee and my mind is vividly refreshed after the debate of last night that went on for some hours. We had been dealing with the matter of the ACTU directors and those amendments had been dealt with. We are now dealing with an amendment relating to the number of directors. Senator Cormann, I am just speaking while you arrived as you might have some further amendments. I am going to sit down now and await your detailed contribution.

Senator CORMANN (Western Australia) (13:45): I thank the minister for assisting in facilitating the process. By leave—I move coalition amendments (1) and (2) on revised sheet 7092 together:

(1) Clause 21, page 14 (line 19), omit '9', substitute '8'.

[quorum of board]

(2) Clause 21, page 14 (line 29), omit '8', substitute '7'.

[quorum of board]

These amendments relate to the quorum on the board of the merged superannuation entity to be created under this legislation. The current quorum requirements are for nine directors out of 11 to be present in order to have a quorum on the board. Given that the ACTU has three nominated directors on the board, if for some reason the ACTU has a bloc, as they could well do at some point in the future, or decide to absent themselves from a board meeting, the board would be left without a quorum. Of course, that is an entirely unsatisfactory situation.

It is quite difficult to understand why a board, which has 10 members and one independent chair, should have a quorum of nine. It seems like a quite extraordinarily high quorum requirement which is not consistent, for example, with what we would be practising here in the context of Senate committees. In fact, it would make the Senate committee process entirely unworkable if we had quorum requirements that were this stringent. It has the additional complication of creating the circumstances where the ACTU directors could act on bloc. Bear in mind that they are nominated by the president of the ACTU and they can only be sacked by the president of the ACTU, so they would be clearly subject to, best case scenario, a serious degree of influence by the ACTU president. It would probably be likely that they would be subject to the direction of the ACTU president in terms of how they conduct themselves on that board.

We think it is a very simple amendment and we are not proposing to go in any way overboard. We are only suggesting that the
quorum requirements be reduced from nine to eight, which would then have as a consequence that the ACTU by themselves would not be able to make the operations of the board unworkable. It is a very simple amendment. There is not anything else that I need to add to make it well understood. We think it is a sensible amendment. We think it will improve the corporate governance arrangements on the board that the government is creating under this legislation, and we commend it to the Senate.

Senator SHERRY: Thank you, Senator Cormann, for your contribution. The government does not support the proposed amendment. In terms of the rationale in the bill the arrangement requires a greater number of directors to be present at a meeting than is necessary to enable the minimum two-thirds voting rule under the SIS Act to be met. The bill requires two-thirds of the directors on the board to vote in favour of a resolution for a decision to be made. As I mentioned, I think last night, the two-thirds voting is a sort of joint veto arrangement, a blocking veto arrangement, in terms of the equal representation rule that was inserted in SIS back in 1993—for good reason as it has worked well, I might say. The government is of the view that increased quorum numbers will facilitate improved decision making to ensure the incorporation of all the views of interests represented on the board.

There are a number of safeguards in the current arrangements that can deal with the issues raised by Senator Cormann. APRA does have the power to act if any board member is not acting in the best interests of all members overseen by the trustees. This includes military and civilian. APRA has intervened in at least one fund, and I am sure there are others in the past, and removed trustee directors.

The bill allows the minister for finance to terminate a board member if they do not meet the SIS Act fitness and proprietary standards. When considering only military matters there must be a military member present for the decisions to be taken. The ACTU cannot direct member representatives in regard to attendance in voting. That is now allowed under the SIS Act. Once you are appointed you are, at arm's length, required to make the decisions. You cannot be directed. The body is a CAC Act body and requires that board members comply with the directors' duties set out in the act. The government does not support your amendments.

Senator CORMANN: I will not hold up the Senate for long, but I have a couple of points. The two-thirds requirement the minister talks about is easily met by having a revised quorum of eight rather than nine, because eight out of 10 is still well in excess of the two-thirds requirement. In terms of terminating members on the board, one of the key concerns we have is that the minister for finance is not able, for example, to terminate directors that are nominated by the president of the ACTU under this legislation on the basis that she would be able to terminate employer appointed directors. That is one of the areas of concern we have.

In terms of not being subject to directions, allow me to be sceptical. There are obviously different ways of skinning a cat. I do not think it is conceivable and I do not think that anybody across Australia would believe that ACTU president nominated directors on this board will not be subject to the influence, dare I say, the direction, of the president of the ACTU. These are obviously all very opaque processes. I am sure that this will not be happening on the front pages of newspapers. It will happen behind closed doors and it will be very hard for the public at large, or indeed the Senate, to scrutinise
whether these sorts of processes are happening appropriately. We think that this is a very sensible amendment. We think that it is an amendment that will assist to make the board of this newly created organisation more workable. We commend this amendment to the Senate.

Question put:
That the amendments (Senator Cormann’s) be agreed to.

The committee divided. [13:57]
(The Chairman—Senator Ferguson)

Ayes..........................34
Noes..........................36
Majority......................2

AYES

Abetz, E  Adams, J (teller)
Back, CJ  Barnett, G
Bernardi, C  Birmingham, SJ
Boswell, RLD  Bryce, SK
Bushby, DC  Cash, MC
Colbeck, R  Coonan, H
Cormann, M  Eggleson, A
Ferguson, AB  Fierravanti-Wells, C
Fifield, MP  Fisher, M
Heffernan, W  Humphries, G
Johnston, D  Joyce, B
Kroger, H  Macdonald, ID
Mason, B  McGauran, IJJ
Minchin, NH  Parry, S
Payne, MA  Ryan, SM
Scullion, NG  Troeth, JM
Trood, R

NOES

Pratt, LC  Sherry, NJ
Siewert, R  Stephens, U
Sterle, G  Wong, P
Wortley, D  Xenophon, N

PAIRS

Brandis, GH  Ludwig, JW
Nash, F  Feeney, D
Ronaldson, M  Ludlam, S

Question negatived.
Bills agreed to.


Third Reading

Senator SHERRY (Tasmania—Minister Assisting on Deregulation and Public Sector Superannuation, Minister for Small Business and Minister Assisting the Minister for Tourism) (14:00): I move:

That these bills be now read a third time.

Question agreed to.
Bills read a third time.

MINISTERIAL ARRANGEMENTS

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:00): I inform the Senate that Senator Ludwig is absent on ministerial business. For question time today, and perhaps tomorrow, Senator Sherry will be taking questions on behalf of Senator Ludwig on agriculture, fisheries and forestry; Senator Wong will represent the Attorney-General and the Minister for Home Affairs; and Senator Arbib will represent the Minister for Health...
and Ageing. Senator Arbib is also the acting Manager of Government Business.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:01): I seek leave to make a brief statement about the ministerial arrangements.

Leave granted.

Senator ABETZ: The coalition welcomes the fact that Senator Ludwig is finally in Indonesia dealing with this issue; as far as the coalition is concerned, this is a trip that should have taken place ages ago, but we wish him well.

QUESTIONS WITHOUT NOTICE
Carbon Pricing

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:02): My question is to the Leader of the Government in the Senate, Senator Evans. I refer to the Prime Minister's statement six days before the last election that 'there will be no carbon tax under the government I lead'. Why has the Prime Minister broken her promise to the Australian people?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:02): I do not think this sort of low-level politics does Senator Abetz any good. The churlish comments about Senator Ludwig pursuing Australia's national interests are, I think, petty. Senator Abetz has asked me this question at least once before, if not two or three times. The Gillard government have made it clear that climate change poses a very significant challenge to our environment and the Australian economy. We, like John Howard in 2007, argue the need for a comprehensive government response. This government has set about trying to build a consensus in this parliament for putting a price on carbon. As you would be aware, we sought in the previous parliament to introduce a CPRS, which was not able to gain the support of the parliament.

The opposition, after originally supporting that proposition, rolled their leader and determined to oppose any action on climate change. In fact, the opposition now deny that climate change is a problem; I think the deniers have the numbers. I do not know whether, when Senator Minchin goes, the numbers will turn again. I think you are losing a couple of deniers, and it will be interesting to see how the balance goes. Malcolm Turnbull may be back and the believers might be in charge again.

Opposition senators interjecting—

Senator CHRIS EVANS: The interesting thing about the new parliament is that we will be able to work out who the mad right-wingers—

The PRESIDENT: Order! Senator Evans, I am trying to get your attention. When there is silence we will proceed.

Senator CHRIS EVANS: I know the opposition are sensitive about their flip-flopping on this issue, but I can tell you this: we are determined to build a parliamentary majority for putting a price on carbon and making the fundamental changes this economy requires. (Time expired)

Honourable senators interjecting—

The PRESIDENT: Senator Cormann and Senator Sherry, if you wish to debate the issue you debate it at the end of question time. Senator Abetz.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:05): I remind the Leader of the Government that keeping promises is not 'churlish'. Mr President, I ask a supplementary question. Will the minister confirm that the carbon tax that the Prime Minister promised not to have
is now the price Australians will pay for the government's deal with the Greens so she could cling to power after she lost Labor's majority at the last election?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:05): It seems that Senator Abetz, like his leader, has trouble accepting the results of the last election, but I am afraid that that is where we are at and he ought to try to accept the result. All these rhetorical flourishes, which may well go down at the Hobart Liberal Party council, are not the same as having a proper policy debate. I would encourage the opposition to engage in a proper policy debate—not making three-word slogans and accusations about lying et cetera but actually debating the policies. Does the opposition believe climate change is occurring? Do they believe humans contribute to that? Do they believe we need to take serious action to address those concerns? The reality is that everyone who accepts the logic of those propositions accepts that we need to put a price on carbon, and that is what this government is going to do.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:06): We on this side accept the result of the last election, which returned 98 per cent of parliamentarians on the promise of no carbon tax. So what mandate does the government claim to have from the Australian people to impose a carbon tax which destroys jobs, raises the cost of living and will do nothing for the environment?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:07): I would be happy to debate the question of a mandate with Senator Abetz at any time. It is one of those theories that people like when it suits them and abandon when it does not. The reality is that this government is going to put a proposition before the parliament that the elected members of parliament, including those opposite, will get to vote on. They will get to vote on legislation to put a price on carbon. Then they can decide whether they are going to support the legislation or not. That will depend on how the numbers in the party are going, whether the loss of a few of the old right-wing warriors means the numbers swing back again. But that is what we will see. Decisions about a price on carbon will be made in the Australian parliament by all of us. All of the elected representatives of the people will get a chance to vote on carbon legislation later this year.

Honourable senators interjecting—

The PRESIDENT: Senator Evans, please stop. I would remind senators it is disorderly to shout across the chamber. If you wish to participate in debating the issue there is time at the end of question time.

Science

Senator STEPHENS (New South Wales) (14:08): My question is to the Minister for Innovation, Industry, Science and Research, Senator Carr. I am sure the minister is aware of the Respect the Science campaign, launched last night by the Federation of Australian Science and Technology Societies. Can the minister advise what he is doing to respond to the concerns of Australian scientists?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:09): I thank Senator Stephens for her question and her longstanding commitment to Australian science. There has been a very important moment to affirm our respect for science. There has never been a more
important moment in which to do so. It has almost been four centuries since the passing of the Enlightenment but, by now, you would have thought—

Honourable senators interjecting—

A government senator: They are still waiting for it!

Senator CARR: We're getting there!

Honourable senators interjecting—

The PRESIDENT: When people have settled down, question time will proceed.

Senator CARR: What I was saying before I was so rudely interrupted by the knuckle-draggers on the other side of this chamber is that you would have thought that after four centuries the whole question of the Enlightenment would have seen the light from science penetrate every part of the body politic of this country. But what we find in this building, in this opposition, is that there are some very dimly-lit corners today. There are those on the other side of the chamber who would be only too happy to drag us back to the Dark Ages. What we have is a government on this side that is committed to ensuring that we stand for reason, we stand for scientific method and we stand for the maximum discovery in science. What we see on the other side of the chamber is an opposition that runs from the facts, that peddles in fear and seeks to, wherever it can, rely upon innuendo and undermine the importance of scientific method in this country. We must recommit, in this country, to ensure that when the cameras stop rolling we still argue the case for the importance of science. We make no apology for the search for truth when it comes to the issues of scientific discovery. (Time expired)

Honourable senators interjecting—

The PRESIDENT: When senators are ready we will proceed.

Senator STEPHENS (New South Wales) (14:12): Mr President, I ask a supplementary question. In regard to the Respect the Science campaign is the minister aware of global reports that Australian climate scientists are subject to death threats and abuse, and what is the minister's response to this?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:12): Every friend of Australian science was dismayed by the reports that Senator Stephens refers to. Such behaviour is contemptible and has no place in Australia and yet we have seen those threats dismissed by some in this building as nothing more than a mere contest of ideas. It is as if to say there is nothing wrong with the behaviour that we have seen in parts of this country. This government sees a difference between robust debate and downright abuse of our scientists. The government sees a difference between peer review and fearmongering. This government will not pretend that the earth is flat no matter how convenient it would be for some on the other side of this chamber to have us believe it. For this government, the choice is clear. We respect the science and we call on you to change your ways and respect the science too. (Time expired)

Honourable senators interjecting—

The PRESIDENT: I have already pointed out to senators that the time to debate issues is at the end of question time.

Senator STEPHENS (New South Wales) (14:14): Mr President, I ask a further supplementary question. Given that this week is Science meets Parliament and given the government's massive boost to the science and research budget, how does that investment help Australians cope with contemporary challenges?
Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:14): I am really quite disturbed that so few opposition senators have chosen to participate in Science meets Parliament. The fact remains that curiosity-driven research is important but so is the importance of providing answers to the big questions facing our society. We are in the business of building the tools to power the nation in the 21st century. And if we look at our phenomenal potential with new technology, we do not have to go much further than the CSIRO. It estimates that supply of around 30 per cent of Australian energy will be able to be provided through renewable energy sources. This will not be done without our scientists. They will not be able to get the investment they need without a carbon price, and they will not be able to do this without ensuring that we respect their contribution to Australia's future development. That is why the CSIRO is working with industry to bring down the cost of solar technology. That is why we are building two of the largest and most efficient solar plants in the world in Moree. (Time expired.)

Carbon Pricing

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:15): My question is to the Minister representing the Prime Minister, Senator Evans. Does the Prime Minister still believe in the words she said in March 2009: 'I think when you go to an election and you give a promise to the Australian people, you should do everything in your power to honour the promise.'

I think when you go to an election and you give a promise to the Australian people, you should do everything in your power to honour the promise.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:16): I thank Senator Brandis for the question. I know he is an expert on such matters, given his harsh assessment of his own former Prime Minister. It is disappointing that the best the Liberal Party can offer in question time today is to rerun arguments and claims from years past. The point is that all they have is rhetoric. There are no questions about policy; there is no focus on the policy debate before the parliament. All there is here is the sort of politics that goes down well at Liberal Party council meetings where they will say: 'Good on you, Senator George Brandis. You really ran the lines that make us all feel good.'

When it comes to the question about whether they have any policies or are engaged at all in the policy debate about the challenges facing the Australian economy, they are not there; they are absent. A couple of slogans, a couple of photo opportunities, and that is it. This parliament, the elected representatives of Australia, will get the opportunity later this year to debate a substantive piece of legislation which will seek to put a price on carbon. The parliament will decide. We will again attempt to have a serious, comprehensive response to the challenge of climate change. We will introduce the legislation, and all members of parliament will get their chance to debate it. Hopefully the opposition will join the serious policy debate, and this parliament will get to make a decision as to whether or not we will implement a price on carbon. This government is committed to doing that. This government is committed to working with members of parliament with goodwill who are interested in a serious response to climate change, to put in place a price on carbon and help make the transformation the economy needs to make. I hope the opposition soon begin to focus on the real policy questions before Australia.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:18): Mr President, I ask a supplementary question. I note that the
obligation to honour promises to the Australian people is now regarded by this government as an argument of 'past years'. Given that the Prime Minister has failed to do everything in her power to honour her promise during the election campaign that 'there will be no carbon tax under the government I lead', will she now let the Australian people have a say on her broken promise and allow a plebiscite on the carbon tax?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:18): I find myself agreeing with John Howard very often these days. First of all, he wanted a serious response to climate change, and then he was absolutely dismissive of the idea of plebiscites. He said members of parliament were elected to make those decisions. He said that the Australian people expected members of parliament to make those decisions. So, again, I find myself wildly in support of former Prime Minister John Howard. He was serious about combating climate change, and he also knew that calling for a plebiscite when one could not win the argument in a serious debate was a sign of a political stunt, which disappeared by day's end. They were going to come in at 10 o'clock in the morning yesterday, you will recall, and move bills on both sides of parliament. The only problem was parliament did not start until 4.30! It was a cunning plan, Baldrick, but unfortunately the parliament did not start until six or seven hours later. This is the sort of leadership we get from the Liberal Party.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:20): Mr President, I ask a further supplementary question. Why is the Prime Minister afraid to let the Australian people have their say on a matter that affects every Australian family's cost of living and destroys the job prospects of tens of thousands of Australians? Why won't the Prime Minister allow Australians a vote on her broken carbon tax promise?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:21): Again, all we get is rhetoric. The Australian government is going to argue its case for a price on carbon in this parliament. We are arguing our case and seek to get legislation passed. And all of those opposite have a duty to deal with that in a serious manner.

We also have to argue our case out in the Australian community, and that is what we are doing. It is difficult because people are being encouraged to be fearful; people are being encouraged to believe untruths. People are made to be concerned as a result of a lowbrow fear campaign. But I have no doubt that at the end of the debate the Australian people will appreciate the need for this fundamental change in the way we organise our economy. They will understand that a response to climate change has to occur and that a price on carbon is the best way to drive that change, and I am sure they will come to understand that the Liberal Party has nothing to offer.

Fiscal Policy

Senator HURLEY (South Australia) (14:22): My question is to the Minister for Finance and Deregulation, Senator Wong. Can the minister outline to the Senate the importance of maintaining a sound fiscal strategy, and how does this compare with other strategies?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:22): This is a government that takes fiscal responsibility very seriously. Last
month we handed down a budget that sets out a plan to bring the budget back to surplus and to build capacity needed to respond to the changes occurring in the Australian economy. It is a budget focused on building Australia’s future workforce, on aligning training with industry needs and making significant investments in skills. The contrast between our government and those opposite could not be starker. On this side we have a disciplined approach to the budget and a commitment to bring the budget back to surplus, which we understand requires us to make savings. On the other side we have the Tony Abbott debt truck—

The PRESIDENT: Order! Senator Wong.

Senator WONG: I withdraw. The Mr Abbott debt truck—a $10.6 billion election black hole; a climate change policy that cost $20 billion more than they have costed and that they told the Australian people; and locked savings measures of $5 billion. How embarrassing. But it has been added to by the Mr Abbott spendathon, which in part has been led by those in this chamber seeking to impose greater expenditure on the Commonwealth budget without any savings measures. And now there is this fabulous idea that they have concocted over the weekend of an $80 million plebiscite!

Opposition senators interjecting—

The PRESIDENT: If people want to debate the issue you know that the time for that is after question time. All you are doing is wasting valuable time in question time. Senator Wong.

Senator WONG: What is occurring is that the opposition comes into this chamber and proposes additional spending without any savings measures—and now they tell the Australian people that they want an $80 million opinion poll that Mr Abbott himself has said he will ignore. (Time expired)

Senator HURLEY (South Australia) (14:25): Mr President, I ask a supplementary question. Has the minister seen any reports of support for the principle of taking a fiscally responsible approach, and does this position have wider support?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:25): Yes, I was very glad to see in recent times some very responsible comments attributed to my predecessor, Senator Nick Minchin, whose time in this place, obviously, is coming to a close. According to these reports, Senator Minchin laid out a test for the Leader of the Opposition when he wisely advised the shadow cabinet, 'When we take decisions to cut revenue in government we have to find ways to replace the revenue.' A similar plea for fiscal responsibility was made by an anonymous coalition member of parliament, who told the Adelaide Advertiser last month:

We can't keep agreeing with government spending measures and opposing savings and revenue measures and keep our financial credibility intact.

Well, out of the horse's mouth. It is absolutely true. Those on that side who should know better—and Senator Minchin is amongst them—should be counselling some of the opportunists— (Time expired)

Senator HURLEY (South Australia) (14:26): Mr President, I ask a further supplementary question. Can the minister advise the Senate of the implications of taking a less rigorous fiscal approach?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:26): A less rigorous fiscal approach is that advocated by the opposition and by my counterpart, Mr Robb, who seems to be very
good at blogging wildly about debt and meanwhile allowing votes in the parliament which would simply ensure that the government is not able to bring the budget back to surplus. Fiscal responsibility does come down to making sure you take the savings measures which you have accounted for. It does come down to votes. It is not sufficient for Mr Robb simply to blog about debt whilst he allows the opposition to vote against savings measures and to vote for spending measures without showing how they will fund them. The opposition should take the opportunity to speak to Senator Minchin, a former finance minister, before he leaves this place and get some advice about how to run their fiscal policy.

**Carbon Pricing**

**Senator BIRMINGHAM** (South Australia) (14:28): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. Does the minister accept the finding of the Productivity Commission that an ETS or carbon tax will:

... directly increase product costs according to their emissions intensity with these costs being passed on to consumers and user industries.

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:28): I am very pleased that at least some in the opposition have read some parts of the Productivity Commission report. If they had read it properly they would know that one of the things the commission says is that putting in place a carbon price is the most efficient way to ensure that an economy reduces its emissions. In fact, it is a report which shows the weakness of the coalition's policy—a policy which is all about taking money from taxpayers, giving it to polluters and hoping that there might be some change in behaviour. That is, as Mr Turnbull has said, a recipe for fiscal irresponsibility. This government has made its approach very clear. It is an approach which we put into this parliament on a number of occasions in the last term. We want to put a price on carbon because that is the most economically sensible way to reduce Australia's emissions and to ensure that we can build the clean economy of the future.

In terms of price impacts, the senator is aware and the government has been upfront about the fact that there are price impacts from charging for something which is currently free. What is currently free is the ability to pollute; and, as long as that is free, companies will continue to do it. The government has made it clear that the revenue that is received through the carbon price being levied on the big polluters will be returned to Australian households and to Australian businesses to ensure that the adjustment can be made to a cleaner energy economy.

**Senator BIRMINGHAM** (South Australia) (14:30): Mr President, I ask a supplementary question. Will the minister confirm that the prices of Australian produced goods will increase more than those of imported goods under Labor's carbon tax? Isn't this policy, as the managing director of Coca-Cola Amatil said recently, 'discriminatory because it advantages imported goods'?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:31): I was listening to a speech once in this chamber from a senator from South Australia who argued for a carbon price. He looked remarkably like the gentleman who just asked me a question. It is quite extraordinary, isn't it, the way in which those on the other side—who once believed that climate change is real and once believed in an economically rational approach to dealing
with it—now come into this place and ask questions like that. Here is another one—

**Senator Brandis:** Mr President, I rise on a point of order on the issue of direct relevance. The minister was asked about the differential impact of a carbon price on domestically produced and imported goods. She is more than halfway through her answer and she has engaged in nothing but ritualistic abuse of the questioner. She has not approached the question. She has not been relevant, let alone directly relevant.

Honourable senators interjecting—

**The PRESIDENT:** There is no point of order.

Honourable senators interjecting—

**The PRESIDENT:** Order on both sides! Listening to some of the answers today has been difficult because of the constant interjections from both sides. It will help the conduct of question time and my capacity to hear the answers fully if those people who are interjecting cease their interjections. The interjections sometimes overtake the question that has been asked. Senator Wong, you have 24 seconds remaining to address the question that you were asked by Senator Birmingham as a supplementary question.

**Senator WONG:** What Senator Birmingham is asserting is essentially that no-one else is doing anything. That is essentially what he is asserting, and we know that that is wrong; we know that that is not true. We know that a price on carbon has existed in Europe since 2005. We know that the United States is now investing more in clean energy than in conventional sources. We know the action that China is taking, we know that India is taxing coal, but those on the other side persist in perpetuating a myth. *(Time expired)*

**Senator BIRMINGHAM** (South Australia) (14:33): Mr President, I ask a further supplementary question. With the Productivity Commission confirming that, despite what the minister says, no country currently imposes an economy-wide tax on greenhouse gas emissions or has in place an economy-wide ETS, will the minister explain why Labor wants to continue with a policy that will disadvantage Australian businesses, hurt Australian households and have no guaranteed environmental benefits?

Honourable senators interjecting—

**The PRESIDENT:** All right—

**Senator Cameron:** Simon, why did you backflip?

**The PRESIDENT:** Senator Cameron! I call Senator Wong.

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:35): We continue this policy for many of the same reasons that the former Prime Minister, John Howard, went to the 2007 election with a promise to put a price on carbon. We continue this policy for many of the same reasons that his hand-picked task group, led by Peter Shergold, recommended an emissions trading scheme as the most economically efficient way to reduce pollution and to tackle climate change.

**Senator Conroy interjecting—**

**Senator Abetz interjecting—**

**The PRESIDENT:** Senator Wong, resume your seat. Senator Abetz and Senator Conroy: your exchange across the chamber might suit yourselves but it makes it very difficult for me to listen to Senator Wong. Senator Wong, continue.

**Senator WONG:** For all of those reasons, Mr President, and because we on this side believe that it is our responsibility to do something about climate change. We do not believe it is responsible for us to sit here in the Commonwealth parliament and say: 'This is too hard. We don't want to do
this. We'll ignore all of the risks, economic and environmental, that scientists have given this parliament time and time again.' We believe that it is the responsible and right thing to do.

Carbon Pricing

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:36): My question goes to—

Honourable senators interjecting—

The PRESIDENT: Order! Senator Brown, resume your seat. As long as those exchanges across the chamber are taking place, it makes it difficult for me to hear your question. That is not fair to you. You are entitled to be heard in silence.

Senator BOB BROWN: It is not fair to you either, Mr President. My question is to the Minister representing the Treasurer, Senator Wong. I refer to the full-page ad in today's Sydney Morning Herald and other entities by the Australian Coal Association, which might more readily be called the Overseas Owned Coal Association. I ask the minister: is such advertising tax deductible? If so, does the government know how many thousands of dollars of this advertising is coming out of taxpayers' pockets without their warrant?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:38): Firstly, in relation to the tax question, obviously whether or not this or any other expense is deductible obviously depends on the taxpayer's particular circumstances and the details of the expense made, so I am not sure I would be in a position to make any definitive statement about the extent to which these sorts of expenditures would in fact be deductible. If I can find any further advice from the Treasurer on this issue, I will provide that. But it would depend on the circumstances of the company and the expenditure made. I am not sure I can provide much more information to Senator Brown. It is true that companies do, under Australia's taxation laws, have the ability to deduct certain expenses—

Senator ABETZ: What about The Wilderness Society ads?

Senator WONG: I am in a position to make a comment about that either, Senator Abetz. I would say that this government, unlike some governments in the past, is not in the habit of trying to stifle free speech, even when we do not agree with it.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:38): Mr President, I ask a supplementary question. I refer again to the advertisement, which is based on the premise that a carbon price will make no difference to global greenhouse gas emissions. I ask the minister: is that not one whopping premeditated lie which ought to be contested?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:38): Rather than getting into a debate about what may or may not be in a particular advertisement, I will just make this point. The proposition that there is no point in pointing in place a carbon price has been made endlessly in this place by Senator Joyce and others. I am on record over quite a number of hours and days in the context of previous climate change debates answering that. It is an interesting proposition because what it essentially says is, 'We might think climate change is real, but everyone else
should fix it.' If you say that we do not need to do anything in Australia, you are essentially saying that this might be a problem but other people have to deal with it. (Time expired)

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (14:40): Mr President, I ask a further supplementary question. Is coal not the chief villain responsible for greenhouse gas emissions which are creating dangerous climate change, threatening 128,000 jobs in the Murray-Darling Basin and 67,000 jobs on the Great Barrier Reef—including a $6 billion economy there which puts its money back into the Australian economy, unlike the foreign owned coal industry?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:41): Obviously those are not words that I would use, but the senator is entitled to use them. The government has always recognised the importance of the coal industry; we also recognise the importance of climate change. We have been working on an economically responsible way to deal with climate change, an issue that we understand is not going to go away, no matter how much those on the other side might rail against it. Our view is that it is an economically sensible approach to ensure we put a price on carbon, that we utilise the revenue from that price to assist Australians to adjust to the change as we move to a low-carbon economy.

Economy

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:42): My question is to the Minister for Finance and Deregulation, Senator Wong. Is it true that the government has presided over one of the fastest fiscal expansions in our history? Has the minister seen the research of Dr Ken Rogoff of Harvard University which shows that Australia has increased its public debt at the third-fastest pace in the world, after Iceland and Ireland, since 2007, which, surprisingly enough, was when the Labor Party was elected to government?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:42): If the senator is asking, 'Did the global financial crisis happen?', the answer is yes. If the senator is asking, 'Did the government go into deficit so as to ensure that we could put stimulus into the economy to save jobs and prevent the country going into recession?', the answer is yes. If the senator is asking, 'Was this government responsible for ensuring that 200,000 Australians and their families were not put on the dole queues because we chose to put stimulus into the economy?', then the answer is yes. And, Senator Joyce, your party made the wrong call on that occasion and you are making the wrong call now. The senator cannot come in here and ask me questions about debt and deficit while his side—

Senator Brandis: Yes, he can.

Senator WONG: it is called hypocrisy, Senator Brandis—

Senator WONG: while his side is busy adding to the Mr Abbott debt truck with the Mr Abbott spendathon. If the senator really cared about the state of the federal budget, he would go into the coalition joint party room, ensure that those opposite stop putting forward spending measures and argue for the support of the savings measures in the government's budget, a budget that ensures—

Honourable senators interjecting—

The PRESIDENT: I repeat: the interjections that have been taking place have been not helping question time.

Senator Brandis: Mr President, I rise on a point of order on direct relevance. Three-
quarters of the way into the time allotted for her answer the minister has done nothing more than answer questions that were not posed by the questioner but posed by herself, abuse the questioner and not bear on the question at all.

**Senator Arbib:** Mr President, on the point of order, there is no point of order. The minister is being directly relevant to the question. Just because the answer is not the answer that the senator requires does not mean she is not answering the question.

*Honourable senators interjecting—*

**The PRESIDENT:** On both sides there needs to be order! On the point of order, the minister has 35 seconds remaining to address the question. As is known, I cannot tell the minister how to answer the question. I do draw the minister’s attention to the question in the 35 seconds remaining to answer the question.

**Senator Wong:** Thank you, Mr President. I was asked about debt, and I would make this point: Australia’s public finances are extraordinarily strong by international standards. Net debt for us in the next financial year peaks at 7.2 per cent of GDP. Compare this to in excess of 85 per cent of GDP for the US in the same year or in excess of 73 per cent of GDP for the United Kingdom in the same year. But what is more important is this: the opposition cannot vote against these measures and still have the rhetoric. They cannot have it both ways. *(Time expired)*

**Senator Joyce:** Mr President, I ask a supplementary question. I refer the minister to the front page article in the *Australian* today, which shows that state and federal debt will climb to $552 billion by 2014. Does the minister believe that the Future Fund chairman, Mr David Murray, is being sensationalist or scaremongering when he says, ‘If the economy is already indebted, and terms of trade are at an all-time high, causing capacity constraints in the economy, incremental indebtedness of governments will crowd out the private sector’?

**Senator Wong:** It is correct that there are strong reasons to return the budget to surplus, which is why we are engaging in the fastest fiscal consolidation since the 1960s—3.8 per cent over two years. That is, of course, if those on the other side accept the importance of fiscal responsibility and vote for the government’s savings measures. I am not surprised you are interrupting, Senator Joyce.

**Senator Joyce:** Mr President, I rise on a point of order on relevance. Quite simply, does the minister agree with David Murray’s statement or doesn’t she?

**The PRESIDENT:** Senator Joyce, that is not a point of order.

**Senator Wong:** I started the answer by saying there are strong reasons to bring the budget back to surplus. They have been spoken about by the government, by the Treasurer, by the Prime Minister and by me. That is why the budget has us on track to come back to surplus in 2012-13, the fastest fiscal consolidation since the 1960s. Senator Joyce does not like people pointing out the double standard of asking about this and then not voting for those savings measures and voting for more debt through more spending. He does not like people pointing that out. *(Time expired)*

**Senator Joyce:** That is the promise of consolidation but the reality of expansion. Mr President, I ask a further supplementary question. Can the minister confirm that, since Julia Gillard became Prime Minister, she has borrowed an average of $135 million every day? Can the minister explain why this rate of borrowing is in fact higher than that achieved by her predecessor, former Prime
Minister Rudd? Is it going to be more than the next Prime Minister, Stephen Smith?

The PRESIDENT: Minister, you can only answer those parts of the question that pertain to your portfolio responsibility.

Senator WONG: The senator speaks about the promise of fiscal consolidation. I am sure I can give a commitment on behalf of the senators on this side that we will vote for that. We will vote for those measures in the budget that ensure that there is the fiscal consolidation that the senator speaks of. We will vote for the savings measures that make sure this country is back on track to return the budget to surplus. We will do that. I would invite the senator, if he does care about these issues—if he cares about debt and if he cares about returning to surplus—to stand up now and tell us that he will also vote for the government's savings measures. If he fails to do that, his silence will speak volumes.

Higher Education

Senator CROSSIN (Northern Territory) (14:52): My question is to the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, Senator Evans. Can the minister inform the Senate on the latest university enrolment figures and advise whether the government is, in fact, on track to achieve its target to have 40 per cent of all 25- to 30-year-olds holding a qualification at a bachelor's degree level or above by 2025?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (14:52): I thank Senator Crossin for the question. The Gillard government believes in the transformative power of education and we are committed to ensuring that all Australians who are eligible to attend university are given that opportunity. I am pleased to report to the Senate that, as a result of the government's landmark higher education reforms, more Australian students than ever before have the opportunity of a university education. The Gillard government has moved away from a decades-old system of central planning under which every year universities were forced to negotiate an allocated number of student places with the government in Canberra. We removed this cap on enrolments and for the first time universities will be able to grow with confidence and diversify in response to student needs.

As a result of our reforms and our record investment in higher education, we have already seen an extra 80,000 undergraduate students get the opportunity of a university education since 2007. The government has opened the doors of Australia's universities to more students than ever before. Both our nation's universities and our students are responding strongly to those opportunities. The most recent figures show that in 2011 more than 480,000 undergraduate places have been funded and that next year, for the first time, the number of places will grow to more than half a million. The increase in university enrolments will make a major contribution to the government's important target that by 2025 40 per cent of all 25- to 34-year-olds holding a qualification at a bachelor's degree level or above by 2025?

Senator CROSSIN: Mr President, I ask a supplementary question. Can the minister...
also advise whether there has been any increase in the number of students from low socioeconomic backgrounds attending Australian universities as a result of these government's reforms?

Senator CHRIS EVANS: I am very pleased to report that Australian universities are welcoming a new generation of students from disadvantaged backgrounds, many of whom are the first members in their family to attend university. This is an achievement which is a direct result of the government's major reforms. New analysis by my department shows that applications by students from disadvantaged backgrounds in Australia are up strongly since 2009. Between 2009 and 2011 there has been a 12.7 per cent increase in the number of applications by low socioeconomic status students. That growth exceeds that of people from medium and high SES backgrounds. In this year's budget, the government is providing $708 million over four years to assist universities to attract, support and retain students from disadvantaged backgrounds. So the reforms are working and more kids from low-income backgrounds are getting the chance to go to university.

Senator CROSSIN: Mr President, I ask a further supplementary question. In the context of those previous two answers, what financial support is available for supporting Australian university students, particularly those from disadvantaged backgrounds, as the minister outlined?

Senator CHRIS EVANS: In April last year the Gillard government implemented landmark reforms to youth allowance to give more students the opportunity to go to university by targeting financial assistance at those with the greatest need. As a result of Labor's reforms, we know that more students are now receiving the support they need to pursue a university education. A key element of our package was to increase the parental income test threshold from $33,000 to $45,114, indexed annually. In just 12 months there has been a 108 per cent increase in the number of dependent university students from disadvantaged backgrounds receiving the maximum rate of youth allowance. This change has significantly expanded the number of people who are eligible for youth allowance and has increased the amount of support they are paid. We are seeing more students from low socioeconomic backgrounds and more students getting youth allowance to support them to study.

Asylum Seekers

Senator CASH (Western Australia) (14:57): My question is to the Minister representing the Minister for Immigration and Citizenship, Senator Carr. I refer to the current Prime Minister's statement on radio 6PR on 8 July 2010 in which, when commenting on regional processing centres, she stated:

I would rule out anywhere that is not a signatory to the Refugee Convention.

With the announcement by the government of its people-swap deal with Malaysia, isn't this just another example of the Prime Minister saying one thing to win an election and then going back on her word once in power?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (14:58): Perhaps I can provide Senator Cash with some information that she is seeking. I can say that the government is sending a clear message to the people smugglers that asylum seekers should not bother coming to Australia by boat, because they will not be processed here. The transfer arrangement means that the people-smuggling business model will be completely undermined and it will deter those who are trying to make the
dangerous journey to Australia by boat. The discussions with Malaysia, I am advised, are well advanced and are in the process of being finalised.

Senator Cash interjecting—

Senator CARR: Senator Cash asks about the role of the UNHCR. I indicate to Senator Cash that, once in Malaysia, transferees will go into the mix for processing, alongside more than 90,000 UNHCR registered asylum seekers or refugees already in Malaysia. The UNHCR will be involved in a range—

Senator Cash: Mr President, I rise in point of order. It is pretty obvious that my point of order goes to relevance or, rather, irrelevance where the minister is concerned. The minister is clearly reading the wrong brief, because he is not answering the question that I asked. My question was directly related to a statement made by the Prime Minister on radio 6PR on 8 July 2010, where she stated:

I would rule out anywhere that is not a signatory to the Refugee Convention.

In relation to the deal with Malaysia, isn't this just another example of the Prime Minister going back on her word?

The PRESIDENT: There is no point of order. Senator Carr, you have 46 seconds remaining to answer the question.

Senator CARR: Mr President, I am absolutely devastated!

The PRESIDENT: Senator Carr, I just need you to address the question, not your personal circumstances.

Senator CARR: It is very rude of you to talk like that in the chamber, Senator Cash, and I think you should have your attention drawn to the UNHCR spokesperson, who has said, 'As we understand the MOU, Australia's obligations under the Refugee Convention are not compromised provided that the fundamental rights of asylum seekers and refugees are assured in Malaysia.' What we have done with this agreement, for the first time, is get the UNHCR directly involved in discussions about the welfare of refugees in Malaysia. That is a very significant advance for refugees and for human rights. (Time expired)

Senator CASH (Western Australia) (15:01): Mr President, I ask a supplementary question. Talking about the welfare of refugees in Malaysia, given the coalition can guarantee that no asylum seeker sent to Nauru will be subject to caning, can the government give the same guarantee in relation to asylum seekers who it proposes to send to Malaysia?

Honourable senators interjecting—

Senator Cameron: Why do you hate refugees?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (15:01): It is amusing—we have a senator here who would rip the wings off butterflies, if she thought there was a vote in it, who wants to give us lectures on the moral welfare—

Senator Abetz interjecting—

The PRESIDENT: I heard your interjection, Senator Abetz. I must confess that I did not hear what was said.

Senator Abetz: Mr President, I rise on a point of order. I am sure that, on mature reflection, without needing to repeat the words, Senator Cameron will withdraw that of which he accused Senator Cash.

The PRESIDENT: Senator Abetz, I did not hear anything at all. One of the difficulties that I have expressed this afternoon—and it has been not just been one side of the chamber but from both sides—is the constant interjection, which has made it very difficult—

Senator Joyce interjecting—
The PRESIDENT: Senator Joyce! It has made it difficult to hear what some people are saying in this chamber, and that is not fair to either the person who has asked the question or the person who is answering the question. Senator Abetz has raised an issue with me now and there was no way that I heard what was said, or purportedly said, in the chamber.

Senator Cameron: Mr President, I withdraw.

The PRESIDENT: Thank you very much. Senator Carr, continue.

Senator CARR: Malaysia has made a firm commitment to treat transferred asylum seekers with dignity, with respect and in accordance with the human rights standards. Appropriate protections will be in place for those who are transferred. Senator Cash knows that. What she is seeking to do represents such a new-found commitment to human rights for refugees. It truly is a galling speech to have to listen to from that quarter. We have a clear undertaking from the Malaysian government. The Australian government is concerned to ensure that asylum seekers are treated with respect and are treated with dignity, and that is what will happen under the terms of these arrangements.

Senator CASH (Western Australia) (15:04): Mr President, I ask a further supplementary question. With the signing by Nauru of the United Nations refugee convention and the fact that Malaysia is not a signatory to the convention, when will the government admit that Nauru is a more humane, cost-effective and proven option as an asylum seeker processing centre compared to Labor's still unsigned people-swap deal with Malaysia? In relation to the minister's statement, is the statement made by the Prime Minister of Malaysia worth more than a statement made by the Prime Minister of this country?

Senator CARR (Victoria—Minister for Innovation, Industry, Science and Research) (15:05): The centre on Nauru, of course, is not part of any cooperative regional approach because, put simply, it does not change the business arrangements that suit the people-smugglers. What happened with Nauru was that the people who were unfortunately transferred there all ended up back in Australia. The opposition have failed to face up to the fact that their proposition has always meant that those people end up in Australia. What we would see here is a direct incentive for the people-smugglers to continue their evil trade. So, Senator Cash, your suddenly-found concern for the welfare of refugees cuts no ice here. We know what the record of the Liberal government was, we know what abuses they inflicted on people, we know the psychological damage that was inflicted on the people who ended up in Nauru and we know that the proposition you are putting is a load of hogwash, because it is about supporting the people-smugglers.

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

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Answers to Questions

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (15:06): I move:

That the Senate take note of answers given by Senators Evans, Wong and Carr to questions asked by all coalition senators today.

Mr Deputy President, one of the great joys of being in this Senate is having the opportunity to speak before you and through you at this time of day.
Government senators interjecting—

Senator FIFIELD: It is a statement of fact.

The DEPUTY PRESIDENT: It has always been a great joy to sit in here.

Senator FIFIELD: We are approaching the first anniversary of what former Prime Minister Rudd refers to as 'Assassination Day'; and, while Mr Rudd may have cancelled the anniversary wake, there are those opposite who are starting to think more than a little wistfully about Mr Rudd's administration. While I think there is general consensus that Mr Rudd is probably the worst administrator ever to hold the office of Prime Minister, there is one thing that he did not do: he did not break the fundamental compact of trust that exists between the Prime Minister and the voting public.

Senator Brandis today asked Senator Evans if the Prime Minister still believes in the words she said:

I think when you go to an election, and you give a promise to the Australian people, you should do everything in your power to honour that promise.

Senator Evans's response was quite extraordinary. Senator Evans said that the coalition was seeking to rerun arguments of past years. It seems that truth is so passe; truth is so last year. It was an extraordinary comment by the minister. But I would want to forget last year as well if I were Senator Evans, because it was last year that Prime Minister Gillard solemnly stared down the camera and said to the Australian people, as we know, 'There will be no carbon tax under a government I lead.'

As we know, she is seeking to do the opposite: she is seeking to introduce a carbon tax. When someone says that they are going to do something and then they do the opposite, that is called a—I will not say the word, because it is unparliamentary, but it starts with 'L' and ends in 'E'. The Prime Minister also said before the last election that, before seeking to price carbon, she would seek a community consensus. You will recall that that was the gestation of the idea of a citizens' assembly. That idea, being so absurd, fell by the wayside, and shortly thereafter the promise not to introduce a carbon tax also bit the dust.

The Prime Minister has abandoned her solemn commitment, and it is not surprising that the Australian people in response are abandoning her. The Prime Minister has tried to put this broken promise into context. She has said that she is seeking the same destination, just by a different road. She has said that this carbon tax will represent reform. We all know economic reform. It has to do one of a few things: it has to help lift productivity, lift employment, lift the regulatory burden on business or reduce tax. The carbon tax, clearly, does none of those things.

Her latest attempt to provide a justification for this tax and put it in context is to say that she wants to 'remake how we experience what it means to be Australian'. She sure would—Australians would experience higher petrol prices and higher electricity prices, and there would be fewer jobs, less manufacturing and business would do it tough. She would change the way that Australians experience what it is to be Australian, but it will not be too long before we see another change of Prime Minister. I believe we will see Mr Rudd at the lectern in the Blue Room or in the Prime Minister's Courtyard, and we will hear Mr Rudd commence his press conference by saying, 'As I was saying before I was interrupted'. We will see this change, because this government has broken the compact with the Australian people. Our view is that they should put this matter to a plebiscite to test the will of the people. We know what the answer would be.
Senator MOORE (Queensland) (15:11): I agree with one thing that Senator Fifield has just said: it has always been a pleasure during this process, Mr Deputy President, to have you in the chair in this period of taking note. In turn, I think it is splendid that we can agree on that.

It is interesting that we have heard so much protestation from the other side about the concerns over having community consensus and the issue of getting people together. The one little element that was not mentioned in this great cry for a plebiscite of all people—getting out and testing the market, finding out what Australians really want—is that the person who is advocating that has already said that it does not matter what comes out of such a plebiscite. It is not going to make any difference, because he is still going to be opposed to the carbon tax—that is, carbon pricing or any other response to climate change. He is opposed to the whole kit and caboodle, in fact. That is the one clear element that has been maintained throughout this debate; the people on the other side have made it really clear. There is no doubt—they oppose.

So in the debates that have been going on we have heard protestations that the Prime Minister made statements before the election that after the election were not fulfilled. At no time has the Prime Minister or anyone on this side denied that that statement was made. At no time did we say, 'No, that's not true.' What we and the Prime Minister said was that, because of the overwhelming threat of climate change to our community, there needed to be some action taken. The Prime Minister then went out to the community and said that she was trying to seek a cross-party working group to look at the issues around climate change and at responses which could include a climate tax. Those were the words.

We did set up a cross-party process, only it did not include all the cross parties. It included the Labor Party, the Greens and the Independents. In that part there was a genuine attempt to come up with a proposal that would then be taken to the Australian public. That is what was going to happen. There is no surprise and no hiding; there is a process by which there has been an attempt to get more information through Professor Garnaut's work and through the work of the Productivity Commission so that we would have the facts to determine the best way to respond to what people believe is an important threat to our community: climate change.

The response from the other side is not a surprise. It was to oppose. They said: 'No, it won't work. It won't happen and it won't happen under our watch.' That has been said so many times in various ways by the opposition. We understand their position. It does not matter what arguments are put up. It does not matter why people think this should happen, because there is a genuine threat and there needs to be a response. The Prime Minister has said that as a result of the cross-party working group there will be specific information provided so that discussion can continue around the issues.

We now have a premise but we do not have the core detail, which gives open slather to people on the other side to create the most horrific exaggerations and myths around what could happen. That is an easy tactic and is something for which we must be prepared. It is going to be the job of the government and of the people who want to work with the government to ensure that there are clear facts for the community so that they understand exactly what the government response will be. Then that whole debate will be taken through this place—it is the only way the system works—and there will be particular legislation...
developed. There will be a full debate which will engage with the community through the media across the whole of our country to identify the best way forward.

As I have said so many times in this place, this is not an issue just for Australia. We are part of a world community and we must be part of a world response. It is no good to say that we do not have a role. It is no good for anyone to say, 'Just oppose'. We have to identify the issue and then make a concerted effort to find a response.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (15:16): I support the previous two speakers in relation to your position here today, Mr Deputy President. I am sorry to see it soon to conclude.

The question to Senator Evans was about the carbon tax. Senator Moore said that we are going to proceed with action and the department will decide. The fact is that the Prime Minister said to the Australian people before the election, 'There will be no carbon tax under any government I lead.' Prime Minister Julia Gillard is now leading the government—that is why she resides in the Lodge—and now she is bringing in a policy to introduce a carbon tax. That is what this motion to take note of answers is about.

Why was this policy brought on? No doubt the Greens played a big part in this whole issue and contributed enormously to the decision of a price on carbon, which the Productivity Commission says is the cheapest way to address climate change. If it is the cheapest way, why isn't the rest of the world doing it? Why is Australia the only one with a plan to put a price on carbon across the whole economy? Europe has not done that. New Zealand, which produces 0.1 of just one per cent—which is three parts of nothing—of the world's greenhouse gases through burning fossil fuels are trying to keep their price down as they know what it is doing to their economy. Last night I was listening to the radio and a New Zealand dairy farmer was talking on 2CC in Canberra. Apparently it is going to cost the average dairy farmer $11,000 over three years in New Zealand, and they are going to move in 2015 to include agriculture.

But why is this so? In the days after the election, when the Prime Minister was talking with people such as the Independent member for New England, Mr Windsor, who said, 'Will you form the multiparty committee and revisit climate change policy?' He was driving this same issue with the Greens. This week Mr Abbott has done his best to try to get the Australian people to have a say on this very issue. Let us have a look at what Mr Windsor said back in 2003 in relation to Senator Alston and the privatisation of Telstra:

If Senator Alston doesn't like the wording of my survey, then I invite him to do his own survey of the people of the New England electorate.

Senator Alston has the resources to undertake the task and I would encourage him to do it.

What's he got to be afraid of?—finding out what the people want!

That's what democracy is all about—finding out what the people want and representing their views in the Parliament and I challenge Senator Alston to debate the issue in any forum ...

When the committee gets it final decision on how they are going to introduce this carbon tax—which, as a result of the Copenhagen collapse, is not going to affect the world in any way whatsoever—I wonder if Mr Windsor is going to survey the people of New England? I wonder if he is going to practise what he preaches? I would say probably not. He said he will survey his electorate when it comes to issues such as same-sex marriage. That is perhaps a delicate decision he might have to make for fear of getting offside with some of his voters. But
on these issues I would be very interested to see if Mr Windsor practises what he preaches.

I will certainly survey the people of New England and the people of Lyne in Mr Oakeshott's electorate. Mr Oakeshott said that he would 'vote for the carbon tax tomorrow', but that was a couple of months ago, and now he is back-peddling at a rapid rate of knots. I will certainly carry out a survey in those electorates. We will see if these Independents, who claim to be the people's representatives, really are the people's representatives and whether they pay attention to their electorates or are just Labor Party stooges. We have known for years how the Labor Party has supported the Independents in regional New South Wales. Well, on 26 March the people of New South Wales saw through that. That is why three out of four of them have been cleaned out.

We come back to trust in government. Treasurer Wayne Swan said there was 'This hysterical allegation' by the opposition that if somehow they won government they would introduce a carbon tax.' He was denying that before the election. Now what are we facing? The government are going to put a price on carbon because it is the cheapest way to go, according to Mr Swan. But I say it again: if it is the cheapest way to go, why isn't the rest of the world doing it? The United States, China, India, Japan, Korea—they are not putting a price on carbon. The fact is that the government have betrayed their commitment to the Australian people and the Australian people will square up next time they have a say.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (15:21): Mr Deputy President, I too would like to congratulate you on your term, and your commitment and contribution to this place. Having been here with you for six years I have appreciated your guidance at times during the taking note of answers proceedings of the Senate—not all the time, but most of the time.

We have to be realistic: when we come into this place it is quite wrong for a senator to mislead the Australian community. I want to put it on the record, in relation to what is happening with carbon pricing around the world, that Australia is not tackling this alone. We know that. Even those people on the other side know that. The Prime Minister of New Zealand, a conservative I might add, addressed a joint sitting of both houses of parliament yesterday. We know, as those opposite do, about the actions that New Zealand is taking against climate change and the emissions trading scheme that was introduced there in 2008. The Prime Minister of the UK, David Cameron, is seriously talking about the need to tackle climate change. It is quite wrong for those opposite to say that Australia is trying to go it alone and what we are planning to do will not have any impact. That is quite wrong.

The stunt that Mr Abbott tried this week by recommending and moving legislation in relation to a plebiscite once again demonstrates how those opposite underestimate the Australian community. The Australian community are not silly. They know that this is another stunt, just as they know Tony Abbott is the Leader of the Opposition you could not possibly trust to be Prime Minister of this country. We know his record when it comes to health. We talk about core and non-core promises and election commitments that those opposite seem to think are not being kept, but we know what Tony Abbott did when he was Minister for Health. We know because we are still trying to recover the billion dollars he gutted out of health when he was minister. Those opposite should not for one minute believe that the Australian community are going to be conned. In terms
of broken commitments, those opposite—and Senator Ryan was not here at the time—know the former Howard government were the experts when it came to core and non-core promises. We know and the Australian community know what the opposition's track record is.

Let us turn to the other issue raised in question time today: the refugees and the Malaysian solution that we are putting forward. I find it quite extraordinary that those opposite come into this chamber and try and lecture us about how to deal compassionately with refugees. We all know that the issues that Australia confronts with people-smuggling is a travesty. We should be, and we are, doing everything we can to stop the people smugglers. The opposition suggest that they know better when they had 11½ years to resolve these issues. We know their track record on how they treated women and children in the refugee camps. We know their track record and so do the Australian people.

I was really glad the whip asked me to speak in this debate, because those opposite once again tried to come into this chamber and lecture us about financial responsibility when it was those opposite that voted against just about every measure that we put in for savings in this budget. The response of those opposite when the global financial crisis hit Australia was: 'Let's keep our heads in the sand. Let's just wait and see what happens. Let's not overreact.' But the reality is, if we had not invested in the infrastructure in this country, had we not kept Australian workers in jobs, we would have been in a depression. What we did was talk about things that are positive instead of doing the opposite all the time.

Talking about the great investment made by this government in education, look at the BER funding. It was the best investment in education in this country for decades. Those on the other side can come in and try and rewrite history when we talk about financial responsibility, when we talk about the treatment of refugees, when we talk about the need to confront and deal with the tough issues like climate change. We will take the leadership.

Senator RYAN (Victoria) (15:26): Mr Deputy President, I join my fellow speakers in congratulating you. I can say that as a mentor to newer senators like me—I have only been here for three years—and as a former housemate, you will indeed be missed. I wish you all the best.

I do not know where to start following Senator Polley's contribution, in the most liberal use of the word. I will have to limit myself to only a few issues raised in question time today. This government, its ministers, its senators and its members all stand condemned. There are various reasons for it, including their profound mismanagement of the nation's finances—which, in a vain attempt to defend, Senator Polley could not even bring herself to mention the numbers that are involved in Australia's record debt for which this government only has a defence that our neighbours are worse off. The government's only defence of the amount of money it has borrowed in a record ramp-up of debt is simply, 'The guy over the road owes a lot more.' The people of Australia deserve better than comparisons to the fiscal disaster zone that is Europe and that is the United States. This government could have ensured Australia did not have the level of debt that people like David Murray and economic commentators right around Australia are saying has exposed us to economic risk that was completely unnecessary.

This government stands condemned for its sheer incompetence in managing the
resources and programs of government. I cannot believe that Senator Polley decided to refer to the government's so-called investments in infrastructure as a badge of honour. We could refer to the billions of dollars wasted in home insulation, the billions of dollars wasted in school halls—both of which those opposite were warned, before the money was spent, before the money was appropriated and while it was being spent, were leading to record waste. If this side of the chamber had been in office, I can only dream of the wailing that would have occurred from those opposite, the champions of the workplace and of workplace safety, when people died on the watch of the programs that they appropriated money for. That just goes to show how this government has no credibility.

We come to the most important issue of all—and that is the issue of trust. We all know circumstances change. We all know the world is an evolving place, whether it is security, whether it is the international economy, but on the issue of the carbon tax there was no doubt: 'There will be no carbon tax under the government I lead.' Those are the words of the Prime Minister, no matter what the contrived or confected excuse, including the allegation that we cannot be left behind the world. The Productivity Commission has punctured the myth that the world is acting and that Australia will be left behind. In a reflection of the diseased state Labor parties from which so many members of this government have been drawn, they changed tack, they reverse course and they hope that people will forget by the time of the next election. Well, the Australian people have seen that and it has been rejected right around Australia at the state level—whether it is Bob Carr promising to get rid of tolls on Sydney's toll roads or Steve Bracks promising there will be no tolls on the Scoresby Freeway, there have been numerous promises made by the state Labor governments to be elected and then reversed. This goes to show that this government simply cannot be trusted. Like a person on a winter's day, the government hides under the doona of reform, shivering from the people and claiming that the word 'reform' will cover them. But you cannot hide from the bitter cold of a people who are aggrieved by the breach of trust. The people will hold this government accountable. The truth is that this proposed carbon tax has nothing to do with economic reform; it has nothing to do with the reform agenda of the eighties.

In the eighties and nineties we removed trade barriers, we removed embedded costs on the Australian economy and we made our tax system, labour market and financial systems more competitive—all of which will be reversed by a carbon tax. This carbon tax dramatically increases the scope of government activity in our economy, and the truth is that that is the reason they want it. They want a carbon tax because they want to be able to hand out favours—whether it is in the form of free permits or welfare payments—to their favourite groups. As the Prime Minister said, you want to remake Australia. Well, the opposition will not only fight you but will do so proudly and make sure this Labor government, this pale reflection of a once great Australian political party, is rejected by the people at the next election.

Question agreed to.

PETITIONS

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

Palliative Care

To the Honourable President and members of the Senate in Parliament assembled.

Your petitioners ask/request that the Senate:
(1) Calls upon the Government to acknowledge that well funded quality palliative care services would reduce calls to legalise assisted suicide;

(2) Calls upon the Government to increase funding and, where necessary, introduce legislation that would:
   a. Confirm the right of all Australians to be able to access quality, modern palliative care when and as it's needed;
   b. Create the procedures, education and funding to make palliative care a fundamental part of our national Healthcare system and ensure the States, particularly Queensland, address the chronic under funding of palliative care services;
   c. Introduce as a matter of urgency end-of-life care as a basic competency for aged care workers (regardless of the setting in which they work) and include this competency in the core curricula of aged care worker education and ongoing training;
   d. Endorse the integration of the "National Palliative Care Standards" with the "Aged Care Accreditation Standards"; and
   e. Create and fund a campaign to educate the public about the role of palliative care in the healthcare system and its contribution to the quality of life and death.

by Senator Boyce (from 4,163 citizens).

NOTICES

Presentation

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

Senator CARR: To move:
That the following bill be introduced: A Bill for an Act to amend legislation relating to intellectual property, and for related purposes. Intellectual Property Laws Amendment (Raising the Bar) Bill 2011.

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

Senator HANSON-YOUNG: To move:
That the resolution of appointment of the Joint Select Committee on Australia's Immigration Detention Network be amended as follows:
Omit paragraph (6), substitute:
(6) the committee shall elect as its chair a Government member appointed to the committee on the nomination of the Government Whip or Whips, or the Leader of the Government in the Senate.
After paragraph (6), insert:
(6A) the committee shall elect a member as its deputy chair.

Senator BARNETT:
Senator BERNARDI: and
Senator FIERRAVANTI-WELLS: To move:
That the Senate—
(a) recognises that Coptic Christians in Egypt are suffering ongoing and increasing persecution;
(b) condemns the recent attacks on Coptic Christians in Egypt;
(c) expresses its sympathy for Coptic Christians who have been victims of recent attacks in Egypt; and
(d) calls on the Government to:
   (i) issue a public statement condemning the ongoing attacks against the Coptic Christian minority in Egypt,
   (ii) make immediate representations to the United Nations to end the persecution of Coptic Christians in Egypt, and
   (iii) strongly urge the Egyptian Government to provide equal rights and protections for all Egyptian citizens regardless of race or religion.
Senator XENOPHON: To move:

That the following bill be introduced: A Bill for an Act to amend the Bankruptcy Regulations 1996 in relation to the Exceptional Circumstances Exit Package, and for related purposes. *Bankruptcy Amendment (Exceptional Circumstances Exit Package) Bill 2011.*

Senator CORMANN: To move:

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

Postponement

The following item of business was postponed:

General business notice of motion no. 199 standing in the name of Senator Cormann for today, relating to a proposed tax summit, postponed till 5 July 2011.

COMMITTEES

Community Affairs References Committee Meeting

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:32): by leave—

That the Community Affairs References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on 22 June 2011, from noon.

Question agreed to.

Treaties Committee Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (15:33): At the request of Senator Stephens, I move:

That the Joint Standing Committee on Treaties be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 23 June 2011, from 11 am to 1.30 pm.

Question agreed to.

National Broadband Network Committee Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (15:33): At the request of Senator Stephens, I move:

That the Joint Standing Committee on the National Broadband Network be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 23 June 2011, from 11 am to 1.30 pm.

Question agreed to.

Environment and Communications Legislation Committee Reporting Date

Senator McEWEN (South Australia—Government Whip in the Senate) (15:33): At that request of the Chair of the Environment and Communications Legislation Committee, Senator Cameron, I move:

That the time for the presentation of the report of the Environment and Communications Legislation Committee on the 2011-12 Budget estimates be extended to 23 June 2011.

Question agreed to.

Australian Commission for Law Enforcement Integrity Committee Meeting

Senator PARRY (Tasmania—Chief Opposition Whip in the Senate and Deputy Manager of Opposition Business in the Senate) (15:32): At the request of Senator Macdonald, I move:

That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 23 June 2011, from 11 am to noon.

Question agreed to.
DOCUMENTS
Reserve Bank of Australia
Order for the Production of Documents
Senator CORMANN (Western Australia) (15:34): I, and also on behalf of Senators Xenophon and Williams, move:
That the Senate requests that there be laid on the table, no later than 31 December 2011, a report by the Reserve Bank of Australia into bank fees and charges levied by authorised deposit-taking institutions.
Question agreed to.
MOTIONS
Climate Change
Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (15:34): I move:
That the Senate—
(a) notes there is multi-party agreement that the need for action on climate change is urgent;
(b) calls on the Parliament to join the Do Something! energy efficiency campaign, 'The 10% Challenge', and reduce energy use in Parliament House by 10 per cent; and
(c) that a message be sent to the House of Representatives informing it of this resolution and requesting its concurrence in the resolution.
Question agreed to.
BUSINESS
Consideration of Legislation
Senator BOSWELL (Queensland) (15:36): I move:
That—
(1) The Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2010 and the Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011 each be considered under a limitation of time.
(2) On Thursday, 23 June 2011, these bills have precedence over all other private senators' bills and all other business until determined, and that the order of business be:
No. 20 Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2010
No. 57 Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011.

(ii) the Government has released under freedom of information Treasury modelling of the expected MRRT revenue between 2012-13 and 2020-21; and
(b) orders that there be laid on the table by noon on Wednesday, 22 June 2011, details of the fiscal impact for each financial year from 2011-12 to 2020-21 for each specific measure related to the imposition of the MRRT and expanded PRRT, including:
(i) the proposed increase in the Superannuation Guarantee levy from 9 per cent to 12 per cent,
(ii) the proposed Regional Infrastructure Fund,
(iii) the proposed reduction in the company tax rate,
(iv) the proposed new write-off measures for small business,
(v) the proposed standard income tax deduction, and
(vi) any other proposed Budget measures related to the MRRT/PRRT.
Question agreed to.
The time allotted for the remaining stages of the Food Standards Amendment (Truth in Labelling—Palm Oil) Bill 2010 be for 1 hour and 10 minutes.

The time allotted for the remaining stages of the Environment Protection and Biodiversity Conservation Amendment (Bioregional Plans) Bill 2011 be for 1 hour and 10 minutes.

This order operate as an allocation of time under standing order 142.

I seek leave to make a two-minute statement.

**The DEPUTY PRESIDENT:** Leave is granted for two minutes.

**Senator BOSWELL** (Queensland) (15:36): The reason I moved this motion is that under the new paradigm when the new government took over—with the Greens, the Independents and the Labor Party—there was a commitment that we would be guaranteed to get private members’ bills through on certain dates. We on this side put up private members’ bills last week and were told that the bills would be allowed to pass. Unfortunately, the government loaded the speakers list up and prevented the bills coming on. So today I am moving a time management motion that would allow us to get the bills up as committed and promised by the government that said at the time that all private members’ bills would be passed on Thursday mornings between 9.30 and 12 o’clock.


**The PRESIDENT:** Leave is granted for two minutes.

**Senator ARBIB:** The understanding of the government is that that is not an agreement that the government has been involved in. There is no agreement between the parties on the guillotining of private members’ bills, so we reject the statement by Senator Boswell.

**Question put.**

**The Senate divided. [15:43]**

(The Deputy President: Senator Ferguson)

Ayes .................31
Noes .................33
Majority ...........2

**AYES**

Abetz, E  
Barnett, G  
Birmingham, SJ  
Boyce, SK  
Bushby, DC  
Colbeck, R  
Cormann, M  
Fifield, MP  
Heffernan, W  
Johnston, D  
Macdonald, ID  
McGauran, JJJ  
Payne, MA  
Ryan, SM  
Troeth, JM  
Williams, JR

**NOES**

Arbib, MV  
Brown, CL  
Cameron, DN  
Conroy, SM  
Farrell, D  
Feeley, D  
Forsshaw, MG  
Hanson-Young, SC  
Harey, A  
Lundy, KA  
McEwen, A (teller)  
Milne, C  
O’Brien, K  
Pratt, LC  
Stephens, U  
Wong, P  
Xenophon, N

**PAIRS**

Adams, J  
Arbib, MV  
Barnett, G  
Birmingham, SJ  
Boyce, SK  
Bushby, DC  
Colbeck, R  
Cormann, M  
Fifield, MP  
Heffernan, W  
Johnston, D  
Macdonald, ID  
McGauran, JJJ  
Payne, MA  
Ryan, SM  
Troeth, JM  
Williams, JR

Back, CJ  
Bernardi, C  
Boswell, RLD  
Brandis, GH  
Cash, MC  
Coonan, H  
Fierravanti-Wells, C  
Fisher, M  
Humphries, G  
Kroger, H  
Mason, B  
Parry, S (teller)  
Ronaldson, M  
Sculion, NG  
Trood, R  
Bilyk, CL  
Brown, RJ  
Collins, JMA  
Crossin, P  
Faulkner, J  
Fielding, S  
Furner, ML  
Hogg, JJ  
Hutchins, S  
Marshall, GM  
McLucas, J  
Moore, CM  
Polley, H  
Siewert, R  
Sterle, G  
Wortley, D  
Bishop, TM
Question negatived.

**BILLS**

**Carbon Tax Plebiscite Bill 2011**

**First Reading**

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (15:46): by leave—I move:

That the following bill be introduced: A Bill for an Act to require a plebiscite before Australia introduces a carbon tax, and for related purposes.

Question agreed to.

Senator ABETZ: I present the bill and move:

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

Question agreed to.

Bill read a first time.

**Second Reading**

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (15:47): I present the explanatory memoranda and move:

That this bill be now read a second time.

Senator ABETZ: I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

*The speech read as follows—*

The Carbon Tax Plebiscite Bill 2011 seeks to address the democratic deficit occasioned by the proposal to inflict a carbon tax on the people of Australia.

Having solemnly promised that there would be no carbon tax, Labor received a mandate from the Australian people not to introduce a carbon tax. Similarly, the Coalition promised no carbon tax. Between them the Coalition and Labor obtained the vast majority of votes and seats in the Parliament at the 2010 election.

And therefore, the views of the electorate—when it came to the question of Australia's introducing a carbon tax—were clear and unequivocal.

Shortly after the election, the Government broke their promise when the Prime Minister announced that she would impose a carbon tax. A carbon tax will impact every Australian's cost of living, jeopardise jobs and our international competitiveness, whilst doing nothing for the environment. Its impact will be immense. That is why six days before the last election—in the face of polls indicating a possible hung parliament—the Prime Minister solemnly promised that there would be no carbon tax.

There is no doubt that if the Government had promised a carbon tax before the election, the Coalition would have won.

The carbon tax is the price the Australian people are being asked to pay for Labor to form its alliance with the Greens. Through this Bill, the Coalition proposes to give the Australian people a voice that was denied them at the last election. A voice will be given to the Australian people by affording them an opportunity to vote pursuant to the Referendum (Machinery Provisions) Act 1984.

The Australian Electoral Commission will conduct the plebiscite—voting will be compulsory. The vote will be held on a date to be determined by the Government, but before or on the last Saturday in November 2011.

The question to be asked will be: "Do you support the Government's plan to introduce a price on carbon to deal with climate change?" This is a neutral question. And if the Government is so sure that it has the people's support to price carbon, then it shouldn't be scared of this question, a plebiscite or the result.

But yet the Government has a huge moral dilemma which is preventing them taking the honourable position of supporting this Bill. It made a solemn promise not to introduce a carbon tax. The Government has broken this promise—it intends to introduce a carbon tax.
The people of Australia have been denied a voice. The suggestion that the hung parliament introduces a new paradigm is correct. It does not, however, justify a complete and wholesale breach of a fundamental and central election promise made by the Government to the Australian people. The Coalition offers its support for the Government to remain true to its word. The faith of the Australian people in their democratic processes is being severely tested by the breach of trust represented by the Government's intention to introduce a carbon tax.

This Bill will restore the rightful place of the Australian people in the debate over a carbon tax. And if the Prime Minister was honourable, she would give the people their chance to be heard.

If she doesn't listen then it is more likely than not that the Australian people will speak even more loudly at the next election.

Senator ABETZ: I seek leave to continue my remarks later.

Leave granted; debate adjourned.


Leave not granted.

MOTIONS
Northern Territory Emergency Response

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:48): by leave—I move:

That the Senate—

(a) notes:

(i) that it has been 4 years since the Northern Territory Emergency Response began,

(ii) that investment in the program now exceeds $1.5 billion,

(iii) that the Closing the Gap report indicated that incarceration rates have risen, and that school attendance and child nutrition have not improved, and

(iv) the growing crisis in Alice Springs as many people move from community into Alice Springs;

(b) draws attention to:

(i) the statement being launched in Darwin, 'Rebuilding from the ground up – an alternative to the Northern Territory Intervention' which calls for a new approach based on principles of self-determination, community control and a commitment to land rights, and

(ii) the serious concern raised by the United Nations' Universal Periodic Review and the United Nations' Committee on the Elimination of Racial Discrimination over Australia's failure to eliminate discrimination; and

(c) calls for:

(i) the repeal of the Northern Territory Emergency Response legislation, and

(ii) the development of a long-term plan in partnership with Aboriginal communities to equalise life opportunities and outcomes, backed up with a sustained investment of resources, particularly in community-based organisations.

Question put.

The Senate divided. [15:53]

The ACTING DEPUTY PRESIDENT: Senator Trood

Ayess..................4
Noes..................33
Majority.................29

AYES
Brown, RJ
Milne, C
Siewert, R (teller)

NOES
Abetz, E
Barnett, G
Boswell, RLD
Bushby, DC
Colbeck, R
Crossin, P
Faulkner, J
Fielding, S
Hurlay, A
Lundy, KA
McEwen, A

Arbib, MV
Bilyk, CL
Brown, CL
Carr, KJ
Cormann, M
Farrell, D
Feeney, D
Fifield, MP
Hutchins, S
Marshall, GM
McGauran, JJ
Question negatived.

BILLS

Consumer Credit Protection Amendment (Fees) Bill 2011

First Reading

Senator XENOPHON (South Australia) (15:56): I move:

That the following bill be introduced: A Bill for an Act to amend the National Consumer Credit Protection Act 2009 in relation to fees imposed by credit providers and for related purposes.

Question agreed to.

Senator XENOPHON: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator XENOPHON (South Australia) (15:57): I present the explanatory memoranda and move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

At the outset, I would like to make it clear that I do not support the excessive exit fees that have been imposed by lenders to date.

There are multiple examples of home owners who have been forced to sell their homes to cover fees in the tens of thousands of dollars, and this is simply not acceptable.

For too long, banks and other lending institutions have profited off these unreasonable fees—with customers left with little choice.

However, I am also aware and concerned about the impact the Government's blanket ban on exit fees will have on smaller lending institutions.

Access to funds for smaller lenders is much more expensive than it is for the major banks, and some of the measures taken during the Global Financial Crisis only worked to cement the market domination of the 'Big Four' banks, in fact the Government's measures had the effect of increasing their dominance.

For smaller lenders, exit fees are a valid way of recouping some of their costs should a customer decides to break their contract and change products or providers.

These lenders do not have the multi-billion dollar bottom lines of the Big Four, nor are they able to offset these costs elsewhere, so a blanket ban of exit fees will seriously impact small lenders.

There is far too little competition in Australia's banking sector, and we must protect what little competition exists.

If the smaller players are not able to apply fees they will be severely disadvantaged. If this happens, then the Big Four banks will increase their share in an already too-concentrated market.

Broadly speaking, consumers deserve the flexibility to move from one lender to another, or from one product to another, to ensure they are getting the best deal for their money.

But part of ensuring that customers are able to do this is making sure there is a robust sector, and a wide range of products and providers, for customers to choose from.

The recent Senate Economics Committee Inquiry into competition in the banking sector estimated that the big four banks account "for around three-quarters of deposits and assets and a larger share of home loans".

The Committee also pointed out that:

"There are hundreds of corner stores competing with Coles and Woolworths but this
does not mean that these two stores do not dominate grocery retailing. In the same way, the four major banks dominate the banking market, notwithstanding a long tail of small financial organisations."

It is vital that we support the smaller players of the banking sector.

This Bill requires APRA to prohibit banks with a market share of more than ten percent from charging exit or early termination fees for any loan agreement or mortgage contract.

This prohibition will also apply to any subsidiary company or organisation which is owned 51 percent or more by a bank with more than ten percent market share.

That is, a financial subsidiary which is effectively an extension of one of the major banks will also be prohibited from charging exit or early termination fees.

This provision will ensure that only small, independent financial organisations will be able to apply reasonable fees to recoup some of their costs.

This Bill also inserts a provision into the National Credit Code to provide some guidance on the meaning of 'reasonable'. The provision states that a credit fee or charge must not materially exceed the credit provider's reasonable costs of undertaking the activity or service related to the fee or the credit provider's average reasonable costs of undertaking the activity or service.

This means that smaller providers who do apply fees related to the extension of credit—whether it be for a personal loan, home loan or credit card—must ensure it is reasonable and materially relevant to the cost incurred to undertake the activity or service.

The Bill also provides that ASIC may apply to the court for an order to annul or reduce a fee it feels does not meet these criteria.

There is no doubt that urgent action needed to be taken in relation to exit fees, and I applaud the Government for taking that action.

However, a blanket ban is not the solution.

All it will do is push the smaller players out, reinforce the dominance of the Big Four and, as a result, reduce choice, pushing up other banking costs for consumers.

Small lenders and operators play a vital role in our financial sector, and we must ensure that they are protected.

On the surface it might seem slashing all exit fees is a good idea.

But when you scratch the surface it becomes clear that abolishing exit fees for smaller lenders could have a devastating effect on competition, and consumers will end up paying a lot more in the long run.

Senator XENOPHON: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Government Advertising (Accountability) Bill 2011

First Reading

Senator XENOPHON: I seek leave to present the bill and move:

That the following bill be introduced: A Bill for an Act to amend the Financial Management and Accountability Act 1997 and for related purposes.

Question agreed to.

Senator XENOPHON: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

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

Leave granted.

The speech read as follows—

This Bill was prompted by the Federal Government's announcement that it plans to
spend $12 million of taxpayers' money on an advertising campaign about their plans to price carbon.

But it should be said that this is not a new issue to me.

Way back in 2001 I remember standing in Parliament House in South Australia shoulder-to-shoulder with then Opposition Leader Mike Rann.

Mr Rann promised the South Australian people that he would eliminate the use of taxpayers' dollars to fund what are effectively party political campaigns.

I believed Premier Rann at the time, but history shows I probably shouldn't have.

That's because, like so many Governments that have come before and since, what they say they will do when they are in Opposition is quite different from what they end up doing in Government.

Needless to say, the Rann Government has wasted millions of taxpayer dollars on blatantly political advertising under the auspices of public information campaigns.

In 2007, then Prime Minister Kevin Rudd referred to taxpayer funded government advertising as "a sick cancer on our system" and "on democracy".

And then Deputy Prime Minister, Julia Gillard said, quote: "I'm always worried when the government takes taxpayers' money and uses it for its own politics, to try and save its political hide" ... "It seems every week there's a new advertisement, a new piece of propaganda for taxpayers to fund".

We should also remember the Coalition spent $121 million plugging the benefits of Work Choices before it became law so both sides of politics are just as guilty when it comes to spending taxpayer dollars on trying to convince the Australian people to back Government policy before it becomes law.

There is an important principle of accountability here—taxpayer funds should not be spent promoting a policy that has not been authorised by the Parliament.

But why do we need these ads? I don't think we do, and I believe they are a complete waste of taxpayers' money.

The last time I checked, Prime Minister Gillard has a seriously big profile.

She's famous.

People know who she is and when she talks people listen.

I would suggest that if she wants to tell the Australian public what the Government plans to do on climate change she could do it by having a press conference.

I guarantee the media will show up, and they will report what the Prime Minister says.

They'd even go live on SKY.

And the best news is it won't cost the taxpayer a cent.

The Independent Member for Lyne, Rob Oakeshott, was correct when he described the planned $12 million Federal Government advertising campaign as "a dumb idea at the wrong time".

But I believe this Bill offers a simple solution.

If passed, this Bill would ban the use of public money to advertise a Government policy unless the policy has been enacted in legislation.

In other words you can only use taxpayer dollars to explain how a policy which has become law will affect people.

But you can't use tax-payer dollars to try and build support for an idea that the Government wants to become law.

The Bill does offer two exemptions if a Government policy has not yet been enacted.

Public monies would be able to be used to advertise the policy if a resolution is passed by both Houses of Parliament, or in the event of a national emergency with the consent of the Leader of the Opposition.

Of course, broader reforms are needed for government advertising for laws that are already in place—this Bill deals with the most blatant instance of taxpayer dollars being used inappropriately.

The Australian people don't want their money being spent on political propaganda on a yet to be
passed law, and this Bill will put an end to that practice once and for all.

**Senator XENOPHON:** I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**AUDITOR-GENERAL'S REPORTS**

**Consideration**

The following orders of the day relating to reports of the Auditor-General were considered:

Audit report no. 49 of 2010-11—Fuel Tax Credits Scheme.

Audit report no. 50 of 2010-11—Administration of Tax Office shopfronts.

Audit report no. 51 of 2010-11—Administration of the Access to Allied Psychological Services Program.

**PARLIAMENTARY REPRESENTATION**

**Valedictory**

The **ACTING DEPUTY PRESIDENT** (Senator Trood) (15:59): Pursuant to the order of the Senate agreed to on 11 May 2011, the Senate will now move to valedictory statements.

**Senator MINCHIN** (South Australia) (16:00): The 30th of June will, in my case, bring to an end not just 18 years in the Senate but 32 years of full-time involvement in politics. Unusually for the conservative side of politics, I have spent virtually all my working life serving the Liberal cause rather than, perhaps more sensibly, pursuing a career in the profession for which I was trained: the law. My 18 years in this place were preceded by 14 years serving as a full-time professional officer in the Liberal Party at both state and federal level, and I must say it was superb training for my years of service in the Senate. The transition I made from the Liberal Party's professional wing to the parliament is also not common. I remain only the second Liberal Party state director in the history of our party, after John Carrick, to serve in the Senate. I do note with pleasure that former state directors David Kemp, Petro Georgiou and Scott Morrison have made the transition to the House of Representatives, serving there with great distinction.

It has, of course, been an enormous privilege to represent my state and my party in this place for almost one-third of my life. One of the British parliamentarians I most admire, Enoch Powell, wrote in his biography of Joseph Chamberlain, 'All political lives, unless they are cut off in midstream at a happy juncture, end in failure, because that is the nature of politics and of human affairs.' There is, regrettably, much truth in that maxim—which is why I am retiring now, while the going is good, in the hope that it is only my political enemies who will claim that it applies to me. I have been extraordinarily fortunate to have enjoyed a political life that has enabled me to serve at the highest levels of government available to a senator. Unburdened by the levels of ego and ambition which weigh heavily upon so many of our colleagues in the other place, I have instead been the beneficiary of chance, luck and being in the right place at the right time.

Entering the Senate in 1993 in the shadow of such political luminaries as my SA colleagues Robert Hill, Amanda Vanstone, Alexander Downer and Ian McLachlan, I happily resigned myself to a backbench career, feeling privileged indeed to even be here. A series of fortunate circumstances gave me the opportunity, after just nine months, to rise to the front bench as a shadow parliamentary secretary in opposition and then to serve as a parliamentary secretary, junior minister, cabinet minister, deputy leader, Leader of the Government in the Senate and, finally, opposition leader in the Senate. So I have spent 16 of my 18 years on the coalition front bench, including...
nine years in the cabinet. I remain surprised by the opportunities I have had—none of which, frankly, I expected.

Political life is, of course, a balance sheet and, while I hope history will judge mine as having a plus sign at the bottom, some may well judge that the positives and the negatives are fairly easily balanced. On the positive side of the ledger, I must say that I am delighted to have been able to serve in one of the best ministries in government, that of finance, for six years, making me the longest serving of Australia's 11 finance ministers. Fortuitously, I am also the only one whose every budget produced a surplus. I hasten to note that I lay no claim whatsoever to being the best. That honour rightfully belongs to Peter Walsh, the Labor identity whom I most admire and who is a great Australian. Having been the first South Australian to serve in the finance portfolio, I am pleased that another South Australian senator—albeit a representative of the ALP—currently serves in that role. I will bet that Senator Wong is very glad she is no longer looking after climate change!

The finance minister and the Treasurer are, in any cabinet, the only true representatives of the taxpayer. Together they must fight an often lonely battle against the ravages of the spending ministers, from the Prime Minister down. I am sure that Senator Wong knows what I am talking about. It was a privilege to fight alongside that greatest of Treasurers, Peter Costello, in that battle to protect the taxpayers. Together we produced six consecutive surpluses, totalling almost $82 billion. We eliminated government debt and, very importantly, established the Future Fund with sufficient resources to meet the government's substantial unfunded superannuation liabilities. I had Peter Costello's strong support in one of my toughest challenges, the sale of the government's remaining 50 per cent shareholding in Telstra—which, in a process known as T3, completed the privatisation of Telstra. I do not wish to be partisan at all today, but I have to say that I am a little disappointed to see taxpayers now being forced back into being the owners and operators of a telecommunications business, having worked so hard to get them out of it. I do earnestly hope, for the nation's sake, that Senator Conroy actually knows what he is doing.

It has been my privilege to be the first and only South Australian to serve in the industry portfolio, which, at the time I held it, also entailed responsibility for science, resources and energy. I had three years in that mega-portfolio, which existed only for the three years I held it. After it nearly killed me, I recommended that it be broken up—a recommendation the Prime Minister sensibly accepted. That portfolio, among many other things, made me the only Commonwealth minister ever to have had responsibility for the whole nuclear fuel cycle, from uranium mining to our only nuclear reactor to radioactive waste management. During those exciting three years, I approved the Beverley uranium mine in my home state of South Australia, I commissioned a replacement nuclear research reactor at Lucas Heights, and it was my job to identify the central north of South Australia as the site for a national radioactive waste repository—all somewhat controversial decisions. I have often wondered why some on the Left show such hostility to me, but I think it does derive from that period. The Left have regrettably allowed radioactivity to blind them to the compassionate and sensitive side of my character. I did think that my initial responsibilities in government for native title and our constitutional convention on a republic would expose my inherent and, I thought, rather obvious limitations and be the summit of my career. Fortunately, Prime Minister Howard, to whom I do owe a great debt,
thought he should test me some more. Responsibility for all matters radioactive was certainly testing. My task of devising and steering through the coalition party room and the parliament our reforms to Labor's Native Title Act saw me gain the dubious distinction of being responsible for and centrally involved in the longest debate on any single bill in the history of the Senate, a remarkable 56 hours. That first debate on the Native Title Amendment Bill regrettably did not resolve the matter, necessitating a second, 49-hour, debate. Thus, that bill, for whose carriage I was responsible, resulted in a total of almost 106 hours of debate, by far the longest in Senate history. The next longest was the GST debate, at a paltry 69 hours. That record no doubt reflects my inadequate powers of advocacy as much as it does the intricacies of the bill. It might also reflect Senator Bob Brown's seemingly endless series of questions to me, which turned the committee stages into an interminable tutorial on native title.

I am able to reflect with satisfaction on the 1998 Constitutional Convention, which it was my task to organise and which I think was one of the more successful events of its kind. I am particularly pleased that the election of convention delegates was, at my insistence, the first national election since 1922 for which voting was not compulsory. In good faith, our government put the convention's preferred republican model to a referendum, in 1999. Nothing in my long career in campaigning has given me greater pleasure than the comprehensive rejection of that republican model. One cause I will remain actively involved in after I leave this place is advocacy of the virtues of our current constitutional arrangements.

There is of course a negative side to my political ledger. It consists of the lost causes, which, like Jude, I have so forlornly championed. I came into this place a committed federalist and I leave as a proud federalist, but I have fought forlornly against the creeping centralism which regrettably afflicts both major political parties. I have fought a lonely and quixotic battle to restore to Australians the legal right to choose whether or not to exercise their right to vote. I have not been able to convince even my own federal parliamentary party of the worth of that great cause. I note that, based on a recent article in the Spectator, I seem to have converted Mark Latham to the virtues of voluntary voting. I of course welcome Mark's support, but I am still trying to work out whether it is a good thing or not. More reassuringly, Lindsay Tanner, who I do hold in high regard, recently admitted to growing doubts about the wisdom of compulsory voting.

I entered this place with a profound commitment to smaller, less intrusive government and lower taxes, only to watch the reach of government into our lives, and the imposts upon us to pay for it, continue to expand. I was singularly unsuccessful in my internal advocacy of a lower rate of immigration, mindful as I am of the adverse consequences of Australia's very high rate of population growth, for Australia's quality of life and its natural environment. I want to commend Labor MP Kelvin Thomson on his courageous and principled advocacy of a more sustainable level of immigration.

I failed in my responsibility to establish a national radioactive waste repository in the central north of South Australia, one of the best sites in the world for such a facility. I failed to sustain support in my own party for the sale of a government owned electricity business called Snowy Hydro. And I failed to achieve the sale of a government owned private health insurance company called Medibank Private. I dare not even mention what else I would like to have sold.
I failed to have the courage of my conservative convictions concerning my serious reservations at the time about the US plans for the invasion of Iraq, and I did not have sufficient courage of my federalist convictions concerning my deep reservations about the use of the Constitution's corporations power to underpin our government's Work Choices legislation. The High Court's frankly surprising decision to uphold the constitutionality of that legislation has been a disaster for federalism. I hope the coalition understands the lesson of our 2007 defeat: the Australian people will only ever accept incrementalism, not radicalism, when it comes to industrial relations reform.

Finally, I regret my incapacity to create the circumstances in which John Howard might have seen the wisdom in retiring on the occasion of the 10th anniversary of his prime ministership in March 2006. My career has been an odd mix of the occasional success and a sequence of failures, but I would like to think I am getting out before falling victim to Enoch Powell's maxim.

Perhaps the most curious thing to me on reflecting on my career is the amount of time and energy occupied by consideration of the issue of carbon dioxide. Little did I know when I entered this place 18 years ago that carbon dioxide would play such a significant role in my career. Education, health, defence, foreign affairs, taxation and fiscal and monetary policy—all of these I expected to dominate political discourse. But carbon dioxide? Never. As I learnt in school, carbon dioxide is a clear, odourless, tasteless and invisible gas that is actually vital to life on earth. It constitutes 0.04 per cent of the atmosphere. Nature is responsible for 97 per cent of the earth's production of CO2; humans, just three per cent. And yet many now see anthropogenic CO2 as the greatest threat to humankind on our planet, a threat which demands no less than an economic revolution to avert. Anyone who dares question this as yet unproven theory of anthropogenic global warming is branded a denier, as we heard from my good friend Senator Evans today, and treated as a veritable pariah.

I must say that when I first learned of the existence of the Australian Greenhouse Office, I assumed it was responsible for supplying tomatoes to the Parliament House kitchen. But, no, as I soon learnt as industry minister, it was in fact a government funded redoubt of veritable soldiers in a war against carbon dioxide. The zealotry and obsessive passion of these warriors in the battle against the apparent evils of carbon dioxide remains a curiosity to me. After fighting these people for three years as industry minister, I really did wish they would just go away and grow tomatoes. I am quite surprised and rather disappointed by the loneliness, isolation and indeed demonisation the sadly misunderstood CO2 is experiencing. Thus, upon leaving the parliament, I am contemplating the foundation of an organisation called 'The Friends of Carbon Dioxide'. Membership will of course be open to all, including the plants whose very existence depends on CO2. I think this organisation's slogan, 'CO2 is not pollution', self-selects. It has both accuracy and melody to commend it. I do acknowledge the remarkable power of CO2. After all, it led me to have to do something I had thought unthinkable, and that was to resign from the coalition frontbench at the end of 2009—albeit for only a very short time. CO2 played a significant part in the demise of Kevin Rudd and Malcolm Turnbull. It may well result in the demise of our current Prime Minister, so that really is some gas!

I do remain optimistic that one day the world will realise that carbon dioxide is more of a friend than an enemy to the earth's flora and fauna, and I do seriously believe that,
given the extraordinary complexity of the natural forces controlling our climate, which have done so for millions of years, the only sensible policy response to the natural process of climate change is prudent and cost-effective adaptation.

It is customary in valedictory speeches to express gratitude to those who have played a key part in one's political life. As a conservative with a keen eye for tradition I do take this opportunity. I remain enormously grateful to Tony Eggleton who, as Liberal Party federal director in 1977, gave me the most junior job in our federal secretariat. Five years later he appointed me as his deputy. Whatever skills I have in campaign management and political administration I learnt at the feet of Tony Eggleton. I am indebted to the South Australian Liberal Party for preselecting me for the vacant No. 3 spot on the Senate ticket for the 1993 election, after just seven years as a South Australian. I owe thanks to Alexander Downer, who, during his short but very exciting time as our leader, first appointed me to the coalition frontbench. I am of course grateful to John Howard for giving me so many opportunities to serve in his government, culminating in my appointment as Leader of the Government in the Senate. Can I say that managing a one-seat coalition government majority in this place for two years was particularly challenging—thank you, Barnaby, for that!

I am deeply indebted to all my Liberal Senate colleagues for bestowing upon me the great honour of election as Leader of the Opposition in the Senate following the 2007 election defeat. Nothing has been more humbling to me than to have received the unanimous support of my colleagues to undertake the task. As leader I was fortunate to have in Helen Coonan and then Eric Abetz two hardworking, dedicated and loyal deputies. I want to thank especially my National Party Senate colleagues for their loyalty and support during my 4½ years as coalition Senate leader. I also express my gratitude for the friendship and professional working relationship I have enjoyed with non-coalition senators. May I express particularly my thanks to then defence minister John Faulkner for his significant personal support following the ADFA training accident last year that resulted in serious injuries to my son Oliver. Indeed, the support I received from all senators at that time was enormously important and gratifying. I do also want to thank Commodore Bruce Kafer, who as ADFA commandant was so extraordinarily supportive during that wretched period. I remain saddened that such a fine man has been so poorly treated after the events at ADFA earlier this year.

I want to thank the hardworking and professional officers of the Senate for their support during my 18 years in this place. I was fortunate to have had remarkably capable, tolerant and effective staff throughout my Senate and ministerial career. I thank them especially for restraining my wilder political side and prolonging my career! I also had in Dr Ian Watt, during my six years in Finance, an exemplary departmental secretary and a truly outstanding public servant.

Finally, I thank my wife, Kerry, and children, Jack, Oliver and Anna, for their forbearance in having a politician like me as husband and father. It is the truest of cliches that federal politics in Australia is tough on families and I cannot tell you how much it means to me to have all four members of my immediate family, especially Oliver, in the gallery this afternoon. I am also delighted to have my much younger and much more handsome brother William here today. I have been blessed to have had in Kerry a political wife who not only shares my conservative
predilections but brought to our marriage her career as an *Age* journalist. She is the only conservative female journalist that paper has ever had, of course, and her career included service in the Canberra press gallery. I suspect I may be the only federal MP to have had not only a wife but also a mother who served in the Canberra press gallery. Maybe that is why I have perhaps uncharacteristically retained a soft spot for the members of that esteemed institution. I thank them for tolerating my incorrect views on so many issues!

May I conclude by wishing all my retiring Senate colleagues all the very best for the future. As someone who has chosen to retire I express my commiserations to those who have had retirement from the Senate imposed upon them. I want to express my particular gratitude to my fellow South Australian and voluntary retiree Alan Ferguson, with whom I have served for all my years here. I thank him for his friendship and support and especially his companionship on the cold winter nights in the Canberra accommodation we shared for most of my time as a senator. Of course, I refer to the warmth of his whisky, not the warmth of his embrace, which I know is the exclusive preserve of his wonderful wife, Anne.

I close with just one piece of gratuitous advice to all senators, and that is to remember the virtue of earning the respect of your colleagues on all sides of the chamber—earn their respect for your integrity, your decency, your passion, your commitment to your ideals and your willingness to do unto others as you would have them do unto you.

The PRESIDENT: Before I call Senator Ferguson, I table volume 16 of Rulings of the President of the Senate, which covers Senator Ferguson's time as president.

**Senator FERGUSON** (South Australia—Deputy President and Chair of Committees) (16:21): Thank you, Mr President. That will probably be the shortest book in history! It gives me great pleasure to follow my good friend and colleague Senator Minchin. Had I been in the chair, I probably would have enforced standing order 187, because I have rarely ever heard Senator Minchin read a speech. I am going to enforce it on myself. I read my first speech when I came into this place and have tried ever since not to read another one. I think it is one of the most abused standing orders in the whole of our book of standing orders, and I might have a little bit more to say about that later.

I am advised by the Clerk that since Federation, in the last 110 years, there have been 551 senators. I have served with approximately 180 of them—one-third of the senators since Federation. I say 'approximately' 180 because I have counted them three times in the *Parliamentary Handbook* and come up with a different figure each time. Had I counted them a fourth time and got a different answer, I am sure I would have got a call from the Prime Minister asking me to be federal Treasurer!

I guess I could reflect and say: how on earth did I ever get into this place? I have to tell you it was by accident. You might wonder why. I can tell you that in early 1992, when I was President of the South Australian Division of the Liberal Party, I never even had a fleeting thought about entering federal parliament. I had thought about a parliamentary career, stood unsuccessfully for a state seat and then went on and served the party in South Australia as president. The South Australian Liberal senators at that time—Senators Hill, Vanstone, Teague, Chapman and Olsen—were all younger than me, so I could not see much prospect there. We had already selected our Senate ticket for 1993, and
Senator Minchin was in the third spot. My local member, Neil Andrew, was younger than me and looked like being set for ever—and a wonderful friend he has been over my life. So in early 1992 there was no contemplation. I had thought about running for the upper house in South Australia, where some of my good friends said I could have decayed in comfort.

I got here because John Olsen, who had only recently come to the Senate, decided to return to South Australian politics, and so a casual vacancy occurred. I was driving down to the south-east of South Australia, attending a regional convention, and my wife said, ‘You're very quiet.’ I said: ‘Yes, I am. I'm thinking I might have a crack at this casual vacancy in the Senate.’ As many of you are well aware, if you happen to be president of the party at the time then it gives you a decided advantage when you see your preselectors about whether or not you can have their confidence to be here.

So by 26 May 1992 I was a senator, when three months before I had no plans—not even a blip on the radar. I well remember my first morning here. I got sworn in on 1 June. It was minus six every day that week, and in those days there were not quite enough Comcars, so they occasionally supplemented them with hire cars and the occasional stretch limo, as some of you may remember; I am sure Senator Faulkner can remember those days, because he was here when I got here. But, lo and behold, we were staying out at the Sundown Village, where I always stayed in those days—I can well recommend it—and I opened the door and there was a stretch limo to take me in to my first day in the Senate. I thought, ‘My God!’ So I sat in the front and Anne sat about three miles behind me in the back. We pulled up at the Senate door, and as we walked in she said, ‘The pig farmer's come a long way.’
the Notice Paper and nobody knows exactly what the topic of the question is going to be on the day or whether a certain minister is going to be questioned.

So can I say that I think that in its current form question time in both chambers does us a disservice. Name me one person in the community who is not frustrated by watching question time and seeing questions asked that are never answered. It is a generally known standard: the opposition ask questions they hope the government cannot answer, and the government ask questions where they have already prepared the answer. I have never seen a more farcical waste of time in my life, and I think it is something that ought to be changed as soon as is practically possible, but it will take goodwill on both sides because both parties have been guilty of encouraging and maintaining the current system.

I do not think any speeches other than ministers' second reading speeches should be allowed to be incorporated in Hansard, except perhaps condolence motions where someone might not have time to say something which would not be a political argument anyway. Our chambers are meant to be parliamentary debating chambers. How on earth can you debate a speech that has been incorporated in Hansard when you have no idea of its content and you do not know how long it is? Speeches are meant to be 20 minutes. An incorporated speech could be any length. It has usually been done in the past—it is not being done at present in this chamber—because everybody on one side of the chamber wants to make sure they have their message recorded about their contribution to an industrial relations bill or something of that nature, but I do not believe that any speech should be incorporated in this place. It is a place for parliamentary debates. I think standing order 187 should be applied more strictly. By leave, you can do anything in this chamber. If you are going to bring a speech in here that has probably been written by somebody else, sometimes about a subject you have no absolute knowledge about yourself but you come here to espouse your own theory that has been written by somebody else, if you want to read the speech seek leave to read it, or else expunge 187 from the standing orders. Most people are in breach of it, those that read speeches—and there are many that cannot come into this place without reading a speech. I find that is something that ought to be attended to straight away. There are many people who never need to read a speech—I am looking straight across at Senator Moore, a fine exponent of speaking off the cuff who does a wonderful job, and there are many on my own side, particularly the new, younger members on this side who I must say are the finest bunch of new senators that have ever come into this place in my 19 years.

The other thing that we have in here is formal motions. If something is not done about formal motions it is going to disrupt our whole procedure. Formal motions were meant to facilitate the business of the Senate. They were not meant to be bringing in a formal motion about a complex foreign affairs matter or something that should rightly be debated. Formal motions were meant to do away with the debate, and now we have two-minute statements so we have quasi debates on half of the formal motions that come into this place. Let them get onto the Notice Paper. When I first came here we all used to bring in notices of motion; it was one way of putting something on the Notice Paper. We never wanted them voted on; we just wanted the subject aired in Hansard so that we could let people know that we were trying to propose something that was in their interests or certainly to the benefit of the nation. So formal motions is another area
where I think the procedures of the Senate could be reformed and improved.

Colleagues and Mr President, committee work is the lifeblood of the Senate. When I arrived on the first morning I entered the Senate— I had never been into the place; I think I might have been here once before—as I came in our Whip, Senator Margaret Reid, said, 'Senator, you'll be on the committee on industry, science and technology.' I said, 'But, Margaret, I don't know anything about industry, science and technology.' She said, 'You soon will.' So I had a wonderful experience in coming into this place with former senator Bruce Childs, who became a wonderful friend of mine, and Brian Archer, a senator from Tasmania, who had both been chairs and deputy chairs of that committee and taught me how committees work: how you could work together cooperatively to get a result which is in the interests of Australia; how you could make sure that your inquiries were not political inquiries but something that both sides of the chamber could have input into so that you could come up with a result that would benefit Australia's future.

The early inquiries I went on were the best. We had an inquiry into CSIRO. Senator Shayne Murphy was a new senator at that time and I can remember that the biggest argument we had was over the title of the report. The then Keating government was going to sell off some of the assets that CSIRO had. I had a wonderful brain snap and decided I wanted to call the report 'From sacred cow to sacrificial lamb'. Senator Murphy thought I was having a shot at the government, so we finished up calling it The case for revitalisation. We had an inquiry into AFMA, the Australian Fisheries Management Authority. We all had an interest in it and we were all looking to get a good result. And we had an inquiry into telecommunications towards the year 2000. By the time we printed the report it was out of date!

I became Chair of the Economics References Committee in 1994 and had a chance to be involved in all of the GST inquiries and the industrial relations inquiries over the next five years. They were wonderful times. I cannot say that they were non-partisan inquiries; there seemed to be quite a bit of debate on either side. It was during that time that we had that shameful day when people tried to belt down the doors of this parliament in order to get their point of view over. In a robust democracy like we have here, I think it is to their eternal shame that an attack was made on the place of democracy in Australia in the manner in which it was conducted that day. I am sure none of my friends on the other side were involved, or even encouraging, but I must say I thought that was quite appalling.

After that I was very fortunate, having gone through the length of time with the GST and industrial relations, when the Prime Minister asked me to chair the Joint Foreign Affairs, Defence and Trade Committee, and for eight years I had the most wonderful job in this parliament. I had three great deputy chairs: the unforgettable Colin Hollis, Laurie Brereton and Graham Edwards. When you are involved in foreign affairs, trade and defence, working with the defence forces and with the diplomatic corps here, it is important that there is a degree of bipartisanship—and there was. They were very great deputy chairs. I probably could tell a few stories about Colin Hollis, because Colin and I spent 3½ months at the United Nations for the Millennium Summit in the year 2000 so I got to know him even better there. But the story that I like the most was when he was on the temporary panel of Speakers on the other side. He was about to go into the chair at about nine o'clock one night and he handed his glass to the attendant.
and said, 'Bring it in once I get in the chair.' Colin went into the chair, they brought in his drink, and the only thing missing was the slice of lemon that normally goes with a gin and tonic!

I have also had the great privilege to lead teams overseas observing elections. The first one was a team of 25 to the Indonesian elections in 1999. I had two raw new recruits in the Labor Party there: one Kevin Rudd and one Julia Gillard. But that was an experience I will never forget. I then had two opportunities in Zimbabwe. One, for the parliamentary election, was leading an Australian delegation. They never invited us back after reading our report, so I went with the Commonwealth Observer Group the next time and I was also with the Commonwealth Observer Group in Malawi. I appreciated those visits no end because they taught me a lot about the difficulties of those countries, although I must say as far as Zimbabwe was concerned I have never seen such brutality firsthand. When I came back I was quite psychologically affected by what I had seen in Zimbabwe. The culmination for me here was being elected by my colleagues to be President. It is one thing to be appointed by a Prime Minister or to have an appointment to any other position but being elected by my colleagues to the presidency of this place is something that I will be eternally grateful for. I am also eternally grateful that I had John Hogg as my deputy. John was most supportive, the most supportive deputy you could ever have. I have loved working with him. When John became President of the Senate after we lost this election, I was very happy to be his deputy for the last three years. It has been a pleasure working with you, Mr President. We have a good relationship. We have been able to discuss things at length and I will cherish the relationship we have had.

I joined the Liberal and Country League in 1963, which was affiliated with the Liberal Party. It did not become the Liberal Party until 1975—we like to do things our own way in South Australia! At the time I joined, we had 63,000 members of the Liberal and Country League in South Australia. Today we have 5,000 members; it is no secret. Exactly the same thing has happened to other political parties in Australia. I think there is a lack of commitment and there are so many other things that take up people's lives. Being a part of that group of 63,000 encouraged me as I went through my career in the Liberal Party.

To my Liberal friends in South Australia, particularly my friends in rural council, for most of my time here I have been the only senator in South Australia who has lived outside the metropolitan area and the contacts I have had in the country have been with people that have been loyal to me all my life and so I pay my respects to them. I also want to pay my respects to my two best friends in the Liberal party: Nick Minchin, who I spoke about earlier, and Cory Bernardi. Nick and I have been together in the Liberal Party for over 20 years. He was director of the party when I became President—a better friend you could not have. In my time and in my judgment, he is the best strategic and political brain the Liberal Party has in Australia.

I met Cory Bernardi, who came a little bit later on the scene, by accident. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed. He happened to own the pub across from my office where we occasionally had a feed.
he has the guts and courage to say what he thinks, and I think that speaks volumes for the man. I am sure our friendship will continue for a long time to come.

I do have friends among my colleagues on the other side too. Michael Forshaw and I have been friends for a considerable time. As he said the other night, it started at a late-night session in the state guest house in Budapest over a bottle of Jim Beam. I also count among the best friends ever in this place former senator Andrew Murray. Andrew Murray was a man of principle. Andrew Murray was a very clever man. He had a wonderful set of ideals but he also was very generous in the way he treated his colleagues and I certainly wish him well.

I have enormous respect for Senator Lundy. Strange you might hear me say that! Senator Lundy was Chair of the Joint Standing Committee on the National Capital and External Territories for the past three years, and we went through some very difficult times with Norfolk Island. Kate was as good a chair as I have ever seen, including the way she handled those people who are having difficult times. I am sure she has changed the minds of some of them as to how they should be treated by Australia, and we are in the process of addressing that now. Kate and I became friends. We did a lot of work together on that committee, together with others, and I always enjoyed attending meetings with Kate.

To the Senate staff, to Rosemary, Harry, Cleaver Elliott and all those that have gone in the dim dark past, thank you. I even think fondly of Rob Diamond. Rob Diamond was secretary of our committee for a long time and then went out on his own into business. To all the staff in here, the attendants, those people who look after us so well, I do want to say a heartfelt thanks.

I also want to thank my staff. Jannette Jackson worked as my PA for 14 years when I started—I pinched her from the secretariat, actually. She was an absolutely wonderful staff member, who ran my whole life. My kids used to ring up Jannette and say, 'Where's Dad now?' She was the only one that really knew half the time.

I had the pleasure of working with Jan Murphy when I first started. She was a highly intelligent girl who was able to put me onto various topics she felt that I should pursue. Jan left and went to work for Robert Hill for a while. Sadly, her husband died after he joined the RAF in England, having been in the RAAF here. Her life has not been easy in the past 10 years but she came down for a dinner we had last week. I was very fond of Jan.

Kate White, or Kate Andrew as she was when I employed her, the former Speaker's daughter, was vivacious and lively. I do not think I know anyone who kept an office on such an even keel and was as happy as Kate White. She is now raising three young daughters, working as a lawyer in Adelaide and I caught up with her recently.

Then there is Kate Raggatt. Who can forget Kate Raggatt? We all remember Kate, because she used to sit down there in that corner with her red locks. She worked for me for four years and Nick said to me one day, 'Do you reckon Kate could make chief of staff?' I said, 'I reckon she could do almost anything but, just remember, she has got red hair!'

Most of my current staff are in the gallery today. There are Kirsty and Anika, the Semmler girls. The Semmler girls are no longer Semmler girls. We have got a Heinrich and Fielke. You can see they have not broadened the genetics very much. They have both been a wonderful support to me. Kirsty has been my PA for the last five
years. Liz Cotton, who is back in Adelaide, is a wonderful talent and is going to move on to another job. Alexander Bubner, Cassie Baldock and Josh Bell, who worked part-time while they were studying, have been wonderful over the past few years.

Lastly, but not leastly, is Dianne Goodman. I do not know where to start and finish with Di because you could never get a better staffer if you tried. She is capable. She started with me in the President's office, and when I became Deputy President she moved over with me. She is the only one there; she does it on her own. She manages me, which is not easy. She manages to handle any problem that comes up and I have never worked with a more pleasant personality or a nicer person in my life. I do pay tribute to Di.

I turn now to my family. My wife, Anne, who did not come from a political family and has always found politics difficult, especially when we are having some sort of an internal scrap, which occasionally happens—though it happens very rarely now, of course, doesn't it, Simon!—was never a political person. Her family was not political. But she said to me: 'I ought to have known better. Your father was a state member of parliament, and although you might have been feeding pigs when we got married ...' She always felt that there may be something else in the offing. So to Anne; to Sarah and James, and their daughter Maisie who lives in Adelaide and is 15; to my second daughter, Hilary, and Rob, who farm in the mid-north of Crystal Brook with their two daughters Grace and Alice, who are 10 and six; and then to my three young grandsons in Perth, who are so far away, who I hardly ever see, to Susie and Marcus, and Fred, Jim and George, who are six, four and two: you are going to see a lot more of me in the future.

I will conclude with a quote that I started with in my maiden speech. I was at a Rotary conference in 1979 when a young exchange student from South Africa called Jess King got up and spoke to 500 people. She said: 'The service we give to others is the rent we pay for our space on earth.' I hope that my rent book is up to date and I am paid in full.

Senator McGauran (Victoria) (16:46): Mr President, I ask for the suspension of standing order 187—speeches not to be read!

The President: Proceed, Senator McGauran. I am looking forward to your speech.

Senator McGauran: Mr President and Senators, now that my hour has come to give my final speech in parliament, some 24 years from when I gave my maiden speech in Old Parliament House, now a museum of politics past, I can do no better than to repeat what all speakers say at their valedictory: it has been an honour.

With all its ebbs and flows, the pressing on every human emotion, the responsibility, tension, exhaustion and exuberance that come with politics, I can honestly say I have never driven up Commonwealth Avenue to Parliament House and not felt a buzz, or a sense of that honour. I feel it as much today, on my last day, as I did on my first day. Indeed, I recall, on my very first day, entering King's Hall of Old Parliament House, very early in the morning, and the first person I saw was Bob Hawke, the Prime Minister. He recognised me, knowing the publicity that surrounded my defeating—with DLP preferences—the former and notorious communist John Halfpenny. He propped and came toward me with a big smile and 'Gooday.' His expression said it all: better you than Halfpenny. That was my first lesson in Labor's infamous factional wars. I thought I was off to a good start. But, not long after, Labor and the media were giving me hell for placing sponges over badly wired and overly noisy bells in the
office. Unfortunately, my act coincided with me missing a division.

I will miss politics and I will miss public life and all its attractions and responsibilities. I first became a public official when elected to the Melbourne city council in 1985 and then to the Senate in 1987, so I have a few habits to kick and a few realities to face outside politics. However I consider myself very fortunate and am excited to have a profession to go to post politics. Everyone who enters this place considers their time seminal in the nation’s history. And they are right. Every point of time is crucial in our nation's history and direction. I am amazed at how each new parliament brings its own unique political intrigue, drama and history. In short, when you think you have seen it all in parliament, it has a way of surpassing itself.

Like those of many, my politics and beliefs were predominately shaped by the Cold War era. It is hard now to imagine the great divisions in the world at the time: physical—East versus West; philosophical—Marxism versus capitalism; and moral—religion versus atheism. And always hovering over this world of division was the black cloud of nuclear war and mutual destruction. Yet by 1990 it had all but gone with the wind. When the Berlin Wall came down they said it was ‘the end of history,’ and ‘History starts anew’. How very true. The debates in this place changed; moods, beliefs—all changed. It is not too dramatic to say that it was the dawning of a new world. And Australia was part of all that change.

I mention this as I recall seeing and feeling that change sweep through the Senate. In September 1989, I made a speech in the Senate on the world-changing events originating in Poland. And I boldly predicted the collapse of the Soviet Union—just weeks before the monumental collapse of the Berlin Wall. Following the speech I recall sitting down and one of my colleagues quizzically asking, 'What was that all about?' I guess I was a little vague about the deeper meaning of what I was saying, but I did it for a particular reason. Well, now I have the courage to say what I did not then. So where I said 'good fortune' in that speech, I meant miracle. I was meaning in the speech what we Catholics sensed at the time: the fulfilment of the promises of the apparitions of Fatima in 1917.

Now that half the world was free from communist dictatorship, the next revolution could be ushered in: globalisation. In retrospect, it was an obvious progression post Cold War. The next decade of the nineties was absorbed by this economic and social revolution. It may be described as an uninteresting economics-obsessed era, but in truth it changed the world for the good by lifting general standards of living of countries and many billions of people. Australia, and thus this parliament, was without doubt at the forefront of this massive change and restructure. Once competition policy was accepted by the major parties, economic rationalism became a flood finding its level. It is now hard to contemplate just how much governments owned—banks, airlines, airports, railways, telecommunications and so on. I never minded the privatisations at all, but I was never too keen when it turned to deregulation of the rural sector like the wool floor price, dairy deregulation or wheat deregulation. I crossed the floor on several occasions to resist change—at least no change without healthy compensation; I was a good National in that respect. So it was the era in parliament dominated by liberal economics which in turn shaped the mores of our liberal democratic society, and it all sat well with me. Pity the poor old Left as they watched their every belief collapse with the Berlin
Wall then be washed away by a tsunami of economic rationalism. Of course, globalisation is still with us and has now become globalisation the greater or mark 2, the telecommunications revolution.

The new millennium, the 2000s, brought its own great global challenges and consequently involved all who served in this parliament and indeed who serve today. I kicked off the new millennium by staring down the alarmists of the Y2K bug who said planes would drop out of the sky on New Year's Day. I took a flight to South America on New Year's Eve. There were about 20 people on the jumbo flight. So you see I have always been a sceptic, from the hole in the ozone layer to the rising seas. The last alarmist to get it right was Noah.

More than anything else it was the attack on the World Trade Centre on 11 September that defines this decade of politics. Its shock and horror led to the war on terror, which goes on. Every country had to reignite their security agencies and toughen the terror laws to the point of unprecedented intrusiveness. We were fighting for all our old values again and this parliament was at the vanguard of that fight. Just consider the significance and courage—it was Australia that triggered the ANZUS Treaty to be the first ally by America's side when under attack.

The war on terror was brought to Australia's doorstep on 12 October 2002 when 88 Australians were killed in the Bali bombings. The memorial service held for the families of the victims in the Great Hall of Parliament House was the saddest I have ever attended as a senator. Looking into the faces of those Australian families I gained a real sense of how indiscriminate this terrorist attack was.

I have spoken many times in this place on the war on terror, be it the twin towers attack, Iraq, Afghanistan or the terrorist laws. I am proud and grateful that we the parliament unflinchingly went after those who sought to kill Australians and destroy our way of life. It was our responsibility as elected officials and we did it.

I believe the decade-long war on terror has forced us to reaffirm our heritage and belief in Western civilisation, culture and values. It is a culture to be admired and defended. It is truly one of expressing the highest regard for humans rights, religious beliefs, enterprise, art and architecture. All this flows from our liberal democracy. I have no doubt the democratic world's affirmation of its values due to the war on terror and the forced democratisation of Iraq has had a cascading effect on all the uprisings in the Arab world, now termed the Arab Spring. Tragically, it looks to be a bloody and long affair—perhaps a decade—but there can be no turning back now.

I am fortunate to have been in parliament over those three tide-turning decades. I am sure the next three decades will be just as momentous and requiring equal strength of convictions. I am not a believer in the adage that you come into parliament full of ideals which are eventually knocked out of you. There is no doubt our ideals are greatly challenged—and those challenges usually come under the guise of raw political advantage—but I think ultimately you hold onto those ideals. The very core of my raison d'être, or reason to be, in office is buried in a few lines of my maiden speech. While the names I mention are long passed, the principle still stands and has stood for every parliament to which I have belonged. I said in my maiden speech:

... I reject the philosophy espoused by so many ... in public office and best exemplified by Professor Manning Clark, who, when speaking of the late Justice Lionel Murphy, said:

... there was a man in Australia who believed passionately that the morality of Judaeo Christianity had ceased to be relevant. I see
Lionel Murphy as a man who in that context strove to end the domination of God over human beings …

I then said:

I say again that I not only reject this view but stand against it.

You see in essence for me this was a declaration of war against Christian values in public life. It is for this reason that politics was always personal to me; therefore, the conscience votes in parliament allowed me the freedom to express the ideals that initially drew me to public life.

Though I was on the losing end of many votes, I cherished the opportunity to exercise these soul felt beliefs. It should not then surprise people that the most disappointing moment in parliament for me was on a conscience issue. It could be seen by others as a small and inconsequential moment but for me never did my heart sink so low in this place when at a late hour in an empty public gallery I watched the House of Representatives debate the introduction of the human cloning and human embryo research bill. Gallantly a certain member, who was against the bill but knew the bill would be passed, sought to salvage just one aspect of human dignity from its consequences. His amendment was to stop the use of an aborted baby girl's immature eggs to create experimental embryos. The very instant that that member sat down literally the charge to defeat this amendment was led by Ms Julia Gillard. I was chilled by the adamant tone and the agitated demeanour against such a decent proposal as that.

Serving in government—the Holy Grail of politics—has been the highlight of my career. It was a revelation to see firsthand how challenging it is to run a country. To do so you must have a cornerstone philosophy. It matters in politics. Proudly, the coalition’s philosophy never was just words in a glossy brochure but was implemented in government. One of our finest hours and an issue close to my heart was the sending of peacekeeping troops into a war-torn East Timor to oversee the fragile election for independence. It was a decision that encapsulated courage, compassion and the power of government—a potent combination. I spoke many times over many years in this parliament on the East Timor issue against the tide of opinion. The chain of events that led to East Timor’s freedom was as likely as ‘a camel passing through the eye of a needle’, but it happened and a very good government was ready, alert and competent to rise to the occasion. Australia’s international standing was greatly lifted by the competency of our action.

While East Timor’s freedom is an enduring achievement for us to look back on, there were many exciting and gratifying moments and achievements, which we are all part of in government and even in opposition. Suffice to say, the coalition government was remarkable to work in. It was as disciplined as you will get. It had good comradeship, which is crucial for the day-to-day running of a government. It was mostly positive and always drove the national agenda and reforms. Equally, it was inclusive of every single member. And the results were good. Consider but one result: zero net debt. I am still astonished by that figure. It took discipline and conviction.

One of the privileges of the position of senator, as you all well know, is the opportunity to meet an array of people and to attend a great variety of functions and events. If it were at all possible to choose one, I would say the greatest event I attended was the burial of the unknown soldier. From his unmarked grave on the Western Front in France to his final resting place at the National War Memorial, the formalities, the all-night vigil and the ceremonies were of the highest calibre. It truly symbolised a nation grateful to this fallen soldier and to all fallen...
soldiers. I could not help but think, as the military funeral procession made its way up Anzac Parade, that in fact this was an answer to a mother’s aching prayer, so long ago, for the finding and return of her son to his homeland—Australia.

One of the important lessons I have learned in politics is that your great personal victories soon become passe and your mistakes do not seem so big over time. It seems to be a very small lesson to learn, but it really is a big step in perfecting the art of politics—though I suspect no-one, to this day, has ever perfected that art.

Through the victories and mistakes, it was a bonus to have my brother Peter with me in the parliament. I confess I knew a little more about the goings on in cabinet than your average backbencher. We were very close. In fact, I was too loyal to him. I recall defending Peter against calls to resign his ministry. It was grand final weekend for the football codes and I boasted to a mass of cameras outside the Senate doors: ‘I’m backing St Kilda on Saturday, Canterbury on Sunday and McGauran on Monday.’ St Kilda lost on Saturday, Canterbury lost on Sunday and McGauran resigned on Monday. And did Labor sure rub it in! Though Peter was soon reinstated to his ministry, I cut back on my doorstops.

Earlier this year I attended the funeral of a wonderful National Party identity and Mallee man. It was a gathering of the political clan. All the Victorian Nationals were incredibly warm towards me when, frankly, they did not have to be, as I never doubted my actions to join the Liberal Party would be taken hard. I am so grateful that this wound between friends is healed. To my Liberal Party colleagues, thank you for accepting me at such short notice! I have not regrettled a moment. I fully sensed the responsibility and great history of the Liberal Party at the moments of leadership ballots because of their repercussions in the nation. We were choosing a potential Prime Minister.

I suppose that just leaves the Labor Party. When last in government, during the Hawke years, one of your ministers was extremely instrumental in helping me, at a mother’s request, rescue a very young girl who had been taken overseas and into a sinister cult. It required international connections and government funding. I learnt early on that, when it really counts, this is how government ministers and oppositions will work together. In short: don’t burn all your bridges. It was a very valuable lesson early in my career.

I thank the staff of the Senate, some of whom have come up from Old Parliament House. Thank you to the clerks past and present. I have been a beneficiary of your skills. I recall what was a very bad week for me when I was caught on camera giving my opponents the one-fingered salute. The Clerk’s advice to the President was that because I had used the wrong finger, the index finger, the gesture could be ruled ‘unseemly but not obscene’, so I was able to avoid a formal censure of the Senate. What a brilliant defence—what a get-out! Thank you to the clerks.

I greatly thank the people of Victoria, who elected me to represent them—four out of five times. I thank my past staff for their support and my present staff, who all have been with me well over 10 years: Jennifer McBride, Rachel Campbell and Jodie Naismith. A heartfelt thank you for your long and loyal service but, most of all, your integrity.

I thank dearly my beloved parents, my brothers and my sisters—a family in whom I am truly blessed.

In conclusion, it might surprise you that I recently performed as an extra for Opera
Australia's season of The Pearl Fishers—it is true. Opera is like a day in parliament: love, lust, murder and betrayal, but all in song. That is the thrill of politics: it is an opera. I hope I played it well. So now I leave the stage and the curtain must fall.

The PRESIDENT (17:08): Before I call on other speakers in the debate, I just want to say a few words about my colleague Senator Alan Ferguson. Alan has shown in his valedictory speech this afternoon the passion that he has for the Senate and its processes. It has been my pleasure—as Alan said, when he was the 22nd President of the Senate, I was the 34th Deputy President of the Senate—to serve with him. Particularly during that time, Alan and I developed a very good relationship indeed. It is a relationship that one cannot necessarily explain, because we are not talking about a political divide; we are talking about, as Alan did, the passion for the processes of this place and the functioning and operation of this place. It was on that basis that we developed this very good relationship indeed. Of course, as Alan said, when he ceased to be the 22nd President, I became the 23rd and he became the 35th Deputy President. In a nonsensical way, I suppose, whilst we had changed positions, it did not alter the relationship one iota. The relationship just went on seamlessly. Even though Alan and I had travelled together and had shared friendship whilst travelling, at the base of our relationship was our belief in this place.

Alan, what you said tonight really sums up the career that you have had in politics and the culmination of your career in your role as the President of the Senate. In your valedictory speech I listened very carefully to your comments on question time. This seems a little bit selfish on my part—I hope not on your part—but in the roles that we perform as President and Deputy President, we see question time from a totally different perspective from the people who sit in this chamber, and we hear it in a different way—sometimes a little bit too loudly! Nonetheless, your expression of the value of question time and where you would like to see it go should not be lost in the parliamentary debate and how this parliament progresses into the future. I make no personal judgment on your comments, but I think your wisdom is well placed indeed.

Alan, to you, Anne and your family, on behalf of Sue and myself, we wish you all the best in retirement. We know that, because of a great institution in this place, we will meet at less once a year. I hope that is for many years to come. I value and treasure the work that you have done for this parliament, particularly with respect to the Commonwealth Parliamentary Association, which you and I know is undergoing severe strain at this stage. You and I have shared a common view for the benefit of the members of this parliament in participating in that organisation. Thank you very much, Alan, and all the best to you.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (17:12): I thank the Leader of the Government in the Senate for his courtesy in allowing me to speak first. Whereas the Senate farewells another three senators in today's valedictories, the coalition farewells three genuine heroes in the cause of liberalism. I thank their friends and families for lending them to the service of our nation, their state and their party. Political life is often surreal and has aspects associated with it that we as participants find uncomfortable. Our close friends and family often suffer collateral damage, which makes their support all the more precious to us. I know that to be the case for the three coalition senators we salute tonight. Their three speeches, whilst distinctly different, showcased the quality that we will lose.
If the coalition were to salute Senator Minchin, it would need to be with a 21-gun salute. Senator Minchin, in his understated yet powerfully convincing way, has been a great Senate leader for the coalition, especially in the dark days of transitioning from government to opposition. His steady hand, his sense of purpose and his unwavering commitment to the cause of the nation have been just some of the qualities that endeared him to his colleagues and earned him the respect of his opponents.

Relatively early in my time here, namely 1996, Senator Minchin and I worked together on trying to resolve native title issues after the High Court's adventurous decision in the Wik case, which unwittingly helped the rise of One Nation. I was the newly appointed chair of the Joint Native Title and the Aboriginal and Torres Strait Islander Land Fund Committee and Senator Minchin the Parliamentary Secretary to the Prime Minister assisting in matters native title. It was in these interactions that I first saw Senator Minchin's fine mind, principles and pragmatism at work. The ILUAs, or Indigenous land use agreements, paved the way to absorbing the heat from many of the potential disputes. The resolution of the issues and their passage through the parliament was a great victory for our country, for common sense and, above all, for Indigenous communities.

As Senator Minchin's deputy I got an apprenticeship for which I am extremely grateful. His cool thinking in difficult times was inspirational. Without revisiting in any detail the difficult days of November 2009, I can vouch that they will be etched in my memory forever—to the day both Senator Minchin and I resigned from the front bench, thinking we would both be on the back bench together. Instead, today, I find myself as Senator Minchin's successor after his heart-wrenching decision to retire in circumstances we as parents hope never to find ourselves in. In political terms, Senator Minchin and I were true philosophical soul mates, be it as federalists—or, as Bert Kelly liked, free traders—or as supporters of the family unit or voluntary voting.

The list goes on, and as it does the more I know I will miss Senator Minchin in this place. But just in case those listening in think Senator Minchin was ideologically pure at all times, let me remind them of his one blind spot in relation to economic rationalism, and that was the South Australian car industry. He also supports New South Wales in the rugby, and I recall one evening watching a game in Brisbane with our dear friend Santo Santoro. In this huge sea of maroon, there was this one blue rugby jumper, worn by Senator Minchin. It was only out of our deference to his leadership that we allowed him to walk out in front. We stayed well behind.

Senator Minchin also had this bizarre view—and he made mention of this in his first speech—that the Liberal Party somehow favours state presidents over state directors.

Opposition senators interjecting—

Senator ABETZ: And the problem is? I do not know, but one person that you have forgotten is Senator Bushby, who was also a former state director of the Tasmanian division, so there is a third. But, might I say, that does not detract from the fact that former state presidents do make very good senators.

More seriously, I think one's heritage often does help in the tasks that life throws one's way, and Senator Minchin had a great pedigree. His great-great-grandfather, Sir Stuart Donaldson, was Premier of New South Wales for only three months. I did not know that Senator Arbib was around in those days as well to cut short a premier's service! Especially relevant to our side of the
chamber was Senator Minchin's heritage as the descendant of the first director of the Adelaide Zoo. I dare say that his skill in herding cats was derived from that heritage.

Senator Minchin referred to what he called 'failures'. None of those that he mentioned were failures. All of them indicated a commitment and a set of principles that we should all aspire to live up to. Senator Minchin has had a distinguished time as a Liberal senator for South Australia, a senior frontbencher and a leader. He goes of his volition and with the best wishes of all his coalition colleagues. Those best wishes are extended not only to Senator Minchin but also to his very supportive family: Kerry and children Jack, Anna and, if I might especially single him out, Oliver. On behalf of the coalition, we wish you well in your future.

I turn to our former distinguished President Senator Ferguson. The presidency of the Senate is the highest honour this body can bestow on any of its members. Senator Ferguson was rightly bestowed that title but, if I might venture, for too short a period. He was a capable, fair and good humoured President. The current President's words earlier were a wonderful tribute to Senator Ferguson and well deserved. I have no doubt that Senator Ferguson would have been an excellent minister, but sometimes politics does not play out as you expect. While ministerial appointment is the gift of the leader, one's election to the presidency is only at the behest of one's peers and colleagues casting their collective judgment.

Senator Ferguson and I first met when we were—and Senator Minchin might know this—both state presidents—surprise, surprise—of our respective divisions of the Liberal Party. We met at a federal executive meeting at Bowral, if I recall. We have known each other since and have enjoyed each other's company. Senator Ferguson's work on the Foreign Affairs, Defence and Trade Committee is legendary. He did the work and earned the respect not only of his colleagues but also of the diplomatic corps, with, if I recall, another important country giving him a gong for his services. However, his core commitment was always to his rural constituency. He was a champion for their cause. Senator Minchin, Senator Ferguson and I have always voted together on the conscience issues of the day. Senator Ferguson was strong on freedom and family. Interestingly, I note that in his first speech he complained about electricity prices. I wonder what they actually were 19 years ago in comparison to now. Senator Ferguson in his first speech—he quoted it again this evening—said:

'The service we give to others is the rent we pay for our place on earth'. I certainly hope no-one here ever has cause to tell me that my rent book is not up to date.

I can personally vouch for the fact that his rent is up to date, as he has been staying at my place these last few months! He is a very easily accommodated flatmate, might I add. I will miss the early-morning and late-night chats and especially the Ferguson humour and insights. The service Senator Ferguson has provided—his wise counsel, his advocacy for the rural sectors and as President of the Senate—has ensured that his rent book is not only up to date but well paid in advance. To Senator Ferguson and his wife, Anne: we wish you well in your new, full-time role as grandparents.

I turn to a good friend, Senator McGauran, whom I first met in student politics. When Senator McGauran first started here, he was the youngest senator in the chamber at the time and the second-youngest ever elected. The elixir of youth has remained with him. I first met Senator McGauran, as I said, through student politics. It would be fair to say that I have
not weathered quite as well as Senator McGauran.

Many people say that how you come to this place and how you leave says a lot about your character. It would be fair to say that in the 2010 election those Australians who lived south of the Murray River were not as favourable to the coalition as those living north and to the west. Senator McGauran told me, when I rang to commiserate with him, that politics was a bit like the tide: sometimes it sweeps you in; sometimes it sweeps you out. The graciousness with which you took your defeat speaks volumes for you as a person.

Senator McGauran's traditional values and conservative instincts—other than the length of his hair—made him a political and philosophical soul mate. With Labor in government during his first speech, he commented about public debt. How some things never change! He leaves with a bigger public debt, albeit we in the coalition had paid it off in the meantime. The common factor, of course, between his first speech, his last speech and the huge public debt is a Labor government. As a young man he lamented the problem of government debt placing a debt burden on future generations, and that is so right.

Senator McGauran was always a fighter for the things that mattered. He was one always to be relied upon for us in the coalition to take note of answers. If ever there was a gap we always knew that Senator McGauran could fill it. His stump speeches, as his speech this evening, were always informative and always entertaining, with that wonderful sense of self-effacement which is part of Senator McGauran's personal charm. His capacity to obtain media attention was legendary on all sorts of issues, from dumped thongs washing up on foreign shores—and, just in case anybody is wondering, these are the footwear type of thongs—to Senator McGauran being entitled to ride a horse into St Paul's Cathedral by virtue of him being made a knight of the Equestrian Order of the Holy Sepulchre of Jerusalem.

He engaged in the tough issues of the day and was one of the first to call for our involvement in East Timor—and he was so right. And, whilst being terribly ill with malaria courtesy of a trek on the Kokoda Trail, he thought it absolutely vital that he present himself to the Senate to help overturn the Northern Territory's ill-considered euthanasia laws. Thank goodness the bells were working on that day.

Senator McGauran has done himself and the country proud. I say to all three of our retiring senators: thanks for your service. You have been a blessing to our nation, and may God bless your futures.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate) (17:27): On behalf of the government I would like to make some remarks about each of the three senators who have given their valedictory speeches tonight. It is a shame that most of them have left it to the last minute to give their best speeches! It seems a trend in the last few days that they are more eloquent and humorous than their earlier contributions. It is the freedom that comes from retirement, I suppose.

Senator Minchin: Your best speech will be your last one!

Senator CHRIS EVANS: Unfortunately, Senator Minchin, a few people have remarked that I am from the same school of '93 as you and perhaps I ought to consider my position! It is very uncharitable. I point out, though, that we have had reverse careers. We got elected at the same time, and
you went straight into government while some of us toiled in opposition for many years. I was very keen to give you a decent length of experience in opposition at some stage, but you circumvented that by leaving. But I understand that decision.

I make the point that the British Council, in about 1987-88, made a decision to award what are now called Chevening scholarships to two young party officials. There was a break from the normal tradition. They usually chose people with academic credentials. I did not know that they had chosen another one, but one was Senator Minchin and one was I—one from each side. We both got the opportunity to study in London. He studied voluntary voting, as I recall, and I studied privatisation. I suppose I was happier at the LSE than he might have been in terms of the environment. I understand that unfortunately they have never sent a party official since, and I do not know whether that is a reflection on me or on him or on both of us. Senator Minchin has had a very distinguished career in serving in the Howard government and, while I did not agree with him given his position on native title—and I do not want to sound condescending—I saw his understanding of Indigenous issues really grow during that period and I think he developed a real sensitivity about them over the period of having to deal with some quite difficult and challenging issues.

I think it is fair to say that tonight we are farewelling three genuine Tories. I think all three are genuinely conservative people, and that was reflected in their contributions. I certainly think Nick Minchin would wear that badge with extreme pride. I have always found it difficult to understand how an intelligent and able bloke can come to such opposite conclusions to those of mine on so many issues and yet have—

**Senator Brandis:** We understand!

**Senator CHRIS EVANS:** I think on many issues you are closer to me than him, Senator. Nick has very strongly held and well argued positions that are clearly on the conservative side. I remember as immigration minister trying to convince him that there was some value in immigration but I am not sure that I won that discussion.

Nick, congratulations on a very successful career. You were obviously a very effective minister and were well regarded in the government and in the wider community. From our side of politics I think it is fair to say that we regarded you as a professional, someone whose word could be trusted. I know that when we were both leaders of our respective parties I knew I could have a private conversation with you that would remain private—which is something not as well regarded these days as it used to be but I am a bit old fashioned about these things and also that if we reached an agreement it would be honoured. I very much respect you for that as well as for your capabilities. You are obviously a very able and effective politician and I am told you could be slightly on the ruthless side when required. Luckily, most of that was always concentrated on the more liberal members of the South Australian Liberal Party and not on myself.

**Senator Birmingham:** Not true!

**Senator CHRIS EVANS:** Senator Birmingham probably bears the scars! But I understand there is a new rapport these days and a new rapprochement. Obviously, Senator Minchin was known as someone who provided leadership of groups inside the Liberal Party with great effect. As I say, he has had a tremendous career and is very well respected. He is certainly respected on this side of the parliament as a very professional and honourable politician and parliamentarian. I knew he was bordering on
vegetarian but I was a little concerned about the idea that he was forming an organisation of which plants could become members. It did strike me as a little odd and as perhaps a sign it was probably time to retire. On behalf of the government, congratulations, Senator, on a fantastic career and you go with our best wishes.

I would also like to mention the tragic incident involving your son Oliver. I know how deeply that affected you and your family. Having a son of the same age, I was very sympathetic. You bring them up and always hope for the best and expect them to be free of danger, and that must have been a huge shock and a terrible period for you and the rest of the family, and I know how much it impacted on you. But we are very pleased to hear reports of Oliver's recovery and wish him well in his defence career. I am sure he will make a great contribution, although I hope his politics are a little better than his dad's but I suspect not given what I have heard tonight about his mum's politics! So all the best, Nick.

To Senator Alan Ferguson: you go very much with the appreciation of the whole chamber for a very successful career in this place. I know you like to pretend you were part of the class of '93 but we do not formally own you because you came in a little bit before that, but I remember you came to our orientation seminar. Alan has had a fantastic career in the parliament. I first worked with him when we were both on the superannuation select committee, which was very worthwhile work. It was probably the best committee that this parliament has had in terms of bipartisan work in staying in front of the partisan debate by actually doing longer term policy work. Alan made a huge contribution to that, along with people like Nick Sherry and Cheryl Kernot. It was a very good place for me, as a new senator, to learn some of those skills and have opportunities. But I suppose, Alan, you are best known as President of the Senate. You did a tremendous job. You were held in respect by me and my colleagues. We had some difficult discussions. I think it is actually harder to be President at a time when you have a majority in the Senate. While there are challenges when you do not have an automatic party support in the Senate, dealing with the expectations of your own colleagues to act in a less than impartial way is probably the biggest strain. There is an interesting discussion there, I think. I always respected the way you dealt with people fairly and with respect and that when we had a difficult discussion it was done maturely and with goodwill, and we have remained on good terms. I respected the fact that you brought a very calm demeanour and fairness to the role of President. The fact that you have got a sense of humour makes a huge difference. I will not name the former President who did not have a sense of humour but he was actually the worst President. It is funny but I think it is actually the most important skill to have, to have a sense of humour and a light touch, to help defuse situations in the Senate. Interestingly, I thought Noel Crichton-Browne was one of the best people that we have ever had in the chair. I do not think I have ever said anything good about Noel Crichton-Browne in my life—and I will not again.

Senator CORMANN: It is actually the second time I have heard you say this.

Senator CHRIS EVANS: Yes, but it is the only thing I say. Alan, I know you are very well regarded on our side. I am sure some of our senators who have had the chance to know you better and have travelled with you will want to say things about you. You are always regarded in this place as good company. I do not know quite why that is; I suspect because you are always happy to have a chat and a drink. I know people on
this side have very strong relationships with you and will miss you. I have certainly enjoyed working with you and I am sure you will enjoy a less demanding lifestyle in future. Visiting your grandchildren in Perth is a very good idea. All the best and congratulations on a great career.

Turning to Senator Julian McGauran, I reckon his best speech was his last. It was fantastic. It was a very entertaining and interesting speech. I did not know that he had brought down the USSR, that single-handedly he had brought down Communism in our time, but I very much enjoyed the speech and what has been a remarkably durable career. I also first stood in 1987, in the double dissolution election. I am very glad I did not get elected; I was too young.

Julian has had a remarkable period in the parliament and he has an interest in a whole range of issues that he has brought to our attention. I remarked the other night that one of the great privileges of being a senator is being able to bring public attention to and focus on an issue in a manner that may not have occurred if not for that senator's activities. Despite the stories of the bells et cetera, which are famous, I think Julian McGauran has a very proud record in terms of East Timor. Too many people were prepared to be apologists. Julian really campaigned strongly for the East Timorese people against the views of both political parties. It is to his enduring credit that he provided support for the struggle of the East Timorese. I think he was also one of the first to work to provide proper recognition for Vietnam vets. Again, that is to his great credit. While on most of the social issues he and I have never agreed, and will never agree I suspect, I have great respect for the role he has played in those causes. As I said, we have agreed to disagree on censorship, abortion and some of those issues. But I know they have always been views genuinely held. Despite the fact that Julian McGauran is very keen to roast us in the chamber and get into a very strong debate—and I am happy to return serve—it has always been done without any personal rancour. I think it is a credit to him too.

It is interesting to have your career made by the DLP and then broken by the DLP. It will be a nice historical footnote, particularly for one who has done so much to encourage their growth over the years. I think Julian McGauran will go down in the record books as probably the worst whip seen in the parliament; we always thought while you were whipping we had a chance to win a vote whatever the numbers! You referred to the decision in relation to your obscene gesture, which was described as 'unseemly but not obscene'. The fact that you could not choose the right finger is a terrible indictment. That is mostly why we were upset at the time: that you could not give us the finger using the right finger! That was a particularly interesting episode.

Julian, I think you have a lot to be proud of in your career. I particularly note your commitment to the East Timorese people as something where you campaigned when it was not popular, to your great credit. We wish you all the best for life after the Senate. After being in here so long you probably worry about whether there is life, but I am sure there is. I hope it goes well for you. To all three senators, congratulations on your contributions and we wish you all the best for your future.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (17:41): I am going to miss all three of my retiring colleagues, though I suspect I will miss them in different ways. We should note with the retirement of Senator McGauran that he is the second-last senator to have commenced his career in the Old
Parliament House. We lose with him the second-last link between this chamber and that building. I will miss Julian for his Irish charm and for his boyish looks, which impressively he has retained well into his fifties. I rang Julian the morning after the 2010 election, when it did look as if he was going to lose his seat to the DLP, and with impressive gallows humour he could not fail to miss the irony of that fact.

Fergie, when I came into the Senate 11 years ago there was a generation of older senators who set the tone certainly on the coalition side. I always thought of them as the wise men. They included Paul Calvert, Brian Gibson, John Herron and Fergie himself. These men nurtured a culture of collegiality among the government senators and were always a source of generous and wise advice. I think with the retirement of Alan Ferguson we lose perhaps the last of that cohort of older senators I thought of as the wise men. Alan Ferguson gave me some very wise advice when I was first a senator. He said to me, 'George, enjoy your years on the back bench because you will never be so free and they will never come again.' That is some of the best advice that I ever had. I stayed on the back bench perhaps a little longer than I had expected to, but I enjoyed those years enormously and will always look back on them as one of the happiest times of my life. In part, at least, I owe that to the advice of Alan Ferguson. Alan, you have been a friend to all. You have always been generous with your time. It must give you tremendous satisfaction to know that you are one of only 23 Australians to have served in the high office of President of the Senate.

Let me turn to Nick Minchin, a man of whom I cannot speak too highly. It would have surprised practically everyone, including me, if I had been told when I first became a senator 11 years ago that, of all the coalition senators, the one I would grow to admire most was Nick Minchin. We had little in common in policy terms, though Nick had very sound views about the desirability or otherwise of Australia becoming a republic. That is something I always knew we shared. Nevertheless, we did come from different parts of the Liberal Party jungle. As I have observed Nick Minchin over the years, I have seen in him an exemplar of all the qualities I most admire—loyalty, integrity, courage, commitment to principles and decency. Those are all qualities we aspire to and, as fallible human beings, on occasions we all fall short. But all of those qualities were exhibited by Senator Minchin in an exemplary manner.

Can I conclude with this observation. Senator Minchin and I might have different views on a lot of things but we have an identical view about the Liberal Party, which is summed up in a remark once made by British Labour Prime Minister Harold Wilson, that 'Labour is an aeroplane which can only fly if both of its wings are intact'. That is the view that Nick and I have of the Liberal Party. It is the view by which we have lived and, on occasions, it has meant we have had some strange bedfellows. But I think the view has been vindicated by the success of the Howard government and the successful prosecution of the opposition's position since my side has been in opposition. And so, Nick, I will miss you as a mentor, a friend, an occasional supporter and an exemplar of all that is good about the Liberal Party.

The ACTING DEPUTY PRESIDENT (Senator Pratt): I understand that informal arrangements have been made to allocate specific times to each of the speakers in tonight's debate so, with the concurrence of the Senate, I shall ask the clerks to set the clock accordingly. I would like to thank
Senator Joyce (Queensland—Leader of The Nationals in the Senate) (17:47): In the political boat there are some people who actually put their oar to the water and make the boat move and there are other people who just go through the motions and let everybody else do the work. The three people we are speaking about tonight have all, in their own way, put their oar to the political water, made it move and affected the nation that they live in.

I will start with Nick. Nick, you are a typical person from Knox Grammar. I never quite knew what was going on up there but it was all very, very serious—and it seems to stay that way. Nick was a person who flew up to see me when I had just started. My memory of Nick will be that of a person glaring down the chamber at me on odd occasions because I had dared to differ from his position. Later on, Nick would join me on the other side of the chamber agreeing that we should reflect our liberty in this chamber. Reflecting on Nick's work, he stood by the $2.4 billion Telecommunications Fund and gave respect to the coalition's National Party colleagues on that issue.

Summing up Nick, I would mention three things. I remember going into his room and seeing him lying on his back doing some sort of yoga. He said to me, 'Yoga is for your mind and Lord Monckton is for your head,' and I noticed that he was listening to Lord Monckton on a cassette! He urged being vegetarian, but even more insane than that was his disgust for milk. He called it 'the juice of cows' and wondered why children drink so much of it! We are also fellow travellers, obviously, on issues pertaining to CO2—and Nick has been a great light on that. I would like to thank Nick for his support during the dark days when we were trying to get what we believed was a right and proper process—an adjustment—around that very issue. Nick, you leave with the deepest respect of the National Party, and I mean that in all sincerity. Even other colleagues who might have been suspicious about you have nothing but the highest regard for you because they believe you are a man of honour.

I will remember Fergie as a person who has an excellent collection of scotch. I will also remember his desire for the Senate to stand on its own two feet, do its proper job and not be guided, bullied and pushed around. Fergie, if you leave that with the Senate then the Senate will be a better place. I thank you very much for your friendship and understanding. You too are a person from the country. You understand the country and your reputation as an advocate for the country was warranted. I also note that you are another person who managed to cross the floor. In fact, you sometimes did it from the chair, so you sort of sneakily got out of it; you nominated that your vote differed, which was rather shrewd. You leave here well loved and well respected.

Julian McGauran is a fellow traveller on right to life issues. We have immense respect for Julian for the work he has done there. He has been here since 1987 and he has stood by his principles from start to end. Julian was many things but one thing he never was was boring. There has been a rapprochement with regard to Julian's leaving, and I can say that his leaving is seemly but not obscene. Julian, thank you very much. We wish you all the best. You have been a great adornment to the Senate. You have been a person of true colour and true character.

To all three, I thank you for the work you have done to maintain this nation as one that
believes in the principles of our Lord and Saviour, and you have never hidden behind that. So, when you are leaving, remember that we will look upon you with fond memories.

Senator IAN MACDONALD (Queensland) (17:51): I want to associate myself on the record with all of the remarks made about my three retiring colleagues. Their speeches tonight were so very much 'them'. They were very fine speeches. They are very fine senators and very fine people. Each in his own way has made a real contribution to their state, to the Senate and to the nation.

Nick Minchin surprised me with the quality of his leadership. I have always been very close to Nick's predecessor as leader and, because of the idiosyncrasies of the South Australian Liberal Party, which I have never understood, I have never bothered to have much to do with Nick. But, in leadership, he showed what a wonderful, caring, no-nonsense leader he was. He was one who never hogged the limelight. He so ably did everything he had to do, and that has been remarked upon tonight. I did follow Nick to the death in the trauma of the climate change debate that confronted our party a little while ago.

Fergie has been a wonderful friend to so many here. His rural knowledge and background appealed to me when he first came to the parliament and the days of the Lees meetings, which were so very important to so many of us. His understanding of and leadership in the Senate will always be remembered as distinguished. His love of fine scotch and a good South Australian red is something that we have all shared in, thanks to his generosity, and his role in parliamentary democracy is recognised beyond Australia's boundaries.

I was one of his few supporters in our party room on the question time issue and I pledge, Alan, to continue your campaign, although I will not do it with your aplomb, your patience, your sensitivity or, I suspect, with as much success as you had. But I will keep going on that, because I agree with you. I hope that in your retirement you will be able to watch question time and see that it is a worthwhile episode. I thank you, Alan, on the record, for the time when I publicly criticised our new leader Alexander Downer. You never told me, but I know it was your influence with Alexander that allowed me to remain on the front bench and so perhaps gave me whatever career I had in the ministry. Thank you very much for that. I appreciate it. I think Nick might have had a little bit to do with that, in the background, as well.

For some strange reason I have always felt very close to Julian McGauran. It is quite strange because we are diametrically opposed, philosophically. He is a Catholic as well and I am an Anglican. Worst of all, he was a member of the National Party! I like Julian—I always have—and his speech tonight shows why. I inherited his office when Julian had his three out years from the Senate. That was interesting. We had our Liberal-National tussles over the years and that very memorable campaign in northern Victoria—which I promised I would never mention again—but I was more delighted than most when Julian eventually saw the light and joined the Liberal Party. I can never quite understand the Victorian Liberals on what they did to you, Julian, but that is another issue. Had that been a bit better, you would have been with us for the future.

The brevity of our speeches tonight, and I guess I can speak for everyone, is not because we do not have a lot to say about the three retiring senators but because we are on a time limit to try to give everyone a chance
Senator O'BRIEN (Tasmania) (17:55): I will be brief, understanding that many colleagues of the outgoing senators who have given their valedictories tonight will want the opportunity to speak. I did not want to let the opportunity go past without putting a couple of things on the record. I admire the way that Senator Nick Minchin has conducted himself in this place. We have not travelled together. We have not crossed swords so much at estimates committees or in the parliament. It has been through my observation of his performance as a member of the Senate. It was a performance which drew my admiration. I respect the way that you have conducted yourself in this place, Nick. I really do hope that you enjoy your retirement and I am sure your family will enjoy your presence. Unlike other people, I do not wish that you watch the Senate question time again, and I suspect you will not, very often—as I would not.

Senator Julian McGauran and I have crossed paths on committees from time to time. We even travelled together to New Zealand to look at fire blight in apple orchards. We have had our moments. I do have one thing that I need to say and that is, in all of the speeches that I have given in this place attacking the National Party, I really do claim credit for Julian changing from the National Party to the Liberal Party following those attacks. If I influenced no-one, I am certain I influenced Julian McGauran. Yours has been a long period of service in this place and a distinguished career, something which I am sure you are very proud of and your family is very proud of. I wish you well in your retirement. If indeed you do go onto the stage, I am glad you will have a parliamentary pension!

Senator Bernardi (South Australia) (18:00): It is a bittersweet moment to stand here and give this brief speech, because I am
losing three great Senate colleagues. I will not say I am losing three great friends, because they will not be lost at friends. But they all have become very good friends and they have all brought so many different things to this place.

Julian, I have not known you for very long in the five years that I have been here, but over that time we have become mates. I have come to admire your loyalty, your witty insight into the peculiarities of parliamentary life. My wife has not given up trying to find a nice young girl for you to settle down with. But I fear it is going to be a lost cause, because you are enjoying so many other aspects of your life at the moment.

Alan Ferguson was a great friend of mine before I got into parliament and has been a great friend ever since. He was a great patron of my prior establishment. It was there that I reflected on what Alan Ferguson said today, that I am a person who sticks by my beliefs. When Alan came to me and asked me to get involved in the Liberal Party more fully, he said, ‘We’d like you to run for the state executive.’ I said, ‘Okay, I’m happy to do that.’ He said, ‘We’d like you to become the multicultural coordinator.’ I reacted in a horrified fashion and said, ‘Look, mate, just because my name ends in a vowel doesn’t mean I believe in this multiculturalism baloney.’ I have been sticking to that ever since. Fergie came back the next day for another schnitzel and said, ‘What about running for vice president?’ I never looked back. Fergie, it has been an honour and a privilege to have served with you in this place. You have been a wonderful role model not just for me but for many others and, without any doubt, you are admired and respected by all.

Senator Minchin, who has just walked into the chamber, is a man of extraordinary talent and insight. You are a man of great strength and you are a man that I have the utmost admiration for. No-one has been more loyal to me than you and Alan, but in particular you because of the strength that you have shown. At times where I have perhaps tested your patience, and maybe that of others, you have always been there with a firm rod—sometimes trying to belt me with it but, more often than not, to put a bit of steel in my spine.

A few days ago I was having a conversation with someone and I said to them it seems that the great failing in modern politics is loyalty. It seems such a transient thing. Nick, you have loyalty in spades. In response to a request from someone, I said: ‘I’ve always believed that loyalty is an admirable quality. It’s a characteristic that more people should demonstrate. And in parliament, or anywhere else, you always dance with one that ‘brung ya’. For good or for bad, I’m with Minchin until the end of the week.’ Nick, I am going to unleash my true inner conservative. There is no more moderation from me after your balance is gone; next week I am going to be a true hard-core conservative and let everyone know how I truly feel about things.

Friends, colleagues, I am going to miss you enormously, not only because of the great strength and wisdom you have all shared with me, but because you are all great mates. I know that friendship will continue outside of the parliament. I wish you every best wish for all of your futures.

Senator MASON (Queensland) (18:03): Perhaps the most famous and the most influential politician of the ancient world was Marcus Tullius Cicero. As you would expect, he was a senator. In the first century BC—just before he was murdered on the orders of Mark Antony and had his hands cut off so that they could be nailed to the doors of the Senate—Cicero wrote, ‘A man’s own
manner and character is what most becomes him.' When the debates are over, when this chamber falls silent, what we remember is not the battles won and lost but how people fought. All the retiring senators are examples of Cicero's attitude to life and politics. What we will all remember about them is how they served. They all served different parties, they all won some battles and lost others, but they made Australia a better place. But what we will remember more than anything else is that they all served honourably.

Acting Deputy President, sadly I had remarks about my six retiring Liberal colleagues. Given the time restraints, I seek leave to incorporate the remainder of my remarks.

Leave granted.

The speech read as follows—

Senator Russell Trood
I know Senator Russell Trood better than any other retiring Senator. Mr President, the most joyous, successful, indeed euphoric, campaign I have ever participated in was the 2004 Queensland Liberal Senate Campaign. It was by every measure by far the most successful Senate campaign in Queensland Liberal history—despite me leading the ticket. Russell shone in that campaign as dedicated, hard working and very likable. Fortunately he has never changed. Politics did not corrupt him. And even in the Senate campaign last year—despite little chance of re-election—he never complained. Not once. Never!

I listened to Senator Brandis description of those campaigns last week and I should add two things. First, from memory, Russell always loved my campaign music. He has eclectic tastes. Second, how we moved from the Liberal Party's 'deal-breaking' and 'not-negotiable' position of an LNP Senate ticket in 2010 based on the order of election in 2004, which was supported by both the Federal President of the Liberal Party and the then Leader of the Opposition, to the eventual ticket in 2010 is a story now familiar to many of my colleagues but which might be more fully and frankly discussed in my memoirs.

Sure, Russell will be remembered for his expertise in foreign relations, but for me, his legacy will be his honesty, his spirit of generosity and his grace under pressure. He leaves this place with my great affection and sincere respect.

Senator Alan Ferguson
The greatest Chairman of a Committee I have ever known is Senator Alan Ferguson. As Committee Chair he was always fair—but firm. I still bear the scars of his Chairmanship. And he was always great company. He put me on to green label scotch. I still bear those scars as well. Alan, I will miss your wise counsel, friendship and warm company. Best of luck to you and Anne.

Senator Judith Troeth
The two qualities I admire so much about Senator Judith Troeth are her grace and her strength. She really is the iron fist in the velvet glove, with a wicked sense of humour thrown in. Judith, we didn't always agree. But I always respected you. And, in the end, that is what matters.

Senator Guy Barnett
On this classical theme, Senator Guy Barnett, I think it was the Oracle at Delphi who said, 'Above all, know thy self'. You are Tasmania's greatest legatee of the Oracle of Delphi. I have known no one in the Senate who holds convictions as firmly as you. My only hope is that our country continues to benefit from your service.

Senator Julian McGauran
Julian, you have always been something of an enigma. Your views are rock solid, but you have always charted your own course. I will miss the long flowing locks, the dark coats, the Italian shoes—but most of all I will miss your passion. You never let anyone down, least of all yourself.

Senator Nick Minchin
Yes, Senator Nick Minchin was a great strategist, tactician and campaigner both before and during his time in the parliament. He was the best sort of finance minister; he was miserly but never lost the smile on his face. But I admired Senator
Minchin for two reasons. Firstly, he was a man of conviction. Sure, he was conservative, but never reflexively. He holds conservative views, sometimes courageously but always persuasively. And, secondly, as a leader, he inspired that scarce commodity, very rare in politics, of trust. Whether you were a coalition senator, Labor or the cross-benchers you could trust Nick Minchin. And I should just add, Mr President, he pulled me out of a few scrapes—but, again, wait for the memoirs.

To all senators—coalition, Labor and Family First—thank you for your public service. Thank you for your service to our Senate and for what you have done for our country. I will miss you all.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (18:05): I would like to observe the American convention and refer to 'President Ferguson'. Alan, you have been a mentor and a friend. Your counsel has been the wisest that I have received in this place; my only regret is the occasions on which I did not follow it. You were an outstanding president and you have been a truly grand parliamentarian.

Julian, your Senate career has indeed had an operatic quality. You were in the Senate, you were out of the Senate for a brief time and now you are back in. You have been a National and you have been a Liberal. Indeed, I was proud to stand with you after you decided to join the Liberal Party. I know there were some who urged that the Liberal Party not accept you and leave you as an independent in this place. But accepting Julian was one of the best decisions the Liberal Party organisation in Victoria has taken. You are immensely popular. You have worked incredibly hard. You have the affection of the Victorian Party organisation. You are the ultimate 'conviction politician'. You come from a great political family; your brother, Peter, and your father, John, also supported the coalition parties strongly. I am just delighted that you are going to make a continued contribution to the community as a teacher. I think that is wonderful. Senator Minchin, you truly are a creature of the party: you have always put the interests of the party ahead of your own. That was never more clearly on display than in the times that we refer to on this side of the chamber as 'the troubles'. Contrary to popular belief, there was no 'Minchin's militia'; there were just individuals who reached common conclusions. Nick was, as always, his own man. He did put it all on the line. Nick, I hold you in the highest regard. It is very much my hope that your formal service to the party we will see again in some other incarnation.

Senator JOHNSTON (Western Australia) (18:07): In addressing the retirement of Senator Nick Minchin, may I say, Nick, that leadership, discipline, respect and admiration are things that few people can achieve all at the same time. With respect to your Senate colleagues, when you led them and indeed when you were simply a minister in a very successful Howard government, that was a high-wire act that few can perform. But you have achieved it. You leave a template and a model of honesty and integrity that I think is a lesson for us all into our futures. I thank you for that and for your service to your state and of course for your service to your party and indeed this parliament. It has truly been a most magnificent contribution.

Julian McGauran, as a Western Australian the machinations of Victoria never cease to amaze me. I have been one of those senators who has always admired your wit and wisdom. Your speech tonight was one of the best I have heard for a very long time in this place. I did enjoy it, Julian. We will miss you. We wish you all the very best in your future. You have been someone whose company I have certainly enjoyed.
Lastly, to my friend Senator Alan Ferguson, who bears the title of 'Respected'. It is a title I think is worn better than any other senator in this chamber. He is a person of great modesty who said tonight that his achievements were few. I am struggling to think of anybody who has achieved so much. The achievement of chair of the joint standing committee was something; the achievement of President was something. I thank you for the time, courtesy and the mentoring you gave to me, along with Jeanne Ferris, when I first came here and to my colleagues, particularly those from Western Australia—and I know our South Australian colleagues benefited enormously. I thank you for those special moments of advice and consideration that you have given. You have been in many respects our Rock of Gibraltar in our party room. We will terribly miss that stability and that wisdom. It has always been a delight to see you in the corridors and to meet you at large. I look forward to continuing a long friendship. To you and Anne, all the very best.

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (18:10): I too rise to pay tribute to the three Liberal senators who delivered their valedictory speeches tonight and to make a few comments about the three who did so last week.

Since his election to parliament in 1993 Senator Nick Minchin has had an impressive parliamentary career, culminating in his serving as both leader of the government and the opposition in the Senate and also in cabinet. I believe that this is a testament to the high esteem that he is held in, both professionally and personally, by his colleagues, by his party and by the nation. But of greater importance to me is the fact that Senator Minchin is a true advocate of liberalism, of the free market, of the benefits to Australians of small government, of rewarding innovation and effort and valuing individuals—all ideas which I believe are wholly owned by the people on this side of this place and ideals which are exemplified by Senator Minchin's principled approach to policy issues on issues that have come before him during his time in this place. I personally have no doubt that Senator Minchin will be recorded in history as one of our nation's true statesman and one whose influence and opinion have served to shape a stronger, better and fairer Australia. Can I say, Nick, that I believe your loss to this place—the loss of your wise head and counsel—will leave the nation worse off than it currently is.

Senator Ferguson, you are another one of the Australian parliament's true statesmen. As President of the Senate, Deputy President and Chair of Committees, Senator Ferguson has shown a masterful knowledge of the procedures and processes of parliament and a considered, capable and equitable approach to controlling the people in this chamber—and we certainly need that control sometimes. You are a true gentleman, a man of immense gravitas and one who has earned the respect of all senators who have been through this place in this time.

I also acknowledge the longstanding parliamentary career of Senator Julian McGauran. Although also a senator who has had a great impact, I will miss him for entirely different reasons. During my time here, Senator McGauran, you have undoubtedly been the most entertaining debater in this place. This is not to downplay at all your ability to debate well; you are certainly articulate and effective in what you say. But you have the ability to include a degree of comic turn of phrase and delivery that is quite unique and enables you to deliver the points that you make in a way which I think is quite humorous and effective. Your valedictory speech today did not fail in that regard.
Senator Judith Troeth's retirement marks the end of a long and successful Senate career, including time as a parliamentary secretary in the early Howard government. Her passionate advocacy on a wide range of issues, particularly those impacting on rural and regional Australians and women, reflect her commitment to the principles of liberalism and truly highlight how just one individual in this place can make a real difference.

Senator Trood, although here for less time than the other retiring Liberal senators, has nevertheless made a significant impact through his exemplary committee work and his erudite and in-depth contribution to policy debates, particularly in the area of foreign affairs. In his speech last week he mentioned how Canadian senators are appointed for life. If senators here were appointed for life, Senator Trood is just the sort of person who should be appointed.

Last but not least I would also like to take this opportunity to acknowledge my fellow Tasmanian Guy Barnett. I recall first getting to know him whilst I was a student politician at the University of Tasmania and he was then the youngest ever senior adviser to a Premier in Australia. I continued that friendship over the years, culminating in my going into partnership with him in a public relations and law firm in 2001. That partnership did not last long because Senator Brian Gibson retired within months and Guy was soon appointed to replace him in the Senate. I followed his career closely and have no doubt that he was a most passionate, hard-working and committed member of federal parliament, and I had great pleasure in again becoming his colleague, this time in Canberra, some six years later.

In conclusion, to all retiring Liberal senators, best wishes and enjoy the life that your retirement will now return to you.

Senator BIRMINGHAM (South Australia) (18:15): I rise to farewell the six Liberal colleagues who are departing us very soon. Their valedictory speeches and their great diversity of views, attributes, backgrounds, achievements and skills really do demonstrate how great our Liberal Party is. For four of the retiring senators, I have selected some quotes—some from well-known individuals and some from less well-known individuals—to draw from. I will start with my South Australian colleagues and Senator Nick Minchin. This quote is perhaps appropriately, or perhaps not, from Napoleon Bonaparte:

The people to fear are not those who disagree with you but those who disagree with you and are too cowardly to let you know.

Nick, I have never feared you. I have always known where you stood. Even when you were seated, directly behind me, I knew exactly where you stood and never had cause to fear you. In fact, my respect for you has grown, especially since I came to this place and since I have seen you lead our party. I have had cause to seek your advice from time to time. Your advice and counsel have always been sound; indeed, I expect that even when you leave I may still seek your advice on occasion.

To Senator Ferguson, Alan, from the influential French renaissance writer, Michel de Montaigne:

We can be knowledgeable with other men's knowledge, but we cannot be wise with other men's wisdom.

It is Alan's wisdom, I think, that we will miss most in this place. As evidenced by his contribution tonight, the words that he speaks—whether in this chamber, in our party room, in the Senate, in the joint party room, or indeed in private—usually get an attentiveness and focus that is rare in this parliament, and that shows how wise Alan's
contribution are and how much they are valued by so many people.

For Senator Judith Troeth I chose, perhaps appropriately, an Eleanor Roosevelt quote:

A woman is like a teabag. You cannot tell how strong she is until you put her in hot water.

Judith has been tested with plenty of hot water throughout her career and she has been found to be very strong. She is compassionate, engaging, understanding, determined and principled, and JT—as I like to call her—will be missed and missed sadly, certainly, by me.

For Russell Trood, a perhaps lesser known quote from the early 20th century American writer Carson McCullers:

There is nothing that makes you so aware of the improvisation of human existence as a song unfinished.

Russell is perhaps not a song unfinished so much as a book unfinished—a great classic novel—whose intelligence, capacity and knowledge deserve to be in this place longer and should be making a longer contribution. It will perhaps fall to the rest of us to improvise and to live up to the issues that Russell highlighted in his contribution.

To the other retiring senators from this side, Julian McGauran and Guy Barnett: Julian, your wit, charm and great capacity for debate have been highlighted already; Guy's diligence and passion for causes was highlighted last week. To the other South Australians, in particular, who are leaving from the Labor side, I wish you every success in the future. It has been a pleasure to serve in this place with each and every one of you. Each of you adds to the dynamic of the parliament. You learn a little bit from everybody, and indeed it is debates like these valedictories that show us the great diversity of contributions in this place. I wish all of you well for a very happy and prosperous future.

Senator RONALDSON (Victoria) (18:18): I was in this place, in the other chamber, when both Nick Minchin and Sprat Ferguson arrived. I suppose there are not many of us who know Alan as 'Sprat'. I want to say a couple of very quick words. Nick Minchin brought to the job a remarkable legacy of people management. People management is something that a person is not, in my view, born with. I think it is something that is acquired with experience, and Nick is the best people manager that I have seen in my time in politics. He managed some difficult months some 12-plus months ago with great dignity, and the fact that our friendship survived that means that it can probably survive anything, I suspect.

I have fought a lot of battles with Alan and his close mate, former President Calvert. When I was chief whip in the other place—the stories can probably never be told—I remember that on many occasions we had massive fights. Sprat said: 'You'd better come over to the Senate barbeque. We have got to sort this out. They all hate your guts over there, and we want to get this sorted out.' So I came over for this peace offering, and I will not say who it was or exactly the words they used, but it was made quite clear to me that I was not welcome. When I asked about it, I was told, 'Sprat said, "As soon as he walks in, give him a pay out."' To his credit he did come back and get me. To Anne I would like to say: you have been a very loyal partner to Sprat.

I want to farewell my colleague Russell Trood. We are in some respects strange bedfellows, but we will maintain a friendship. His nickname, of course, is a similar colour to the chamber we sit in at the moment, and I will very much miss Russell. I am absolutely sure that Guy Barnett's time in politics is not finished, and nor should it be. I will quickly say: for those who know
Nick well, to see what he and Kerry went through with Oliver was, I suspect, one of those defining moments in Nick's life. We all have those and they are never pleasant, but I think we come out of them better people at the end of it. I know the effect that it had on Nick.

I want to talk finally about Julian. There are some who, foolishly, have underestimated Julian over the years. When he was a member of the National Party there was no better campaigner against the Liberal Party than Julian McGauran. He ran some sensational campaigns and he was very, very good. I watched Jules during his speech tonight as he said he was 'pleased that the wounds had been healed'. I saw the look on your face, Julian, when you said those words. I know what you went through. Helen Kroger, Mitch Fifield and I know the absolute angst that you went through with that changeover. You brush it off, but we know it was an enormous decision for you to make. Our party quite frankly has been a lot better for you coming to join us. I offer all of my departing colleagues my very best wishes for the future.

Senator FIERRAVANTI-WELLS (New South Wales) (18:22): I will start by paying tribute to Senator Trood, Senator Troeth and Senator Barnett, who gave their speeches the other evening. Senator Trood looks very much like one of those distinguished Roman senators. He resembles that beautiful picture in the Roman senate; all he needs is a white robe and a toga and he would look the part. Senator Judith Troeth, I did not always agree with your stand on many issues, but I do respect your right and the work that you did to stand up for the causes you believe in. Senator Barnett, I shared many of your conservative causes and I wish you all the very best.

Tonight I pay tribute to three conservative colleagues. Sadly, those of us who share mainstream conservative values are losing three of our own. Being conservative is not always fashionable in this country. The fourth estate love to deride us. They ridicule our values and belittle the causes that we stand for. Nick, as you said, we are sometimes called pariahs, but I know that every time we stand up for such causes we represent a silent majority. I can see 'The Friends of Carbon Dioxide' having a lot of foundation members.

Fergie, we will miss your leadership, your sense of humour and your general bonhomie. We have valued your sage and wise counsel. You represented us well as President and Deputy President, and we will certainly miss your warm hospitality on Monday nights. I wish you and your family all the best and I am sure you will all enjoy the holiday you are about to embark on.

Julian, you win some; you lose some. Perhaps that investment in the DLP was not so profitable in the end. You always managed to add colour and movement to any debate. You have an ability to espouse a view on almost anything, coupled with a ready wit and much gesticulation. Your speeches not only made good listening but were entertaining viewing, and tonight was a fitting finale.

Nick, you have been friend and mentor to so many of the next generation of conservatives. I thank you for the years of support, especially through the years I struggled to get to this place. Indeed, even when I was finally selected, you were berated for having been the cause of my selection. As the leader of the national conservatives, you have always stood up for our cause and have not been afraid to do so. Some who shall remain nameless could never quite work out the strength of our
factional cause and our dedication to it, but you always wore your power with humility and the great respect of both friend and foe.

Many in the Liberal Party seek to deny the existence of factions; they are, however, a fact of life in the Liberal Party. Indeed, we were born with the Liberal and conservative philosophies. You often repeated that we should formalise our factions. I agree. We could have saved ourselves a lot of angst along the way.

On behalf of your many mainstream conservative friends and supporters in New South Wales, I wish you all the very best for the future. Who knows? You may one day return to your old stomping ground on the northern beaches of Sydney. But rest assured that you leave a conservative legacy that I and many in this place are proud to follow.

To all three of our colleagues I say: you will be missed.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (18:26): I wish all the retiring senators all the best. Senator Wortley, from South Australia, we have a common friend in Jim Michalanney, who I went to school with in Adelaide. Senator Hurley, thank you for your time on the economics committee. Senator Fielding, I wish you well in what your future brings. Senator O'Brien, if I had known before what I found out tonight—that you were the reason Senator McGauran joined the Liberal Party—we might have had more words in the past. But I know he was perhaps being a bit humorous.

Senator Steve Hutchins, thank you for the times you have helped me behind the scenes with various problems I have had, including constituent issues. Steve was always there to help me. I hope that someday I can return those favours. Senator Forshaw, I remember when we played cricket—Steve Lewis was seriously batting away and I was wicket keeper. Steve got an edge and Michael Forshaw took the flukiest catch at the top of his reach. I do not know who was the most surprised, but it was the end of Steve Lewis's innings. I wish you well and thank you for your friendship.

Senator Troeth, thank you so much for your contribution over many years to this parliament. You are certainly a woman who sticks up for what you believe in, and you proved that on many occasions. Senator Trood, I did not have a lot to do with you but you command enormous respect. We wish you well in the future. Senator Barnett—and Kate and your family—we had a magnificent trip to Thailand, Anzac Day 2010. It was great to get to know you better then. Guy, I am sure we have not seen the last of you in one way or another in public life.

Senator Nick Minchin, thank you so much for your wonderful contribution to this parliament over many years. He is a man who commands enormous respect from the National Party. In various meetings and on some controversial issues, it was always, 'Look after Nick.' That was the bottom line. I think Senator Boswell had that recorded pretty often. We wish you well.

Senator Alan Ferguson, three years ago, we were having a mock sitting of the Senate here with the new senators—the muster of 2008—and my job was to stand up and move some formal motion, I think. I stood up and the Deputy President said 'Senator Williams.' I went to move the motion, and he said: 'Senator Williams, you have stood at the wrong time. You are out of order on the red.' I thought: 'What a great start to this place; I have stood up at the wrong time.' I was sat down and corrected. Alan, thank you so much for your magnificent contribution. You will be missed, but we will see you at Innamincka one year, I am sure.
Senator McGauran, thank you for the handwritten card today. I am not going to recite all of it, but it says: 'Wakker,'—it is 'Wacka', by the way—'You are a fine representative in the Senate and for your party. There should be more shearmers in parliament.' I will not go into the other details. Julian, all the best. Can I say: your sins are almost forgiven, if I could put it that way. We do believe in forgiveness. You made your decision. I am glad that when you went back to that funeral—you told me about this before—you were very welcome. That is what the National Party is like. Good luck in your future, and thank you for that great speech tonight. It was a great speech, but after 24 years you should be able to speak properly! All the best, Julian.

Senator COONAN (New South Wales) (18:30): It is a real privilege to be able to associate myself with comments about the three retiring Liberal senators and, indeed, all retiring senators. I want to talk briefly about each of them and concentrate on some personal reflections.

First of all to my friend Nick Minchin. Nick's rollcall of achievements on entering the Senate has been very well described. To my mind, his most accomplished role was his appointment to cabinet by the Prime Minister, John Howard, as Minister for Finance and Administration, a position he held from 2001 to 2007. I believe I am the only sitting senator remaining in this place who was also a cabinet colleague in the Howard government, able to observe Nick firsthand as he applied his sharp intellect and attention to detail to every cabinet discussion, sometimes much to the chagrin of colleagues.

Also his role in the Expenditure Review Committee, that exacting task of examining in detail every portfolio bid, would no doubt remain forever in the minds of ministers with visions of being big spenders. Quite rightly, no-one left the cabinet room without Nick running the ruler over and the red pen through any excess. I think he was only outwitted on one occasion, by the former senator Richard Alston, who was well known as the thief of the ERC.

Quite apart from cabinet and the ERC, I also served as ministerial shareholder with Nick in Telstra Corporation and Australia Post. I have to say we had some rather interesting meetings with the board and management of both Telstra and Australia Post, some volcanic and others much more calm and focused—and I will leave the Senate to conclude which were which. I also enjoyed working with Nick as Deputy Leader of the Government in the Senate. I had the great privilege of participating in the coalition leadership team, where Nick was always a sound contributor, always forthright and possessed of keen political instincts.

People have talked about Fergie being a great mentor and always giving great advice. I remember some advice he gave me when I first came to this place. He said: 'Keep quiet for a while in the party room. More people talk themselves out of a job in the party room than they do into a ministry by making a goose out of themselves.' It was extremely good advice, as, indeed, is most of the advice that Fergie gives and it is much valued by colleagues. He has really made the most amazing contribution in the Senate. I do not have time to go into all of his achievements, but, as a delegate to a CPA conference just this year, I must say that Fergie's fame in that conference is worldwide, so successful has he been throughout his years of contribution to the Senate and elsewhere. He is a truly great man, although sometimes I think he has been known to lead a few of us astray with his great friend Gordon Broderick. I rather suspect there might be a farewell performance coming up very soon.
That leaves me with Julian, who, in his own way, has made the most amazing contribution also to the Senate. He was deputy whip a long time ago when I was also deputy whip, back in the mists of time. I think he only had about four people to look after and sometimes he managed to lose them! That was Julian at his finest. I must say that perhaps the other thing I have in common with Julian is that I think we might be the two people in the Senate who ever did track work, and I know he once worked for Bart Cummings.

What a wonderful trio of senators with an amazing and diverse range of experiences. In many ways, I think it is a very melancholy task to try to capture the essence of such diverse and talented senators—three lives spent largely in public service, furthering the interests of those who elected them. What finer way to make a contribution in your life. Well done, everybody, and don't be strangers to us.

Senator CASH (Western Australia) (18:34): It is with enormous admiration coupled with a degree of sadness that I too rise tonight to pay tribute to the significant contributions made by my colleagues Senator the Hon. Nick Minchin, Senator Alan Ferguson and Senator Julian McGauran to the Parliament of Australia during their time as senators in this place. I say to all three of you: when I entered this place three years ago you were my colleagues; tonight in giving your valedictories I am so glad to say that each one has well and truly become my friend.

Nick, throughout your career in this place you have consistently demonstrated professionalism, competence and an extraordinary understanding of parliamentary practice and procedure. Your record in this place is such that, when you leave here, you can hold your head exceptionally high. I take solace in the fact, in particular after listening to your speech tonight, that, whilst your distinguished service in this place may be ending, there is a future for you on the conservative side of politics. Like Senator Concetta Fierravanti-Wells, I too may well be looking quite seriously at joining your 'Friends of CO₂' group!

Nick, it has been an absolute privilege to serve with you as a fellow senator but, in particular, as part of your team when you were the Leader of the Opposition in this place. I have always regarded you as my mentor, and I appreciate the time you have spent with me sharing your wisdom, your experience and your knowledge of parliamentary practice and procedure. I congratulate you on your long and distinguished service to this place and I look forward to continuing to work with you as we go into the future.

Alan Ferguson, if only I had been a Scotch drinker, but I wasn't—but that is all right! Alan, during your time in this place you reached the esteemed office of President of the Australian Senate. Without a doubt, that is a role of which you should be very, very proud. I did not have the opportunity to serve with you when you were the President of this place, but certainly I am advised by colleagues on both sides of this chamber that you discharged your role in a competent and effective manner and were, without a doubt, one of the best presidents in this place. I, of course, have had the opportunity to serve with you in your role as Deputy President, and I would agree that that is a role which you have discharged in a dignified and effective manner.

Your speech tonight has confirmed everything that I believe about you—that you are a true champion of this chamber. You are a person who is prepared to forcibly argue the case for houses of review and the
fact that the upper house of parliament needs to maintain a degree of independence whilst ensuring that it discharges its role in an efficient and effective way, continually enhancing its capacity to carry out the review function, for which members of this chamber are elected. During my time in this place, Alan, you have been a great mentor to so many of us. I have sought advice from you on many occasions. Like others, I recognise that you are a man of great integrity and wisdom and a parliamentarian who has accumulated much knowledge in the working of the Senate over many years. Your departure from this place, again in relation in particular to matters of parliamentary procedure and practice, will be a great loss.

Julian, what can I say? I do not think you are allowed to say that it has been a blast in this place, but I have to say that, since I have been seated next to you, it has been an absolute blast—it really has. Julian, in the three years that I have been in this place—and I thought I had a unique style—you have taken the cake, well and truly. You have what is described as a unique style that will be greatly missed. Throughout your time in the Senate you have worked with distinction and with great flair. It has been an absolute pleasure to have worked with you in a number of capacities but in particular in relation to our time on the Joint Standing Committee on Treaties. You are a highly principled person, you have stood by your convictions and have steadfastly remained true to your beliefs during your time in this place.

In Julian's maiden speech in 1987, when laying down his beliefs, he said:

I stand for traditional Australia and its belief in the family structure as a source of strength to a society which is presently sorely tested by an array of social pressures. I stand for an Australia which accepts the recognition in law and policy of the status of marriage and its preferred treatment.

... … …

I seek to give full service to these ideals in my term in the Senate.

During your time in the Senate, Julian, no-one could say that you backed away from your stated beliefs, and in this game, with the pressures that can be brought upon a person, that is something to be exceptionally proud of.

Senator McGauran has had a long and colourful career in the parliament. His retirement will be a great loss to senators in this chamber, in particular his style of address and his undoubted capacity to identify and get to the nub of any issue in an effective way. Julian, I congratulate you on your service to the parliament and to the people of Australia. I look forward to continuing to work with you in the future and I wish you the very best in your endeavours. The state of Victoria and the Liberal Party is fortunate to have had the representation of a senator of such quality as you.

All three senators who will retire on 30 June are entitled to be proud of the contribution that they made to the Senate and the nation. Our country is a better place as a consequence of their service to the parliament. I wish them all the very best.

I will say one more thing for the record. Julian has promised to take me to dinner on Thursday, 28 September, when I am in Melbourne. It is now on the record.

Senator KROGER (Victoria) (18:39): I am pleased to have this opportunity to join my colleagues and pay a somewhat brief but genuine tribute to my colleagues who are retiring. The speeches that have been made speak volumes for the high regard in which we consider all our retiring colleagues.
I first had dealings with Senator Minchin when I was on the federal executive. It was with some trepidation that I first sat around that table with you, Nick, because your formidable reputation preceded you. So it was with some anticipation that I sat around that table. It did not help that at the second meeting that I attended as state president for the Victorian division I was 'beaten up' by the then Prime Minister, John Howard, in a particularly outstanding way, which only emboldened me in the approach that I should take. Nick, it was with your encouragement that I did that. Your valedictory speech tonight speaks volumes about the enormous contribution you have made to the country. There are very few people about whom you can stand up and say they made a real— with a capital R—difference to the state of our country, and you are one of those people. You have been a champion fighter for a number of causes and for that not only we, in this place, but many Australians will be forever grateful.

Senator Ferguson has really fathered those of us who came here in the class of 2007. Senator Ferguson, you have been a great mentor. Your advice has always been very sound and much appreciated. It really made the transition to this place so much easier for us. I also wish you very well for the future. I am sure that you and Anne will have many times to be able to enjoy those gorgeous grandchildren and enjoy the break from this place that you so well deserve.

Regarding Senator McGauran, I do not know how else to say this except to say that Julian is like family to me. He is like one of those challenging kids, one of my sons, whom you will always love to death, but who, my goodness, give you some problems that you have to deal with. Julian and I have known each other since university days. The flamboyant Julian has not changed since those days, which is such a redeeming nature. He is very much the person that I knew—I will not say for how many decades but for a few decades. It was the McGauran clan who were instrumental in the Victorian division determining to organise and agree to a joint Liberal-National Party Senate ticket—an arrangement that I have been a staunch critic of for the last decade, with a view that it should be revisited, notwithstanding that I hold my relationship with the National Party very highly. But the McGauran clan are largely responsible for us brokering that Senate ticket and sending Julian here for the last couple of decades.

Mr Acting Deputy President, if I may continue with your forbearance, I cannot go past a phone call that I received a few years ago, when I was state president. It was on a cold Sunday night, at seven o'clock. Julian was at the other end of the phone saying, without any preamble, 'Helen, I've just resigned from the Nats and I'm joining the Liberal Party.' After I got my breath I said, 'Julian, who have you told in the Nats? Who have you spoken to?' He said, 'I haven't spoken to anyone.' Julian, thank you very much, because you essentially ensured that for the next two months my life was taken away from me as I managed your transition to being a member of the Liberal Party and representing the Liberal Party. Julian, well done. It has been a great pleasure working with you and I look forward to having many dinners in the future.

Senator ADAMS (Western Australia—Deputy Opposition Whip in the Senate) (18:44): Firstly, I would like to wish all retiring senators well. For those on this side, I missed out the other night on congratulating Judith, Guy and Russell, so I will quickly run through them. That does not sound good, does it?

Judith Troeth has been a great advocate as far as rural issues go, and of course that has
been one of my favourite things. She has been a pillar of strength and a great friend, and I really do hope that everything goes well in her future.

Guy Barnett had to put up with me sitting beside him for about 2½ years. When I first came he really did help me with Senate procedure and, Guy, I do thank you very much and wish you and your family well with whatever comes. Congratulations on being appointed as an ambassador for Diabetes Australia. That is great; you will do very well.

Russell was part of our 2004 class. I am really sad that he is going but I am sure that we will see him back, either here or in some other area that he has great expertise in.

As for Nick and Alan, a word that has not been mentioned tonight is advocacy. I think both of them have given so much in that role. They have been very good. I will start with Nick. As the leader, I really did appreciate your advocacy and your wise counsel when things were going a little bit amiss on a certain subject that I took on when I first came, the single desk. It did not go down very well with my National Party colleagues but Nick was great and he and Alan were certainly great with their counsel. Nick’s mother was the same age as my mother, so when things were not going very well he was great and I really did appreciate that. Nick, with a son in the Army as well, I really did feel for you with Oliver. I am so pleased that everything has happened as it has and I am sure that Oliver will go on and be a great officer.

Fergie—and it is very difficult not to turn around to face him but I had better stay with this—has been great, once again with rural issues. He and I bonded right from the start and, as President of the Senate, he was very good and I learnt so much about Senate procedure from him. Also, on the Joint Standing Committee on the National Capital and External Territories, I have made two trips to Norfolk Island with Alan. He has certainly given me great insight into the issues that are confronting the Norfolk Island people, and I am sure that if things do not go quite to plan I will be on the phone to talk to Alan.

Julian, those girls are going to have a wonderful time when you get to the college to actually teach. I would think that in theatre and drama, or whatever they call it now, you would certainly be able to fill that gap as well! I wish you well in many ways and I am sure that you will be a great success with your future endeavours. When Julian was in the National Party we did have a few clashes with him and his brother over the same issue, which was the single desk, but he came to the Liberal Party and he probably saw where I was coming from in the end. Thanks, Julian. You have done a wonderful job.

In conclusion, I wish everyone well. I am sure that colleagues on the other side and Steve Fielding, in their own way, will do well in the future.

Senator BACK (Western Australia) (18:48): No-one wants to see their colleagues leave, but as the most junior senator here for the last 2½ years I cannot wait until 1 July, I can assure you. History is made this afternoon, and I also want to honour those colleagues.

In the case of Senator Minchin, also having a son who has served in active service in Iraq and Afghanistan, we felt keenly for you, Nick, and your speech this afternoon was one of legend.

In the case of Alan, as you said recently, it is better to go when your colleagues do not want you to than to stay when they actually want you to leave. I can only thank you very much for that very long two minutes you
gave me when I proposed the motion for World Veterinary Year.

When it comes to Senator McGauran, he could not have had a better schooling than with Bart Cummings, a man who is actually known for not saying too much but whom you listen carefully to. What Julian did do—and it was a great apprenticeship for him—was learn in the horse industry, mucking out boxes, that what you put in at one end, if you do not treat it very carefully, inevitably comes out the other end. Therefore, he had a very good apprenticeship. I believe it was also in riding work. If ever you will get back to that weight, Julian, I do not know. Nevertheless, history is fast coming down, because at this moment there are only four, I think, who have come from the old Parliament House to this one: Senator Boswell, Senator McGauran, Philip Ruddock and Bronwyn Bishop, and one of those four in fact now leaves.

In the few minutes available to me I would like to honour also those from the other side of the chamber and Senator Fielding. Senator Wortley was chair of the first committee I was put onto, and I really valued her for her wisdom and guidance. Senator O'Brien, of course, was on the Rural Affairs and Transport Committee. Senator Hurley will be long remembered in my family and in my office. In fact, heat will be applied because we have bought both of her microwave ovens for those purposes. Of course, Senator Hutchins, I travelled to the Middle East with, and Senator Fielding I wish well. With the Irish ambassador, we will enjoy Senator Forshaw's hospitality on Thursday.

In the few minutes remaining I want to also honour, if I may, my colleague Senator Guy Barnett for the enthusiasm in the areas that I have seen him perform in. Guy, I know that you will have a long career. As a person very interested in diabetes, I can only thank you for prosecuting it.

In the last six months I have sat with Senator Russell Trood on the Select Committee on the Reform of the Australian Federation and have watched his wisdom.

Senator Judith Troeth mentored me from the time I came into the chamber and taught me what I do know. It is not much, I suppose, of procedure, but I feel particularly honoured that I sat beside her when she made her speech on the CPRS at variance with what was the position of our side. I did not agree with what she said; I honoured her for her willingness and her capacity and I felt very pleased to sit here beside her because I believe that is the essence of democracy.

I honour all colleagues who are leaving. I thank them for their contribution.

**Senator COLBECK** (Tasmania) (18:52): I would like to associate my remarks with those of my colleagues who have spoken before me in this debate today and pay tribute to today's batch of retiring speakers. Firstly, Nick Minchin, who was my senior minister in the Finance portfolio for a period of time, from the time that I arrived was always one of the figures that I looked up to as a sage voice. We did not necessarily always agree on some of the issues that we talked about, but one of the things that I really valued when I was his parliamentary secretary, though we did not interact an awful lot—I did not have to pester him a great deal, but he did not come to badger me—was that we had some pretty serious discussions about some major issues and, when I had made a decision, he would back me all the way through the process. There were a couple of really very difficult ones and a couple of quite significant ones that probably will never see the light of day, but once the decision had been made Nick followed that decision through the process.
that existed and provided me with support all the way through. I always appreciated that support.

I had the opportunity to travel with Nick and Kerry 18 months ago, and we had a great time on that delegation. It was a good opportunity to get to know each other personally. It was the time when Oliver was going through a lot of his significant issues. I wish you and your family all the best, Nick. Taking the time to get out when you do is really important.

Fergie, sometimes we think this place is all about us. We get into a mindset. We get involved in our work. It has been so important to me to have someone to remind me—remind us all—every now and then about the institution that we are involved with. You spoke about that today, and I think it is really important that you put what you did on the record today and have reminded us over a period of time about the institution we belong to, how we operate within it and how we conduct ourselves in this place can aid the operation of the place. I think that was a really important contribution.

I appreciate our friendship. It has more often than not been over a glass with a bit of ice and a small dash of something else in it, but it has always been convivial. I have enjoyed, appreciated and valued your friendship. Again, I wish you and your family all the very best into the future.

Julian, you mentioned in your presentation your salute to the chamber. Unfortunately, I was the cause of that. In fact, I was with your brother out on the front lawns at the time. I came back and apologised. I said, 'Mate, I'm sorry for causing all the trouble,' and you said to me, 'Mate, I think I've taken the pressure off you.' You leave today, with a speech like that, in great dignity and style. You really do yourself credit. Congratulations and all the best for the future.

Senator EGGLESTON (Western Australia) (18:55): I have always admired politicians of conviction and principle whose position on any issue could always be predicted, and tonight we are farewelling three such people. First is Julian McGauran, whose commitment to the Catholic Church and its principles has always guided his actions here. We saw that in the euthanasia debate, the stem cell debate and many other issues. Julian is a genuine man of principle. I worked with Julian as the Deputy Government Whip when he was the National Party Whip and I got to know his other side: his humour. He is a great man with a great sense of occasion at times.

Cory Bernardi referred to the fact that his wife was looking for a girlfriend for Julian. I seem to remember that when Julian was the delegate to the IPU a few people noticed that he spent a lot of time in South America and was learning Spanish. Some people thought there might have been a senorita from one of the Central American states involved!

Nick Minchin, of course, is a person of strong political convictions. He is one of the real conviction politicians of the Liberal Party. He is a man that I put on the same level as people like Sir Charles Court, Bill Hassell and, of course, John Howard in the federal arena—people who always were guided by their principles and people who you could always predict would take the position they did based on the situation and the principles which they applied. I admire you greatly for the fact that you are a man of such great principle, Nick, and I think you will leave a great hole in the canvas of the Liberal Party when you leave us.

Lastly, Alan Ferguson is another senator of conviction and commitment. Alan's commitment has been to the institution of the
Senate. I think Alan, more than most, understands the importance of this house as an independent house of review within the Australian political system. Alan has always made sure as far as he can that that respect for this institution is maintained. I knew Alan as the Chairman of the Joint Standing Committee on Foreign Affairs, Defence and Trade, and I must say he carried out that job with great dignity, aplomb and skill.

I wish all three of you every success in whatever you do after parliament.

**Senator FISHER** (South Australia) (18:58): I want to join my colleagues and pay tribute to our six departing colleagues. I reckon Senator Guy Barnett must have welcomed every one of us to this place who came here after him and was first to do so. Guy, what a great thing that was to do. You are looking forward to us one day repaying the favour and welcoming you back, and we look forward to that. Guy was an unrelentingly hard worker and, together with Russell Trood, in my early days on the Senate Standing Committee on Legal and Constitutional Affairs taught me how one part of our party can join with the other part of our party and always find a compromise to do public good.

Senator Russell Trood is a rascal. I know many of us choose not to see that part of Senator Trood, who has dignity and integrity, but he is a rascal, and here's to his feeling more free to demonstrate that if he moves beyond life that is as public as this. Senator Troeth was known for her steely resolve and her generous advice, often unsolicited—but even when it was solicited much of it was given behind the scenes. She was always so giving. Thank you, Judith.

To Julian McGauran—man, are you one out of the box! Senator McGauran is probably the closest to the definition of 'expect it when you least expect it'. To have Senator McGauran's flamboyant behaviour departing this place is to run the risk of making the behaviour of the rest of us seem much more flamboyant than it actually is.

I thank Senator Minchin for teaching us about respect and for being always direct in his advice and counsel, even if it was constructive in its criticism. We cannot always rely on that constructive counsel and it is a tribute to you that I found we were able to rely on that from you. Since I have been here, you have been a shadow and a rock that has always been there. I am not sure how it will be when you are not there.

Senator Alan, Senator Ferguson, Ferg—I started working with Ferg before I came to this place, when I was an adviser to former cabinet minister Peter Reith. Alan, those were the days when you taught me about the value of the Senate committee process. You taught me what could be achieved. You showed me how we can work with great contributors from other parties, like Senator Andrew Murray, so thank you. Thank you all.

**Senator BOSWELL** (Queensland) (19:01): One of the sad days on the calendar of the Senate is when we farewell our friends and colleagues. It is nostalgic, particularly with people I have served with, like Julian McGauran. In 1987 he was the only product of the Joh for Canberra campaign. He came in on the Joh for Canberra ticket. We have been friends ever since. I admire the way he stood up for his pro-life issues and his Catholic faith. He never wavered from them. There are some fantastic stories, and there is one I have to tell. Before I met him there was a photo shown on television depicting him and his brother flying into Gabo Island. The caption was 'These guys will go anywhere for a vote'. It was blowing and the plane landed, Julian knocked on the lighthouse door and the guy came down and said,
'Sorry, mate; I vote Labor'. Anyhow, Peter automated that lighthouse sometime later. You explained today how you attended the funeral of the great person in the National Party and Peter Ryan walked down the aisle and shook your hand. That was absolution from the National Party. All was forgiven. I never held it against you; you were always my mate. We will sadly miss you.

Nick and Ferg, you are the cement that binds these parties together. Some people ungenerously describe the National Party leadership as being like the captain of a canoe, but I know that when Barnaby, Wacka and Fiona wanted to cross the floor, there was one thing I could say: 'Don't do this to Nick; we have to look after Nick'. They always said, 'Yes, we have to look after Nick.' That was our call—we had to look after Nick. Fergie, I do not know how to describe you—you are the cement that binds the parties together. You are a great guy. Some people say everyone is indispensable, but you two guys will be hard to replace.

Guy Barnett, it has been lovely to be with you, to spend time with you and to support you in some of your issues. Russell Trood, I wish you the best. I wish all my colleagues the best and I hope that they have a very long and productive retirement and great happiness in the future.

Senator RYAN (Victoria) (19:04): My Victorian colleague Senator McGauran's speech tonight illustrated that he is the master of understatement in so many ways. He referred to how he joined the Liberal Party on short notice. I can recall being the recipient, as the chairman of the party's constitutional committee, of a phone call from our state director, saying we had to find a way to make him a Liberal Party senator. I had not read the news; it was about to break. I had to inform our state director that, because Julian had actually run against the Liberal Party in 1987, we had to go through one of those arcane and democratic processes that only the Victorian division of the Liberal Party manages to have. Over five weeks we had to make sure that Julian, up against some concern from some Liberals, Victorian and national, was accepted into the Liberal Party. It was put to me by our then state director and our state president, 'Well, Scott, if you get this wrong we will lose our majority in the Senate'. That was not the sort of thing you wanted on your CV at that time. Julian, I got to know you then. You have always stood by your principles. You have not been ashamed of voicing them, even when those principles have not been popular. If someone can go to bed at night knowing they have followed their principles, they will sleep easy.

This gives me an opportunity to also make a brief comment about Senator Troeth, because I could not be here last week. Senator Troeth, the same as Senator McGauran—although in a very different way—stood by her principles even when it was not easy. That represents the great strength of the Victorian division of the Liberal Party. We are all better for their service.

Senator Ferguson, time constrains me from saying what I would like to. I did not know you before I got here, but you came with the finest of character references from my predecessor. I know you and a number of others have commented on the fact that fortune did not necessarily give you the opportunity that it might have given someone else, but your loss of that in some ways was this chamber's gain and this country's gain. You have demonstrated to people like me and particularly our intake, as Senator Cash outlined, the importance of being a parliamentarian. This chamber is vital to the good functioning and safety this country, and you demonstrated exactly what
a senator should aspire to be. It has been a pleasure to work with you and I look forward to maintaining our friendship.

This brings me to Senator Minchin. I had the privilege of briefly working with Senator Minchin when he was minister for industry, as his speechwriter. I am not quite Senator Minchin compliant—I am not a monarchist and I do not necessarily share his sympathy for the car industry—but those of us who might describe themselves as free-trading, tax-cutting federalists have no greater inspiration. We have already heard that tonight. Nick, you have always been on the side of the angels—in this case the taxpayers—and the sign of your decency was in some ways the humility of your speech tonight. Many people would not necessarily only list what we might say are their alleged failings and would not necessarily say that someone else was a greater finance minister than they were, but I think that the Australian nation is better off if the mark of a man is the impact he has had, the regard in which he is held by ally and foe alike, and the humility he can express upon an occasion such as this. That is a sign of a man's character. The only thing I will finish with is that, while our loss is your family's gain, just like voting, service to the Liberal Party is not always voluntary, and you may be drafted in the future.

Senator HUMPHRIES (Australian Capital Territory) (19:07): I described valedictory speeches on the last occasion as real-time obituaries for the living. I do not want to prolong those obituaries. However, I want to record that when Senator Minchin was appointed by then Prime Minister Howard to be the leader of the coalition team on the resignation of Senator Hill in the last couple of years of the Howard government, I confess to have been quite resentful of that decision. I thought it was inappropriate that a person should be imposed on the senators and was determined that if the opportunity arose I would not support Senator Minchin's election. When, after we lost office in 2007, he approached me seeking my support for his position as leader of the party, I was able with complete honesty to say that he had my support and my vote because he had demonstrated to me his ability to lead, in the best possible way, all the members of the coalition team from government into opposition. I remain in awe of his capacity to unite his colleagues and to be sensitive to their respective needs as individual politicians. That skill in leadership is something that the Liberal Party particularly will miss.

I regret enormously the loss that the Senate coalition team will experience with the departure of Senator Ferguson. The time that I have shared with him in this place has been characterised by his enormous sagacity, an ability to reflect on the past but make constructive comments about where we should be going without ever sounding as if he is preaching to us. I feel as if we will need some kind of electronic hotline to him on days of party room meetings to get his latest advice on particular situations, which I have no doubt he might regret wanting to give—but if it is available, we will take it.

Senator McGauran, my wife was here earlier to hear your farewell speech just as 24 years ago she heard your maiden speech in the building down the mall. She was particularly sad to see Senator McGauran's departure and I express on her behalf the great sense of loss that we feel for his leaving. He has somehow managed to retain a sense of youthfulness and awe of the place he works in, a kind of Peter Pan quality which others of us who have served less long but have more grey hair do not seem to have mastered. I wish him the best for the future, as I do all of my colleagues. I hope, with the loss of their experience that we endure from 30 June, we can gain new blood which will
put the Liberal Party particularly in good stead for the future.

**Senator CAROL BROWN** (Tasmania—Deputy Government Whip in the Senate) (19:11): I seek leave to incorporate a valedictory statement on behalf of Senator Feeney.

Leave granted.

**Senator FEENEY** (Victoria—Parliamentary Secretary for Defence) (19:11): The incorporated speech read as follows—

Madam Acting Deputy President, I rise tonight to say a few words concerning the retiring Senator Minchin.

I was delighted to find myself elected to the Senate at a time when Senator Minchin served here. He is one of the great characters of this place. Senator Minchin's reputation with his ALP counterparts is, as one would expect, a mixture of dread and respect. You might say that he is regarded in the same way that Darth Vader is regarded by the Rebel Alliance: a heady cocktail of respect and fear.

I have always regarded former party officials as being a higher calibre of political animal; people who are steeped in the values and traditions of their party, people of organisational skill motivated by political conviction; people for whom the words loyalty and discipline still matter a great deal. Although always reliable ideological protagonists, party officials from all sides nonetheless typically share a mutual understanding—an understanding built on shared trials and challenges. Senator Minchin is an exemplar of the type.

It was my privilege to participate in a delegation to Taiwan in 2009, and I travelled with my wife, Ms Liberty Sanger. Senator Minchin travelled with his wife, Mrs Kerry Minchin.

What a formidable combination they are! I quickly realised that while Senator Minchin is an army of one, when combined with Kerry he is a veritable movement! If the stature of a man can in any way be judged by the qualities of his spouse, then Senator Minchin is a giant of a man.

But I also discovered in Taiwan that Senator Minchin is a 'full spectrum warrior'. While there, Nick and Kerry Minchin succeeded in charming my wife, and beguiling her into a foul conspiracy—the aptly named 'China Study'.

This China Study is the tome that is deployed by evangelical vegetarians to snare the unwary. My wife was targeted by the Minchin Militia, and from Kinmen Island to Taipei, Liberty was steadily converted to the doctrines of vegetarianism.

I should have understood immediately that this Minchin assault on my living standards was a part of a sophisticated Liberal Party PsiOps. And so, despite my protestations to Liberty that 'I love vegetarian food too, it goes well with a good steak', and 'Darling, tobacco is a plant', I soon found myself living in an ever more doctrinaire vegetarian environment.

Senator Minchin, the full spectrum warrior, had diabolically interfered in my household.

And so, as I munched unhappily on carrots, lettuce, brussel sprouts, legumes and pumpkin, and the days became weeks and then months, I knew I had felt the long reach of Senator Minchin.

Senator Minchin is not the most wicked vegetarian to have lived, but he is the one who succeeded in converting my wife, and so he will always be the most wicked to me.

Finally, on a more serious note, I know that Oliver's near tragedy and his courageous recovery have occupied your thoughts and prayers, and those of Kerry. His fellow cadets and the staff at ADFA have been delighted and inspired by Oliver's recovery—a recovery they regard as miraculous. Clearly, he is the formidable scion of formidable parents.

My very best wishes for the future.

**ADJOURNMENT**

The **ACTING DEPUTY PRESIDENT** (Senator Boyce): Order! There being no further speakers, I propose the question:

That the Senate do now adjourn.
Vietnam: Orphanages

Senator BILYK (Tasmania) (19:11): I say a special hello to all those people I know that are listening tonight—one special friend, Joe, under a bit of sufferance. I rise to speak on a fundraising event that my husband and I hosted in Hobart in May. This event was a quiz night held as a fundraiser for three orphanages in Vietnam: the Phu My Orphanage, the Mai Tam Shelter and the Anunciation Shelter, all in Ho Chi Minh City. As I have mentioned before, my husband and I did volunteer work there in December last year. Following our time volunteering there, we decided that we wanted to do a bit more when we came home and to raise some funds that are so dearly needed by those orphanages.

Having spoken about that trip previously I want to focus on the quiz night itself. It was a really great night and one of those fundraisers where political differences are put aside. People came from far and wide to participate. We had participants from all across southern Tasmania. I think the furthest was from Granton, a good 30-plus minutes away from the venue, a long way on a wet May night in Tasmania. I thank everyone for attending that night.

Robert and I along with our very good friend Eric Siedler organised the event. Like all these events, a lot of hard work went into the planning as well as the night itself. The venue was kindly donated by Mackillop Catholic College, which is on Hobart's eastern shore and where Eric is chairman of the board. In addition to finding a venue, we had the usual general organisational issues around invites, getting the word out, seeking donations for prizes and seeking donations to the general appeal. And, of course, we had to come up with some quiz questions and a few activities to add some entertainment to the night.

I would like to place on the public record my thanks to Eric Siedler for all the hard work he put into organising the event. He was on leave at the time; he had a few weeks leave from his more than full-time work, and he spent a lot of his personal time organising the quiz night for us. He really went above and beyond for us, as he always does, and we sincerely thank him. As I said, there were people from all over southern Tasmania in attendance. We did send some emails out to people, but many attended because they had heard about it from a friend or colleague or read about it in the church magazine. Regardless of how they heard about the event, everyone there had the common goal of raising money for this worthy cause and for the kids in Vietnam—and, of course, everyone wanted to have a bit of fun while they were there. So we had questions on the Royal family, sport and history. Some rounds required you to match a sound clip to a movie or name the band or song title, while another round had you matching countries with their flags. To make it relevant to the cause, we created a round on a Vietnam, and of course we had the obligatory quiz night round where you have to match celebrity names to their photos. I am pretty happy that I was not an organiser of the event and did not have to do any of those, because I think I would have let the side down somewhat in those things. We had a couple of rounds that did not earn points, which was interesting because the people who took part told me they were just as challenging. Although this night was a fundraiser for the Vietnamese orphanages, let me tell you that the competition between the different tables and teams was very, very strong. There was a great competitive spirit which saw people racing up to the scorers to hand in their answer sheets in some of the rounds between challenges.
To help increase the fundraising we had an auction of three items as well. We had a giant lint-stuffed bunny. We also had a fish tank that was donated by the pet shop at the local shopping centre—and I will thank them later as well. When they handed over the fish tank they said, 'All you need is water and fish,' because it was a complete fish tank. We also had a gorgeous handmade teddy bear that friend of ours had made. All of those things, as I said, were generously donated.

As I said, I would like to thank Eric Siedler for helping to organise the event and for being master of ceremonies and quizmaster extraordinaire. He really is great as a quizmaster. We have had quiz nights for other things, and we get so many people commenting on how well organised they are and what a great quizmaster Eric is, so I really have to say thank you to him. I also thank the rest of his family—his wife, Tracy, and his two sons, Declan and Kieren, who were there on the night helping to set up and score and generally running around. I also thank my own son Kieren for helping out on the night.

I would especially like to mention Matt Monaghan and his young son Riley. Riley is only 5½ and he wanted to come and help. He was a fantastic help on the night. He was running around collecting rubbish from people and doing whatever we asked him to do. A 5½-year-old at 10 o'clock at night—it could have ended up not quite pleasant, but he was absolutely fantastic. I would also like to thank Rick and Chris Goninon for helping as well. They all played an important role in making sure the event ran smoothly, whether it was serving behind the bar, scoring, delivering and collecting answer sheets from the tables, picking up rubbish or helping to clean up.

I thank the Principal of Mackillop Catholic College, Mrs Sally Towns; the acting principal, Sue Howard; the business manager, Kaylene Bentley; and the school community for donating the use of the hall. It was a perfect venue for the event. We had about 29 tables with eight people at each table. For an event in Hobart on a May night, that was a really good turnout. Thank you also to Miss Andrea Towns for setting up the PA system, to the maintenance staff for setting up the tables and chairs and to the security people who were there as well.

Thank you to all the businesses and individuals who donated prizes and auction items for the night or a monetary donation. I will quickly run through who they are: Robert Rockefeller; the State Cinema; McDonalds Rosny Park; Cadburys; Eastlands Pet Supplies, who donated the fish tank; Bennett's Petroleum Supplies Pty Ltd; David Eyles; Nick Cooling; Skigia; John Redeke; Shannon Stennings; Tori van Nieuwkuyk; Judy Hayden; Wesfarmers Kleenheat; Charlie Rich; and Ben Daley.

Thanks must go to everyone who participated on the night. The entry fee and the purchase of raffle tickets and auctions items altogether raised $5,000 on the night. Robert and I had also done a bit of fundraising in the preceding weeks and raised $5,000. Robert told me through the week that the total money we were able to send was over $11,000, which, for four or five weeks fundraising, is a brilliant outcome. The money will be given to the orphanages in Vietnam directly and that will make life a little bit smoother and a little bit more comfortable for those children. The $11,000 raised was far above our expectations.

I offer my sincere thanks to everyone involved. It just goes to show that if you want to make a difference in this world you can. And it does not have to be a big donation. If you add all the donations
together, the $11,000 will make such a difference to those kids. I cannot even put into words what a difference it will make. The orphanages will be able to buy physiotherapy equipment, toys or whatever they need. It is up to the orphanages to determine what they need. I look forward to updating the Senate at a later date on what they have used that money for. I send my thanks to everyone for their participation.

**War Graves**

**Senator BARNETT** (Tasmania) (19:21): Tonight I want to pay tribute to the Commonwealth War Graves Commission and the Office of Australian War Graves. I want to pay tribute because of their fine work, their fantastic contribution for and on behalf of the people of Australia and the families of the thousands of Australians who have died, and their service and sacrifice for Australia which mean that we can today enjoy the freedoms that we so appreciate.

The Commonwealth War Graves Commission is responsible for the graves of 1.7 million casualties, 23,000 sites and 150 countries and it should be noted that it was started by just one man, Sir Fabian Ware. When Europe was stumbling into war in 1914 he was a director of the British mining company Rio Tinto. He was 45; too old to join the army. He became the commander of a mobile unit of the British Red Cross and was saddened—indeed, like many others—by the sheer scale of the loss. He felt compelled to establish a system to ensure the final resting places of casualties would not be lost forever.

It was in May 1917 that the Imperial War Graves Commission was established by royal charter, with the prince serving as the president and Ware as the vice-chairman. By 1918, after World War I, some 587,000 graves had been identified and a further 559,000 casualties were registered as having no known grave.

I should note that in this regard I have a vested interest, with a grandfather who fought in the First World War, in the Air Force, towards the end of that war. As I indicated in this place previously, my great-uncle served as a prisoner of war under the Japanese for 3½ years in World War II and my wife's grandfather and great-uncle both served in the Australian Light Horse, with one serving in Palestine.

Today, the commission exists to preserve the cemeteries and memorials in its care and to encourage the act of remembrance, lest we forget. Based on my personal experience, the commission's work shows that these memorials are immaculately maintained. The cemeteries are beautifully looked after and cared for and for that I wish to pay them an almighty tribute. The commission's documentation says:

By preserving the memory of the dead with simple dignity and true equality, the Commission hopes to encourage future generations to remember the sacrifice made by so many.

In terms of some of the projects, well over a million graves and names have been photographed and that is obviously very useful and helpful to Australians today. They were centrally involved in the recovery of the 250 Australians and British bodies from the mass grave at Fromelles, in France, which was discovered in May 2008. The Office of Australian War Graves commenced in January 1975. They have done mighty work and are responsible for more than 20,000 graves and at least 76 military and civilian cemeteries and a further 3,000 names on memorials to the missing throughout the territory under its administration.

Those countries that contribute to the Commonwealth War Graves include the UK, Canada, Australia, New Zealand, South
Africa and India. Australia's contribution is a little over six per cent, which is some A$5 million or thereabouts. As far as I am concerned, that is a very good expenditure of taxpayers' funds. I note the visit of the New Zealand Prime Minister, John Key, and his contribution in the Australian parliament this week. It was tremendous and this is acknowledged.

Cemeteries and memorials, from an Australian perspective, that should be noted are: Menin Gate Memorial at Ypres in Belgium, containing the names of 6,195 Australians; Lijssenthoek Military Cemetery in Belgium, where 1,131 Australians are buried; Tyne Cot in Belgium, the largest concentration of Australian graves in the Ypres salient, containing the graves of 1,369 Australians. Villers-Bretonneux, which I had the privilege of visiting in 2005 with my wife, located just north of the Somme village, is infamous in Australian military history, containing the graves of 2,000 Commonwealth personnel, 779 of which are Australian. At the back of that cemetery is the Australian National Memorial, which commemorates 10,772 Australians who died in France but who have no known grave. The Adelaide Cemetery in Villers-Bretonneux, in France, has a plot III with the graves of 522 Australians. It is from this cemetery that the remains of the Australian Unknown Soldier, which now lie buried at the Australian War Memorial in Canberra, were removed in 1993.

At this point I want to pay a wonderful tribute to the Australian War Memorial for their wonderful memorial and the wonderful feedback that I have and I know others have when they visit there. To Major General Steve Gower, as director, and for the wonderful work he does, I say congratulations on behalf of all Australians.

I had the privilege of being at Beersheba with the Australia Israel Leadership Forum in 2009 and spoke there on behalf of the delegation at a special memorial service. There are 175 Australians buried at the Beersheba War Cemetery. It commemorates that wonderful battle of Beersheba on 31 October 1917, one of the great cavalry charges in history and, they say, the last great cavalry charge in history. My wife's great-uncle served in the Light Horse in and around that time, including in the battle for Damascus.

I have indicated on previous occasions the merit of a museum to honour the battle of Beersheba and the Australian involvement at that time which led to the freeing of Jerusalem shortly thereafter. That is referred to in the official Australian Light Horse magazine, the Spur. That contribution and the merit of that museum being established should be seriously considered by the government and I have written to the foreign minister, Mr Rudd, in that respect and I thank him for his consideration.

I visited the Jerusalem War Cemetery again in December last year and had the privilege of being, again, with the Australia Israel Leadership Forum and with other Australians. We spent a very special and solemn time at that particular cemetery, which contains the remains of 144 Australians. The Damascus Commonwealth War Cemetery has 139 Australians. At Gallipoli there are 31 war cemeteries on the peninsula, containing the identified graves of 2,850 Australians and the Helles and Lone Pine Memorials have graves to the missing containing the names of 4,472 Australians whose graves were never found. Over 8,700 Australians were killed at Gallipoli during that battle. I had the privilege of being there on Anzac Day 2005 with the former Prime Minister, the Hon. John Howard, together with many other veterans and RSL personnel.
and others. One of the great experiences at that time was to walk in the footsteps of Harry Murray VC, Australia's most highly decorated soldier, who comes from Tasmania. His hometown of Evandale is just south of Launceston. I visited there with the Hon. Tony Abbott and other colleagues, cycling mates in fact, just a couple of weeks ago. I commend the Murray memorial committee for the work they do to preserve his memory and his name. I thank the Murray family for providing his medals to the Tasmanian people and making them available to the public, together with special personal effects. Chris Murray will be collecting those next week in Launceston.

There are obviously Second World War graves, El Alamein War Cemetery, Ambon War Cemetery, Labuan War Cemetery in Malaysia and many others, including Kranji in Singapore, where my great uncle was for some time, and the Bomana War Cemetery. The Kokoda trek was certainly a highlight for me in my Senate career, and spending time at the cemetery. There was not a dry eye in our trekking group after time there, particularly with Bruce Scott and Ivan Dean MLC. I want to pay tribute to both the commissions and at Kanchanaburi I want to say thank you to Rod Beattie for his wonderful work there and the contribution he makes. The service and sacrifice of our veterans should never be forgotten, and as it says on the Kokoda Track: 'Their courage, endurance, mateship and sacrifice should never be forgotten. Lest we forget.'

**Cuffay, Mr William**

**Senator CAROL BROWN** (Tasmania—Deputy Government Whip in the Senate) (19:31): For those of you who may not be as acquainted with the early history of the labour movement in Australia and the United Kingdom, I want to share with you tonight a few words about a Chartist hero from my home state of Tasmania, William Cuffay. Before I talk about William Cuffay, however, I want to take a few moments to reflect on Chartism—a movement which has underpinned Australia's social and political development, representing the key milestones of our democracy.

Chartism characterised the movement for political and social reform in the United Kingdom during the mid-19th century, between 1838 and 1850. The name Chartism is derived from the People's Charter of 1838. The charter represented a codification of basic demands of the working class for democratic political reform of the Westminster system. The six principles enshrined in the People's Charter are those which have arguably underpinned Australia's representative democracy. Those principles were universal manhood suffrage, the ballott, equal electoral districts, annual elections, payment of MPs and the abolition of the property qualification for parliamentary candidates.

The Chartists, in line with these principles, fought to extend and expand the rights of citizenship and the development of a healthy democratic system in which all citizens could play a role. Chartism subsequently emerged as one of the first mass working class labour movements in the world. Whilst Chartists were largely unsuccessful at convincing parliament to reform the voting system of the mid-19th century, the movement mobilised the working class and gave them a platform in politics that gave way to future suffrage movements. Chartism was a powerful assertion of the rights of working people, fostering a long-term self-confidence and self-reliance within a more inclusive and democratic society.

In 1839 the first Chartists were transported from the UK, mostly to Van Diemen's
Land, now my home state of Tasmania. Once in Australia, some of the London Chartists moved to Victoria, later forming the Ballarat Chartists and building the movement which ultimately led to the Eureka Stockade in 1854. William Cuffay, a Chartist celebrity, often started with the catchphrase, 'I'm old, I'm poor, I'm out of work, I'm in debt, and therefore I have cause to complain.' This was just one of William Cuffay's most notorious catchphrases as we remember his mark on the social and political history of Tasmania and on the labour movement in Australia. Cuffay was the only 'black' Chartist leader, the son of a West Indian slave born in Chatham in the UK in 1788. He first worked as a tailor in England and became active in the Chartist movement when he attended the great tailors' strike of 1834.

A physical force member of the Chartists, after the tailors' strike, Cuffay and other union members formed the Metropolitan Tailors' Charter Association. Cuffay was then elected to the metropolitan delegate council of which he became chair, moving on to become a leading London Chartist organiser. Cuffay's involvement in the Chartist movement peaked as an organiser at the 12 April 1848 Chartist's national convention. He was subsequently arrested in August 1848 for his part in the Orange Tree conspiracy—the attempt to overthrow the UK government and establish a republic. Cuffay's crime was described as 'seditious convening of a public meeting and speaking at the same time' and his activities were reported in the Australian press in the Sydney Morning Herald, the Argus, the Maitland Mercury, the Morton Bay Courier, the Hobart Town Courier and the Perth Gazette well before he was even transported. Sentenced to transportation for life to Van Diemen's Land, Cuffay arrived in Tasmania on 29 November 1849. Significantly, Cuffay was the only convict on the ship Adelaide to arrive in Van Diemen's Land that was named in at least five newspapers.

Only one year after arriving in the colony, Cuffay began to leave his mark on the labour movement and Tasmanian politics. On 28 February 1851, he was reported in the Colonial Times as being involved in a public meeting of the free trades union; calling for an end to the transportation and use of convict labour for public works. It became evident that Cuffay was instrumental in mobilising a proportion of organised workers in Tasmania, many of whom were ex-convicts or related to convicts and who would go on to play a huge role in the anti-transportation movement.

In 1854, the same year as William Cuffay received a conditional pardon, the Tasmanian Legislative Council began to debate the Master and Servant Act. It is widely accepted that those master and servant laws first introduced in early colonial Australian perpetuated a class bias and Cuffay, through his experience with the legislation in the UK, was determined to fight for the rights of the workers in Tasmania. The proposed Master and Servant Act meant that all breaches of work contracts would result in criminal offences attracting severe penalties. What is more, the legislation was inherently biased in favour of the 'masters', or employers. Needless to say, given the moves to entrench such legislation in Tasmania, workers organisations began to mobilise. Significantly, Tasmanian workers assisted by and in part led by Cuffay fought for the Master and Servant Act to be abolished or at the least amended to provide more rights for the worker. On the 31 August 1854 Cuffay sent a letter to the Hobart Town Courier condemning the legislation as not suitable for an 'enlightened' 19th century and praising Tasmanian workers for standing up for their rights.
Despite his political activism whilst on a leave ticket, William Cuffay was still awarded a free pardon, restoring his full civil rights in 1857. His full pardon was actually queried in the Hobart Town Courier in February 1857. Whilst the paper proposed that the parliament should enquire about Cuffay's status, his remained officially 'free'.

Upon reaching his early 70s, Cuffay's transition from convict to full citizen to honoured and celebrated political activist was almost complete. His activist efforts were reported in the papers on the mainland, with the Sydney Morning Herald in July 1857 publishing a report about Cuffay's public appearances and speeches at so-called monster meetings. In 1858 Cuffay gave a speech at a public meeting calling for a petition to submit to the parliament regarding the 'exorbitant expenditure entailed upon the colony'. There were some 1,000 to 1,500 people reported in attendance at that meeting.

Cuffay was scathing of elected representatives who failed to carry out pledges to supporters. He said that elected representatives should be accountable to the electors, echoing an important Chartist principle. He was also actively involved in endorsing electoral candidates running for the local council and the Tasmanian parliament. What we can garner from Cuffay's career is that he was successful activist in Tasmania. We also have several reports that he was known for his ability to entertain not just as a speaker at meetings but through his role as a comic singer. The way in which Cuffay was remembered by his peers has been reflected in his three published obituaries and the various newspaper records from papers in Tasmania, mainland Australia and the UK.

Despite his critics, mainly from the 'master' class, Cuffay was generally regarded as a Chartist hero and celebrity. The passionate advocacy he displayed for workers' rights and for participatory democracy was evident in the way he was able to mobilise workers in Britain and then in Tasmania. Remarkably, William Cuffay was still politically active at 81 years of age, speaking at election meetings in June in 1869. His wife, Mary Anne Cuffay, died in Hobart in 1869 and William Cuffay died in Hobart on 29 July 1870 in the Brickfields asylum. The obituary in the Mercury said William Cuffay had:

... particularly distinguished himself in the agitation for the amendment of the Masters' and Servants' law of the colony, and being a fluent and effective speaker, he was always popular with the working classes. He took a prominent part on election matters, always strongly advocating for the individual rights of working men.

The Maitland Mercury described William Cuffay's death as the 'Death of a Chartist Celebrity'.

Partially due to William Cuffay's early efforts, built upon by those who continued in the labour movement, the Master and Servant Act is now a part of our colonial past and not a feature of our present workplace relations system. Ironically, the Master and Servant Act in Tasmania was only fully repealed in 1976.

As for William Cuffay, some in Australia, including a number of historians and union activists, have called for a suitable memorial to properly commemorate Cuffay's contribution to civil and workers' rights. William Cuffay was well remembered in the UK some 21 years after he landed in Van Diemen's Land. I hope that his memory continues to be celebrated in Tasmania and it is my great pleasure to remember and acknowledge his contributions this evening.
Middle East

Senator FORSHAW (New South Wales) (19:41): When I came to the Senate 17 years ago, in May 1994, only a few months before the Oslo peace accords had been negotiated and signed on the lawns of the White House in Washington. Some years later, in 1999, I had the opportunity to visit Israel and travel through the country and also the Palestinian territories. During those six years there was a genuine feeling of optimism that peace would come to the Middle East—built upon the Oslo accords and leading into the year 2000 to the negotiations at the Camp David summit.

 Sadly, since that time, I have followed the Middle East issues, like many other members of this parliament, and it is always depressing. Sometimes there is hope, but usually it is dashed very quickly. I look back on those early years when I was here and also those years of optimism and wonder what would have been the case if the Camp David summit, the Clinton plan, had been fulfilled—if Yasser Arafat had taken that one step to accept what was on the table. Prime Minister Ehud Barak had gone to extraordinary lengths to put forward a plan for peace and the establishment of two states, Israel and Palestine, living side by side.

 Indeed, just before I visited Israel in November 1999 I was in Paris at a conference. I was in a large conference hall where on the stage were Shimon Peres, Ehud Barak and Yasser Arafat—their arms linked. Together with them were Tony Blair, President Lionel Jospin from France and a whole range of other world leaders. The hope and the optimism was truly magnificent. But, sadly, as I said, it has not come to pass. As former Prime Minister of Israel Golda Meir once said, 'Unfortunately the Palestinians never miss an opportunity to miss an opportunity.' I do not stand here tonight to say that all the blame belongs with them, but I do stand here for the last time making a speech on the Middle East, as I have done on many occasions, and hoping that, in the years to come, people of goodwill and commonsense in Palestine and in Israel can get around the table and finally negotiate the agreement which we all look forward to.

 I have made many speeches in this chamber and elsewhere, and it is well known that I am a fervent supporter of the state of Israel. I will always come to Israel's defence and speak up publicly when I think they have been unfairly vilified and criticised. In recent times in New South Wales, particularly during the state election, we have seen a big focus on the boycott, divestment and sanctions campaign. This is, I believe, an insidious campaign that is occurring around the world which is intended to isolate and demonise the state of Israel. Sure, people can be critical of Israel's policies, such as on settlements—as many people who live in Israel are, and as political parties in that state are. But hypocrisy and duplicity I will always condemn.

 I have been to Israel, I have been in the Knesset, and I have seen the most vibrant of arguments between the different political parties, including the representatives of the Israeli Arabs. If we think that we get pretty volatile in this parliament at times, I invite anybody to visit the Knesset and see what happens there. It is real democracy in action. Sadly, when we thought democracy might have come to Palestine, what we saw after the election some years ago was Hamas, the terrorist organisation, drive out the moderate forces from Gaza—Mahmoud Abbas's Fatah party, who are now largely confined to the West Bank. Once again we have seen in recent days the talks between those two groups break down, and they usually break down over whether or not Hamas is ever prepared to recognise Israel.
People—particularly those who support the BDS campaign—refer to the hostilities in Gaza, when Israel finally had to take action to stop the rockets and the war ensued. But they very rarely comment upon how many Palestinians were killed during the civil war between Hamas and Fatah supporters: as many as were killed in the conflict between Israel and the Palestinians in Gaza. I find it interesting also that the blockade that was instituted last year, in May—the so-called Freedom Flotilla on the ship the *Mavi Marmara*—which sought to run the Gaza blockade, left Turkey. What I find particularly hypocritical is that that ship did not call into Famagusta, the port in northern Cyprus—the ghost city of northern Cyprus. Thirty-seven years ago Turkey invaded Cyprus, and it continues to occupy the northern part of that island with 30,000 troops station on the island. They did not call in to northern Cyprus; they sailed on towards Gaza, talking about peace, freedom and liberation in Gaza and condemning Israel—sheer hypocrisy on the part of Turkey, the Turkish government and those who were supporters of that venture.

There may be seeing some positive signs now in parts of the Middle East and North Africa. Quite surprisingly for all of us, it has come out of the blue. It started with a young man in Yemen standing up for human rights and, sadly, committing suicide in pursuit of his own human rights. We have since seen the overthrow of that dictatorial regime in Yemen. It moved on to Egypt, and since then we have watched a burgeoning democratic movement, built upon the protests of ordinary people. We hope that the coming elections will produce a real democratic outcome.

When the people of Libya stood up for their rights, Colonel Gaddafi attempted to brutally crush them. If it were not for the UN establishing the no-fly zone over Benghazi, one wonders what the massacres would have been. I pay tribute to Kevin Rudd and the Australian government for the efforts that they made to help bring to fruition that decision by the UN.

Now we see what is happening in Syria. At least 1,200 or 1,300 Syrian protesters have been brutally slain by the regime of President Assad. Each of these countries—Libya and Syria—have for many years stood on the UN Human Rights Council and other forums talking about democracy and human rights and condemning Israel but now we are seeing the true colours of those countries. I hope that finally people will understand that Israel is the true democracy of the Middle East and that democracy will flourish in other countries of North Africa and the Middle East.

*Senate adjourned at 19:52*

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]


Civil Aviation Act—Civil Aviation Safety Regulations—Airworthiness Directives—AD/DHC-1/19 Amdt 2—Flap Layshaft Operating Cam [F2011L01074].
AD/DHC-1/21 Amdt 2—Wing to Fuselage Attachment Links [F2011L01072].

Taxation Determinations TD 2011/15 and TD 2011/16.
Electronic Transactions Act—Select Legislative Instrument 2011 No. 87—Electronic Transactions Amendment Regulations 2011 (No. 1) [F2011L01070].
Health Insurance Act—
Health Insurance (Allied Health Services) Determination 2011 [F2011L01080].
Select Legislative Instrument 2011 No. 99—Health Insurance (Diagnostic Imaging Services Table) Amendment Regulations 2011 (No. 2) [F2011L01073].
Private Health Insurance Act—
Private Health Insurance (Complying Product) Amendment Rules 2011 (No. 4) [F2011L01076].
Private Health Insurance (Data Provision) Rules 2011 [F2011L01079].
Private Health Insurance (Health Insurance Business) Amendment Rules 2011 (No. 1) [F2011L01075].
Tax Agent Services Act—Select Legislative Instrument 2011 No. 111—Tax Agent Services Amendment Regulations 2011 (No. 1) [F2011L01081].

Wine Australia Corporation Act—Select Legislative Instrument 2011 No. 85—Australian Wine and Brandy Corporation Amendment Regulations 2011 (No. 1) [F2011L01078].

Tabling

The following government documents were tabled:
Torres Strait Protected Zone Joint Authority—Report for 2008-09.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Foreign Affairs

(Question No. 550)

Senator Johnston asked the Minister representing the Minister for Foreign Affairs, upon notice, on 25 March 2011:

(1) How many departmental officials were reassigned to other duties to assist with managing recent emergencies in: (a) Egypt; (b) Libya; (c) Christchurch, New Zealand; and (d) Japan.

(2) What is the usual position of each of these officials.

Senator Conroy: The Minister for Foreign Affairs has provided the following answer to the honourable senator's question:

(1) (a) A total of 298 officers were reassigned duties at various times during the period of the crisis to assist with the department's response to the events in Egypt. Officers in Canberra who assisted with managing the emergency response to the events in Egypt were re-assigned from geographic, multilateral, trade and corporate divisions in the department. Officers who undertook short-term missions to Egypt deployed from Canberra or from posts in the Middle East, Africa or Europe.

(b) and (c) The emergencies in New Zealand and Libya occurred at approximately the same time. A total of 323 officers were reassigned duties at various times during the period of the crises to assist with managing these emergencies. Officers in Canberra who assisted with managing the emergency responses to the events in Libya and New Zealand were re-assigned from geographic, multilateral, trade and corporate divisions in the department. Officers who undertook short-term missions to New Zealand deployed from Canberra, and the officers who deployed to Libya deployed from regional posts in the Middle East.

(d) A total of 410 departmental officers were reassigned duties at various times during the period of the crisis to assist with the department's response to the earthquake and tsunami in Japan.

(2) Officers in Canberra who assisted with managing the emergency response to the events in Japan were re-assigned from geographic, multilateral, trade and corporate divisions in the department. Officers who undertook short-term missions to Japan deployed from Canberra or from posts in the Asia-Pacific region.