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SITTING DAYS—2013

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FORTY-THIRD PARLIAMENT
FIRST SESSION—EIGHTH PERIOD

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

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Shane Parry
Temporary Chairs of Committees—Cory Bernardi, Thomas Mark Bishop, Suzanne Kay Boyce, Douglas Niven Cameron, Patricia Margaret Crossin, Sean Edwards, David Julian Fawcett, Mark Lionel Furner, Scott Ludlam, Gavin Mark Marshall, Bridget McKenzie, Claire Mary Moore, Louise Clare Pratt and Ursula Mary Stephens
Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Deputy Leader of the Government in the Senate—Senator Hon. Penelope Ying Yen Wong
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. Jacinta Mary Ann Collins
Manager of Opposition Business in the Senate—Senator Mitchell Peter Fifield

Senate Party Leaders and Whips
Leader of the Australian Labor Party—Senator Hon. Stephen Michael Conroy
Deputy Leader of the Australian Labor Party—Senator Hon. Penelope Ying Yen Wong
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 Christine Anne Milne
Chief Government Whip—Senator Anne McEwen
Deputy Government Whips—Senators Carol Louise Brown and Helen Beatrice Polley
Chief Opposition Whip—Senator Helen Kroger
Deputy Opposition Whips—Senators David Christopher Bushby and Christopher John Back
The Nationals Whip—Senator John Reginald Williams
Australian Greens Whip—Senator Rachel Mary Siewert

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

(2) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice H. Coonan, resigned 22.8.11), pursuant to section 15 of the Constitution.

(3) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice Hon. M. Arbib, resigned 5.3.12), pursuant to section 15 of the Constitution.

(4) Chosen by the Parliament of Western Australia to fill a casual vacancy (vice J. Adams, died in office 31.3.12), pursuant to section 15 of the Constitution.

(5) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. B. Brown, resigned 15.6.12), pursuant to section 15 of the Constitution.

(6) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. N. Sherry, resigned 1.6.12), pursuant to section 15 of the Constitution.

(7) Chosen by the Parliament of South Australia to fill a casual vacancy (vice M. J. Fisher, resigned 15.8.12), pursuant to section 15 of the Constitution.

**PARTY ABBREVIATIONS**


**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—C Mills
Parliamentary Budget Officer—P Bowen
## GILLARD MINISTRY

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<td>The Hon Gary Gray AO MP</td>
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<tr>
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<td>The Hon Jason Clare MP</td>
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<td>(Deputy Prime Minister)</td>
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<td><strong>Minister for Financial Services and Superannuation</strong></td>
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<td>The Hon David Bradbury MP</td>
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<td>The Hon Bernie Ripoll MP</td>
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<tr>
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<td>The Hon Stephen Smith MP</td>
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Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
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Thursday, 21 March 2013

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9:30, read prayers and made an acknowledgement of country.

BILLS

Fair Work (Registered Organisations) Amendment (Towards Transparency) Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (09:31): The coalition commends to the Senate the Fair Work (Registered Organisations) Amendment (Towards Transparency) Bill 2012. Let me say at the outset that unions do have a very important place in our community. They protect and they fight for safer workplaces. We support the role of unions and all registered organisations, but it is important to us as a coalition, in particular, low-paid workers who give so much of their income to these organisations are adequately protected from any impropriety. Similarly, we say that about small businesses and other businesses that make contributions to their representative organisations that together are classified as registered organisations.

There is no doubt that the vast majority of union officials are committed to their membership and the cause of a fair industrial relations system. We on this side salute their service. Similarly, we salute the service of the representatives of the employer organisations and together, as I said before, they make up the registered organisations with which this bill deals.

There is no doubt that on one side of the ledger—namely, the trade union side—there has been a host of scandals where the union bosses have let down their union membership. And it is a matter of regret that those who are in this place allegedly the champions of the workers have let down those workers and union members by not supporting a tougher, stronger regime to bring some of the excesses and illegalities to heel.

I think we all know about the Health Services Union scandal, where the Prime Minister herself kept Mr Craig Thomson on political life support and still does to this day. That man has been found by the Fair Work Commission to have breached rule after rule after rule and the matter is now before the courts. But actual findings have been made against Mr Thomson, that he used the money of the low-paid health workers in this country for a lifestyle that was lavish, extravagant and, some would say, completely immoral.

We can go to the CFMEU, which has established a drug and alcohol foundation, a very worthy cause to which a number of organisations and employers donated. We now know that money has gone missing from that foundation and nobody knows where to. Yet again there seems to be this code of silence.

We of course have the notorious Australian Workers Union scandal in which the Prime Minister herself was embroiled when she was a lawyer at Slater & Gordon. Still, as we speak today, both Ms Gillard and Slater & Gordon have inappropriately invoked the concept of legal professional privilege to claim that they cannot disclose that which occurred. The reality is that the legal cases overflow from the law books telling us that lawyers and legal firms are not protected by this so-called legal professional privilege if fraud is involved. So this fig leaf of an argument of legal professional
privilege that Ms Gillard and Slater & Gordon have mounted has simply been a ruse and an excuse not to tell the membership of the Australian Workers Union what happened to about $1 million.

We have the Australian Workers Union—not satisfied with that scandal—in more recent times, in 2008, developing Industry 2020. Sounds good: supporting industry. And who goes on to address a lunch that earned $250,000? None other than the then Deputy Prime Minister, now Prime Minister, who was the lawyer for the Australian Workers Union in that earlier scandal. She raised, by her presence there, $250,000. It has now come to light that that money was used to fund inter-union elections, including the very bitter union election in the Health Services Union in Victoria in 2009.

If employers are being invited to make contributions, be it to a CFMEU drug and alcohol foundation or to an AWU 2020 industry fund, and union officials use their position to collect that money under cover of being a union, they have an obligation to their membership to fully disclose. The fact that they put it into a separate bank account is indicative of the fact that they want to hide something. The reason they do it is they do not want to be exposed. What we are proposing here today in the Senate will ensure that members of these unions will be able to see into the activities of their trade union. They will be able to see what actually occurs behind the closed doors.

I could go on. United Voice in Tasmania is still being investigated by Fair Work, as is the CEPU. We have the electrical trade union mansion that was bought for an officer for over $1 million, if I recall correctly, on the Sydney waterfront. So it is not a situation where one can say, 'Look there was just a one-off little scandal here'; this is a situation where there has been literally scandal after scandal—and not dealing with small amounts of money. It is not insignificant—indeed, it is hundreds of thousands of dollars worth of money that should have gone to the benefit of members of the trade unions themselves. Instead, the money has been squirrelled away.

As we know, with the AWU scandal, in which the Prime Minister herself was embroiled, monies were used from the AWU Workplace Reform Association—what a lovely benign name—to buy one of the officials a home in Kerr Street, Fitzroy in Victoria. Despite case after case after case, we have this nonsense coming from those opposite: 'Nothing to see here; move on, move on. No need for extra legislation here.' We say, as a coalition and an opposition, that we are prepared to take a stand for the union members around this country and ensure that moneys that are collected on their behalf or in their name actually go to the purpose for which they are collected.

The vast majority of trade union officials in this country will have nothing to worry about, and nor will the vast majority of employer organisations, to whom the same rules will apply. But I make this one very important point: if a company director were to misapply shareholders' funds, that company director could face a penalty of five years in jail and, I think, about $220,000 worth of fines or 2,000 penalty units. Interestingly, if a trade union official were to misappropriate trade union members' funds, there is no prison sentence and the fine is only about $10,000. It was $6,600. Nobody has been able to explain the material or moral difference between the company director so acting and the trade union official so acting. There is no difference and the same sort of penalty regime should apply. But those opposite, regrettably—undoubtedly informed by their own trade union boss backgrounds—are hell-bent on
ensuring that a different regime applies to 
company directors as opposed to trade union 
bosses. Our view is that the same sort of 
offence should have the same sort of penalty, 
and the trade union bosses should not be 
given lower penalties because they happen to 
rip off their membership.

This bill seeks to increase transparency. It 
will tell trade union members how much the 
top five officials get paid. Finally, might I 
add, that is part of the Labor Party's new 
reforms. They have been dragged, kicking 
and screaming, to this position, and we 
welcome those changes. This bill will require 
that if a reporting unit does not comply with 
the requirements of reporting to the Fair 
Work Commission serious penalties will 
apply. In asking questions at Senate 
estimates, it became apparent that there are 
some organisations that have not filed their 
returns and reports for a decade, but they are 
still on the books. And a significant 
percentage of organisations file their 
documentation late, and seriously late. The 
members of these trade unions are entitled to 
have these reports filed in a timely 
manner. There should be nothing controversial about 
the first tranche of amendments that we are 
suggesting in this bill.

The next amendment is that officers of an 
organisation commit an offence if they 
recklessly or are intentionally dishonest and 
fail to exercise their powers and duties in 
good faith in the best interests of the 
organisation or for a proper purpose. I ask: 
why would you object to that? It is a very 
appropriate amendment because it looks after 
the membership of these organisations. I 
suspect that the vast majority of trade union 
members are members of their trade union 
not because they want to be engaged in 
militancy and celebrate militancy; not 
because they want to be on the stage singing 
Solidarity Forever, as we saw Paul Howes 
and Bill Ludwig doing recently on our TV 
screens. They actually see their trade union 
membership—quite rightly and properly—as 
an insurance policy so that, in the event of an 
industrial issue, there is somebody to whom 
they can turn. They see it like their house 
insurance: not sure that they like paying the 
premium, they do not have any genuine or 
real affection for the insurance company but 
they see that it makes good sense and 
common sense for them to be a member in 
case of tough times.

It is especially those people whose cause 
the coalition is seeking to champion by these 
amendments. It is important that those 
people in particular be told what is 
happening to their funds; those who do not 
have any rampant ideological commitment to 
either the union or the Labor Party but see it 
as a commercial transaction that makes good 
sense for them to look after them and their 
fellow workers in difficult times.

We also believe that there should be 
penalties if these organisations do not 
comply with court orders. Once again, how 
can anybody genuinely object to such a 
proposal? We believe that there are many 
matters in this bill that address the very real 
and genuine concerns of the Australian 
people and of the Australian workforce, and 
indeed there has been some welcome 
involvement in this discussion by trade union 
officials. One said: 'I actually believe there is 
a higher responsibility for us as guardians of 
workers' money to protect that money and to 
act diligently and honestly. The reality is I do 
not have any issue with increasing the level 
of requirements and penalties on trade 
unions for breaching basic ethics like 
misappropriation of funds.'

If one trade union official can bring 
himself to say that, why is it that this bill 
introduced by the coalition has been so 
demonised, especially by Mr Bill Shorten, a 
former national secretary of the Australian
Workers Union? Of course, we are reminded that this is the man who, on his own admission, walks around this place proudly waving his Australian Workers Union membership card and who goes to the Maritime Union of Australia conference in Western Australia to celebrate militancy. Of course, regrettably, Mr Shorten and all his acts as minister have shown this to be the case: he sees his role as Minister for Employment and Workplace Relations as an upmarket version of a union boss. He is actually a minister of the Crown; he has obligations to all Australians.

Much as I know and understand Mr Shorten's commitment, love and whatever else for the Australian Workers Union, I suggest to him that it might be a good idea to at least suspend his union membership whilst he is the minister of the Crown responsible in this area. I remember when I was minister for forestry, amongst other things, and I resigned my membership of the benign organisation, a lovely organisation, Timber Communities Australia. I said to them that, as a minister, I did not want to be seen to be under any obligation or conflict, and I tried to ensure that I was never a member of any organisation about which it could be said I might be in conflict with my ministerial role. I do not think I am unique or Robinson Crusoe in what I did, because that is, I think, a basic standard, so I do not try to hold myself up as being the exemplar of that standard. It is just the common, proper and decent thing to do.

The fact that Mr Shorten as Minister for Employment and Workplace Relations cannot bring himself to do the same speaks volumes about the approach of this government and, in particular, this minister—who is the most partisan minister for workplace relations this nation has seen, chances are, since Eddie Ward's days many decades ago, way into the last century. I simply say to those opposite, in particular, if you are genuine about looking after the interests of workers who are members of a union then it is important that you offer and show your support for this legislation. Please do not descend into the nonsense that this is all about union bashing. There are, in fact, union officials that—at least on the public record—are willing to say that the standards and ethics do need to be lifted and union members do need to be protected, and the question is: why would you not use this bill? If you do not like this bill because it happens to have my name on it, that is fine, introduce your own, put your name on it, and we as a coalition will support it, if that is the difficulty.

The purpose of this legislation is to protect that 18 per cent maximum of the workforce that are actually trade union members. It is important that they be protected and that their funds be protected from the minority—and I stress that—of union bosses, like the Michael Williamsonsof this world, the Craig Thomsons of this world, the Bruce Wilsonsof this world, and the list goes on. Union members deserve protection. We as a coalition stand ready to provide that protection for them and, as a result, enable the good name of trade unionism to be upheld.

Senator URQUHART (Tasmania) (09:51): I rise to speak on, and to oppose, the Fair Work (Registered Organisations) Amendment (Towards Transparency) Bill 2012. I am a former state secretary of a union, and I am proud to say that in this place. I do not condone officers of registered organisations, or anyone in a position of trust, for acting inappropriately, for misusing trusted funds or for taking benefits when they are not entitled. However, this bill is just an attack on the officers of registered organisations, both unions and employer groups, from Senator Abetz, and it is an
attempt to throw the corporate veil across further organisations in this country—

Senator McLucas: I rise on a point of order. We sat in silence for the whole time while Senator Abetz was speaking. There are different points of view around this question. Respect to the speaker would be appreciated.

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Thank you, minister. Senators on my left, you will pay due regard to standing order 197, that senators on their feet will be interrupted only on a point of order or on a matter of privilege.

Senator URQUHART: This bill is a further example of the coalition's lust for corporatising every aspect of our lives. There have always been different regulations and legislation for registered organisations and corporations to reflect the differences in purpose and motivations of unions, employer groups and corporations.

The facts are that under Labor the financial accountability standards applied to registered organisations—that is, trade unions and employer groups—have never been higher. The powers of the Fair Work Commission have never been stronger and penalties have never been tougher, and there are already requirements in the legislation governing registered organisations for officers to act with care and diligence, to act in good faith, not to improperly use their position nor to improperly use information they have obtained through acting as a member of an organisation.

Minister Shorten introduced significant reforms to the Fair Work (Registered Organisations) Act a little under a year ago—reforms that tripled penalties for breaches of the legislation; that required that the rules of all registered organisations deal with disclosure of remuneration, pecuniary and financial interests; that required that education and training be provided to officials of registered organisations about their governance and accounting obligations; and that enhanced the investigative powers available to Fair Work Australia. Without allowing time to test their effectiveness, Senator Abetz and those opposite simply seek to create fear in the community. Instead of allowing time for these changes to be bedded down, those opposite have mounted a weak argument for further change. In reality this bill is a cruel, backhanded attack on Australian workers' rights to organise and to collectively bargain. Liberals say they want corporate law standards, but you do not hear a peep out of them when ASIC prosecute company directors. Between 2002 and 2012, I understand that ASIC completed over 2,400 court proceedings, including 385 criminal convictions which led to 212 imprisonments, yet there is no outrage from the opposition on that, not even a peep. Their endgame is the supposed free-market state where there are two types: the have-nots and the have-nots. They do not propose measures to boost equity or to boost participation in workplace relations and employment. They propose stunts.

We all remember 26 November last year, amid all the smear that the coalition was peddling in the lower house the Leader of the Opposition briefed the newspapers that he would suspend standing orders and introduce a private member's bill that would toughen standards for union leaders. As such, an article appeared in that day's Australian newspaper. Later in the day, Mr Abbott gave an interview where he again repeated that there would be legislation introduced. Was legislation introduced? No. Did we hear any more? No. All stunts, no substance. Now that the bill has finally been presented, it is being dressed up as necessary in the public interest. Naturally, if there were significant public interest, there would have at least been a handful of submissions in support of this bill.
How many were there? Two. Yes, just two. For all their yelling and screaming, for all the abuse that those opposite are hurling at hardworking Australians who want to be members of a union, all that abuse has led to only two submissions in support of the bill.

And from where, you might ask? The first was from the Liberals' friends at the Institute of Public Affairs. The second was from the Liberal state government of New South Wales. In his submission, the New South Wales industrial relations minister admitted that New South Wales's own legislation provides penalties far lower than those prescribed in this bill. If there were some overwhelming public interest then I would have thought there would have been more than just a couple of submissions in support of this bill, that there would have been thousands of people lining up to have a swipe at the employees and officials of registered organisations. Or is it just those opposite that seek to demonise the employees and officials of trade unions and employee groups? It just shows how out of touch the Liberals are—

The ACTING DEPUTY PRESIDENT: Senator Urquhart, I remind you of the standing order 193, not to impugn improper motives on members opposite.

Senator URQUHART: It just shows how out of touch the Liberals are on workplace relations. They are a policy-free zone with Senator Abetz holding watch and only pushing stunts like this bill without seeking to make a positive contribution on how we in this place can make the lives of working Australians better. Australians know in their hearts of hearts that those opposite want to bring back the worst of their Work Choices industrial relations system. There is no greater threat to workers in Australia than a Liberal government. We know this from past history. The Liberals will take away unfair dismissal protections for millions of Australian workers, ensure that key terms and conditions such as penalty rates, public holiday pay and overtime are removed, not protected or otherwise undermined leading to increased job and income insecurity, and allow for 'take it or leave it' individual contracts with no negotiation and no real protections leading to increased job and income insecurity.

Australians will not be fooled. Australians know that those opposite have put Work Choices on ice. They refuse to seriously engage in workplace relations, hoping to sneak into government and a little way down the track start clawing back the rights of working Australians to collectively bargain. Those opposite have put Work Choices on ice but Australians will not be fooled. Australians can see right through Senator Abetz's plea of a few weeks back when he said Work Choices went too far. Senator Abetz, the millions of Australians whose livelihoods were thrown up in the air by Work Choices know you went too far and they are rightly worried. They are worried that there are many in the coalition who share the same view of unions as the organisation who owns the Sanitarium company, and that is the Seventh-day Adventists.

The Sanitarium factory in regional New South Wales sources most of its labour locally from within the church if possible. But not all the workers came from within the church. Due to the poor wages and conditions at the factory, these workers wanted to join the union. They wanted to discuss a fairer deal for their day's work. The company would not negotiate. When the union brought the matter to arbitration, Sanitarium's HR representative refused to talk to the union and would only speak through their lawyer. Why? you might ask. A story that ran in the local newspaper tells that
story. The owners of the Sanitarium company said to the local newspaper that unions were the tools of Satan. They believe that Satan is controlling workers when they come together to discuss and bargain for decent conditions at work. The workers just wanted a fair go.

Australians know that bills like this are just stunts and mirages to hide the lack of detailed workplace relations policy available from those opposite. They know that all the negativity, all the hyperbole and all the lack of policy detail from Senator Abetz is just a cover until the election. We do not hear the shadow minister for employment providing ideas and policies on how to lift employment in Australia, how to prepare Australians for work or how to care for them if they are injured at work. For a party that goes to any lengths and takes every opportunity to criticise the government's workplace relations policy, either the opposition are all talk and no action or they are deceiving the Australian public about their policy intentions in this space. Either way, it is a dishonest and dishonourable approach.

Contrast that against the positive policies and the positive outcomes we have seen in workplaces across Australia as a result of this Labor government. We have more Australians in work than ever before in our nation's history. Over 11½ million Australians are in work today. Nine hundred thousand jobs have been created since Labor came to office. Productivity is up and industrial disputes are down. This is in contrast to the rest of the world, where many developed economies have shed jobs and unemployment remains in double digits.

Those opposite love talking people down for highlighting Australia's place in the world. We do not do it to gloat. We do it because it is a fact and all Australians should be proud of it. Together we are putting in place the right policy mix to grow jobs and support families—the right policy mix to support creating and protecting jobs for Australians. It is a policy mix that also values quality wages and conditions at work and respects workers.

What we on this side of the chamber believe in is clear. We know that there are pockets of the Australian economy, of our communities, where there are challenges and jobs growth is not what we would like. That is why we are investing $1 billion in a plan for Australian jobs. It is why we are building the National Broadband Network and delivering on a plan for school improvement. It is why there are trade training centres and the National Workforce Development Fund across the entire country: to give our young people the skill set they need to enter the workforce and to give older Australians the opportunity to retrain and start a new job. It is why we are taking up the challenge to lift the superannuation guarantee from nine to 12 per cent. It is why we have introduced the low-income superannuation contribution: to effectively refund the tax paid by low-income earners on their superannuation by up to $500 per annum. It is a policy which, at its core, delivers on the value of fairness. It is a policy which assists 30 per cent of the workforce, 3½ million Australians—over two million of them women—to save for their retirement. It is a policy which those opposite have committed to the rubbish bin. It is why we passed the Fair Work Act, why we ridded this nation of Australian workplace agreements and why we started the journey of returning fairness to Australian workplaces for our workers.

The vast majority of Australians regard a strong and stable safety net, flexibility and fairness, unfair dismissal protections and conditions like penalty rates as standards in the workplace. Many people that I speak to in Tasmania are very worried about the...
prospect of a Liberal government and Senator Abetz as minister for employment and workplace relations. They know that those opposite are in the minority who, while they are not vocalising their support for it today, are champing at the bit to get back into office and make changes to Australia's industrial relations system. They want to make changes like wiping the low-income super contribution, like limiting access to unfair dismissal and like limiting access of trade unions to worksites. These are changes that defy logic because they are changes to a system that is delivering solid productivity improvements, decent conditions at work and historically low industrial disputes. They are changes that do not increase opportunities, do not create safer workplaces and do not lift the living standards of working Australians.

In contrast, the challenge Labor seizes is: how do we build upon this system to deliver more opportunities for work and how do we deliver greater fairness and equity. That is why we are progressing further reforms to improve the jobs and security of Australian workers: better protecting pregnant workers; providing more flexibility for workers who need it by expanding the right to request flexible work arrangements; dealing with bullying at work by restoring productive working relationships; requiring employers to consider the impact on their employees' families when they do things like change working hours and rosters; introducing a right to request part-time work when a parent returns to work after taking unpaid parental leave; and ensuring penalty rates are protected through the modern award system so that people who have to work undesirable hours are compensated for missing valuable time with their friends and family.

On this side, we want to talk about fairness in employment and industrial relations. We want to spend time promoting positive reforms, not tarring over two million Australians and their families with a brush because they want to collectively organise and negotiate for decent conditions at work. Workers like those used to work at the fish factory in George Town, in the north of Tasmania. It was a small fishery and processing facility. I, as an organiser, was approached by some of the staff to come along and speak to the whole team. When we in the old Food Preservers Union approached the management to come along they were helpful. They invited us in, got the workers together in the lunch room and made us feel welcome. The workers at the processing facility were predominantly women, all of them employed on a casual basis; the few men around were all permanent. With permanency came security but also a sense of superiority. We spoke to the staff about joining the union and people seemed positive. We left them some information and told them we would come back the next week to talk again to those who wanted to join the union. We thought we had had a good hearing and that we would be able to offer these people support.

Unfortunately—and many people listening will know where this story is going—when we left, the boss got everyone together in the lunchroom and said that if they joined the union they would lose their job. Plain and simple: they would lose their job. Two women who were silent members of the union called and told us what had happened. They were worried for their jobs. A week later, we went back to the factory and talked to the people again. This time, no one was interested—publicly. However, the silent members called again and arranged for us to meet with a group of the workers.

We met with the women at one of their homes. They told us of the shenanigans that went on in their workplace; one-way
shenanigans towards the female workers by the men, and some stuff that some people might not think of it as wrong but as larrikinism. But there were a lot of acts that any reasonable person would frame as assault and dangerous. The workers would be hosing down at the end of the day. One day one of the men was cleaning down in his underwear. He repeatedly turned the hose on the women, who were just going about their job, spraying them with a high-powered hose. The lunch room at the factory had a large window overlooking the rest of the site. The workers would have lunch at staggered intervals. The men would be having their lunch, no doubt having a banter as well, and they would often bare their backsides, or their fronts, directly at the women who were still working in the factory.

At the factory, there were only shared toilets; that is, a number of cubicles in a room. One more than one occasion, some of the men would force themselves into the bathroom cubicle while one of the women was in there. It was a sick and twisted game to intimidate the female workers. One day, it got out of hand: one of the men forced his way into the cubicle and the woman was able to fight him off but was injured, with visible bruising on her arms. She told me that she spoke to her husband when she got home that night. His first reaction was: 'Who is this bloke? I'm going to rip his head off.' This was a desperate reaction from someone without the means to resolve disputes through negotiation. The second reaction was: 'But you have to go to work tomorrow because we need the money.' This woman, this family and all of these workers had no choice but to put up with this behaviour.

We asked them, 'Why didn't you raise these matters with the supervisor?' Their simple replies were, 'We couldn't, he was one of the men involved.' They had no recourse on their own, but they wanted to join the union. They wanted to join the union so that together they could make a change at their workplace. So we set up a picket outside the factory. We went to the Industrial Relations Commission, where we were able to run an argument for these women and to lay down the facts. The commissioner found that there was clear evidence that the workers wanted to join a union, that they had been discriminated against and that they should be protected. The commissioner enforced a code of conduct for the factory management and gave the female workers in particular comfort that there were avenues for recourse if they needed to go down that path in the future.

Clearly, power structures exist across a range of situations, across a range of work sites and across a range of organisations. It was untrue in this situation in George Town that there was a mentality or a value set whereby anyone could walk into their boss' office, raise issues of concern and they would be treated fairly. And it is untrue for many millions of Australians today. Unions are the staff, they are the workers joining together to give themselves some bargaining power, to give themselves some cover. If there had been a union at this factory providing a mechanism for the workers to raise issues and to be listened to fairly, some of the incidents may not have happened the second, third or 10th time; in fact, they may not have happened at all.

What will this bill do for these people? It will do nothing. It is not designed to help them. It is designed to demonise working Australians. I do not condone officers of registered organisations or anyone in a position of trust acting inappropriately, misusing trust or funds or taking benefits which they are not entitled to. But there are already significant penalties available through the Fair Work (Registered Organisations) Act 2009 and provisions that
allow for further criminal prosecution. Australians want positive ideas and solutions from their government on how to grow jobs and create safer workplaces. Labor understands this. That is why we are committed to ongoing positive reforms to improve the jobs and security of Australian workers.

Senator CASH (Western Australia) (10:11): In rising to contribute to the debate on the Fair Work (Registered Organisations) Amendment (Towards Transparency) Bill 2012, the question that needs to be asked is: why is it that a coalition senator has had to take it upon himself to introduce a private senator's bill to improve the accountability and transparency of organisations registered under the Fair Work (Registered Organisations) Act 2009? That includes not just trade unions but employer groups as well.

It is patently obvious to anybody in this debate that the answer is a very simple one. It is because the Labor Party cannot. They just cannot—or they just will not. There is a good reason for that. When you look at the biographies of those Labor senators on the other side it is patently clear that not only do they represent the union movement in this place, they basically are the union movement. I believe that almost each one of those who are in this place as Labor senators have held senior offices in the union movement before coming to this place. You only need to look at Minister Shorten to understand why the Labor government refuses to take further steps to ensure the accountability and transparency of the union movement. Minister Shorten, by his behaviour in relation to the goings-on of the unions, believes still that he is a union official first and a minister of the Crown, a very, very distant second. You only had to listen to the speech of the previous senator in her contribution on this debate. It was almost a carbon copy of the speech that was given by the member for Greenway when she spoke on this bill in the other place. You would have thought that, as a proud union boss who says that she was proud to stand up for the workers, the senator may have taken the time to write her own speech on this matter instead of quite literally coming into this place and peddling the lines and the rhetoric that were clearly provided to her by the minister’s office.

Those of us on this side do believe in true accountability and true transparency. That is why we have taken it upon ourselves to introduce this legislation which, if it is passed, will have the effect of giving further protection to the thousands of good, decent members who belong to these organisations. It will strengthen the financial disclosure rules. I cannot see how anybody could argue with that. It will enshrine higher duties for officers, union bosses; I cannot see how anybody can argue with that. It also will increase penalties to provide a genuine deterrent against misuse of position and power.

There is no comparison between the penalties under the registered organisations act and those currently under the Corporations Act, because the penalties that company directors face in the event that they misuse shareholders’ money far outweigh the meagre penalties that a union boss faces if he or she wants to blatantly rip off the workers. For the union bosses $10,200 is the maximum penalty. This has recently gone up from $6,600. Compare this with a fine in excess of $200,000 for a company director or, as the previous speaker alluded to, actually going to jail. There is no comparison at all in relation to what is similar behaviour. Whether you are blatantly ripping off the workers, as union bosses have been proven to do, or you are taking money from shareholders, both behaviours are completely
and utterly inappropriate and both behaviours should be subject to the same penalties.

I would challenge anybody in this place to stand here today and put on the record why a union boss who wants to use union members' funds for prostitutes or to fund his salacious lifestyle should be subject to a lesser penalty than a company director who rips off the shareholders. Why does one person face a fine, a maximum penalty that has only just been increased to $10,200, and the other person face the potential of going to jail? That is completely inconsistent. Unlike those on the other side, we are not going to lower the standard. We are not going to say, 'Let us change the Corporations Law and let us make the penalties faced by those company directors who do the wrong thing the same as those faced by union officials.' We say, 'No, let's increase the penalties faced by union officials who do the wrong thing to ensure that they properly align with what company directors who do a similar thing or the same thing are facing themselves.'

Those on the other side are happy to say one thing—and they will in their contributions to this debate today—and then do another. The coalition by this legislation is saying to the people of Australia, the hardworking members of unions and employer groups who do nothing more than front up to work on a daily basis, work for their eight or nine hours, go home and live a decent life, that, 'Unlike the Labor Party, we are not going to condone your union bosses ripping you off.' But the Labor Party cannot say that, because they are owned by the unions and we all know the unions financially contribute to them. We will not condone union bosses treating the workers with that type of contempt. We will not condone union bosses taking the workers' money and treating it inappropriately as if it were their own. We on this side of the chamber with this legislation are saying that if it is found to have occurred—and it certainly was found to have occurred last year in relation to some of those who run unions in Australia—the courts should have the ability to hold those people accountable and in doing so the courts should also have the ability to impose similar penalties to those faced by company directors if they breach the law. We are saying nothing more and nothing less.

This bill is a real test for those on the other side who will stand up in this debate and say: 'We want to stand up for the workers. We are the only party in Australia that stands up for the workers.' Then they will tell you, as the previous speaker did, that the penalties are sufficient and that a maximum fine of $10,200 is sufficient punishment for someone who steals hundreds of thousands of dollars from hardworking union members to fund their own lifestyle, and unfortunately we know that last year that meant using the services of prostitutes. The Labor Party will say, 'That $10,200 is sufficient punishment,' but then will say on the other hand, 'If a company director is found guilty by the courts of taking money from shareholders, you should hang them.' It is probably the one time the Labor Party will stand up and say you should bring back the death penalty because sending them to jail is not good enough, making them liable for a penalty in excess of $220,000 is not good enough. But it is good enough for a union boss who blatantly rips off the workers not to have to face jail, not to have to face a fine heading towards $220,000. It is good enough for a union boss to face a maximum fine of $10,200 under this piece of legislation. So you can rip the workers off, you can rip them off blindly to any extent that you like, because the good news is that under Labor
the only fine you are going to pay is $10,200. You might say it is almost worthwhile.

The coalition do not say that and that is why we are proudly standing in this place and saying that we will stand up for the workers. We do not condone that type of behaviour. We do not condone it if a company director does it and we certainly do not condone it if a union boss or official does it. We will support accountability and transparency. The feedback we have received is that the majority of officers of registered organisations support this, because they know that if they are not in breach of the law they have absolutely nothing to fear at all from what this bill proposes. It is like any one of us: if we comply with the law, we need not fear a penalty that may be able to be applied in the event that we breach the law. But that is just not good enough for the Labor Party. The behaviour of Mr Thomson and Mr Williamson is, quite frankly, yet again a classic example of the age-old maxim, 'Nothing is too good for the representative of the worker', especially when you have the ability to put your dirty little paws into the workers' funds and rob them blind to support your lifestyle. That is not something that the coalition will support.

What is so offensive in this bill that it cannot be supported by those on the other side? One of the provisions of the bill is that it will increase penalties for breaches of the Fair Work (Registered Organisations) Act 2009. The current penalty under that act is $10,200. All we are proposing by this legislation is that, if you breach the law—and by breaching the law the examples given are obviously what occurred last year in relation to a number of unions around Australia, where, yes, they did rob the workers blind—the penalty should be increased so it is more closely aligned with those contained in the Corporations Act 2001, where you have a maximum criminal penalty of $220,000 and/or five years imprisonment. Up to five years imprisonment is a very serious penalty and it has certainly been imposed by the court. That is all we are saying in the first instance: let's make sure the fines for similar behaviour are the same.

It is not as if the unions do not have money. It is not as if we are saying, 'Companies, because they have lots of money, should be subject to different penalties.' In that regard I refer to the evidence given by the Institute of Public Affairs in their submission to the Senate inquiry into this bill. This is what the Institute of Public Affairs had to say:

Unions are large financial entities. For example, the 2010 financial report of the Victorian Branch of the CFMEU Construction and General Division reported net assets of $42 million. In 2011 the ANF Victorian Branch held $22 million in net assets. The NSW division of United Voice reported $25 million in net assets in 2011.

The conclusion the IPA came to was:

If these unions were classed as proprietary companies they would be considered large corporations.

It can therefore be nothing more and nothing less than in the national interest and the interests of members of registered organisations to ensure that there is an equivalent high standard set as between directors of corporations and officers of registered organisations in this regard. If, because of the number of assets that you hold, you would be considered a large corporation, why is it that those on the other side stand up in this place and defend the imposition of what is a completely, totally and utterly paltry penalty when you compare it to the penalty that a court is able to impose for similar behaviour by company directors who breach the Corporations Act? There is no answer to that question.
The coalition's proposed changes to the law will be a genuine deterrent to those who do the wrong thing. They will also provide additional duties for officers of registered organisations and improve standards of governance by requiring them to act in good faith and make it an offence to use a position to achieve a personal financial gain. Again, I would be genuinely interested for those on the other side to stand up and say why they are opposed to a change in the law that will provide additional duties for officers of registered organisations and will improve standards of governance by requiring them to act in good faith—and make it an offence to use a position to achieve a personal financial gain. Again, I personally would have thought that that was blindingly obvious. If a union member pays money to the union, the person in charge of that money should not be allowed to take the money and use it for their own benefit, as has now been proven to have occurred on a number of occasions—in particular, over the last 12 months.

Our bill also proposes higher penalties for failing to lodge proper financial statements with Fair Work Australia. Again, I genuinely do not understand how those on the other side could condone the lodging of incorrect financial statements by union officials. What we have seen in the past is that some unions take years to lodge their financial statements with Fair Work Australia. Why? If a company director has to lodge a company's financial statement under the Corporations Act in a timely fashion, what is wrong with changing the law to ensure that a union official who is dealing with someone else's money has to comply with the law and provide the financial statements of that union to Fair Work Australia in a timely fashion?

Again, it is all about transparency and accountability—nothing more and nothing less. If you support transparency and accountability, it is only logical that you will support the provisions of this bill. For those who want to say that this is nothing more or nothing less than the coalition defending big business, I have already said that if a company director breaches the Corporations Act and the court finds them guilty and they are sentenced to jail, we are very happy that that is an appropriate sentence—nothing more and nothing less.

In the same respect, why is it that those on the other side will only support a maximum financial penalty of $10,200 for someone who does exactly the same thing? There is a complete inconsistency in the approach taken by those on the other side. Again, if you are a union boss and if you comply with the law—as the majority of them do—you have absolutely nothing to fear from this legislation. In fact, you have everything to gain because this legislation will provide a direct disincentive to union bosses who want to rip off the workers and use their money to fund their lavish lifestyle. The coalition supports transparency and accountability.

(Time expired)

Senator BILLYK (Tasmania) (10:31): After some of the absurd contentions and dramatics from the other side, can I say that it is a matter of another day another stunt from those in the opposition! I should point out that I do not believe the Fair Work (Registered Organisations) Amendment (Towards Transparency) Bill 2012 is a serious bill at all. I do not believe that this bill was crafted by those opposite with the intention of getting it passed into law. The opposition are not serious about getting crossbench support for this bill and they are not serious about having it passed. This bill has one purpose and one purpose only, and that is to beat up on the unions. I say to those
opposite: if you are going to bring legislation into this place, then please stop doing it as a cheap political stunt. When you introduce legislation that is purely about making a political point, then you treat this parliament with contempt.

Government is serious work. It takes more than just a series of set piece stunts, but that is all we get day in day out from the coalition, because they are too lazy to come up with any serious policies. We know the opposition is not serious about this bill because the leaders of the opposition in both the House and the Senate, Mr Abbott and Senator Abetz, said on 26 November that they would suspend standing orders to urgently introduce the bill in both places. Mr Abbott briefed the newspapers and restated his position in a doorstep interview. Such was the urgency of getting this legislation passed, it was introduced to the Senate the following day, and to the House of Representatives—do you know when?—more than two months later, in February. So while Mr Abbott puffed up his chest about the urgency of this legislation, he could not match his words with actions. What better indication is there that this is no more than a political stunt?

Before I go into what is so fundamentally wrong with this bill, I will explain a bit about the political point the opposition is trying to make. This bill is part of a political strategy where the opposition will talk about allegations of mismanagement and corruption within the union movement. The idea is to plant a seed in the public's mind that this behaviour is widespread throughout the union movement. They will then point to the fact that we oppose this bill as some kind of evidence that we are not serious about tackling corruption or financial mismanagement within the union movement, when nothing could be further from the truth. It is just another example of dog whistle politics from an opposition that will say anything and do anything to get into government—that is, except for developing serious policy.

We saw this worn-out tactic tried during the 2007 federal election with ads attacking our 'union dominated front bench', as if there is something wrong with representing workers and being part of the largest grassroots social justice movement in Australia. Embarrassingly, they even gave the title 'ex-union officials' to Mr Wayne Swan and Mr Craig Emerson, at the time two shadow ministers who had never worked for a union. During the 2007 campaign, a video was produced by Manic Studios which provided an excellent parody of the kinds of scare tactics used by the Liberal Party. It was titled How to make a scare campaign, Liberal Party style.

The instructions outlined in the video were: first, find some deeply disturbing music with threatening undertones; continue this throughout the commercial because it lends a subliminal sense of menace and foreboding. Next, find a voice that is male, deep, paternal and speaks at a hypnotic pace. Find photographs of your subject that show them in the most unflattering light; make them black and white and grainy to further enhance the menace. Introduce red, the colour of alarm, into all your backgrounds. Repeat terms laden with dark meaning—'heavies', 'thugs', 'union bosses', 'takeover', 'domination'! I quite like this video because it highlights in a comical way the modus operandi of the Liberal-National coalition when they try to demonise the union movement and, by extension, the Labor Party.

Of course we see this kind of campaign continuing in a subtle way with the coalition jumping like a pack of ravenous hyenas on every allegation of improper behaviour
within a union. Yet, you have to wonder why we hear so little from those opposite when it comes to corporate law standards. Where is the outrage when the Australian Securities and Investments Commission successfully prosecutes company directors? Over the last 10 years to 30 June 2012, as was mentioned by my colleague Senator Urquhart, ASIC has completed 2,454 court proceedings and secured 385 criminal convictions, 212 of which included prison sentences. But we do not hear a peep out of those opposite about instances of fraud, misappropriation and corruption within corporations—and why not?—because it does not suit their political purposes.

Well, contrary to the picture the opposition would like to paint, Labor are very serious about the accountability of registered organisations to their members. We are very serious about the proper conduct of officers of registered organisations on whom the members rely for the proper management of their membership dues to advance their interests. It is this Labor government which introduced substantial amendments to the Fair Work (Registered Organisations) Act to improve the accountability of registered organisations, including unions. It is this government which acted to appoint an administrator to the Health Services Union. These are not the actions of a government that takes the accountability of unions lightly.

Registered organisations already have a number of clear and strict obligations. These obligations, and the associated penalties, were developed through consultation with both trade unions and employer organisations. The act requires officials to act in good faith and exercise due care and diligence in their work. It prohibits members' money being used to favour candidates, internal elections or campaigns.

The act already provides for statutory civil penalties where a party knowingly or recklessly contravenes an order or direction made by the Federal Court or the Fair Work Commission under the registered organisations act or the Fair Work Act. It allows for criminal proceedings to be initiated if funds are stolen or obtained by fraud and also ensures that Fair Work Australia can share information with the police as appropriate. There are significant penalties for breaches of the act. In fact, last year our amendments to the registered organisations act saw the penalties triple.

Under the Gillard Labor government the financial accountability standards for registered organisations have never been higher, the powers of the Fair Work Commission have never been stronger and the penalties have never been tougher. Yet, despite this, the opposition introduced this ridiculous bill into the House and the Senate. This bill is no more than a solution looking for a problem.

This has been such a huge issue for the public that a whopping seven—yes, seven, Madam Acting Deputy President—submissions were received by the inquiry into this bill. Could there be any better indication that this bill is motivated by no more than a political stunt than the fact that only seven organisations were actually interested enough to comment on it? Not even the Australian public think that the opposition is serious about passing this bill.

Of those seven submissions only two support the bill. One was from the Institute of Public Affairs, which we all know is a right-wing think tank whose views are not to be taken seriously on any policy matter and is not even a registered organisation. The IPA supported tougher penalties, yet had nothing to say about the effectiveness of
changes to the registered organisations act introduced by the government last year.

The other submission was from the New South Wales government—the New South Wales government whose own legislation does not include penalties at the level proposed in this bill. What a joke! It begs the question: who are the coalition actually responding to when they put forward this legislation other than some focus groups or internal polling? Who have they actually consulted on this legislation? Even employer organisations do not support this bill. That is right, Madam Acting Deputy President—even employer organisations do not support this bill. Both the Australian Chamber of Commerce and Industry and the Australian Industry Group in their submissions recognised that there has not been time to assess the government's 2012 amendments. In fact, some of our amendments are yet to take effect. ACCI and the AiG believe that any changes at this stage would be premature.

The stated purpose of this bill is to align obligations and penalties of registered organisations with those of corporations. The problem with this approach is that unions and corporations are entirely different types of entities. A corporation exists to generate wealth and to advance the interests of its shareholders. A registered organisation is established to look after its members and to advance their interests at work, including fair pay and conditions, health and safety, and a variety of other industrial rights.

The fact is different types of organisations are subject to different regulatory regimes—a fact acknowledged in the coalition's own dissenting report to the inquiry. If we are going to start treating corporations as being the same as registered organisations then what about charities, unincorporated associations or partnerships? Should companies like Telstra or Rio Tinto, for example, be subject to the same regulations as charities like St Vincent de Paul or partnerships like your local store? This makes no more sense to me than those corporations being subject to the same regulations as a union like the Australian Services Union, for which I very proudly worked for over a decade looking after the working rights and interests of Australian people. Should they be subjected to the same regulations?

It is not just the purpose and operation of corporations and registered organisations that make them different. The Department of Education, Employment and Workplace Relations noted in its submission that, unlike directors of corporations, who in most cases are remunerated for their work, many officers of registered organisations perform the role voluntarily and not on a full-time basis. In evidence given to the Senate inquiry into our changes to the registered organisations act last year, concerns were raised by employer organisations that if penalties were increased or criminal penalties were imposed then they would find it difficult to attract qualified people to volunteer to be officers and employees of their own organisations. When you look through the coalition's dissenting report into the inquiry into this bill, there is no explanation as to why these entities need to be treated in the same way. I am yet to hear this explanation in the contribution of those opposite or in their public statements.

We know that the majority of union officials act honestly and in good faith. In a small number of cases where they have not, this government has taken firm actions. Our changes last year to the registered organisations act have strengthened the enforcement and penalties for officials of registered organisations who breach their duties. Those changes have the support of
both employer and employee organisations, whereas both groups are opposed to this bill.

Like I said before, the bill is a solution looking for a problem. It is a political stunt and a shameless political tactic. We have been waiting five years for the coalition to come up with a workplace relations policy other than Work Choices and they come up with this. The fact is the coalition do not want to talk about the real issues in workplace relations. They are pretty quick to have a whack at the trade unions for the sake of political expediency, but we never hear them speak about the rights and conditions of working Australians.

When it comes to true workplace relations policy, those opposite seem to go into hiding. When they finally release their workplace relations policy are they going to adopt their previous form? Are we going to see the removal of penalty rates, overtime and public holiday pay? Are we going to see further attacks on unfair dismissal protections for millions of Australians? Are we going to see statutory individual agreements?

It is, and always has been, the Australian Labor Party that stands up for working Australians. We have created over 900,000 jobs since coming to government. We have legislated to boost the superannuation guarantee from nine to 12 per cent. We have cut income taxes, putting more pay in the pockets of Australian workers. We have increased productivity and kept the economy growing through the global financial crisis. We have increased the childcare rebate to 50 per cent and expanded jobs, education and training childcare fee assistance. We have introduced Australia's first national Paid Parental Leave scheme allowing parents to spend more time with their newborn children.

I am really proud to have worked for the Australian Services Union because they were the union that brought the social and community services equal pay case to the government. We supported that, providing a pay increase to 150,000 workers. We have torn up Work Choices and introduced the Fair Work Act, restoring the rights and entitlements for millions of Australian workers. Through the Fair Work Act we reinstated for 2.8 million workers the unfair dismissal protections that had been taken away by the Howard government. We reinstated the basic safety net and the right to collective bargaining. We have introduced other rights for workers such as the right for a parent to request part-time work when they return to work after taking unpaid parental leave and an expanded right for workers to request flexible working arrangements.

If the opposition want to see an example of what a government does when it is standing up for the rights of workers, including members of unions, then they can look to this Gillard Labor government's list of achievements. These achievements were made through hard work and serious legislation. All the opposition can come up with is cheap political stunts like the bill we are debating today. From the absolute absurd comments of the previous speaker we know that this is nothing more than a political stunt. The first question that the previous speaker asked was, 'Why is it up to a coalition senator to bring this bill to this place?' That is because it is just a cheap political stunt. It is just a circus. They have no idea. They would not really defend workers' rights. We know that they will go back to Work Choices, we know they will take away penalty rates, we know they will try and cut leave, we know that they will not make the lives of working Australians any more comfortable than they are at the minute. In fact, we know that they would make their whole lives worse.
We also think it is fairly ironic that the coalition senators on the committee that was reviewing a bill in the same terms as this said that the amendments were needed in the national interest. Give me a break. If you were really concerned about the national interest you would come up with some policies, you would come up with some ideas, you would not be putting up these political stunts that basically waste time.

Yesterday I heard huge debates from those on the other side about time wasting in this place and today we have this private member’s bill from those opposite which is not going to go anywhere. We all know it. Last November we had Mr Abbott puffing up his chest, getting all excited about how important this was and saying what a matter of urgency it was but here we are in March and it has finally come to the table.

I will just say in my concluding comments that we know that those opposite are out of touch when it comes to workplace relations. We expect that they will bring forward bills like this and we expect that in the next election we will see more of what we saw in the 2007 election with dramatic advertisements trying to scare the people. That is what they are about. They are so negative. They just want to scare the Australian people. They think if they say these things often enough that people will believe them. It is a tactic. That is all it is. It is a circus and I think this is one of the most atrocious things I have seen in my nearly five years in this place.

Senator RONALDSON (Victoria) (10:49): There are lessons to be learnt in this place all the time. Sometimes you actually do not need to try and take your full 20 minutes, particularly when your written speeches run out. The coalition has introduced a private member’s bill to improve the accountability and transparency of organisations registered under the Fair Work Act 2009, trade unions and employer groups. The Fair Work (Registered Organisations) Amendment (Towards Transparency) Bill 2012 will, if passed, improve protection for the hundreds and thousands of members who belong to these organisations by strengthening the financial disclosure rules, enshrining higher duties for officers and increasing penalties to provide a genuine deterrent against the misuse of position and power.

One asks the obvious question: in light of what we have seen over the last 12 to 18 months, why wouldn't the Australian Labor Party support a bill that would strengthen financial disclosure rules, enshrine higher duties for officers and increase penalties to provide a genuine deterrent against the misuse of position and power? What possibly could motivate those opposite to not support it?

I think I might have found the answer. I was having a look through the list of ALP senators this morning. Numbers have been union officials and political staffers but not union officials. They have heads on them like mice. Indeed, I think you, Madam Acting Deputy President Stephens, might be the only one who has not been in those categories. What a remarkable coincidence, Madam Acting Deputy President. I will go through it to get it on the record. How many Labor senators have been union officials—24?

Senator Bilyk: Me, and proud.

Senator RONALDSON: Yes, we know. Don't fess up again, it will do you no good. How many have been political staffers but not union officials? Six have been both and five have never been.

I want to talk about some comments from Mr Paul Howes in relation to what is required. I am looking forward to Senator Thistlethwaite and Senator Ludwig, who are
both AWU union officials, joining on this side in solidarity for Mr Howes because of course they cannot do anything else other than that. I know that you have all marched up and down streets and chanted 'Workers united will never be divided'.

**Government senators:** Defeated!

**Senator RONALDSON:** Defeated? Okay. I have a new slogan for you: 'A party divided will never be united'. I tell you what, you are an absolute joke. I want you to march up and down the streets and chant that new slogan: 'A party divided will never be united'. What an absolute joke!

We now know why this has been introduced. While we are talking about division, I watched with interest today Mr Graham Perrett from the other side. He was asked about the quite remarkable comments of Joel Fitzgibbon, the Chief Government Whip in the other place. Mr Perrett said: Obviously the Whip, there can be no gap between the Whip and the Prime Minister. The Whip has the Prime Minister's back. You know, Joel is an honourable man. He's a good friend of mine, a great defence minister in his time. I think there might be some different views about that, but anyway—

Today, today we need him to have the Prime Minister's back. If he can't do that, if he can't be loyal to the boss, well, he should resign. Okay?

**REPORTER:** Has he been disloyal?

**GRAHAM PERRETT:** Well, if he can't be 100 per cent loyal to the Prime Minister, he can't draw a wage as the Whip obviously. He needs to get on with the job of looking after the Prime Minister's back. That's what he's paid for and if he's not doing that after five o'clock today, well then obviously he needs to look at his situation.

**Senator Bilyk:** What's this got to do with the bill?

**Senator RONALDSON:** Well Mr Fitzgibbon, on behalf of Mr Rudd, is very clearly looking at the Prime Minister's back—there is no doubt about that—

**Senator Bilyk:** Relevance!

**Senator RONALDSON:** but he is most certainly not protecting the Prime Minister's back. I was Chief Government Whip for three years, and I can only imagine what the response of former Prime Minister Howard would have been if I was out there talking down—

**Senator Bilyk:** Relevance!

**Senator Williams:**Madam Acting Deputy President, I rise on a point of order. Senator Bilyk has completed reading her speech—

**Senator Bilyk:** And you interjected. You didn't mind interjecting at all!

**The ACTING DEPUTY PRESIDENT (Senator Stephens):** Senator Bilyk! Senator Williams is on his feet.

**Senator Williams:** As I said, Senator Bilyk has completed reading her speech and I ask you to ask her to stop interjecting so we can all listen to this very interesting speech by Senator Ronaldson.

**Senator Williams interjecting**—

**The ACTING DEPUTY PRESIDENT:** Can I remind all senators that calling across the chamber is unparliamentary.

**Senator Williams interjecting**—

**Senator Bilyk:** I think he liked my speech too.

**Senator RONALDSON:** No, I didn't actually. In fact, there was not much I liked about it at all.

We have a divided federal government where, remarkably, the chief whip is attacking the Prime Minister of this country. And even in relation to the responsibilities of the trade union movement, we have division. I referred to Mr Paul Howes before. I want to read a quote from Mr Howes. He has stood
up and actually backed moves for tougher penalties for union bosses who misuse members' funds, stating:

I actually believe there is a higher responsibility for us as guardians of workers' money to protect that money and to act diligently and honestly.

The reality is I do not have any issue—

I will repeat that—

I do not have any issue with increasing the level of requirements and penalties on trade unions for breaching basic ethics like misappropriation of funds.

Interestingly, it is reported that at the AWU annual conference, Mr Howes said:

Unions should be held to a higher account than the corporate sector and there should be 'zero tolerance' for corruption.

As we know, this bill will increase penalties for breaches of the Fair Work (Registered Organisations) Act. It will provide additional duties for officers of registered organisations. It will improve standards of governance. It will provide higher penalties for failing to lodge proper financial statements with Fair Work Australia. It will provide new penalties for those who breach those laws.

What we need to do in the debate on this bill is to see who is talking the talk and see who is walking the walk. This bill, introduced by my colleague Senator Abetz, is walking the walk in relation to protection of workers from union officials who seek to deprive them and misappropriate their funds. Those opposite, and we have heard the speeches today, are talking the talk but will not walk the walk. I go back and look at the disgraceful behaviour of Mr Thomson from the other place and the behaviour of Mr Michael Williamson, who, from recollection, was a national president or deputy national president—one or the other. And those opposite have the gall to come in here and talk the talk but will they walk the walk on behalf of the union members who have been exploited by Mr Thomson and others?

When you have a political party such as the Australian Labor Party, of whom virtually all are former union officials or staffers, how can you possibly come in here and oppose a bill such as this? I invite those opposite to reflect on Mr Thomson's behaviour and I invite those opposite to reflect on the alleged misappropriation of funds by Mr Thomson that has led to some 142 charges, from recollection.

When you come in here and talk the talk, how about you start walking the walk in relation to some of the lowest paid people in this country—people who are cleaning hospitals, cleaning toilets, cleaning bathrooms, cleaning bedpans? They are some of the lowest paid people in this country, and you are walking away from them. You walk away from them in relation to Mr Thomson. You walked away from them with your protection of him until it became completely untenable for you to continue that. I will give you some quotes from the Prime Minister soon. You know, I know and the Australian community knows that you should have walked away well before then. And we know that what was being done during that period of time was the reinforcement of the greatest protection racket we have ever seen in this country—a protection racket protecting those who are ripping off the lowest paid workers in this country. How can those opposite, as union officials, stand by and watch that sort of behaviour? How could you possibly let down the people you ostensibly represent in that way? How could you possibly do it to them?

Those opposite have a choice to make today. You stop the likes of Mr Thomson— and I do not think the two Labor senators opposite, whom I will not name, support treatment of workers like that. If indeed that
is correct—I will not embarrass you by mentioning your names—then how can you possibly vote against this bill?

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! I remind you to address your remarks through the chair.

Senator RONALDSON: I am sorry. Through you: how can those two senators opposite, whom I will not name and who I believe are decent, genuine people, possibly vote against this bill in light of what has happened? It is utterly beyond me. I think it shows that the protection racket that has been run by this government to protect senior union officials is clear evidence that there is an unholy alliance between the trade union movement and the Australian Labor Party. It has now meant that the rights of workers in this country and the obligation of those opposite to protect them have been completely abrogated. They have abrogated their responsibility to those men and women whom they say they represent. If they are serious about wiping out the behaviour of the likes of Mr Thomson then they will indeed support this bill.

Senator Bilyk made some comments about the comments of the coalition members and the comments in the dissenting report. I have already said Mr Howes believes there is a greater obligation on the union movement even than there is on the corporate sector.

The coalition said:

… in relation to the discharge of duties – that the same responsibilities should apply to a union boss as to a company boss. At present this is not the case, for example:

Mr Smith is the CEO of The Book Corporation and is found to have misused $50,000 of shareholders’ money in contravention of his duties to the Corporation and its membership in an intentionally dishonest manner under the Corporations Act 2001.

I note that was introduced by the coalition, so so much for this notion that we do not believe the corporate world has the same obligations as unions and others. We are the ones who introduced this legislation. As for this notion that we are there to protect the corporate sector while attacking the union sector—‘beating up’ as Senator Bilyk said—maybe the corporate sector thought we were beating up on them when we introduced this bill in 2001, when we introduced a bill which imposed significant penalties on people who were not doing the right thing, where we imposed significant penalties on those who were misusing company and shareholder funds. They may well have thought we were beating up on them. We were not. We were requiring of them a level of responsibility and an obligation to use the funds that they hold appropriately. This bill is doing exactly the same thing. So, rather than beating up on the unions, over 10 years ago we actually introduced legislation in relation to the corporate sector to ensure that they did the right thing.

I will go on with this report:

Under section 184 of the Corporations Act 2001, Mr Smith could be subject to a maximum fine of 2,000 penalty units and five years’ imprisonment as well as further civil and criminal offences i.e. fraud.
I read on from the dissenting report:

If Mr Smith is the Secretary of the Bookkeepers Union and is found to have misused $50,000 of union members' money in contravention of his duties to that union and its membership in an intentionally dishonest manner under the *Fair Work (Registered Organisations) Act* 2009, Mr Smith would not be liable for any criminal penalty but may be liable for further civil and criminal offences i.e. fraud.

So we have two people doing exactly the same thing, misusing funds, and one will face up to five years imprisonment and the other is not liable for any criminal penalty.

When you have the likes of Mr Michael Williamson, Mr Craig Thomson and Mr Eddie Obeid who believe the law is beneath them, that they are indeed above the law, is it not the obligation of this parliament to ensure that similar penalties apply to everyone who is misusing funds, whether they be shareholder funds or members' funds? If this were the only bill in relation to the misuse of funds then I would have some sympathy for the comments of those opposite. This bill comes 12 years after the introduction of penalties under the Corporations Act. Some would quite rightly say it should have been brought in before then.

What actually motivated this bill? What motivated it was the protection of union members' rights to have their funds protected. It was driven by the need to protect people such as some of the lowest paid workers in this country who are cleaning hospital toilets, cleaning hospital laundries, cleaning hospital floors and cleaning hospital bathrooms. They are the people who deserve protection from union officials who seek to misappropriate their funds. That union member is no different from a shareholder in a corporation who needs to be protected from those who would seek to remove their— *(Time expired)*

**Senator THORP** (Tasmania) (11:09): I rise today to reject the *Fair Work (Registered Organisations) Amendment (Towards Transparency)* Bill 2012 and in doing so I act in accordance with the Senate committee's recommendation that this bill not proceed. I also reject the idea that the Liberal and National parties have any genuine interest in the rights of Australian working people or the needs of the families they support. Undermining the very structures that support fair working conditions and a decent lifestyle in this country is, as always, the real motive behind this bill. It is what the coalition is all about; I am afraid, it is in the blood.

Those opposite have a callous disregard for the institutions built up through more than a century of struggle and activism that have ensured that working men and women are able to get a fair go and a chance to get ahead in modern Australia. They show no understanding of the history of the movement which has led to our modern work practices and they now seek to tear down all that has been achieved by workers, by unions and by successive Labor governments. The Liberal Party, after all, are the party of Work Choices. This bill is nothing more than an attempt by those opposite to lay the foundation stone and to pave the way back to Work Choices.

This bill is an example of the assault on workers' rights which the Australian people would have to endure if a Tony Abbott led government ever came to power in this nation. Unlike the Liberals, the Gillard Labor government has a strong track record in protecting, securing and enhancing the rights of working people. If the opposition cared about Australian workers, they would have supported this government's legislation to weed out unscrupulous sweatshop operators, who underpaid workers in the textile industry. There was no support from the opposition to extend benefits such as leave,
superannuation and minimum hours of work to contracted outworkers. When these workers wanted a chance at a fair go, they stood up with their union, a registered organisation, the Textile, Clothing and Footwear Union, and they made their voices heard. It was this government that listened, not those opposite. Those opposite were happy to go on ignoring their plight because the truth is they just do not care.

Perhaps if the coalition cared about the rights of Australian workers, they would have not committed to rejecting legislation that would have ensured workers were able to access their entitlements where directors have abandoned a company, under the Corporations Amendment (Phoenixing and Other Measures) Bill 2012. The coalition's opposition showed clearly that the Liberals are more interested in protecting their mates in big business by pledging to protect directors who abandon their companies rather than giving employees the ability to access their entitlements under Corporations Law.

We are only debating this bill today because last year the Leader of the Opposition, Mr Tony Abbott, overreacted to public hype and heroically pledged that he would suspend standing orders and introduce the legislation urgently. However, Mr Abbott failed to follow through on his statements, again. It is now clear the opposition leader's words were nothing more than another media stunt. Let us not pretend the opposition leader is actually interested in protecting and defending workers' rights. After all the promises to act, Mr Abbott did not introduce this bill himself nor was it introduced in the chamber in which he sits. It would be a nice change if the coalition could present the parliament with some actual policy. This bill is unnecessary, cynical and shallow. There is nothing in the current Fair Work (Registered Organisations) Act that would prevent criminal proceedings being initiated when funds are stolen or when someone has engaged in fraudulent behaviour. Nor does the current legislation prevent criminal proceedings from commencing even after civil penalties have been applied in relation to the same conduct as per section 313 of the act.

Trade unions are not corporations. However, there are many similar regulations that are already in place that regulate the activity of registered organisations. For example, registered organisations are subject to legally recognised duties and obligations. The levels of financial accountability of registered organisations have never been higher than they are now under the Gillard Labor government. These organisations are already required to undertake regular reporting of their financial accounts, audits are required to sign off on the books and this is all processed in accordance with accounting standards. This is largely due to the powers of the Fair Work Commission, which have never been stronger. Penalties for those who do the wrong thing have never been tougher than they are now. In fact, the Gillard Labor government has tripled penalties for breaches to the Fair Work (Registered Organisations) Act. This means that, under the current legislation, there are already requirements in place, for registered organisations, for officers to act with care, diligence and in good faith. These requirements already act to discourage improper use of positions and improper use of information that has been obtained through the organisation.

With regard to financial accountability, the Fair Work (Registered Organisations) Act clearly prohibits members' money from being used to favour particular candidates in internal elections or campaigns. The Gillard government also made amendments to the Fair Work (Registered Organisations) Act...
which require office holders to disclose personal interests. For example, officers must disclose material personal interest that relates to the affairs of their organisation. This requirement extends to the officer and/or relatives of the officer, and this information must be disclosed to members of the organisation or branch.

In fact, when the Liberals claim to be enhancing the rights of workers and supporting the union movement, the Australian people ought to be very wary, because we know that policies such as Work Choices are in the Liberal Party's DNA. It goes to the core of what they are all about. Ripping off working people and doing everything they can to lower the costs of Australian labour to benefit their mates in the big end of town—this is the Liberal story. This is a history that the coalition should be ashamed of. Those opposite have consistently chosen to help out billionaire mining magnates and accept blood money from multinational tobacco giants, all at the expense of the average Australian worker. This bill is yet again another attempt to undermine Australian workers and yet again another attempt to weaken the unions that act on behalf of workers to uphold rights and to ensure fair wages and conditions.

It has always been Labor governments who have acted to restore fairness, decency and equity to our workplaces. By working together, it has been Labor governments and unions that have been able to achieve great outcomes. These initiatives include things such as Medicare, the PBS, the superannuation guarantee, occupational health and safety laws, workers compensation, enterprise bargaining, the National Employment Standards, long service leave and the age pension. This is our history. This is the history of the Australian Labor Party, and it is a history that every Labor representative and party member is very proud of. It is a history in which we have stood with Australian unions and Australian workers to ensure that no working men or women are treated unfairly or left behind. Only Labor governments have fought to ensure that fair working conditions such as penalty rates, public holiday pay and overtime will be protected. This is what the Labor Fair Work Act is all about. It is about providing a strong and stable safety net, providing a flexible and fair workplace, providing protection against unfair dismissal and upholding conditions. That is why Labor is increasing superannuation from 9 per cent to 12 per cent, and it is why Labor is working to harmonise workplace health and safety legislation, as we recognise that all Australians should be safe at work. It is why Labor has recently announced even more measures to improve the safety of Australian workers at their workplace, by introducing changes that will protect pregnant workers and workers who are experiencing workplace bullying, provide workers with a right to request part-time work when returning from unpaid parental leave, provide workers with rights with regard to flexible rosters and ensure that employers consider the impact on their employee's family when determining those rosters. These are all practical measures and they are policies that we are willing to talk about and debate in this place.

Sadly, too often, great Labor reforms which support the Australian worker are opposed by those opposite. Time and time again, coalition governments have slapped Australian workers in the face, and they will no doubt continue to do so under an Abbott government, should Mr Abbott ever become our Prime Minister. The Abbott opposition were not prepared to provide support or work proactively to solve the Grocon dispute. They stood on the sidelines and played politics, showing total disregard for the rights of Australian workers.
The bottom line is that the Gillard government has already acted to amend the registered organisations legislation. In June last year, the government acted to improve the functioning of the Fair Work Commission by enabling it to more effectively monitor, investigate and enforce the rules under the Fair Work (Registered Organisations) Act. At the same time, the Fair Work Commission was granted greater powers to monitor compliance and prosecute breaches. The Fair Work Commission is also now instructed to complete its investigations, and I quote, 'as soon as practicable'. Investigations are now able to source information from a wider range of sources, a move that has empowered the General Manager of the Fair Work Commission to share information with the police and other regulatory bodies. At this time, however, the policy-weak Liberals did not bother to make any suggestions about changes to the deregistration of union rules. This is because they genuinely do not care.

In contrast, the Gillard Labor government has a proud record of supporting workers, particularly low- and middle-income-earning Australians—decent and hardworking people who are trying to make a better life for themselves and their families. Take, for example, this government's commitment to funding the social and community services pay equity case. This decision affects workers who are employed under the Social, Community, Home Care and Disability Services Award, and it ensures fair pay for many thousands of people performing these vital roles across the country. This outcome has been reached because this government understands the real bread and butter issues that affect Australians because of those deep links with the trade union movement.

We understand because unions like the ASU and HACSU make sure we do. You only have to look at the recent announcement of a $300 million investment in the childcare sector bringing fair pay for early childhood educators while maintaining affordability of child care for Australian families. The government acted on this important issue because it recognised the vital role played by those responsible for providing our children with their early educational experiences. It also recognised that the low wages were leading to a workforce crisis. Childhood education centres across the country were finding it very difficult to find and retain staff. Hundreds were leaving the sector every week—not necessarily because they wanted to, but because they needed to work elsewhere to pay their bills because of the low pay they were on as childcare workers. So this is a great outcome that ensures a more stable and skilled workforce who can give our children the best start in life. I would like to acknowledge the hard work of United Voice through their Big Steps campaign in coming to this outcome.

Perhaps we should turn to the 'safe rates' laws this government passed earlier this year—once again, our commitment to a safe and decent working environment for our nation's hardworking truck drivers has been realised by working with the Transport Workers Union to achieve this reform—or perhaps the fact that, working with the Maritime Union of Australia, we have achieved stronger shipping laws in this country that will protect workers and grow the industry after years of neglect and downturn presided over by those opposite.

While the coalition senators who were on the Senate committee reviewing the bill said that the proposed amendments were 'in the national interest', only two submissions, as others of my colleagues have mentioned, supported the proposed changes.

Senator Ian Macdonald: Paul Howes was one of them, wasn't he?
Senator THORP: No, not supporting. Don't you think, Mr Acting Deputy President, that if there were real public interest in the bill there would have been more people putting in submissions? I would have thought so. It is a clear display of how out of touch the Liberals are with workplace relations policy. And there is no greater threat to workers in Australia than the threat of an Abbott-led Liberal government. We know from the history of those opposite that the Liberals do not support unfair dismissal protections for millions of Australian workers.

Speaking of workplace relations policy, where is the workplace relations policy of those opposite? The coalition will go to any lengths to criticise Labor's workplace relations policy, but we know, and I think the Australian people know, they are all talk and no action. Mr Abbott is deceiving the Australian public about their policy intentions in this place, and it is quite dishonest and dishonourable. The Abbott approach is an approach that would result in poor outcomes for Australian workers and poor outcomes for the Australian people.

Compare this approach to the positive policies and outcomes that the Gillard Labor government has achieved for Australian workers. More Australians are in work than ever before in our nation's history. I can proudly say that 11.6 million Australians are in work today. Industrial disputes are down. Since this government has been in office we have created 900,000 new jobs. We are more productive as a nation and more of us are employed. There is greater job security and much greater job opportunities for all Australians. All these factors lead to improved job security and job opportunities. The Australian Labor Party is all about creating jobs and employment and protecting the jobs we have got. We are all about protecting the workers, and this is why the Gillard Labor government has recently introduced legislation to establish a Road Safety Remuneration Tribunal. This tribunal will have the ability to set pay or pay-related conditions to ensure safe driving practices for the trucking industry—for real people.

In conclusion, the range of remedies that are currently stipulated under the Fair Work (Registered Organisations) Act are suitable, practical and sufficient for an industrial context. These regulations ensure there is financial accountability and transparency in the running of registered organisations. We must be reminded that corporations and organisations are different in nature. They are different both in practice and in legal application. Their aims are different and their purpose is different.

Corporations act to generate wealth and advance the financial interests of their shareholders. Corporations are concerned with the interests of their shareholders and therefore the laws which regulate the behaviour of corporations aim to protect the rights of shareholders, as they rightly should be. On the other hand, registered organisations are established to represent the rights of their members, whether their members are employers or employees. Laws which regulate unions aim to protect the members of those organisations by acting to ensure they have fair pay and conditions and acting to protect their rights. These aims go hand in hand with the aims of the labour movement, which has always fought to uphold decent pay and conditions in order to promote and protect a fair go for all Australian workers.

Senator IAN MACDONALD (Queensland) (11:27): Can I emphasise at the beginning that this bill, the Fair Work (Registered Organisations) Amendment (Towards Transparency) Bill 2012, is all about protecting workers' rights and, more
importantly, protecting the money that they give to their union for purposes which union members believe will be in their best interests. We know in at least one or two instances that money contributed by workers to their union, believing it to be for their benefit, has been used by union officials for very improper purposes. I do not make these allegations; I simply repeat what Fair Work Australia has found in relation to the Health Services Union.

I also have alerted the chamber to news reports of a union with which Senator Mark Furner was associated. I say at this point that the reports say that Senator Furner had not done anything wrong, and I make that clear up-front. But the reports do indicate that union members' money was being used to pay out some union officials for their employment in dodgy deals which would not have stood accountability. Perhaps Senator Furner will contribute to this debate and explain in detail not what his role was—I accept it was minor, just signing the cheques—but what the deal was that provided union members' money to pay off some union official for redundancy payments which, it is suggested in the newspaper articles, were not appropriate. So this bill is all about protecting union members and their money and their rights and entitlements. And why, on that basis, it would be opposed by the party of the unions completely escapes me.

The coalition government had the same concern for shareholders in public companies. We wanted to make sure that shareholders in public companies were not ripped off by their directors; that there were penalties, severe penalties, that would discourage directors from doing the wrong thing with shareholders' money. It was coalition governments who amended the Corporations Act 2001 to provide this. Yet, in this debate, you have Labor speakers saying we are doing this to union officials but what about the corporations? The answer to that is clear: the coalition has already acted with amendments to the Corporations Act 2001 to make company directors and senior officials accountable—and now we are trying to do the same thing for union officials. I ask: what is the difference? No Labor senator contributing to this debate has yet explained the difference between corporation directors being required to be accountable to their members for the expenditure of money and the same rules for union leaders. Clearly, from the Health Services Union case this has not, and never has, occurred.

I am delighted to see Senator Furner coming in to participate in this debate because he will be able to tell us the truth about the newspaper reports that start with a nice photo of him and a headline, 'Senator linked to union cash'. But I am not interested. I concede, as I said before, that Senator Furner was said not to have done anything wrong—that he just signed the cheques. But I would be interested in the deal that was referred to in that particular account.

If further rules are required for union members, you need look no further than to an excellent article by Grace Collier in the Australian Financial Review of 16 November 2012. In that article, Grace Collier, who has spent 20 years working in unions and as an industrial relations consultant, said some pretty interesting things about how unions and union officials operate. If you had not read the Fair Work Australia report on the Health Services Union you would be surprised. What Grace Collier said pales into insignificance when you read the Fair Work Australia report on the Health Services Union. Grace Collier said:

Sometimes people who associate with union officials can become star struck with the
perceived power and status or titillated by the association.

Again, you only have to look at the ICAC reports and the investigations in Sydney into my namesake. I always hasten to add that he is no relation to me whatsoever—he, New South Wales Labor Party; I, Queensland Liberal Party—but, regrettably in these instances, we have the same name. You only have to look at what is happening there to see how the union movement gets tied up with all these dodgy deals. When you go back through history, you see a lot of Labor politicians in jail these days and you can see how the interaction between the unions and Labor politicians leads to some outrageous results.

All the provisions in this bill do is protect workers' money and protect workers' rights—and that, I think, is appropriate. This applies to company directors under the Corporations Act 2001. Why should the same rules not apply for union leaders under the provisions of the law? I know of much anecdotal evidence of union officials—and I am not going to name them in parliament—misusing money. You might recall that incident when a union official was put on a superannuation board and received big money as a director of some of the biggest financial companies in the world. Apparently he had done a deal with the union that any money that he got from his work as a director in the superannuation company would go into the union funds. But he apparently—according to newspaper reports—chose not to do that and so the union sued him for the money. It makes you wonder what happens. We know what happens in the Health Services Union. You cannot tell me that the Health Services Union is the only place where those sorts of regrettable activities occurred. If you go back through history, you will find evidence of that in the past.

I am proudly a senator for the state of Queensland and I am delighted that the Campbell Newman government is—according to newspaper reports—talking about actually doing something to protect workers' money and to protect workers' interests in the money they contribute to their union. Newspaper reports suggest that the Queensland government is going to introduce legislation to force union officials to reveal their pay and other perks of office that they get from their union. Why would anyone object to that? Take our profession—not a very highly esteemed profession, I might add. We rank down there with journalists and union officials at the bottom of the table. But at least with every politician anyone can find out—in the next five minutes—what their pay is and what their allowances are. They can know what assets I personally have by a look at the register of interest. So it happens to politicians and, similarly, to most public servants through estimates or other questions. Should we want to, we can find out what the secretary of a department receives. We question them every estimates about the flights they have taken and about the hotels they have stayed at. It is par for the course for politicians and for public servants. Why do union officials think that they should be in a different category? It is not as if they are using their money. It is in relation to money that they spend or receive, which is contributed by the membership fees of the members of the union. I am delighted that the Queensland government is looking at some sort of bill that will require unions registered in Queensland to reveal the pay and other perks of office. What can be wrong with that? I suspect what will happen, of course, is that a lot of unions who are registered in Queensland will suddenly find that it is better to be registered federally so that they do not have to abide by the laws of the
Queensland parliament. Hopefully, if this bill is passed, it would be pointless for them to do that because then they would have to make these same disclosures here.

The papers and history are, in fact, littered with suggestions—some convictions—of deals between various union officials and big construction companies for individual benefits that union officials receive, pursuant to some arrangements that they have made with some of the biggest construction firms around the place. In the Queensland instance, the newspaper reports that under the proposals union officials would have to declare an array of personal and professional interest such as credit card statement, similar to that of state MPs. Individual unions would have to publicly account for all spending with particular emphasis on political party expenditure. Who can have an objection to that? I know that there are a lot of union members who despise the ALP—and I might say that list is growing by the hour—and there are many members who are staunch supporters of the LNP in Queensland, who are very annoyed that their membership fees, which they pay for industrial support, end up in the coffers of a political party which they despise. If that is the will of the majority of the union, that is fair enough, but there should be accountability. The Queensland legislation, according to newspaper reports, will require unions to indicate clearly to their members how their fees are being spent.

The newspapers again report that the legislative change at state level will help to stamp out corruption and ensure that the law provides more safety nets, checks and balances. The impetus, the catalyst for this legislation in Queensland is said to be—and you can well understand that this would be the case—the recent scandals including allegations of credit card misuse levelled at federal Labor MP Mr Craig Thomson. I do not want to go into the Craig Thomson criminal matters—they are before the courts—but I do quote at length from the Fair Work Australia investigation into that official of the Health Services Union. What this legislation before us and the Queensland legislation are all about is addressing those issues in the same way as they apply to the politicians, public servants and company directors. I ask again: why should union officials not be accountable in the same way as company directors, as public servants, as politicians and as most others in our Australian society.

I understand that Mr Paul Howes from the AWU has said that the unions need to be accountable. I do not have a high regard for Mr Howes; he is fairly good at the talk but, when it comes to the action, it is not quite as fulsome and as consistent as is the talk. But I think any person in public office would think that accountability is a test which should apply to all. This bill, as Senator Abetz has said, increases penalties for breaches, so that rather than a penalty of $6,600, they would go up to the same penalties as apply under the Corporations Act to company directors—that is, $220,000 or five years imprisonment. Can the next Labor speaker in this explain to me why it is that company directors should face $220,000 or five years imprisonment, as opposed to union officials who misuse money, who face a civil penalty of $6,600. Why would you object to putting people who have been proved to have misspent union members' money in the same category as directors who misspend shareholders' money? It is such a no-brainer that I cannot understand why the party supposedly of the unions, supposedly of the workers, would not be there shouting to support this bill—you could not understand why.

I know that union membership in Australia at the moment is about 16 or 18 per cent of the total workforce. That means that, of all workers in Australia, only 18 per cent
think that it is worthwhile being a member of a union. After the HSU revelations, one wonders why it is that even that 18 per cent bother. If you take out the public service unions, I think that it is about 14 per cent of Australian workers who are involved in the union movement. It is that 14 per cent who ‘elect’—and I put that in inverted commas because I am not quite sure how much electing of union bosses the 14 per cent do, but let's assume that unions are entirely democratic, there is no show and tell and there is no bullying to get the right union official into the right position; let's assume it is an open and transparent democratic process—union officials, who then elect the Labor Party.

We have seen with all the leadership changes that there have been—and the one that is going to happen tonight—that it is not the elected members of parliament or the people of Australia who determine who is going to be Prime Minister; it is the faceless men, the union officials, who pull the strings. As Ms Gillard clearly said and Mr Shorten said the other day as well, they are the party for the unions; they are not the party for Australia. They do not even pretend to be the party of the majority of Australians. They make a virtue of being the party of the union movement—read ‘of the union bosses’, read “elected” by 14 per cent of workers who happen to be in unions’.

You only have to think about that to understand why this government is so dysfunctional. You only have to understand that to realise why this government wants to shut down anyone who should criticise the Labor Party and the government. They are trying to shut down the press, who might criticise them today. Who knows what will happen in the future if the Greens and the Labor Party get going: I will probably be gagged from speaking my mind. In fact, more often than not when I get up to speak you will find the Labor Party and the Greens moving to gag me. Why? Because I criticise the Labor Party and they do not like it. They could always get up and answer the allegations, but none ever seem to do it.

My time for this debate is coming to an end but I would ask the next speaker to explain to me what is different between union officials and company directors. Why should company directors who misspend the money of their members, their shareholders, pay a fine of $220,000 and go to jail for five years and union officials who misspend their members' money get a $6,600 fine? Tell me the difference. This is a bill introduced to help workers, to support workers, to make sure that workers’ membership fees are appropriately used. I would be delighted if someone from the other side could explain to me why this is not appropriate, why there should be different rules for union officials than there are for everyone else in society.

Senator FURNER (Queensland) (11:47): Unfortunately I have only a couple of minutes to address some of those issues that Senator Macdonald raised in this debate on the Fair Work (Registered Organisations) Amendment (Towards Transparency) Bill 2012. In saying that, when I look at the title of this bill and see the word 'transparency', I question the ideological attack on union organisations that this bill represents and the one-sided transparency.

Why do I suggest that? We merely need to look at today's Courier-Mail. I am glad Senator Macdonald referred to what is happening in Queensland, my home state as well. The headline in the Courier-Mail today is ‘Caught out: proof that Driscoll lied to parliament’. Driscoll is the newly elected member for Redcliffe, a Liberal National Party member. He has been caught deliberately lying to parliament about phone lines he installed so that he could secretly
run a retail lobby group from his electoral office. This is the transparency that those opposite want to apply. They do not want to apply it and shine it on the organisations they support, the employer organisations; they want to shine it only on unions. This is the contradiction in the actions of those opposite when they present private members' bills like the one they have presented in the chamber today. The article goes on to say:

But new evidence uncovered by *The Courier-Mail* ties Mr Driscoll directly to a scheme under which phone lines used by the Queensland Retail Traders and Shopkeepers Association, also known as the United Retail Federation, were moved to the electorate office last year so staff on parliamentary salaries could help run the lobby group.

How corrupt, how inept and how disrespectful it is to use public money, taxpayers' money, in Queensland to run a private business out of an electoral office. It demonstrates the contradiction of coalition speakers who have come in here today and indicated that they want transparency. What is the Premier of Queensland saying about this? Nothing. He is standing by his man. While this member for Redcliffe is being investigated by the Crime and Misconduct Commission and investigated by the Queensland Industrial Relations Commission, Campbell Newman, the Premier of Queensland, wants to give him a fair go. I will give him a fair go. Let us hope he comes clean and indicates the corruption he is involved in—I should say alleged corruption because at this stage he has not been proven guilty by the Crime and Misconduct Commission or the Queensland Industrial Relations Commission.

Surely this is a clear example of the double standards of Liberal National Party both in Queensland and in this house when they come in here and try to put up such private members' bills. Under the Gillard government financial accountability standards for registered organisations have never been higher, so we have set that benchmark. They have never been higher before in this place. We set that benchmark purposely to make sure that organisations are accountable for their actions. But, rather than look at actions of employer organisations, which the opposition should be doing as well if they want to address concerns, they come in here and attack the trade unions that are doing an excellent job for the workers in our country—workers the opposition despise and hate. We will see that in their industrial relations policy at some stage in the future when they come to power.

**The DEPUTY PRESIDENT:** Order! The time for this debate has expired.

*Australian Capital Territory (Self-Government) Amendment Bill 2013*

**Second Reading**

Debate resumed on the motion:

That this bill be now read a second time.

**Senator HUMPHRIES** (Australian Capital Territory) (11:51): It gives me great pleasure to rise today to support the *Australian Capital Territory (Self-Government) Amendment Bill 2013* because it represents a reform which is, frankly, long overdue. This bill has the effect of patriating to the Legislative Assembly for the Australian Capital Territory the power to determine its own size. At self-government in 1989 the Commonwealth parliament determined that the ACT Legislative Assembly, this new self-governing parliament for the territory, would consist of 17 members, making it then the smallest legislature in the Commonwealth, with the exception of Norfolk Island. The legislative assembly has presided over now almost a quarter of a century of self-government for the ACT, in which period the population of
the ACT has grown by approximately 100,000 people.

Curiously, the provisions for the legislative assembly to determine its own size—or for even the people of the ACT through, say, a referendum to determine the size of their parliament—has never been clarified or made evident. The fact, though, is that this is not the approach which the Commonwealth has taken with other self-governing parliaments. In 1978 the Fraser government legislated for the Northern Territory to be granted self-government and from day one of self-government in that territory the parliament of the Northern Territory had the capacity to determine its size. Strangely, a decade later, when the then Hawke government decided to grant self-government to the ACT, the same prerogative to determine its size was not granted to it.

I acknowledge that there is a difference in the history of the two territories which would account for that different treatment in the enacting of their self-government legislation—effectively, their constitutions. Self-government was warmly welcomed by the citizens of the Northern Territory in 1978. It is true to say that self-government was less warmly welcomed by the citizens of the ACT in 1989. I was a candidate in the first election for the ACT Legislative Assembly in 1989 and saw firsthand the backlash by voters of the ACT when they were being foisted with this unwelcome concept of having to make their own decisions.

It is true to say that, in the intervening quarter of a century, people, while perhaps not growing to love self-government, have certainly become more comfortable with it and today participate vigorously in elections for the legislative assembly to determine the direction of their community. The levers that self-government presents for people to make important decisions about the direction of their community have been well and truly taken up by the citizens of this territory.

But, of course, they have not been able, either as voters or as legislators, to deal with an ongoing problem in the structure of self-government, which is the size itself of the legislative assembly. Having been a member of that parliament—indeed, having been a minister and Chief Minister of the ACT—I can say that in my opinion a parliament of 17 members is too small to be functionally effective. A parliament of 17 members, particularly one elected using principles of proportional representation, will generally consist of a government with between six and nine members, from which a ministry needs to be drawn, a Chief Minister, often a Speaker, and backbenchers to populate membership of parliamentary committees, which are supported in that context as they are in this parliament. With only as few as six members of a government, that presents very significant challenges.

I appreciate that larger parliaments come at a cost and taxpayers often resent those extra costs and wonder why they need to have larger parliaments. I note that some parliaments in recent decades have actually reduced in size in acknowledgement of that concern by taxpayers and voters. But whatever the best arrangement for the structure of government, that arrangement needs to be determined by the people of that political system—of that community. It is not appropriate in the present situation for the Commonwealth to assume some overlord arrangement which dictates what the size of the legislative assembly should be. This bill patriates to the legislative assembly the capacity to make that decision for itself, with an important proviso: that the legislative assembly should resolve any questions of enlargement or adjustment of its size by a
mechanism that protects minorities or minor parties from abuse of that process with the requirement that any change to the size of the assembly be passed by a two-thirds majority of the members of the assembly.

Again, a little bit of history would be useful here. The chief obstacle to the granting of self-government to the ACT throughout the 1980s—a number of governments made attempts to secure self-government during that time—was the argument about how members of the legislative assembly should be elected. It was acknowledged very early on that there was a significant problem with having single-member electorates in the ACT because, as I am sure members and senators of this parliament will know, the ACT is a planned city and its population is very homogenous. So there are not starkly different areas of wealth and poverty. It is very likely that any parliament made up of single-member electorates would have quite small variations in the voting patterns of individual seats. And if one projects results from legislative assembly elections in the past on to a single-member electorate model, it is very likely that in some parliaments in the last 25 years, had that model been used, one party would have monopolised all of the seats in the legislative assembly.

To guard against that, it was felt that there needed to be a system of proportional representation and, to its credit, the Hawke government demanded that there be such a system for at least the first election for the legislative assembly in 1989 even though the ACT branch of the Labor Party was firmly opposed at that stage to a system of proportional representation. If it were possible to create a majority government or a very substantial majority government using an electoral system such as that based on single-member electorates, the opportunity for abuse of the process to allow for entrenchment of unfair practices by a government with that kind of power was feared. Hence I think that it is appropriate in this legislation for protection to be in place to make sure that a government with a simple majority in the parliament—which, I might say, is not a common phenomenon in the ACT Legislative Assembly—would not be able to change the size of the assembly based simply on the fact that it had a simple majority.

This reform arises in part out of the recommendations of Dr Allan Hawke AC, who conducted an important review of the situation of self-government in 2011. The review was entitled Canberra, a capital place and he flagged at that stage the need for some examination of the size of the legislative assembly. Indeed, he went on to say:

In light of the importance of robust and accountable democratic processes in the ACT—characterised by high standards of parliamentary debate, a legislative program covering a range of complex issues, and an active Assembly Committee process—and the significant under-representation of the citizens of the ACT, there is an overwhelming case for increasing the size of the Assembly.

I welcome that support for a process to allow that to occur and I note that with the introduction and passage of this legislation today that objective is being met.

Although this process is one which has produced some reform in this area, there is another important area where some further reform is required, which was also flagged in Dr Hawke's report, and that was in the way the planning system of the ACT works. We have a city of 350,000 people or so, a relatively compact city, a city in which there are two separate, freestanding planning systems. If one were to take a walk from this building around the Parliamentary Triangle and areas adjacent thereto, there is a very
good chance that one would cross several
times in such a perambulation the boundaries
between the areas of responsibility of the
ACT government and the federal
government. It does not make a great deal of
sense to have a system with so many areas of
friction. I think that system does need to be
simplified. It was one of Dr Hawke's
recommendations that that occur. I know that
the National Capital Authority and the
relevant federal department have been
focusing on this issue for some time but they
are, as I understand it, very far from getting
these issues resolved. I think it is important
that that happen because the city is not being
planned optimally while that bifurcation of
planning responsibility remains.

To conclude, the ACT has a mature,
responsive and stable self-government
arrangement. In fact, it has one of the best
democratic arrangements in the country.
With a system of proportional representation
there is a high likelihood that the votes of the
citizens of the ACT in an election will be
reflected in the make-up of the assembly
and, hence, the government that they
achieve. We should be proud of what it has
been able to achieve in the last 25 years. I
welcome the fact that this legislation will
take away one final piece of inconsistency in
the arrangements set up at self-government,
which was that the ACT Legislative
Assembly had no power to determine its
optimal size.

I am not urging the ACT government or
parliament to rush forward and undertake a
process of enlarging itself. I think that it
needs to take a process which appropriately
understands and considers the views of the
citizens of the territory before it gets to that
point. But I am very confident they can do
that and, if they decide as a result to have a
larger assembly, I personally would welcome
that as a step towards better government in
the ACT.

Question agreed to.
Bill read a second time.

Third Reading

The DEPUTY PRESIDENT (12:04):
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 JACINTA COLLINS
(Victoria—Manager of Government
Business in the Senate and Parliamentary
Secretary for School Education and
Workplace Relations) (12:04): I move:
That this bill be now read a third time.

Question agreed to.
Bill read a third time.

Export Finance and Insurance
Corporation Amendment (Finance)
Bill 2013

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

Senator RONALDSON (Victoria)
(12:05): I rise today to speak to the Export
Finance and Insurance Corporation Amendment (Finance) Bill 2013. This is a
bill which the coalition does not oppose. As
my colleague the Deputy Leader of the
Opposition, Julie Bishop, said in a speech to
the Federation Chamber last Wednesday:
According to its official website, EFIC:
… provides finance and insurance solutions to
help Australian exporters overcome the financial
barriers they face when growing their business
overseas.

It is, in fact, the Australian government's
export credit agency, and assists export trade, or
overseas investments, where the private market is
unable to do so.

Ms Bishop went on:
The bill will amend the financial arrangements of EFIC to provide for the payment of a special dividend of $200 million and any adjustments to EFIC’s callable capital that may be necessary in the future. The coalition does not oppose this bill.

According to the government, the bill follows recommendations and findings of the 2012 Productivity Commission inquiry report into EFIC’s operations. The Productivity Commission found that, where EFIC retains capital above its minimum requirements, this surplus capital has an opportunity cost that is borne by the taxpayer. The commission recommended that legislation be amended to allow the minister to direct EFIC to return surplus capital to the government.

However, as Ms Bishop also points out…

… this … essentially has nothing to do with EFIC as such but everything to do with $200 million that is being extracted from it.

Indeed, very much so.

We have seen this incompetent Labor government running us into huge debt, promising a surplus and back flipping on that promise, raising the debt further and increasing the debt limit beyond what is acceptable. As my colleague the shadow Treasurer, Joe Hockey, said:

The truth is that Labor does not know how to live within their means. They are like someone with a credit card who is out of control.

Now we are in a situation where our gross debt is around $263 billion—$263,000 million. As my colleague Senator Barnaby Joyce has said:

… $200 billion could buy you 380,000 homes. Or in other words, with this debt the government could have bought every home in Canberra—twice.

The interest we are paying on this debt is enormous. We have had so many broken promises and so much financial mismanagement under Labor. We have had the carbon tax promise that ‘There will be no carbon tax under a government lead’, a mining tax that raises no revenue, the raids on inactive savings accounts and the raids on superannuation. Labor's solution to the EU debt crisis was to lecture the EU and say, 'Take on more debt.' We have had 300 promises of a budget surplus and were told that, come hell or high water, failure is not an option. That is simply not true.

Senator FAWCETT (South Australia) (12:08): I rise to speak to the Export Finance and Insurance Corporation Amendment (Finance) Bill 2013. I highlight the fact that during estimates we raised questions about the budget measures and asked the departmental officials whether they could confirm that the $200 million special dividend payment was to be made to the government this year. We asked whether it was usual for EFIC to make such special payments. The official indicated that it was actually a government decision that it would occur. When questioned whether there had been previous dividend payments, he indicated that there had not been except for once back in 2003 when they divested the credit insurance business.

When further questioned about how the government came up with a figure of $200 million—was that something that the department had identified or offered up, and how much could they afford to pay in light of their ongoing business?—the departmental official stated:

The decision was taken in the context of budget deliberations.

Why was that decision taken? The decision was taken because of the politically inspired drive by this government to achieve a surplus purely for their re-election campaign regardless of the damage that it was doing to other parts of the economy. It has had an impact across other areas. This area alone is important. EFIC is an important mechanism to allow our smaller exporters to have the opportunity to gain access to foreign
markets, particularly when they are operating in an area where the commercial banks cannot or will not support them. In itself, EFIC is an important body. Taking funding away potentially limits its ability to support Australian exporters. If you look at our balance of trade at the moment you will see that we should be encouraging, not restricting, Australian companies to gain access to overseas markets.

The same management approach has had other flow-on effects. I have spoken previously in this place about the impact of MYEFO health budget measures announced earlier this year. The government consistently denies that it has reduced health funding, but independent analysis done by the Australian National University quite clearly identifies the reduction in funding that took place in the MYEFO to the health budgets. We have seen in the media how Victoria has challenged that and claimed some of those funds back, but in South Australia we are still seeing the impacts of that.

Some $31 million was taken away from the South Australian health budget, which means that the South Australian government has to make choices about what they can continue to fund. Just this week we have seen funding stopped for things like audits of deaths in surgery, which have been integral part of maintaining the quality of our healthcare system. These audits provide us with an understanding of what went wrong—if indeed something went wrong—how we can address that and how we can improve the system. That closed-loop auditing process has been an important part of our medical standards. South Australia is now the only state in Australia that has chosen to not fund that process. Why? Because it does not have enough money. Why does it not have enough money? Despite the protestations of the government, it does not have enough money because $31 million was taken away from it as part of the government's myopic drive towards achieving a budget surplus, which they have now finally admitted they cannot achieve.

Let us look at the management of different portfolios by this government. EFIC is just one good example that became very clear during estimates. It demonstrated that it was a very deliberate extraction of funds by the government towards their budget surplus. That same approach has been hurting different areas of the economy from health to defence industry and, in this case, the exporters. If there is one message that Australians continue to get it is that, if we want to have our economy grow, we need to be moving into the global market and exporting. Yet measures like this harm the chances of our smaller companies to gain that initial foothold in export markets.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:13): I thank senators for their consideration of this important bill. I commend the Export Finance and Insurance Corporation Amendment (Finance) Bill 2013 to the Senate.

Question agreed to.
Bill read a second time.

Third Reading

The DEPUTY PRESIDENT (12:13): 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 JACINTA COLLINS (Victoria—Manager of Government...
Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:13): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

**Higher Education Support Amendment (Further Streamlining and Other Measures) Bill 2013**

**Second Reading**

Debate resumed on the motion:

That this bill be now read a second time.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate) (12:14): I rise to make some comments on the Higher Education Support Amendment (Further Streamlining and Other Measures) Bill 2013. I can indicate to the chamber that the coalition does support the bill. A postimplementation review of VET FEE-HELP was undertaken in 2011 and this bill seeks to introduce some of those recommendations. VET FEE-HELP is a government loans scheme which helps eligible students pay their tuition fees for higher level vocational education and training, VET, courses undertaken at approved VET FEE-HELP providers.

In 2005, income contingent loans were extended to full-fee-paying students in higher education courses through FEE-HELP under the Howard government. This move by the coalition recognised there was a need to encourage students to take up higher skill qualification by reducing financial barriers and addressing the unfair situation where the VET sector had courses with high fees, yet was the only sector with postsecondary qualifications without an income contingent loans scheme. VET FEE-HELP can be used to cover all or part of a student's tuition fees. The government pays the loan amount directly to the approved provider. Students repay the loan gradually through the tax system once their income reaches the compulsory repayment threshold set by the ATO, which is currently $49,096. VET FEE-HELP is available for courses at approved providers at the level of diploma, advanced diploma, graduate certificate and graduate diploma.

The amendment bill before the chamber came about because of a postimplementation review of VET FEE-HELP undertaken in 2011. This review was commissioned in 2009. The review found that VET FEE-HELP was administratively complex. We certainly welcome the practical measures in this bill which reduce red tape and aim to increase the number of VET FEE-HELP providers and, in turn, students accessing vocational education courses.

The review also found that, while overall there is strong support for the scheme by the VET sector, particularly in relation to the scheme's role in providing greater equity and accessibility for VET students, the scheme was increasing at slower than anticipated rates. Of the approximately 2,000 providers who offer diploma and advanced diploma courses, only 112 are currently approved as VET FEE-HELP providers. As a result, the take-up of VET FEE-HELP has been low, with only 39,123 students accessing VET FEE-HELP in 2011.

Of particular concern to me is the low take-up rate of VET FEE-HELP by students in regional and remote areas. This is referred to as an issue of concern in the regulation impact statement. In 2011, 18.2 per cent of students accessing VET FEE-HELP were from regional and remote Australia. VET FEE-HELP's complex administrative policies and processes are noted as a major contributing factor to the low participation rate of this group.
In light of the skills shortage facing the agricultural industry, I am also concerned to see the low take-up rate that is the proportion of fees deferred through VET FEE-HELP assistance for agriculture, environmental and related studies. Of all the disciplines, agriculture had the lowest take-up rate at 40 per cent. This is in comparison to areas such as food, hospitality and personal services which had the highest take-up rate of 94.3 per cent. It is hoped that addressing the administrative and compliance complexities of the VET system will go some way to addressing the low take-up rates. The VET FEE-HELP scheme has the potential to assist many more Australians to access further education and, as indicated, the coalition will be supporting the bill.

Senator RHIANNON (New South Wales) (12:18): The Greens generally support the overall Higher Education Support Amendment (Further Streamlining and Other Measures) Bill 2013, which makes minor amendments to sharpen compliance and accountability around FEE-HELP and VET FEE-HELP providers while streamlining name changes of providers and updating and consolidating other administrative changes. However, the Greens continue to oppose the shifting of costs for public vocational education and training onto students via income contingent loans. I also reiterate our opposition to the continuing commercialisation of the VET sector which has been facilitated by expansion of VET FEE-HELP to private providers.

In schedule 1, I note the automatic revocation of a provider's approval to offer public funded FEE-HELP and VET help to students when that provider proves non-compliant or has had its provider registration cease for various reasons. Last year when speaking to the Higher Education Support Amendment Bill (No. 1) 2012 I stressed the need for a more timely revocation of a HELP provider's approval where there are grounds for doing so. Currently the time between the minister's decision to revoke such approval and the actual time of revocation is subject to disallowance with an extra 15 parliamentary sitting days before revocation takes effect. Removing the notice of revocation from a disallowable legislative instrument is supposed to ensure students are not duped into enrolling with institutions that are about to lose approval to offer VET FEE-HELP to students during that 15-day disallowance period. It also ensures public money following those enrolments does not disappear along with the institution itself.

We see schedule 2 allowing of a one-step process to vary an approval to reflect a higher education VET provider's name change where that legal entity remains the same as a simplification of processes instead of the current approval revocation and reapplication process. Schedule 5's creation of one provision allowing the ministers to seek information from TEQSA and the relevant VET regulator when approving, revoking or suspending a provider's approval is a sensible consolidation of the current eight separate provisions. However, we see this bill as centring around the approval of providers and particularly VET providers to offer VET FEE-HELP to students. That is, in essence, what we are dealing with.

While students support any moves to ensure greater accountability and transparency, I do state again the position of the Greens on the subject of student debt and the push to extend such debts to VET and particularly to TAFE students. The Greens remain deeply concerned about the government's reliance on the provision of income contingent student loans as the main policy instrument for ensuring access and participation to VET and university education. Not only is it a complete abrogation of the government's responsibility
but we would argue that it makes bad economic sense.

The OECD has stated that the wealth and health of a nation is, to a large extent, determined by the education attainment of its population. We know how important that is. We hear many fine words in this parliament but we remain concerned about the structure of the bill and where it leads. While the Greens will support the bill, we will continue to call on the government to prioritise and increase its VET funding to the TAFE system to ensure a high-quality, viable and accessible public vocational education and training system instead of relying on income contingent loans as proxies for equitable and affordable student access.

Senator XENOPHON (South Australia) (12:22): I want to indicate my support for the measures in this Higher Education Support Amendment (Further Streamlining and Other Measures) Bill 2013 and for the other steps the government has taken to improve and streamline the higher education system. I particularly want to note the improvements in oversight of higher education and training providers, especially in terms of protection for overseas students.

However, there is one significant area where the government is consistently and significantly failing smaller providers. On 30 June 2011, the Knight review into the student visa framework handed down 41 recommendations to improve Australia’s student visa system. In September 2011, as part of its response to these recommendations, the government announced that it would request DIAC to undertake a review of the student visa assessment level framework, with a discussion paper released in March 2012—over a year ago. The outcome of that review was supposed to be delivered in November last year. It still has not been released, despite repeated assurances from the government that the findings will be announced shortly. Well, so far, ‘shortly’ has covered nearly six months.

In my home state of South Australia, the value of higher education and training providers to the economy cannot be underestimated. We know that overseas student levels have been dropping. In South Australia, the sector was worth $1.3 billion in 2010. By 2011, that had dropped 14 per cent to $884 million. Across Australia in 2011, the sector also contributed almost 130,000 full-time equivalent jobs.

It is believed that the government will be announcing a streamlined visa application for certain education and training providers. But in South Australia and in the smaller states—Mr Deputy President, in your home state of Tasmania this is relevant as well—where the majority of providers fall into the small to medium category, there is serious concern they will be excluded from this scheme and that could mean disaster. Why would international students choose to study at a smaller provider if they receive a more favourable, fast-tracked visa status or process somewhere else? It could mean the loss of hundreds, if not thousands, of jobs, business closures and the end of revenue from associated areas such as accommodation. The government’s refusal to respond to the review is keeping smaller providers in limbo. They have no idea what might happen next week, so they are operating as best they can without being able to make firm plans for the future.

On top of that, the Australian Skills Quality Authority recently released its new fees regime, which will mean a huge increase in payments for smaller providers. New regulations also announced by the National Skills Standards Council will be an added burden because, while we obviously
have to protect standards, there needs to be a more flexible approach for smaller providers, which I believe we can do without compromising standards. I have had meetings and discussions with the South Australian Minister for Employment, Higher Education and Skills, the Hon. Grace Portolesi, and she has been terrific in her advocacy for this sector. I know that she has recently met the federal minister, and she too shares my concerns about the potential impact of these changes in South Australia on South Australian providers. I commend her for her advocacy and work in relation to this.

The Australian Council for Private Education and Training is so desperate for the government to respond to the visa situation that it published an open letter to the Prime Minister on Tuesday in the national press. This is a letter by Martin Cass, the chair of the Australian Council for Private Education and Training. In part, the letter read:

It is with regret that I write this open letter urging you to act on the numerous reports and reviews your government has commissioned to support international education. Your delay threatens organisations like mine, our students and our staff.

The letter continues:

Filling an educational niche that a university or TAFE can't fill is part of Australia's innovative edge. Not all students (whether they are Australian or international) want or need to study with a large institution. I urge you to recognise and celebrate small businesses in the education sector when you respond to the National Skills Standards Council proposed changes to the regulatory standards for small providers.

More urgently, I ask you to act on the advice you have received and to extend improved visa processing arrangements to international students in non-university providers, rather than seeking to only reward large, homogenous public institutions.

We know the value of this sector to the economy and, more importantly, to the students who come to our country to continue their education. The government have not been able to give a clear reason why their response to this review has been delayed for so long. They cannot even give providers a date for the announcement, even after six long months of waiting. Enough is enough. Higher education and training providers need to know what is going to happen so that they can make business plans and adjust as well as possible if the news is not good.

I call on the government today to explain their inaction and to justify why smaller providers should continue to exist on a knife edge. It is bad policy—if the government has a policy at all. So while there have been improvements in the sector, smaller providers seem to be slipping through the cracks. We need to fix that and ensure that the sector can survive and be stronger than ever.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:27): I thank senators for their contributions and commend the Higher Education Support Amendment (Further Streamlining and Other Measures) Bill 2013 to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The PRESIDENT (12:28): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in committee of the whole. There being none, I call the minister.
Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:28): I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

BUDGET
In Committee
Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:29): I move:
That the committee approves the advances provided under the annual Appropriations Acts as a final charge for the year ended 30 June 2012.
Question agreed to.
Resolution reported; report adopted.

COMMITTEES
Community Affairs References Committee

Government Response to Report
Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (12:30): I present the government’s response to the report of the Community Affairs References Committee on its inquiry into Commonwealth contribution to former forced adoption policies. I seek leave to incorporate the document in Hansard

Leave granted.

The response read as follows—

Australian Government response to the Senate Community Affairs References Committee Report:

Commonwealth Contribution to Former Forced Adoption Policies and Practices

Introduction
The Australian Government welcomes the Senate Community Affairs References Committee’s report on the Commonwealth Contribution to Former Forced Adoption Policies and Practices (the Report). The Australian Government thanks the Committee members for their efforts in bringing to light widespread practices that resulted in the forced separation of countless mothers from their babies.

Forced adoption policies and practices were widespread throughout Australia particularly during the period from the 1950s to the early 1970s. An estimated 140,000 to 150,000 adoptions occurred in Australia between 1951 and 1975. Many of the babies were born to unwed mothers. The shame and silence that surrounded pregnancy out of wedlock meant that these mothers were viewed as undeserving and their babies removed and given to married couples.

The number affected by forced adoption practices is even greater when one includes adoptees, fathers and extended family members. The Committee highlighted the ripple effect through families of practices that were unethical and in many cases illegal.

The wealth of evidence submitted to the Committee can leave no doubt that many were treated appallingly. Mothers were not informed of their rights, did not provide informed consent, were given false assurances, denied care and support and endured pressure, mistreatment and coercion. Mothers were left feeling stigmatised and disempowered.

Many of those adopted and removed recounted damaging and painful experiences of their childhoods, and ongoing struggles with self-identify, mental and physical health, and seeking to meet or build a relationship with their parents.

The Committee provides a number of insights into the ongoing nature of the trauma caused by forced adoption, and the consequent need for specific counselling services by well-trained and experienced professionals.

The compelling testimonies to the Committee from those affected tell a moving story of the pain
and suffering many experienced and continue to experience; of the life-long impacts that they, and their families, continue to endure.

The Australian Institute of Family Studies (AIFS) National Research Study on the Service Response to Past Adoption Practices, found that mothers had a higher than average likelihood of suffering from a mental health disorder compared to the general population.

In addition, the AIFS study found that the longer term effects of adoption (both positive and negative) were significant for many adoptees, with those surveyed having lower levels of wellbeing and higher levels of psychological distress when compared to Australian population estimates. Many had issues associated with attachment, identity, abandonment and the parenting of their own children.

Central to the Australian Government's response to the Committee's report is the national apology to the people affected by forced adoption. The apology will be delivered by the Prime Minister on behalf of the nation on 21 March 2013.

The apology is offered as a significant step in the healing process for those affected. It will also help the community understand the experiences of those affected and the lifelong pain and suffering many continue to endure.

The Australian Government recognises the importance of concrete measures to accompany the national apology as part of the national framework to address the consequences of forced adoption. It has allocated $11.5 million over the next four years for concrete measures to assist those affected by forced adoption practices as part of its response to the recommendations contained in the Senate Report. These measures will provide further support to those affected.

The Australian Government will provide $5 million to improve access to specialist support services, peer and professional counselling support and records tracing support for those affected by forced adoptions. It will also provide $5 million for the development of guidelines and training materials for mental health professionals to assist in the diagnosis, treatment and care of those affected by forced adoption practices and increase the capacity of the Access to Allied Psychological Services (ATAPS) program to deliver psychological services to this target group in the immediate post apology period, while specialist support and counselling services are being established.

The Australian Government has provided funding of $1.5 million to the National Archives of Australia to deliver a Forced Adoption Experiences History Project. This will include an exhibition to increase awareness and understanding of the experiences of individuals affected by forced adoption practices and a website to identify and share stories of experiences.

The Australian Government will continue to work with the states and territories to address these issues, in particular through the Standing Council on Community and Disability Services and senior officials represented by the Standing Council on Community and Disability Services Advisory Council.

The Government acknowledges the shameful mistakes of the past and is committed to ensuring that all those affected by forced adoption practices have access to sufficient support and counselling services and improved access to information and records.

Response to the recommendations

The Australian Government has considered the 20 recommendations made in the report and provides the following responses.

Recommendation 1

The committee recommends that a national framework to address the consequences of former forced adoption be developed by the Commonwealth, States and Territories through the Community and Disability Services Ministers Conference.

Response to recommendation 1

The Australian Government agrees with this recommendation in principle but notes this is also a matter for the states and territories.

The national framework will be progressed through the Standing Council on Community and Disability Services (formerly known as the Community and Disability Services Ministers'
Conference) in 2013 and will comprise the following key elements:

- The national, state and territory apologies;
- The establishment of a suite of specialist services to support those affected by forced adoption practices;
- Working towards harmonisation of birth records and re-connection services between state and territory jurisdictions; and
- the National Archives Forced Adoption Experiences History Project.

**Recommendation 2**

The committee recommends that the Commonwealth Government issue a formal statement of apology that identifies the actions and policies that resulted in forced adoption and acknowledges, on behalf of the nation, the harm suffered by many parents whose children were forcibly removed and by the children who were separated from their parents.

**Response to recommendation 2**

The Australian Government agrees with this recommendation.

On 19 December 2012, the former Attorney-General, the Hon Nicola Roxon MP, announced that the Australian Government's formal apology on behalf of the nation would be offered to those affected by forced adoption on 21 March 2013 at Parliament House in Canberra.

The former Attorney-General received advice on the wording of the apology and associated events from the Forced Adoptions Apology Reference Group ('the Reference Group'), which was chaired by the Honourable Nahum Mushin, former Family Court Judge and Adjunct Professor of Law at Monash University, and included people directly affected by forced adoption.

The work of the Reference Group was informed by 48 face to face consultations with individuals and groups across Australia and over 300 written and email submissions on what the apology should contain.

**Recommendation 3**

The committee recommends that State and Territory governments and non-government institutions that administered adoptions should issue formal statements of apology that acknowledge practices that were illegal or unethical, as well as other practices that contributed to the harm suffered by many parents whose children were forcibly removed and by the children who were separated from their parents.

**Response to recommendation 3**

The Australian Government agrees in principle with this recommendation, but notes that statements of apology from state and territory governments and non-government institutions are a matter for those institutions.

In April 2012, the Attorney-General wrote to state and territory attorneys general and community ministers asking them to consider whether a public apology would be appropriate in their jurisdictions. Apologies for forced adoption practices have been made by the Governments of each state and the Australian Capital Territory.

The Australian Government notes that some non-government institutions have also delivered apologies or announced an intention to apologise.

**Recommendation 4**

The committee recommends that apologies by the Commonwealth or by other governments and institutions should satisfy the five criteria for formal apologies set out by the Canadian Law Commission and previously noted by the Senate Community Affairs Committee.

**Recommendation 5**

The committee recommends that official apologies should include statements that take responsibility for the past policy choices made by institutions' leaders and staff, and not be qualified by reference to values or professional practice during the period in question.

**Response to recommendations 4 and 5**

The Australian Government agrees in principle with recommendations four and five but notes that statements of apology and the respective wording from state and territory governments and non-government institutions are a matter for those institutions.

The Reference Group has advised the Australian Government on the content of the national apology. The Reference Group considered the five criteria for formal apologies.
set out by the Canadian Law Commission during its development of its advice to the Australian Government on the apology content. A major focus of the Reference Group was ensuring that the national apology will not be qualified by the reference to past values or practice.

In April 2012, the Attorney-General wrote to state and territory attorneys general and community ministers asking them to consider whether a public apology would be appropriate in their jurisdictions. Apologies for forced adoption practices have been made by the Governments of each state and the ACT.

The Australian Government notes that some non-government institutions have also delivered apologies or announced an intention to apologise and some have implemented the principles outlined in the recommendations into their statements of apology.

**Recommendation 6**

The committee recommends that formal apologies should always be accompanied by undertakings to take concrete actions that offer appropriate redress for past mistakes.

**Response to recommendation 6**

The Australian Government agrees with this recommendation.

The Australian Government's response to the Committee's report will form the basis of these concrete measures (see response to recommendations 8 and 20).

In particular, the Australian Government has committed $11.5 million:

- $5 million over 4 years to improve access to specialist support services, peer and professional counselling support and records tracing support for people affected by forced adoptions
- $5 million for the development of guidelines and training materials for mental health professionals to assist in the diagnosis, treatment and care of those affected and increase the capacity of the Access to Allied Psychological Services (ATAPS) program to deliver psychological services to this target group in the immediate post apology period, while specialist support and counselling services are being established, and
- $1.5 million to the National Archives of Australia to deliver a Forced Adoption Experiences History Project.

**Recommendation 7**

The committee recommends that a Commonwealth formal apology be presented in a range of forms, and be widely published.

**Response to recommendation 7**

The Australian Government agrees with this recommendation.

The national apology will be accessible to all interested Australians. Comprehensive information about the apology is available on the Attorney-General’s Department website. The apology will be publicised and broadcast over various mediums. Additionally, the event will be accessible for people with hearing difficulties and a DVD of the apology will be produced. The exhibition by the National Archives of Australia will also focus on the apology.

**Recommendation 8**

The committee recommends that the Commonwealth, States and Territories urgently determine a process to establish affordable and regionally available specialised professional support and counselling services to address the specific needs of those affected by former forced adoption policies and practices.

**Response to recommendation 8**

The Australian Government agrees in principle with this recommendation.

The Australian Government recognises the importance of specialised support and counselling services and will be contributing $5 million over four years to deliver a suite of services for those affected by former forced adoption policies and practices.

In addition, the Australian Government will provide funding of $5 million over four years for the development of guidelines and training materials for mental health professionals to assist in the treatment of those affected and increase capacity of the Access to Allied Psychological Services (ATAPS) program to deliver psychological services to this target group in the
immediate post apology period, while the specialist support and counselling services are being established.

The Australian, state and territory governments commissioned the Australian Institute of Family Studies (AIFS) to undertake a National Research Study on the Service Response to Past Adoption Practices. This study was published in August 2012 and found that the availability of one-to-one support and counselling interventions delivered by professionals who had specialised training or experience in adoption-related issues such as trauma, relational and attachment focused theory, was a key service need (2012:9).

All states and territories currently fund some level of services to support those affected by forced adoption policies and practices. The Australian Government will work with state and territory governments to undertake a scoping study of the services currently available and gaps in the service system for those affected by forced adoption practices.

**Recommendation 9**

The committee recommends that the Commonwealth fund peer-support groups that assist people affected by former forced adoption policies and practices to deliver services in the areas of:

- promoting public awareness of the issues;
- documenting evidence;
- assisting with information searches; and
- organising memorial events;

And that this funding be provided according to transparent application criteria.

**Response to recommendation 9**

The Australian Government agrees in principle with this recommendation.

The Australian Government recognises that peer support groups can be effective in supporting vulnerable people with shared experiences.

The AIFS National Research Study on the Service Response to Past Adoption Practices (2012:185) affirmed that there is a role for peer support models to assist people affected by former forced adoption policies and practices.

The study identified that a number of groups have already been established in metropolitan areas and proposed an option of incorporating adoption-related peer support services into existing services such as family support, parenting or phone line services.

All states and territories currently fund some level of services to support those affected by forced adoption policies and practices. The Australian Government will work with state and territory governments to undertake a scoping study of the services currently available and gaps in the service system for those affected by forced adoption practices.

The findings of the scoping study will inform governments’ considerations of how to best integrate and complement the Australian Government $10 million support package and existing Australian, state and territory government peer support services.

**Recommendation 10**

The committee recommends that financial contributions be sought from state and territory governments, institutions, and organisations that were involved in the practice of placing children of single mothers for adoption to support the funding of services described in the previous two recommendations.

**Response to recommendation 10**

The Australian Government agrees in principle with this recommendation.

All jurisdictions have some existing post adoption support services and many have funded additional services as part of their forced adoptions apologies.

It is expected that the Australian Government will progress this work through the Standing Council on Community and Disability Services and senior officials represented by the Standing Council on Community and Disability Services Advisory Council.

**Recommendation 11**

The committee recommends that the Commonwealth should lead discussions with states and territories to consider the issues surrounding the establishment and funding of financial reparation schemes.
Recommendation 12
The committee recommends that institutions and governments that had responsibility for adoption activities in the period from the 1950s to the 1970s establish grievance mechanisms that will allow the hearing of complaints and, where evidence is established of wrongdoing, ensure redress is available. Accessing grievance mechanisms should not be conditional on waiving any right to legal action.

Response to recommendations 11 and 12
The Australian Government notes recommendations 11 and 12.
Reparation and redress schemes are matters for each state and territory government and relevant non-government organisations.

The Australian Government led discussion about these recommendations at the Standing Council on Law and Justice (SCLJ) meeting on 5 October 2012. At that meeting, these recommendations were referred to the Standing Council on Community and Disability Services (formerly known as the Community and Disability Services Ministers’ Conference) for further consideration.

Recommendation 13
The committee recommends that:

- all jurisdictions adopt integrated birth certificates, that these be issued to eligible people upon request, and that they be legal proof of identity of equal status to other birth certificates, and
- jurisdictions investigate harmonisation of births, deaths and marriages register access and the facilitation of a single national access point to those registers.

Recommendation 14
The committee recommends that:

- all jurisdictions adopt a process for allowing the names of fathers to be added to original birth certificates of children who were subsequently adopted and for whom fathers’ identities were not originally recorded; and
- provided that any prescribed conditions are met, the process be administrative and not require an order of a court.

Response to recommendations 13 and 14
The Australian Government agrees in principle with recommendations 13 and 14, but notes that birth certificates and births, deaths and marriage registers are the responsibility of state and territory governments.

The Australian Government led discussions with the states and territories about these recommendations at the Standing Council on Law and Justice on 5 October 2012. At that meeting, agreement was reached for an officer level working group to examine these recommendations. The Group will report back with progress in early 2013.

Recommendation 15
The committee recommends that the Community and Disability Services Ministers Conference agree on, and implement in their jurisdictions, new principles to govern post-adoption information and contact for pre-reform era adoptions, and that these principles include that:

- all adult parties to an adoption be permitted identifying information;
- all parties have an ability to regulate contact, but that there be an upper limit on how long restrictions on contact can be in place without renewal; and
- all jurisdictions provide an information and mediation service to assist parties to adoption who are seeking information and contact.

Response to recommendation 15
The Australian Government agrees in principle with this recommendation, but notes that this is also a matter for the states and territories.

As recommended by the Committee, it is expected that the Australian Government will progress this work through the Standing Council on Community and Disability Services and senior officials represented by the Standing Council on Community and Disability Services Advisory Council.

Recommendation 16
The committee recommends that the Commonwealth provide funding to extend the existing program for family tracing and support services to include adoption records and policies,
with organisations such as Link-Up Queensland and Jigsaw used as a blueprint.

**Response to recommendation 16**

The Australian Government agrees in principle with this recommendation.

The Australian Institute of Family Studies National Research Study on the Service Response to Past Adoption Practices (2012:175) found that over half of the adopted individuals and almost 70 per cent of mothers had used search and contact services. The study suggested the need for improvements to the navigation of the search and contact service system and the need for support and guidance from experienced professionals.

The scoping study of the current service system (as proposed in response to recommendations 8 and 9) will include an exploration of family tracing and support services such as Link-Up Queensland and Jigsaw.

The findings of the scoping study will inform governments' considerations of how to best integrate and complement the Australian Government $10 million support package and existing search and contact services.

**Recommendation 17**

The committee recommends that the states and territories extend their Find and Connect information service to include adoption service providers.

**Response to recommendation 17**

The Australian Government agrees in principle with this recommendation, but notes this is a matter for the states and territories.

The Australian Government has established the Find and Connect network of support services to provide specialist trauma informed counselling as well as records tracing, supported release and peer support tailored to the needs of Forgotten Australians and Former Child Migrants. Foundational to the Find and Connect network of support services is the Find and Connect web resource. This web resource demonstrates an effective model for making information and records relating to past providers of care available to care leavers.

The scoping study of the current service system (as proposed in response to recommendations 8, 9 and 16) will include an exploration of existing Australian, state and territory government information services supporting those affected by forced adoption practices.

The findings of this exploration will inform governments' considerations on improving information services and actioning this recommendation will require consideration of the response to Recommendation 10.

**Recommendation 18**

The committee recommends that non-government organisations with responsibility for former adoption service providers (such as private hospitals or maternity homes) establish projects to identify all records still in their possession, make information about those institutions and records available to state and territory Find and Connect services, and provide free access to individuals seeking their own records.

**Response to recommendation 18**

The Australian Government agrees in principle with this recommendation, but notes this is a matter for the non-government organisations.

The Australian Government acknowledges that access to records is of critical importance to those affected by forced adoption practices and that the organisations that hold these records need to make every effort to ensure records are made available, free of charge, to individuals who are seeking them.

With the regard to making these records available through the Find and Connect web resource, it should be noted that the Government's response to recommendation 17 looks to identify the most appropriate mechanism for information sharing for those affected by forced adoption practices. The findings of recommendation 17 and consultation with key stakeholders will inform the final direction of recommendation 18.

To this end, the Australian Government supports the recommendation that former adoption service providers establish projects to identify all records still in their possession, make information available to the information sharing service agreed under recommendation 17, and provide free access to individuals seeking their own records.
Recommendation 19
The committee recommends that the Community and Disability Services Ministers Conference, in consultation with non-government organisations that had responsibility for adoption services and hospitals, agree on and commit to a statement of principles for access to personal information, that would include a commitment to cheaper and easier searches of, and access to, organisational records.

Response to recommendation 19
The Australian Government agrees in principle with this recommendation.

As part of the scoping study that will be undertaken to guide the composition of the specific service response, a Past Adoption Practices consultative forum, led by the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs, will be convened. The study would be undertaken by an independent consultant and would be supported by a national consultation group involving people affected by forced adoption practices, Commonwealth and state and territory government officials, archival experts and existing service providers.

This work will be progressed through the Standing Council on Community and Disability Services.

Recommendation 20
The committee recommends that the Commonwealth commission an exhibition documenting the experiences of those affected by former forced adoption policies and practices.

Response to recommendation 20
The Australian Government agrees with this recommendation.

The Australian Government is funding National Archives of Australia $1.5 million over three years to deliver a Forced Adoption Experiences History Project. This will include an exhibition to increase awareness and understanding of experiences of individuals affected by forced adoption practices and a website to identify and share stories of forced adoption experiences.

MOTIONS
National Apology for Forced Adoptions
Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (12:30): I move:

That the Senate support the apology given on this day by the Prime Minister, on behalf of the nation, to people affected by forced adoption and removal policies and practices in the following terms:

Today, this Parliament, on behalf of the Australian people, takes responsibility and apologises for the policies and practices that forced the separation of mothers from their babies, which created a lifelong legacy of pain and suffering.

We acknowledge the profound effects of these policies and practices on fathers.

And we recognise the hurt these actions caused to brothers and sisters, grandparents, partners and extended family members.

We deplore the shameful practices that denied you, the mothers, your fundamental rights and responsibilities to love and care for your children. You were not legally or socially acknowledged as their mothers. And you were yourselves deprived of care and support.

To you, the mothers who were betrayed by a system that gave you no choice and subjected you to manipulation, mistreatment and malpractice, we apologise.

We say sorry to you, the mothers who were denied knowledge of your rights, which meant you could not provide informed consent. You were given false assurances. You were forced to endure the coercion and brutality of practices that were unethical, dishonest and in many cases illegal.

We know you have suffered enduring effects from these practices forced upon you by others. For the loss, the grief, the disempowerment, the stigmatisation and the guilt, we say sorry.
To each of you who were adopted or removed, who were led to believe your mother had rejected you and who were denied the opportunity to grow up with your family and community of origin and to connect with your culture, we say sorry.

We apologise to the sons and daughters who grew up not knowing how much you were wanted and loved.

We acknowledge that many of you still experience a constant struggle with identity, uncertainty and loss, and feel a persistent tension between loyalty to one family and yearning for another.

To you, the fathers, who were excluded from the lives of your children and deprived of the dignity of recognition on your children's birth records, we say sorry. We acknowledge your loss and grief.

We recognise that the consequences of forced adoption practices continue to resonate through many, many lives. To you, the siblings, grandparents, partners and other family members who have shared in the pain and suffering of your loved ones or who were unable to share their lives, we say sorry.

Many are still grieving. Some families will be lost to one another forever. To those of you who face the difficulties of reconnecting with family and establishing ongoing relationships, we say sorry.

We offer this apology in the hope that it will assist your healing and in order to shine a light on a dark period of our nation's history.

To those who have fought for the truth to be heard, we hear you now. We acknowledge that many of you have suffered in silence for far too long.

We are saddened that many others are no longer here to share this moment. In particular, we remember those affected by these practices who took their own lives. Our profound sympathies go to their families.

To redress the shameful mistakes of the past, we are committed to ensuring that all those affected get the help they need, including access to specialist counselling services and support, the ability to find the truth in freely available records and assistance in reconnecting with lost family.

We resolve, as a nation, to do all in our power to make sure these practices are never repeated. In facing future challenges, we will remember the lessons of family separation. Our focus will be on protecting the fundamental rights of children and on the importance of the child's right to know and be cared for by his or her parents.

With profound sadness and remorse, we offer you all our unreserved apology.

With those words the Prime Minister this morning apologised on behalf of the nation to those people affected by forced adoption and removal policies and practices. The Prime Minister's address was followed by a speech from the Leader of the Opposition in support of the apology.

Let me begin by acknowledging the hundreds of people who have travelled to Parliament House today to witness our national leaders deliver an apology that has been a long time coming. Thank you for your presence today. I am sure that I speak on behalf of all senators when I express my sincere hope that today's apology, coupled with the concrete measures announced by the Prime Minister this morning, will go some way to healing the hurt and distress caused by the forcible separation of parents from their children.

A motion of apology will also be moved by our colleagues in the House of Representatives today. It is in the Senate, however, that the issue of forced adoptions has particular resonance. The catalyst for today's apology was the Senate Community Affairs References Committee report into the Commonwealth contribution to former forced adoption policies and practices. I acknowledge the hard work of that committee's members and congratulate them for what they have been able to achieve for those whose stories they chronicled in the report.

The wealth of evidence submitted to the committee can leave no doubt that many
were treated appallingly. Mothers were not informed of their rights, did not provide informed consent and were given false assurances, denied care and support, and endured pressure, mistreatment and coercion. Mothers were left feeling stigmatised and disempowered. The committee rightly concluded that a national apology was a necessary and significant first step in the healing process for those affected. Words alone, however, are not enough.

The government recognises the importance of concrete measures to accompany the national apology as part of a national framework to address the consequences of forced adoption. As announced by the Prime Minister this morning, the government's response includes $11.5 million over the next four years for concrete measures to ensure that those affected by forced adoption practices have access to effective support and counselling services. These measures are more fully outlined in the government's response to the Senate committee.

For now, let me echo the sentiments expressed by the Prime Minister this morning in offering an unreserved apology to those affected by forced adoption and removal policies and practices. I commend the motion to the Senate.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (12:37): In the life of any great nation, it is appropriate to pause and reflect and ask: are there things in the past we could have done better? Are there things we should have done better? Are there things we should not have done at all? A great nation, while celebrating its overwhelming achievements, should also find within its soul and conscience the capacity to ask the tough questions and reflect. Australia, being the great nation that she is, with a record second-to-none as a country of hope, reward and opportunity, nevertheless does not have an unblemished record. We have left people behind, and shamelessly so. And it is in recognition of that realisation that the Prime Minister and the Leader of the Opposition made their heartfelt statements earlier today in the Great Hall: statements of apology on behalf of our nation for forced adoptions.

Let me recognise that people of good will can make errors and misjudgements. The most sincere can get it wrong. In recognising that to be the case, we can apologise to those affected by the errors and misjudgements of others without demonising all those that made those errors and misjudgements. I have no doubt that this generation of public policy makers in this place may well be similarly judged as making errors and misjudgements with the benefit of decades of reflection and hindsight. But let me be very clear: there is never an excuse to lie, to deceive, to bully or to coerce with harsh, unfeeling judgements, as occurred with the forced adoption policies.

Having reflected as I have, let it be in no way misunderstood as diminishing the impact, the consequences, the lifelong impact and the lifelong consequences on the parents, their children and their extended families. The impact of forced adoption is something that is hard to fathom by one who had the blessing of their parents throughout the full formative years of their life. Many who have not been as fortunate have been gracious and open by sharing their innermost private thoughts with me. I recall at university a mate who had his son adopted out without having a say and without acknowledgement on the birth certificate.

I also recall one constituent a number of years ago who was handed out at birth—and I use that term advisedly. You see, she was never even given a birth certificate and was
literally handed out to a couple to rear. Her whole life had been one of uncertainty as to her background. There were the hints, the suspicions and the whispers as to what actually occurred that never resolved. My involvement began when this lady came to my office seeking proof and confirmation that she was an Australian citizen. You see, absent a birth certificate she could not get a passport. She had been fobbed off and treated shabbily by institution after institution—and, might I add, government institutions—in this and the last decade. No help was proffered. It was all too difficult. One of the things that I am extremely thankful for in my parliamentary life is that I was able to assist this person to undertake the research and collection of documentation that allowed her to obtain a certificate of Australian citizenship. As it happens, that certificate bears the signature of a senator who will be talking to us as a senator for the last time in a few hours. Senator Evans will never know how that certificate that he issued as Minister for Immigration and Citizenship changed this lady's life. The tears of joy when I presented the certificate made up for all the frustrations and the dead ends that the lady and I ended up in during our search of the bureaucratic maze. But this lady should not have had to wait for 40 years to get that simple official recognition that she was an Australian.

I am sure that all colleagues will have their own interactions to share, be they personal or professional, about the impact of the adoption culture of a time now, thankfully, in the past. I recall one client, back in the days of my legal practice, with whom we pursued the issue of whether the little coffin she was given to bury all those decades earlier actually contained the child she was told had died at birth. Long story short: there were no remains. She had been deceived, she had been lied to, she had been broken.

One of my personal staff gave me this brief statement which I will read out in full:

My brother and sister and I were all adopted as babies by our adoptive parents a year apart in Tasmania in the 1950s.

Mum and Dad never hid this from the three of us. I can't recall when it was that Mum and Dad took me aside and told me but it seems as if I have known that I was an adopted child for as long as I can recall.

I do remember my Mum telling me that on the day she and Dad went to the hospital, there were four or five other baby boys there but they chose me.

For that I will always be grateful. I do sometimes wonder what ever happened to the others that were there on that day.

As my Dad always used to say to the three of us on those long driving holidays we'd take as a family together, 'Never forget, kids, we are a family and what do families do?' In chorus the three of us would reply, 'We stick together like glue.'

I guess it's for this reason that despite Mum and Dad having now passed away I have, out of great respect for my adoptive parents and the chance at life that they gave me, never attempted to try to discover my true identity.

Not that I don't think about it every day and will do for the rest of my life.

So there is no doubt that on this very, very dark cloud in our history there is the odd trace of a silver lining in those in society who gave these young Australians a real chance at and in life. But it will never compensate for the dislocation, the question of what may have been, whether there are siblings and all the other questions and uncertainties—all of which must impact heavily, manifesting in as many different ways as there were parents, children and extended family members.
There are countless stories of suffering and unbearable loss. But let us remember that these stories are not just stories; they are in fact real, actually lived out, accounts by individuals, who may be in or from our family, our workplace, our community organisation or sports club. The sense of loss for the mothers and fathers and the children is hard to imagine: the sense of abandonment; the sense of not belonging; the sense of being isolated; walking down the street wondering whether you had unknowingly passed your mother, father, child or sibling. Might I say, all of that has been excellently captured and compiled in the report of the Senate Community Affairs References Committee, on which the coalition had Senators Boyce and McKenzie.

Senator McKenzie will speak later on the coalition’s behalf and in greater detail about the report. Suffice for me to say—I am sure on behalf of all senators—to all members of that committee: a very big thank you. You did yourselves proud as senators; you did the Senate committee system proud; and, yes, hard as it is for me to say, a Greens senator did exceptionally well. Congratulations to you, Senator Siewert.

Most importantly above those self-congratulations, the committee helped bring us to where we are today as a nation, by providing a sensitive and unthreatening forum for people to tell their stories and explain their hurt, which then formed the unassailable underpinning for today’s national apology.

The coalition joins with this parliamentary expression of national apology to those impacted by the practice of forced adoptions. I conclude by using the powerful yet soothing words Mr Tony Abbott used in addressing the apology: ‘May it bring self-respect where there was shame; peace where there was anger; and reassurance where there was reproach. May it be part of a healing process for our nation and all of us.’ To that, coalition senators say: ‘Amen’, in supporting the motion moved by the leader of the government.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:47): I have been asked to speak on behalf of the Australian Greens and to offer our wholehearted, unreserved support for the apology the Prime Minister gave this morning. I thank Senator Milne in particular for letting me speak now. I also would like to say in advance: please forgive me if I stumble over a few words here.

It is not very often that you can get up in this place and know that this place has done such a wonderful job collectively together. To offer such a fulsome apology to those affected by the most appalling past practices and policies that affected so many mothers, fathers, children, who have now grown into adults, grandparents, siblings—it shows the best of this place; that we have been able to work together to support people so terribly affected by these practices.

Less than half an hour ago, I left the Great Hall where the apology was given. I know many of you would have been in there sharing the emotion of that moment. If you were not, you missed something, because it has made a real difference to the people who were in that place. I have met some of them many times before; others for the first time. People came up and said ‘Thank you’. You could see such a difference in their faces, in their body language, in terms of what this apology has meant. This apology has meant so much. For many it is the start of their healing journey.

I will also now—and I will go into it later—acknowledge the commitment the government has made to concrete measures. Recommendation 6 of the Senate committee...
inquiry said if you are going to make an apology you have to put concrete measures in as well. Apology is part of the journey but concrete measures to help those who have been affected by these past policies and practices are so important. The government has done that and I thank them for that because the sorts of measures they are putting in place will also help so much those affected by forced adoptions.

When I tabled the report on behalf of the committee—and I want to also come back to the committee process in a minute—I quoted Charlotte Smith. I met her this morning in the Great Hall and I quote her again because to me it sums up what we are talking about. She said:

A mother whose child has been stolen does not only remember it in mind, she remembers with every fibre of her being.

Of the mothers and the fathers that I have met, you can tell that sums it up for them: every fibre of your being. Imagine never having held your newborn baby, never seeing it and, in some instances, never hearing it cry. This is what these mothers and fathers, but in particular the mothers, have lived with for every day of their lives and will continue to live for every day of their lives. Unfortunately, some people felt it so strongly that they are no longer with us. The Prime Minister acknowledged those people today and I do so as well.

These practices had permanent, ongoing impacts and are still having those impacts on people's lives. That has been acknowledged, and that is why we need these concrete measures. These practices happened, and that was what the mothers, fathers, siblings and grandparents wanted acknowledged. First off, we did not even acknowledge that and now we have. We have acknowledged it and we have apologised for it, and it is very important to have that acknowledgement. But the first step was to actually acknowledge that these things happened because all their lives some mothers thought that it did not happen, that they may have imagined it.

Our Senate committee heard the accounts—remember, I always use the words 'accounts' of mothers—and one mother told us that she thought she may have imagined this horrible episode, and it was not until she went back to the hospital that it came back to her. Another mother had blocked it out, and it was only when she saw another program on TV that it all came back—20 years later. Fathers have been left off birth certificates while wanting to acknowledge and take responsibility for their child. They were knowingly left off birth certificates, locked out of their children's lives. Mothers have never been able to hold their babies. They were drugged, had their breasts bound, had curtains put up in front of them, pillows put over their faces, and were physically restrained from seeing their child. They had their signatures forged on consent papers. They were lied to about what consent papers were for, never being told that they could actually change their minds, never being told what social security was available to them so that they could have kept their child. Mothers were sent interstate with no support, were put into homes and forced to work for no wages, were punished and made to kneel on the floor to scrub floors as a punishment. They were put on beds in labour with no support whatsoever.

You would think, if you did not know better, that perhaps I was making this up. But that is what some mothers were told: 'That didn't happen.' That is why it is so important that this acknowledgement is being made, because it did happen. These things did happen. Some of it was not technically illegal—it was unethical and immoral—but it did happen. Some of what happened was illegal; I am absolutely convinced from the
evidence that it was illegal. But, overwhelmingly, we have now acknowledged what happened to the mothers and fathers and siblings.

I take a moment here to talk about both the adoptees and the siblings. Many adoptees have lived, as Senator Abetz highlighted, thinking that their parents did not want them, that they gave them away. They did not. That was another thing that mothers so strongly wanted their children—who are now adults—to know. They did not give them away; they did love them. Their children, their babies, were loved. I have had several mothers tell me—those who could chase their records—that when they eventually went to meet their child that in their minds they expected to see a baby. This baby was now up to 50 years old. Imagine that: wanting to see your child and until recently you could not get access to your records. Deliberately, you could not get access to your records. And for mothers who transferred interstate, it was even more difficult because they had to go through state and territory boundaries.

Many adoptees—not all of them, I am aware of that—grew up thinking that their parents did not want them and gave them away. That is not a good foundation for life, even when your adoptive family is very supportive. You will be aware that in the Senate report we had many accounts of where, unfortunately, children were put in families where they did not have a good home life and were abused. That adds to the pain of the mothers and fathers of those children, now adults.

This plays out then to their siblings. One person said to me during the inquiry, 'Now I understand why my mother was so protective of myself and my siblings, because my mother had had a child taken and that was never going to happen to her again.' It helped explain to them why their mother was so protective. It had an impact on grandparents, many of whom were also lied to and misled.

I vividly remember the evidence we received in my home state of Western Australia—this scarf is from the mothers in Western Australia: I promised I would wear it in the chamber. There was one there, a very young woman—and this was in the early eighties, so this was not confined to the 1940s, fifties, sixties and seventies; it happened in the eighties as well—her partner wanted to stand by her, she did not want to adopt out the baby and her parents wanted to help look after the baby. When her parents went to the nursery they were threatened with the police if they did not leave the premises. That child was adopted out.

To make matters worse, this young woman did not find out that her parents had been to the hospital and had tried to support her, and had tried to assure the authorities that they would help look after the baby. They thought the young woman had agreed to have the baby adopted out. It was not until years later that they both found out, because it was something that you did not talk about. It was not until years later that the mother and her parents found out what had gone on. These parents were tricked, coerced, drugged—people signing consent forms in a drugged state—and there were obviously false signatures because the name was spelt wrong on a consent form. All these things happened.

I am not supposed to bring props in; I am sorry, Mr President, but I did. This is the apology from the Prime Minister, and every person who was in the Great Hall today got one of these. For those mothers, fathers, adoptees and grandparents, this will be one of the most important pieces of paper of their lives. As I said earlier, it is not often in this place when we can all, as one, offer this sort
of apology and when we can work together the way we have to ensure that this apology came about. I thank in particular the members of the Senate Standing Committee on Community Affairs. More often than not, we as a committee issue consensus reports. It is a pleasure to work with people across the chamber on that committee, because we usually get the pretty tough questions, and this was the toughest inquiry that we have done. There was never a dry eye in any of the hearings for this inquiry. We always had to have boxes of tissues there for ourselves, the witnesses and the members of the audiences. There were some mothers, fathers and adoptees who came along just to hear the evidence. For many people who gave their accounts to the inquiry, it was the first time they had spoken publically about what had happened to them. When you think about it, some of the women who shared their stories were in their 50s, 60s or older. For that long in their lives they had held onto their account. In some instances they had only very recently told their families. For those women and men who came along to share their accounts, I acknowledge, and encourage everybody to acknowledge, their bravery in sharing their accounts. It made such a difference for us to be able to hear the evidence that they gave the Senate inquiry. It made me feel very proud and honoured to have been able to work on the committee and on this issue.

Many people came up today and said: 'Thank you. You did this and you did that.' No, the committee inquiry presented, on their behalf, the evidence. People have been working on this issue for decades. It is the culmination of their work that has achieved this apology, and I acknowledge their years of hard work. It is only recently that this has become fairly public. It has taken years to get this on the agenda, and it is on the agenda. We have the government's response, and I am going to read the response to each of the 20 recommendations. I know the government has gone a long way in the concrete recommendations and that is really good. Our job now is to make sure that they get delivered and make sure the recommendations are implemented, because this apology is one step on the healing journey. It has been my privilege to walk some way of this journey with those who have been affected by these horrible past policies and practices and to share that journey with members of this place who have worked so hard. I particularly acknowledge Senator Moore, Senator Brown, Senator Boyce, Senator McKenzie and Senator Adams, who all shared this journey as well.

On behalf of the Greens, I offer our profound, wholehearted support for this apology.

Senator MOORE (Queensland) (13:05): Today the Senate and the parliament as a whole have done their job, and we have heard that from previous speakers in this place. In terms of what has occurred in this area, we have had a group of Australian citizens who were wronged. What happened was that they came to their state and federal parliamentarians and said that something had gone wrong, they had been hurt and someone should do something about it. This struggle has been going on since the 1960s, when the women first started saying that what had happened was incorrect. What had happened in that period up until when we first got this reference in 2011 was that there had been a series of state inquiries, as far back as 1999 in Tasmania, and also in Victoria and New South Wales. The sad thing, amongst so many sad things, is that each of those inquiries reported back, identified the wrongs, showed that these issues were in place and heard lots of sad stories, and
nothing happened. That is the true sadness of what has happened since 1999.

But, in this case, finally women from across this country—every state—spoke out in that period. Every single state and territory had women who had been carrying the hurt for years but moved forward and never gave up. They came to their Senate and said there should be an inquiry. After a lot of discussion—because I have to admit that the first time the request came there was not an immediate response, which is sometimes what occurs—and ongoing effort, there was an agreement from every group in this place that there should be a Senate inquiry into the area, and then the process began.

We travelled the country. We talked with women. We listened to young people who identified that they had been adopted and had not met their parents. I am not going to go back through all the accounts that Senator Siewert has mentioned. The important thing is that people should read the inquiry. They should read the report, which is not that large, and they should not have people telling them what was said; they should read it themselves. They should hear from the people who had the courage, the commitment and the anger to come forward and tell us what was wrong and what should be done about it. They were not backward in coming forward. In fact, they gave us chapter and verse about how long they had been speaking about these issues and how their anger and betrayal were made worse because no action had been taken previously. It was as though we were the court of last resort when they came to see us, and no-one could be unaffected by what we heard. But there was more than that: they wanted action taken.

I also want to commend all the senators who took part in this event. Sometimes at the committee itself it is just given as a matter of course that senators do their job, as we do, and come up with reports, some of which are read and some of which are not, and recommendations, some of which are picked up and some of which are not. However, in this case, as in many in the community affairs committee, there was more than just coming and listening and putting our report together; there was a personal connection and a personal commitment that we had work to do and that it was important that it should happen. So naturally I acknowledge Senator Siewert, who chaired through the whole process; the late Senator Judith Adams, who actually attended two of these inquiries and at one stage really should not have been there but was determined to be there; Senator Sue Boyce, who is unable to be with us today because she is unwell but has emailed all of us to say she wants to be here—and I can guarantee that many times in the Senate in the future we will hear from Senator Boyce on this issue; Senator Carol Brown; Senator Bridget McKenzie, who is going to speak in this discussion; Senator Helen Coonan, who attended one committee hearing in Sydney and also read many of the submissions; and also Senator Catryna Bilyk, who came to a couple of the committee hearings, particularly in her home state of Tasmania. That group of senators were able to work with our amazing secretariat. As Senator Siewert pointed out, there was lots of emotion and lots of tissues at all these hearings—because there had to be; because we were sharing. It was not a matter of someone giving evidence and people on the other side of the table listening to that evidence and people recording and then for that evidence to go away into the ether. This was a discussion with people who cared.

I want to particularly acknowledge the secretariat, because it is sometimes forgotten that the emotion, the passion and the strain is shared fully by the secretariat members—all
of them. The secretary of the committee is Ian Holland, and I acknowledge him and all the members of that team. What happens in these inquiries is that people who want to talk with us find a need to consistently ring up and email and find someone on the other end of the phone with whom they can talk and just make sure that things are happening and things are being done correctly. Often it is not the senators but the secretariat who are the ones who can tell you whether, for example, a woman from Victoria who was promised that she would have extra time to put in her submission but was unwell and too scared to come would have a chance to talk with us at another time.

People would send in inches of paper. I know when the Archives are looking at it there will not just be some small areas put aside for the work that happened in this committee, because there will be boxes. That was the way that people gave their evidence. They were not very often small, typed letters in the form with which we are familiar; there were boxes of photocopied documents that went back, in some cases, to 1953. People had photocopied things that were important to them and which showed clear evidence for them that they existed. One of the elements of this inquiry was that people wanted to make the statement that they existed and that their pain happened—and they wanted the world to know that.

I particularly also want to acknowledge the work of Professor Mushin, who took on the job from the then Attorney-General, Nicola Roxon, to move this process forward. What happens so often in this place is that we have inquiries and recommendations and then there is that little gap between when we have the process and when action takes place. The then Attorney-General, Nicola Roxon, was caught up in this process, because so many of the elements of the recommendations talked about basic things, like proof of identity, Births, Deaths and Marriages, whose name was going to be on certificates and legal responsibilities.

We know that while these processes were often shameful and painful, they were also illegal. They were illegal, and we needed to have that focused through the Attorneys-General of states and territories and through our federal Attorney-General. Then Attorney-General Roxon gave the job to Professor Mushin to move forward, and he and his team from the Attorney-General's Department brought the same commitment, passion and care to this whole process. The comments that I made about our secretariat I share with the people who worked on this process in terms of the linkages they made.

We heard powerful words this morning and we heard commitments about future actions. We will continue to watch those future actions to ensure that they fulfil the challenge that was given to us by the people who trusted us to take this issue forward. I particularly want to acknowledge the women, the men and all the families who have been caught up in this journey—and it is a journey—and I especially want to thank the women who gave their trust to their parliamentarians, their senators. They shared with us painful and special parts of their lives. I also want to commend them for their resilience, their anger and their determination that this was going to be a Senate process that would not just disappear into the realms of academic research or onto the shelves to gather dust—that the 20 recommendations that came out of this report were going to have some response and action was going to be taken to the right the wrongs, of which there were many.

But still the most poignant for me is the statement that I have repeated many times: ‘I want my child to know that I love them.’ Whilst we will not be able to personally go
to the unknown numbers—again, one of our shames is that we will never know exactly how many women, children and families were caught up in this horror—through this process, through our parliament we will be able to ensure that our government has said, 'We're sorry,' our government has said, 'We believe you,' and our government has said, 'We share your pain.' For all the children who did not know their mother or their father, know one thing: they loved you.

**Senator McKENZIE** (Victoria) (13:15): I follow two great leaders of all those community affairs issues and would like to pay my tribute to both of them today on the leadership they have shown through this whole process. I rise to speak on this very historic day to acknowledge the many people who have been impacted by the policies of forced adoptions: the mothers, the fathers, the children and, indeed, the communities right across our nation over decades of the practices of forced adoptions. I was very privileged, humbled and moved to attend this morning's formal apology on behalf of our nation by the Prime Minister, fully endorsed by the Leader of the Opposition. We are never stronger as a nation than when we stand together, all sides united, as it was today with the national apology for forced adoptions.

At this morning's service, where I had Senator Pratt on one side, I was also able to chat with one of the women who gave us evidence at the Tasmanian inquiry. I will go to that later in my contribution. We sat one and all together and watched a bit of footage roll onto the big screen. It was state premier after state premier—Labor state premiers, Liberal state premiers—as a nation, as state governments making an apology. As part of the states' house, I was very proud—as we all should be as senators—that each of our states has apologised to our respective citizenry who were affected by these practices. Today we have come together as a nation to apologise.

Last year, as I have mentioned, I was proud and privileged to be involved in the Senate Community Affairs References Committee inquiry into the Commonwealth's contribution to former forced adoption policies and practices. It was a report that took 18 months to complete. I came in on the tail end of that 18 months and had a bit of catching up to do. When we talk about the children of those adoptive practices, they are my generation, so I found it quite challenging to come into that process and hear very traumatic stories about an issue on which I had only heard aunts and mothers in country towns talk briefly of girls being whisked away to the city for nine months. I found it quite humbling. It was a comprehensive, bipartisan report into this traumatic time into our past, and I too want to pay tribute to the very brave women, men and children who came before us; to the social workers who came before us; to the nurses; even to the organisations that had to own up to their past forced adoption practices—to everyone who was very brave in telling the truth, because what has shrouded this conversation as a nation over decades is the silence. Being able to use the Senate committee process to give a place for those stories to come forth into the public arena and then ultimately, only 12 months later, to see some real action on the recommendations that were made in that report as a result of those brave stories is fantastic.

The issues were complex and involved an enormous amount of evidence, and I also acknowledge Dr Ian Holland in the chamber today and say congratulations to the secretariat on helping us to bring together that problematic amount of information into a comprehensive report that we are very
proud of one and all from all sides of politics.

We heard harrowing tales of regret, abuse, neglect and loss. They dated from the 1950s to as recently as 1987. They were very detailed and showed us very clearly that babies were taken for adoption against their mothers’ will. For many mothers the experiences that they recounted were traumatic, and we thank them for their bravery. I cannot even begin to think what it might feel like to have lived in a time when support at what should be a time in your life of incredible celebration just was not available from family, from your church or from society more generally. We were told that mothers were pressured, deceived or threatened in order for them to sign adoption forms, the notions of choice and consent trashed. Nobody has the right to take a child from its mother and to make judgments about who is a good mother and who is a bad mother. What happened was wrong and today, as a nation, we apologise.

I want to mention how fantastic this is in terms of Senate process. A lot of times we hear, particularly with regard to reference inquiries: ‘Why should I bother? Nothing’s going to happen.’ But it has been so great. As a newer senator I am quite chuffed that we have seen so much action so quickly. Let’s hope action on this issue continues from today now that we have had our states apologise, that we have had agreement to work together at the state level—which is going to be the first step in getting the paperwork trail happening. It is fantastic.

Today, as I had Senator Pratt on one side, on the other side was a woman who, as I said, gave evidence at our Tasmanian hearings. She was very clear in telling me that the counselling services still were not on the ground. She wants today to be ‘a start’, she said. She wants those from the service to walk away tall. She wanted me to know and to share with you that words are cheap and that for the apology to have meaning there needs to be action.

We all welcome the support from the government of those recommendations from the inquiry, particularly around counselling services. If we are serious about healing the trauma, that is going to be a good way to start and information is power. So ensuring that the paper trail between states and across states occurs will be great and it fulfils some of our recommendations.

The Senate inquiry found that 225,000 children were removed from often very young, unmarried women. The Royal Women's Hospital in Melbourne estimates that 45 per cent of unmarried mothers were subject to forced adoptions between 1945 and 1975. It was the heyday for adoption. People who gave evidence astounded me and I applaud their tenacity. I want to particularly acknowledge and put on the record the effect these practices had in small rural communities and for regional Australians.

If you were the new baby being adopted by a couple in a small country town, everybody knew that you were adopted and that had consequences in the playground. There were often stories of young women who would be whisked away to Melbourne or Sydney for a specified time and then returned home. To quote one particular example:

I became pregnant in a country town and the father was not prepared to help me. I knew my parents, especially my mother, would never cope with the shame of having an illegitimate grandchild so I decided to go to Sydney and have the child there.

Her mother’s last words to her as she was leaving were:

If you don’t have that child adopted, you can never come home again.
Sitting here today I cannot imagine ever saying something like that to my own daughter at a time of intense need and, troubles with my own mother aside, I cannot imagine she would ever say something like that to me.

Historian Janet McCalman recorded the experience of a nurse who moved from a busy city labour ward to a hospital in a quiet country town. She wrote:

It was quiet and there was time to talk and I found that women over seventy, who might have been coming in for gynaecological problems, would say, 'You're a midwife?' 'Yes.' 'Well, I lost my baby years ago' and it was the first time that they'd plucked up the courage to talk about it, because you had the time to sit there.

Those women were probably of an age where they just did not care anymore about societal stigmas at that time. She further wrote:

And those women have suffered all their lives—they've never forgotten it. It's a real myth to say that it's all over and done with.

It is never over and done with. It ruins their lives; it ruins their family lives and their ability to rear families. We heard story after story of the guilt. In other evidence to the inquiry, we heard this from my home state of Victoria:

I believe that every adoption begins with loss and those who are adopted experience this loss and those whose lose children to adoption experience this loss.

One mother who was forced to give her baby away told reporters on the day of the Victorian state apology that she felt like she had been serving a life sentence. I cannot even begin to imagine what it might feel like. The enduring pain and trauma cannot be erased and what happened was wrong and, in some instances, illegal.

I quote from the Victorian government's apology, where the Victorian Premier said:

We acknowledge that many thousands of Victorian babies were taken from their mothers, without informed consent, and that this loss caused immense grief.

We undertake to never forget what happened and to never repeat these practices.

So, as a nation, we go on from an apology to healing, with practical measures that will assist on the ground. Also, as a nation and as states and governments, one and all, we commit to being much more cognisant than ever before. Today has been a historic day. Today our nation acknowledged that that practice of forced adoption was wrong and that as a nation we are sorry. I join with the Prime Minister and the Leader of the Opposition in apologising. Today's apology recognises the mistakes of previous generations. What happened was wrong and we first acknowledge that so that we can learn. Today is our new beginning and I look forward to a very healing future.

Senator PRATT (Western Australia) (13:27): I am humbled to say a few words as part of this national apology today to people who have been affected by past forced adoption practices and to acknowledge many things: to acknowledge the extreme trauma inflicted on mothers and children from Australia's past adoption practices; to acknowledge that these practices were profoundly wrong; to acknowledge that children were taken from their mothers without consent; to acknowledge, worse still, that these children were taken with force and coercion; to acknowledge that women were intentionally degraded, lectured to, hectored, ignored, humiliated, lied to or drugged in order to tear them from their infants; to acknowledge that these practices were also used to manipulate the so-called consent from women—and I note that in Western Australia women were rarely, if ever, told that they had legal rights, including the legal right to withdraw consent (it was a 30-day
right); to acknowledge that this so-called consent was often thrown back in the faces of women to reinforce the idea that these children were unwanted; to acknowledge the denial not only of that natural right but of that legal parent-child relationship; and to acknowledge that these practices have had deep, lifelong impacts on mothers, fathers, sons and daughters, and on whole families. These practices were immoral, unethical, often unlawful and the cause of deep and profound suffering. Today, with this apology, we recognise all of these wrongs. Today we say sorry. Today we apologise.

I think this quote really unravels some of those perceptions today. It shows the difficulty that many people had in reaching out to reconnect family bonds, because that was such a widespread and prevailing view. So I would like to thank everyone who has helped lift the lid on this, including those who were part of those practices who helped unveil what had been happening in our institutions, but most of all the mothers and families who have bravely lifted their voices to help tell this story.

As a child I grew up in the seventies and eighties, and I grew up amongst a generation of young people taken from their mothers. As Senator McKenzie said, in every classroom you were in, you would be with other young people who were adopted. I know I have watched many of these friends, and people I have known, work hard to reach out to reforge family relationships. I really want to commend all of those who have struggled to put back together what the state, and others, broke apart by reaching out to find children, mothers, fathers and family. I note, with some sadness, that for many affected by past adoption practices contact vetoes still exist. Some people will pass from this earth without ever having met the kin that they were separated from.

As a chair of a committee that inquired into adoption practices in Western Australia, I have had to look this issue squarely in the face to consider whether our adoption practices today meet the ethical standards that they should, and I have had to reflect on the past adoption practices and the failure of whole systems, including of legislators, to protect the fundamental human rights of children, mothers and families. While I cannot stand in the shoes of people who, because of family secrecy or shame inflicted by past practices, still feel that they need these contact vetoes, I can question whether it should be legitimate today to legally
prevent someone from making contact with someone who is their parent or child.

I have great hope today that this apology helps dispel the myth that adopted children were unwanted or unloved and that mothers were unworthy or unfit. With today's apology, we can continue to learn from this terrible past to ensure that these practices are never repeated. Most importantly of all, with today's apology, we can help lift the veil of secrecy, and sometimes shame, so that people affected by past adoption practices can continue to reach out to each other and to affirm their family bonds. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (13:35): I move:

That the Senate stand adjourned until 2 pm.

Question agreed to.

Sitting suspended from 13:36 to 14:00

QUESTIONS WITHOUT NOTICE

Prime Minister

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:00): My question is to the Minister representing the Prime Minister. Does he still have full confidence in the Prime Minister?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:00): Obviously, I think Mr Crean indicated he was resigning. I did not see all of his—

Senator Fifield: His first press conference.

Senator CONROY: His first one, I am sorry. In his second one I thought he had.

Senator Fifield: No, only if he wins.

Senator CONROY: I was not actually watching his press conference. I am just going on reports, but I do not agree with Mr Crean.

Senator Ian Macdonald: There's an acting minister.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:00): I thank the minister for his first direct answer. Mr President, I ask a supplementary question. I refer the minister to Mr Crean's first press conference this morning when he said that the government had to 'get its act together'. Does he agree with Mr Crean's comments?

Senator CONROY: (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:00): I take the interjection from Senator
Macdonald. I think he indicated that Mr Crean had resigned. As I said, perhaps I was misinformed, but Senator Macdonald certainly is indicating that. I clearly do not believe that. This government is delivering programs like the National Disability Insurance Scheme. It is delivering programs like the National Broadband Network. It is introducing significant further reforms in education. It has an economy that is envied around the world. We have unemployment with a five in front of it. We have inflation with a two in front of it. We have growth with a three in front of it. Those sorts of numbers demonstrate this government is delivering sound economic management to this country. Those opposite—the flat earth society over there—simply mislead, day in and day out, the Australian public. The economy at three per cent is flatlining; it has no pulse—that is what Senator Brandis has claimed in the chamber. Three per cent growth and those opposite simply—(Time expired)

**Fisheries**

**Senator STERLE** (Western Australia) (14:03): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. Can the minister update the Senate on the government's review of Commonwealth fisheries and can he outline how the government is supporting the future of Commonwealth fisheries?

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:03): I thank Senator Sterle for his question and his continued interest in fisheries. Last September I said my responsibility was to make sure our fisheries remain some of the most sustainable and best managed in the world and that they are served by the best system possible. Today I am doing that by releasing the Borthwick review into Commonwealth fisheries and our response.

The government broadly supports the direction of the Borthwick review. I hope, unlike on cuts to research and development funding, all sides of the chamber can support this reform. The review found that while our current fisheries management system is good it could be improved by greater transparency and by a broader policy framework clarifying objectives and roles. The job now for government is to engage with all stakeholders and the community to build an implementation plan for the Borthwick review.

The review has made a number of recommendations aimed at strengthening our fisheries management system. Our legislation is now over 20 years old, so it is time for an update to reflect the changes in technology, in industry and in community expectations. Borthwick has recommended in his review, specifically, that the AFMA Commission remain as the independent authority to make fisheries decisions separate from government. I agree with that recommendation. One key area of consultation will be to include a broader ecosystem pillar to fisheries management. This would mean a more holistic approach to management plans. Quite frankly, this is an extension for our fisheries to be managed to world-class standards now and into the future.

**Senator STERLE** (Western Australia) (14:05): Mr President, I ask a supplementary question and I thank the minister for his answer. Minister, how does the review consider the role of the community in fisheries decisions? How is the government strengthening community confidence in our fisheries for the benefit of the industry?

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:07): I thank Senator Sterle for his question and his continued interest in fisheries. Last September I said my responsibility was to make sure our fisheries remain some of the most sustainable and best managed in the world and that they are served by the best system possible. Today I am doing that by releasing the Borthwick review into Commonwealth fisheries and our response.

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Forestry and Minister Assisting on Queensland Floods Recovery) (14:05): The review has outlined ways to better involve the public in fisheries management decisions. Our oceans and our fisheries are public resources. They are owned by the community and the community should have a say in what occurs with them. The Borthwick review has made a number of recommendations to increase the community's involvement and confidence in fisheries. The government will consult widely on revised objectives for the fisheries acts, enhanced public discussions, transparency by AFMA and ministerial oversight for emerging issues. These measures should add to the community's confidence in AFMA and in our fisheries management system.

I will be releasing the details of our public consultation process after the release of the harvest and bycatch strategy reviews. (Time expired)

Senator STERLE (Western Australia) (14:06): Mr President, I ask a further supplementary question. I thank the minister for that answer. Minister, can you inform the Senate how the review has considered interaction with state and territory fisheries and how the government is responding?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:07): I thank Senator Sterle for his second supplementary question. The Borthwick review has recommended a Productivity Commission study into state and territory interactions with our fisheries, and I will consult with the Assistant Treasurer on that proposal. It is important that we do look through how we can encourage the states and territories to manage the differing systems that we have.

Senators would be aware that some states do have a poor track record when it comes to supporting our fisheries. In Queensland, Premier Newman's government actually defunded is contribution to fisheries research and development, pulling out $1.2 million in forgone research and development activities—a shame for a government, but it does sound familiar. Just like the secret list from the IPA, Mr Tony Abbott has a blueprint to follow: say nothing before the election, then bring Premier Newman style cuts to bear.

Broadband

Senator BIRMINGHAM (South Australia) (14:08): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. I refer the minister to his repeated statements that he receives daily updates from NBN Co. I further refer the minister to my series of questions to him since 26 February this year where I have repeatedly asked him if he stood by the target of passing 286,000 premises with fibre by 30 June this year. I also refer the minister to his statement to the Senate this Tuesday that he was already seeking information from NBN Co. about current targets. I ask the minister: with NBN Co. now having had days if not weeks to update the minister on the viability of his target to reach 286,000 premises with fibre by 30 June, is this still the target of the minister, the government and NBN Co.? If this is no longer the current target, what is the current target? If the minister is unable to provide an updated target today, when exactly will he, assuming he continues to be the minister, be in a position to do so?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:09):
Once again Senator Birmingham seeks to misrepresent what I say and, more importantly, demonstrates a profound ignorance of large-scale construction projects. This is probably because those opposite, in 11½ years of government, never actually built any infrastructure. As I said yesterday—and perhaps I should spell it out more clearly—this is a national infrastructure project. NBN deployment information is vast, detailed—

Senator Birmingham interjecting—

Senator CONROY: Obviously you did not notice that Willunga is in South Australia. Don't worry about it—I will get you a map. Perhaps you would like to visit it. You are a senator. Willunga is, technically, in Senator Birmingham's electorate. Willunga has had tremendous take-up. I think this week possibly Willunga continues to lead the country in the take-up of the NBN and the activations in the area of Willunga. I think it was approaching 60 per cent, roughly, last time I was discussing it.

NBN deployment information is vast, detailed, complex and involves, importantly, multiple construction partners. I have asked, as I have said, NBN Co. for a full assessment of their progress towards their 30 June 2013 deployment targets. I am expecting NBN Co. to announce new information this afternoon—very, very shortly. It is not simply a question of NBN Co. pressing a button. I repeat: there are four principal construction partners and multiple subcontractors that are involved in the process of these estimates. My advice, as I have said, is that they are very close to finalising this information and they will be making a full statement this afternoon. (Time expired)

Senator BIRMINGHAM (South Australia) (14:11): Mr President, I ask a supplementary question. I refer to the minister's comments this morning that the NBN Co. will be refunded $2 million paid to contractor Syntheo for workforce mobilisation following its handing back of the rollout in the Northern Territory. Given the failure by Syntheo to connect any premises during the volume rollout stage in South Australia, Western Australia or the Northern Territory, why is the NBN Co. getting back only 3.9 per cent of the $50.9 million already paid to Syntheo? What additional costs will NBN Co. face as a result of undertaking the construction themselves?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:12): As I indicated in a press conference this morning, NBN Co. is taking back the Northern Territory construction. Syntheo will remain the construction partner in Western Australia and South Australia. The taking back of the Northern Territory allows them to continue to roll out and to overcome the challenges, which have been significant, of some of our largest construction companies in the country. Syntheo, for those who are not familiar with it, is a joint venture between Service Stream and Lend Lease, two of our biggest construction companies, and they have been having some difficulties. We are receiving back the mobilisation payment in the Northern Territory. I think it is around $2½ million. We have made it a condition that that money be returned when we took back that project. (Time expired)

Senator BIRMINGHAM (South Australia) (14:13): Mr President, I ask a further supplementary question. On what date was the minister first informed by the NBN Co. board or any director that NBN Co. would fall short of its objective of passing 286,000 premises with fibre by June
this year? Did the minister have any discussions with any director of NBN Co or receive any information about their inability to meet the 286,000 premises target on or about 26 February this year?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:13): I think I first received advice following the Senate estimates—clearly when the Senate estimates indicated, and Mr Quigley indicated, that Syntheo were having difficulties. I think he revised down the forecast at the Senate estimates, and I think you asked him a string of questions. Following that NBN Co. went into further discussions and consultations about where Syntheo were up to. I received a letter from the NBN Co. board in early March—I will have to check the exact date for you, Senator Birmingham— which indicated there were problems at Syntheo and that they were seeking to get more information and what remediation action they would take. As I have indicated, NBN Co. has taken back the Northern Territory—(Time expired)

Animal Welfare

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:14): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. Is the minister aware of ABC Lateline footage of workers kicking, punching and bashing birds at a turkey abattoir in Sydney and that New South Wales Police have been asked to investigate—

Senator Ian Macdonald interjecting—

The PRESIDENT: Order! Senator Milne is entitled to be heard in silence, Senator Macdonald.

Senator MILNE: Thank you, Mr President. I regret that the coalition finds this cruelty amusing. I ask the minister: in relation to these acts of cruelty at the abattoir, is he also aware that this latest incident is the most recent in a shameful list of cruel incidents in abattoirs, such as in March this year with ex-racehorses at the Laverton knackery being beaten and dragged by tractors whilst still alive and the slaughter of fully conscious animals in New South Wales abattoirs? Does the minister believe that these standards of treatment are acceptable in Australia?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:16): I thank Senator Milne for her ongoing concerns around animal welfare issues in New South Wales. Unequivocally, can I say that I am concerned by the unacceptable images broadcast by the ABC’s Lateline program on 20 March of the mistreatment of turkeys at Ingham's turkey abattoir in Tahmoor, south-west of Sydney.

The Australian government does not condone the mistreatment of animals. The welfare of turkeys at this plant is overseen by the New South Wales government Food Authority. This footage was clearly unacceptable and I will be raising it with the New South Wales Minister for Primary Industries, Katrina Hodgkinson, because incidents of cruelty detected are actionable under the New South Wales Prevention of Cruelty to Animals Act and the matter, as I understand it—and I think that Senator Milne also understands it—is under investigation by the New South Wales Police.

I always say in these instances that it is best left to the authorities to investigate these matters and to bring those who have allegations of mistreatment against them to the authority's attention so that they can be
fully investigated. I always then add that it is not a matter for me to trample over that investigation, but I do think, like Senator Milne, that it was completely unacceptable vision that was portrayed of animal cruelty. I do not think that I can add too much more at this point. I can take on notice and get back to Senator Milne what the New South Wales government may say about this. It is well known that the New South Wales government and states and territories deal with animal welfare directly for domestic purposes. (Time expired)

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:18): Mr President, I ask a supplementary question. Given the minister's admission that the behaviour at Ingham's abattoir was unacceptable and cruel, does the minister now concede that, in order to ensure that humane standards of animal treatment are in place right around the country and to give consumers confidence that the laws are being complied with, he supports constant CCTV monitoring in all abattoirs? Does he think that should be mandated nationally?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:20): At the outset, can I say that the government does understand—and this is a very important point to be made again—that improved animal welfare is a crucial element of a strong and sustainable agricultural sector. No government has done more to improve animal welfare in this sector than the Gillard government. The government has this week noted a report looking at the possible model of an office of animal welfare. I will now take the opportunity to examine that report, because animal welfare does remain a priority for this government. I recognise that there is work to be done in this area but the primary responsibility for animal welfare issues does remain with the state and territories. There are a range of issues that would have to be explored in furthering any of those proposals. I do not want to go into the detail now but it is clear that this
government takes its responsibilities very seriously. *(Time expired)*

**Asylum Seekers**

Senator CASH (Western Australia) (14:21): My question is to the Minister representing the Minister for Immigration and Citizenship, Senator Lundy. I refer the minister to the fact that five boats carrying over 300 people have arrived since the start of the week, 10 boats carrying over 600 people have arrived in just the last seven days and 1,000 people have arrived this month. This is the biggest March ever for illegal boat arrivals as well as the biggest first quarter of any calendar year. Why is this government more concerned with fighting amongst themselves than fighting the people smugglers? Why are you trying to protect your own jobs rather than protecting the integrity of our borders?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:22): What a typically shallow approach to a very serious issue by members of the opposition. We are faced with the fact that for far too long now people smugglers have been able to peddle their lies and false promises, and that has led to far too many deaths at sea. The government's priority is to discourage people from making a dangerous boat journey and encourage the use of regular migration pathways.

In response to the report of the expert panel—and I know the opposition have heard this many times before, but I will tell them again—we are committed to implementing 22 recommendations that put in place a comprehensive approach to solving this problem. In particular, we are committed to establishing offshore processing centres on Nauru and PNG. We have announced that people who arrive by boat from August 2012 will gain no advantage over those who apply for protection offshore through the regular pathway, and we are increasing our refugee intake from 13,500 to 20,000 people a year to create an incentive to engage in the regular migration pathway.

Our message is very clear: anyone coming to Australia by boat without a visa will be subject to the no-advantage principle, including transfer to Nauru or PNG. As the full suite of recommendations of the expert panel is implemented, the government expects the business model of the people smugglers to crumble and fewer people waste their money and risk their lives on these very dangerous boat journeys across the sea.

Real results will begin to show as more of the recommendations can be implemented. If the coalition were really concerned about the number of people, they would not let their relentless negativity stand in the way of implementing all 22 recommendations of the expert panel. *(Time expired)*

Senator CASH (Western Australia) (14:24): Mr President, I ask a supplementary question. I refer the minister to the fact that a staggering 85 per cent of the 40,000 offshore humanitarian applicants were refused Australian visas last year compared to just nine per cent of applicants who arrived here illegally by boat. Why does this government persist in penalising those who do the right thing and persist with policies that encourage people smugglers?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:24): Again, I totally reject the premise of Senator Cash's question. The issue here is that the coalition have an opportunity to support Labor's approach to offshore processing and
they have continued to fail to do that. We have presented the opportunity to the coalition—

**Opposition senators interjecting—**

**The PRESIDENT:** Order! When there is silence, we will proceed.

**Senator LUNDY:** We have continually presented the opportunity to the opposition to support our approach to offshore processing in Malaysia. We have continually offered to negotiate with them about the package, and that was rejected. In fact, I remind those opposite that when discussions were occurring around the offshore processing bills we offered to sit down with the coalition and work out a consensus solution with them. They rejected that. They moved again. Why? Because they insist on playing politics with an issue that is costing people's lives. They are negligent and irresponsible in this regard.

**Senator CASH** (Western Australia) (14:25): Mr President, I ask a further supplementary question. Given it was former Prime Minister Kevin Rudd and former foreign minister Kevin Rudd who started the flood of illegal boats and given that it is the current Prime Minister, Julia Gillard, who has failed to stop them, when will the government face the facts that changing the leader of the Labor Party will not stop the boats and that only a change of government—one with proven policies—will get our borders under control?

**Senator LUNDY** (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:26): Once again the coalition seeks to make a trivial point about a serious issue. We do have a comprehensive plan to stem the flow of boats. We are absolutely committed to breaking the people smugglers' business model, and yet all we get from those opposite are pathetic questions relating to the leadership issues rather than the issues of substance. Why is that the case?

The other point I make is that the coalition do not have a policy. They do not have a solution. They keep saying they do, but we know that it did not work. If they had the guts to support Labor's approach we might see some results, particularly if they support our Malaysian offshore proposal and try to actually find it in their hearts to work with Labor to see what we can do to stem the flow of boats.

**National Disability Insurance Scheme**

**Senator MOORE** (Queensland) (14:27): My question is to Senator Kim Carr, the Minister representing the Minister for Disability Reform. Following the passage of the National Disability Insurance Scheme legislation through the parliament yesterday, what action is the government taking to now deliver that scheme?

**Senator KIM CARR** (Victoria—Minister for Human Services) (14:27): I thank Senator Moore for the question and commend the work she undertook along with Senator McLucas. There is no more noble a task for government than giving people with a disability and their families and carers an opportunity to have a better life.

We have delivered $1 billion in new funding for the first stage of the National Disability Insurance Scheme. Now that the legislation has passed, we will be launching the scheme in five sites across the country from the middle of this year. The government is hiring staff and building offices in the launch sites. About 26,000 people with a disability will benefit from this first stage—people in the Hunter in New South Wales, Geelong, South Australia, Tasmania and, from the middle of next year, across the Australian Capital Territory. About 140,000 people with a disability will
benefit from a complete rollout of the scheme across New South Wales by July 2018.

We are establishing the National Disability Insurance Scheme Launch Transition Agency as an independent statutory body. The National Disability Insurance Scheme will transform the lives of people with disabilities, their families and their carers. For the first time they will have their needs met in a way that truly supports them to live with choice and dignity. This is an achievement to be very proud of, and it is something that, I trust, enjoys the full support of this parliament. I trust that that is actually demonstrated as the scheme is developed.

**Senator MOORE** (Queensland) (14:29): Mr President, I have a supplementary question. Minister, can you explain how the National Disability Insurance Scheme will improve on the current support arrangements for people with disability?

**Senator KIM CARR** (Victoria—Minister for Human Services) (14:29): Senator Moore, I am sure you are only too well aware of the great strengths of the new proposal. The current scheme for supporting disabilities is in fact broken. It is a system that reacts to crisis, a system where families only receive support if they are unable to continue in their caring role and where there are no other options, a system that has compared itself to a lottery where even the best outcomes are unsatisfactory.

The scheme the government is introducing will work with families before they reach crisis. It will work with them to make sure that valuable informal care that they provide is actually sustained. It will foster innovation in services that are delivered and coordinated by local people. The government's solution is a demand-driven system of care tailored to meet the needs of individuals, a system that is proactive in approach to improving the lives of millions of Australians. *(Time expired)*

**Senator MOORE** (Queensland) (14:30): Mr President, I have a further supplementary question. How is the government working with state governments to implement the National Disability Insurance Scheme?

**Senator KIM CARR** (Victoria—Minister for Human Services) (14:30): Senator, through COAG we are attempting to work with the states to deliver the scheme. It is abundantly clear that some states need to get a move on. They need to match their words with actions and they have not shown a grasp of the most important feature of this reform. The government has written to the Victorian government asking them to sit down with us. Senator McLucas has had the lead role in this area to ensure that there is a rollout across the state. Premier Napthine needs to do a great deal more than what his predecessor was prepared to do. He needs to make sure he signs up to the rollout of the National Disability Insurance Scheme across Victoria as a top priority. Mr Barnett, the Premier of Western Australia, signed on the dotted line in COAG in December last year to work towards a national scheme, yet Western Australia—*(Time expired)*

**International Education Industry**

**Senator MASON** (Queensland) (14:32): Mr President, my question is to the Minister representing the Minister for Tertiary Education, Skills, Science and Research, Senator Lundy. I refer the minister to revelations that the government plans to cut its education counsellor posts in Thailand, Taiwan, Hong Kong and Singapore, who all play an integral role in promoting Australia's $15 billion per year international education industry. Given the government's decision comes after already presiding over a $2½ billion decline in Australia's international
education industry since 2009, why is the government causing even further damage to one of Australia's largest service export industries?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:32): The international education sector in Australia has faced significant challenges over the past four years. The government has responded with a major program of reforms for the sector, including the Baird and Knight reviews. These reforms have strengthened the quality of the international education, increased the integrity of the student visa program and improved the competitiveness of the sector. Since the government announced its response to the strategic review of the student visa program back in September 2011, 22 of the 41 recommendations have been implemented. This has included streamlined visa processing arrangements for universities, the introduction of the genuine temporary entrance requirements, reducing financial requirements for high-risk applicants and the establishment of education visa consultative committees. The government is currently giving high priority to developing its response to the assessment level framework review and an announcement is expected shortly. The government will also introduce poststudy work arrangements for eligible graduates of bachelors, masters and doctoral degrees.

Senator Mason: Mr President, I rise on a point of order. I do not take too many points of order, but Senator Lundy really is answering questions relating to student visas. This question relates to education counsellor posts and not visas.

The PRESIDENT: Order! I do draw the attention of the minister to the question. The minister has 45 seconds remaining.

Senator LUNDY: I was hoping to brief the senator on some background to the broader issue. I am not able to provide specific information about the question he asked, but I am certainly happy to take some advice on it.

Senator MASON (Queensland) (14:34): Mr President, I have a supplementary question. Is the minister aware that in his address to the Asia Society last week, Mr James Packer said that the government can and must do more in China and Asia to promote Australia's international education industry? He called on the government to have the courage to deliver on the Asian century white paper by putting its words into action. Can the minister explain why the only international education roadshow for 2013 scheduled by Austrade, the organisation in charge of the promotion of Australia's international education industry, is just in Fiji?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:35): The government are committed to supporting Australian students undertaking study experiences in Asia and we have committed $37 million to the AsiaBound Grants Program for students undertaking short or semester length study opportunities for Asian languages. Unlike the opposition, who have threatened to cull the AsiaBound program, we recognise the need for not only more Australians to study in Asia but greater opportunity to build that experience around culture and develop skills and friendships as per the Asian century white paper. In fact, in October last year we announced some $37 million for the AsiaBound Grants Program,
which provided funding in the form of $2,000 or $5,000 grants for Australian students undertaking study experiences in Asia for up to 12 months. The funding to commence in the financial year of 2013-14 will support travel and living.

Senator Mason: Mr President, I rise on a point of order. I did think the question was fairly specific and called for a specific answer. It was: why is the only roadshow scheduled for Fiji?

The PRESIDENT: Order! The question was broader but the minister needs to address the question. The minister has nine seconds remaining.

Senator Lundy: Thank you, Mr President. Obviously I do not have an answer to the specific question about Fiji, but I make the point that we have invested— (Time expired)

Senator Mason (Queensland) (14:37): Mr President, I ask a further supplementary question. Is the minister aware that, in addition to its current cuts to education counsellor posts, the government does not currently have education counsellors in the key emerging regions of the Middle East and Latin America? This is despite recommendations in the Chaney report for the government to increase and coordinate the promotion of Australia's international education industry in those regions. How can anyone possibly trust this short-sighted government to reverse the decline of the Australian international education sector and how we promote that around the world. The Asian century white paper spent a great deal of time emphasising the role that we have with our education system as an export industry as well as promoting it not only within our own Asia-Pacific region but also around the world.

I reject the premise of the senator's question, which implied that somehow we are neglecting our responsibilities and our level of engagement across the world in this critical area of our economy. You can see by the figures that it not only continues to grow after a very important process of making sure that our international education system has integrity and that people engaging in it can have the confidence of full— (Time expired)

Environment

Senator Xenophon (South Australia) (14:39): Mr President, my question is to Senator Conroy, the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities. Yesterday I asked a series of questions in relation to a $265 million funding announcement back in October last year to support the Riverland and other river communities in South Australia. I am grateful for the written response that I received earlier today from the minister. Further to that response, does the government acknowledge that this fund needs to be tailored for the region for which it is allocated—namely, river communities in South Australia—and that, of necessity, funding criteria should consider the early adoption of water-saving technologies by South Australian irrigators?

Senator Conroy (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:40): I
thank Senator Xenophon for his question. As the senator indicated, he asked a number of questions yesterday. Minister Burke has supplied me with the following information.

The Commonwealth has committed $1.2 million to the South Australian government to undertake a feasibility study and to develop a business case for the River Murray Improvement Program. In accordance with this agreement, South Australia was required to submit by 21 December 2012 a draft business case that met milestone requirements specified in the business case funding agreement.

On 21 December 2012 the Commonwealth received for discussion purposes part of what was described by South Australian officials as a preliminary draft business case for the $180 million River Murray Improvement Program, with further material provided by South Australia on 10 and 17 January 2013. Further detail was sought from South Australia. Discussions on requirements continued between South Australia and Commonwealth officials during January and February 2013. South Australia submitted a partial draft business case to the Commonwealth on 28 February 2013, with other material provided on 1 March 2013.

**Senator Xenophon:** Mr President, I rise on a point of order. Senator Conroy is just reading from the answer that he provided to my office several hours ago. These are fresh questions that I asked.

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

**Senator CONROY:** I appreciate that Senator Xenophon may have seen this and it does not have broader knowledge, but I will add further information as we go.

As I said, the Commonwealth provided South Australia with feedback on the draft business case on 14 March. South Australia is continuing to develop the business case. These are significant projects that need a large amount of detail, including governance arrangements. Negotiation on such projects can take time, and once a final business case is submitted for the RMIP, Commonwealth due diligence assessment will be conducted. Following due diligence assessment, a recommendation will be provided to the Minister for Sustainability, Environment, Water, Population and Communities, including on any conditions required for the program to proceed if approved. If approved, a funding agreement will be put in place with the South Australian government— *(Time expired)*

**Senator XENOPHON** (South Australia) (14:42): Mr President, I ask a supplementary question. Given that $240 million of this fund is meant to return 40 gigalitres of water to the environment, will the Commonwealth be as innovative with the rules governing the fund as they are in asking river communities in South Australia to be innovative in their approach to optimising water use? For instance, will funding be allocated to projects that assist economies of scale and new tertiary processing facilities?

**Senator CONROY** (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:42): As has been indicated, the $265 million commitment has two components: the $180 million RMIP and $85 million for a separate South Australia industry futures program. The spoke and content of the latter initiative is still being developed by South Australia. Funding for these programs will flow as and when the programs pass due diligence and are approved for funding and the required funding agreements.
As to whether or not they will take into account the matters raised by Senator Xenophon, I am happy to take that and any other parts of his questions that I do not have any information for on notice to see if the minister has some further information for him.

Senator XENOPHON (South Australia) (14:43): Mr President, I ask a further supplementary question. Does the government acknowledge the fear of many river communities in South Australia that this $265 million fund may go the same way as the PIIP-SA water infrastructure fund, which has such restrictive, unsuitable and poorly targeted guidelines for funding that, after more than four years, only $14 million of $110 million in the fund has been allocated?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:44): I will take that on notice and seek any further information.

MOTIONS

Gillard Government

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:44): I seek leave to move a motion that the Senate declares that it has no confidence in the government's ability to govern itself.

Leave not granted.

Senator ABETZ: I move:

That, pursuant to contingent notice, so much of standing orders be suspended as would prevent me moving a motion to provide for the consideration of a matter—namely, a motion to give precedence to a motion that the Senate declare that it has no confidence in the government's ability to govern itself.

Just moments ago the House of Representatives voted 73 to 71 to suspend standing orders to allow a motion of this nature to be debated; but, unfortunately, on a technicality it could not proceed. It would be fair to say that Australia has never suffered from a more dysfunctional government. Those of us who are old enough can remember the Whitlam debacle; and, of course, more recently in our memory we remember the Rudd debacle. But on top of those two there is that crowning glory known as the Gillard government.

This Gillard government, if you will recall, had to be installed because Mr Rudd and Labor had lost control of our borders, could not deliver a surplus and had to get the carbon tax bedded down. Remember all those reasons that you needed a change of leadership for this country? And what a rich irony it is—yet very, very sad—that a day in our nation's history that should be devoted to Harmony Day and that should be set aside for the consideration of the national apology to those impacted by forced adoptions should have all that pushed aside by the bloodlust of those opposite in their own internal machinations. No discussion about the cost of living pressures, no discussion about border protection, no genuine discussion about the issues facing the people who were confronted by forced adoptions—what we have is Mr Crean and ministers everywhere going out, leaking, holding press conferences saying that they want to get rid of the Prime Minister. That is a matter for those opposite to determine, and I believe that they will ultimately make that determination later on today.

As the fundamental issues confronting our nation need to be addressed, Labor is self-absorbed and Labor is self-indulgent in talking about itself; talking about positions; talking about who is going to get what, when, where and how rather than what is in
the best interests of our nation. Indeed, the revolving door of leadership by Eddie Obeid seems to have hit Canberra big time. It seems as though the dysfunctional Rudd government needed to be replaced by the dysfunctional Gillard government only to be re-replaced by the dysfunctional Rudd government!

Senator Brandis: Where's Bob Carr?

Senator ABETZ: Where is Senator Bob Carr when you need him? There is no talk about the people's welfare, cost of living or our nation's future. All we have is this ugly, self-indulgent talk about leadership. And the man who fronted the TV cameras immediately after the national apology had this to say about Mr Rudd: 'He can't be Prime Minister again.' Oh, I forgot: that was only 12 months ago. Today, supposedly, he can be Prime Minister. Indeed, the member for Bendigo said, 'Only a psychopath with a giant ego would line up again.' Listen to the stories of the chaos, of the temperament, of the inability to have decisions made. They are not stories; they were fact according to one of Ms Gillard's cabinet ministers.

Now I ask the Senate, I ask the Australian people: was the dysfunction of the Rudd government bad? Absolutely it was, and Mr Burke nailed it with those comments. But it does beg a further question: is Australia in better shape today than she was under Kevin Rudd's leadership? Whilst Kevin Rudd's leadership was dysfunctional—

The PRESIDENT: You need to refer to people by their correct titles.

Senator ABETZ: Whilst Mr Rudd's leadership was dysfunctional, it was a beacon of light compared to Ms Gillard's.

This is an important occasion for our nation. This is a government that is in disarray. It is dysfunctional, it is no longer serving the needs of the Australian people, and the Senate should express an opinion.

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:50): Another cheap stunt from those opposite. They have the opportunity to ask ministers at the table questions, and what are they reduced to? They do not want to ask a question in question time about the 71,500 new jobs created in this economy in February— the highest since July 2000. They do not want to ask about the growth of the economy in the December quarter of 3.1 per cent compared to the 10-year average of three per cent. They do not want to ask a question about the low unemployment rate of 5.4 per cent, well below the OECD average of eight per cent. They do not want to talk about the 900,000 jobs created since Labor came to office despite 28 million jobs lost worldwide. They do not want to ask a question about the inflation rate of 2.2 per cent, below the 10-year average of 2.8 per cent. They have a chance today to ask about the interest rate cash rate sitting at three per cent, lower than at any time during the Howard government—and that was the government that went to an election promising there will always be lower interest rates under a Liberal Party. The interest rates today are lower than at any time during the previous, Howard government.

We have the LaRouche economics faction faction down in the far corner: Senator Barnaby Joyce, who wants to talk about debt. He wants to talk about debt all the time, 'Let's talk about debt; let's talk about net debt'. No, he just wants to try and fudge the numbers—show that he can do the job by fudging the numbers—and he got sacked. He got sacked because he could not manage to describe any economic rationalist position.

The net debt that we have in this country as a percentage of GDP is peaking at around
one tenth of major advanced economies. And yet those opposite, particularly the LaRouchian economics faction down in the corner, think about debt and make references to Greece. He talks about Greece all the time. He walks out and does a doorstop: 'Oh, no—that's Greece. That's Greece here'. Well, Mr President, debt is one-tenth of the level across major advanced economies. And did we get a question today about the AAA credit rating that we have from all three ratings agencies? This is something those opposite were never, never able to achieve.

Not everyone is on easy street. There are patchy conditions due to factors like the high dollar, factors like changing consumer patterns and ongoing global challenges. But the global economy is changing, technology is changing, and we can and should grasp the jobs and the opportunities that these changes will create. The Gillard government is getting on with the job of addressing the real issues facing Australians. That is why we are building the National Broadband Network.

Just this morning I demonstrated a brand new cutting-edge technology developed by the CSIRO in conjunction with the National Museum of Australia. And what did they have to say? What did we have to demonstrate? An extraordinary educational tool for every child in Australia. You can now take a tour of the museum here in Canberra no matter where you live. You do, of course, need one thing—a lot of bandwidth. And that bandwidth cannot be delivered on a piece of copper. Access to education services and access to health services should not be determined by how close you live to an exchange or, under the opposition's failing plan, how close you live to a node. The copper in the ground cannot deliver the next generation of health services, of aged-care services, of disability services or of educational services. (Time expired)

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:55): Earlier today the whole nation was looking at our parliament, and the whole nation was actually for once quite proud of its parliament, I would have thought, because this morning we had a highly significant—

Opposition senators interjecting—

The PRESIDENT: Order on my left! Senator Milne is entitled to be heard in silence.

Senator MILNE: This morning the whole nation would have been proud of this parliament because of the apology for forced adoptions meant so much to so many people. There were at least 800 to 1,000 people here in the Great Hall, and around the country many hundreds of thousands more: watching, reflecting and thinking about what had happened and being given, for once, some leadership from the parliament across all parties, saying, 'We are sorry; we care.'

I think it is really a very sad thing that the apology this morning is now being overshadowed by stunts such as this and by the behaviour that is—

Opposition senators interjecting—

The PRESIDENT: Order! Senator Milne is entitled to be heard in silence. On my left!

Senator MILNE: As I said, the dignity of the occasion and the day has been overshadowed by events which have taken over subsequently, particularly by the behaviour here—the disruption of question time and, indeed, by Senator Joyce waving bye-bye. It was reminiscent of that children's program, 'Andy is waving bye-bye,' but it is Senator Joyce who is doing that right now and behaving in such a manner as would be recognised only by those who are familiar with children's TV.

I think there are many things which need to be discussed in the national interest. The
Greens have serious questions to ask of the government, and if the coalition has no intention of asking questions then we are quite up to the task of continuing to ask questions.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:58): The motion that Senator Abetz has moved is the most serious motion that a parliament can consider—that is, a motion to enable the discussion on whether the government continues to have the confidence of the parliament. It tells you everything you need to know. It tells you everything you need to know about the flippancy and about the contempt for the institution of parliament by the Leader of the Government in the Senate, Senator Conroy and the Leader of the Greens, Senator Milne, that they would characterise the most important business that can ever be brought to a parliament—

Honourable senators interjecting—

The PRESIDENT: Order! On my left and on my right, and at the other end of the chamber—Senator Brandis is entitled to be heard in silence.

Senator BRANDIS: They would characterise the most important, the most solemn, motion that can ever be considered by this chamber as a stunt. It was not the opposition, it was not Senator Abetz or Mr Tony Abbott, who called a press conference in the Mural Hall two hours ago to declare that this government was so riven, so dysfunctional and in such disarray that Mr Simon Crean, an elder statesman of the Australian Labor Party, a former leader of the Australian Labor Party and a senior member of Ms Gillard's cabinet, called for there to be a party room ballot—which I understand there will be in an hour and a half's time—to terminate the Prime Ministership of Julia Gillard. Furthermore, not 20 minutes ago, there occurred on the floor of the House of Representatives an event with few precedents in Australian political history, when a motion moved by the opposition received 73 affirmative votes and 71 negative votes, with Mr Oakeshott and Mr Windsor—and Mr Wilkie, but in particular Mr Oakeshott and Mr Windsor—the people who have kept this government in being for three tawdry years, deciding that even they had had enough. So they voted with the opposition and the government was defeated by 73 votes to 71. Now, Mr President, as you know, under House of Representatives standing orders, a motion of that kind requires an absolute majority of members to pass it and therefore, because fewer than 76 people voted for the motion, it was not passed. But, nevertheless, the government was defeated. It is the first time since the fall of the government of Stanley Melbourne Bruce in September 1929 that a government has been defeated on a substantive issue on the floor of the House of Representatives.

We have, in our democracy, a way of resolving these disputes. It is called an election. If Mr Tony Windsor, Mr Andrew Wilkie and Mr Rob Oakeshott—who have kept this government in power—have at last said to their constituents and to the Australian people, 'Even we have had enough,' then wouldn't you think, out of decency and out of self-respect, the ministers who remained in this government would say, 'Well it's about time we let the people choose'? Our government has lost the confidence of the House of Representatives, it has lost the confidence of the people who agreed to support it and sustain it in office, and the Prime Minister has lost the confidence of senior minister after senior minister—not just Mr Simon Crean. She does not have the confidence of Senator Kim Carr; she does not have the confidence of
Senator Penny Wong, who sold her out for 30 pieces of silver. We have a situation now in which the government is split wide open and in disarray, and whatever the outcome of this ballot today—coincidentally a ballot being held on the 50th anniversary to the day of the famous faceless men photograph outside the Kingston Hotel on 21 March 1963—the faceless men will have made the call. The fact that there are two sides of faceless men in a faceless civil war against each other does not change the fact that the faceless men made the call. They got rid of Kevin Rudd and they are getting rid of Julia Gillard—it is time to get rid of the faceless men!

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (15:03): I think, in that wind-up, Senator Brandis demonstrated yet again what this is really all about. This is all about the longest dummy-spit in Australian political history, which is that the opposition have never accepted the result of the last election.

Honourable senators interjecting—

The PRESIDENT: Senator Wong, just resume your seat. Order on both sides!

Senator WONG: If anybody in this country ever doubted that the Liberal Party had come to this place with a born-to-rule attitude, they just have to watch Senator George Brandis today as he lectured us about why he should be in a position of power, puffed up and pompous as he always is. But what he demonstrates, more importantly than all of that, is this absolute view that they are born to rule. Well, let me tell you this, Mr President: we on this side believe in a fair Australia, a just Australia, and I was very interested that Senator Brandis said that the motion before the chamber was the most important and most solemn thing a parliament could do. Unlike him, on this side we think an increase to the pension was a pretty important thing to do; we think a National Disability Insurance Scheme is a pretty important thing to do; we think fair wages and conditions for Australian workers and their families are a pretty important thing to do; we think ensuring we have a strong economy is a pretty important thing to do; we think tax breaks and tax cuts for low-income Australians are a pretty important thing to do; we think increases in superannuation are a pretty important thing to do; we think increasing the wages for the low-paid workers who work in domestic violence centres and in social and community services was a pretty important thing to do—and the list goes on. The difference in Australian political history, as was on display, between that side and this side is that we are about the future. We are about a just Australia, a fair Australia and a strong economy for today and for tomorrow. Those on the other side have always been about privilege.

Opposition senators interjecting—

The PRESIDENT: Senator Wong, you just might resume your seat. Order! Other speakers have been heard in reasonable silence; I expect that to remain.

Senator WONG: If anyone ever doubted that the Liberal Party are about privilege they only needed to look at Senator Brandis today: 'My motion is more important than pensioners getting a pay increase. My motion is more important than fair wages and conditions. My motion is more important than fair and reasonable tax rates. My motion is more important than superannuation for working people'—and I could go on. This opposition is entirely addicted to negativity.

Senator Brandis interjecting—

The PRESIDENT: Senator Wong, just resume your seat. Senator Brandis, I remind...
you that it is disorderly to continually disrupt the debate.

Senator WONG: Those on the other side are utterly addicted to negativity. When the country, the nation, asks for vision, what we get from those opposite is nasty personal attacks. When the nation wants policy, you can always guarantee you will get pettiness from the other side. Those on the other side have always been interested in frightening people, scaring people and dividing Australians. That is the legacy of the Howard government, and that is absolutely where the Abbott opposition are. You are always interested in division and in lowering people's sights, lowering people's aspirations.

We have a different view. We are the Labor Party and we are about ensuring opportunity, we are about ensuring a strong economy and we are about ensuring more fairness.

Opposition senators interjecting—

The PRESIDENT: Order!

Senator Brandis interjecting—

Senator Abetz interjecting—

The PRESIDENT: Order! Senator Wong.

Senator WONG: You only have to listen to the interjections—people here might not be able to hear them—to hear nasty personal jibes from the other side. That is all you are up for. When has anyone ever heard Senator Abetz or Senator Brandis espouse anything that made you feel uplifted? When have you ever heard the Abbott opposition, Tony Abbott, Mr Abbott—when have you ever heard him lift the country up? He only runs the country down and runs the economy down if he thinks it is in his political interests. The same is on display today with Senator Abetz and Senator Brandis because, ultimately, this is an opposition who can only do one thing, and that is attack. That is the only thing this opposition is able to do, and it is still doing it today. All it can do is engage in the politics of personal negativity and personal attack. This opposition will never uplift the nation. This opposition will never bring fairness. And this opposition will never ensure a strong economy today and in the future.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (15:10): Well, just then, Mr President, the member for Hotham, Simon Findlay Crean, has been sacked. This government is now chaotic. It is out of control. It is beyond contempt that the former leader of the Labor Party, a person who is highly respected, has been sacked by a Prime Minister who has gone completely and utterly rogue. The Prime Minister has gone rogue. The country is without leadership. It is chaotic. I look at Senator Conroy; the man looks like he has seen a ghost, and the ghost looks awfully like Senator Cameron.

We have to do something about trying to bring some sanity back into where this nation is. It surely cannot go on like this. We know that there are decent people on the Labor side: Minister Ferguson, Minister Crean—I have to say it—former Minister Evans, former Minister Faulkner. There are decent people, but this chaos has got to come to a conclusion. The Australian people deserve better than this. You cannot use the Australian nation as some sort of plaything for a manic cat. This is out of control—totally and utterly out of control.

Now we have Mr Windsor with Mr Oakeshott and Mr Wilkie who have moved votes of no confidence. Well, I told you so: that first they would cripple you, then they would kill you—that is exactly what they would do. Why on earth would you have hitched your caravan to those people? They have done nothing but drag you into
oblivion. And here are the other ones, right beside us here: the Greens, with their crazy policies, one after the other, after the other, after the other. They took you on a trip on the carbon tax and destroyed your party. They took you on a trip banning the live cattle trade and destroyed your party. They have taken you on a trip on so many social agendas and destroyed your party. Yet you let them do it to you. Why do you let them do it to you? Why don't you stand up for yourselves? They will leave you nowhere but nihilism. And Mr Oakeshott and Mr Windsor right from the start were going to be trouble.

People are saying now, 'Oh, well, if we go from Prime Minister Gillard.' I don't know where you will end up at 4.30—who would know? Who would know who will be the Prime Minister by tonight? Who would know how many more prime ministers this nation will have? But it is not going to be the Prime Minister that causes you the problem. It is the debt, Senator Conroy, that is going to cause you a problem—$268.8 billion in gross debt, and we are heading towards our next ceiling. Of course, Minister Conroy will talk about net debt, but he cannot explain it. He does not care—we are just going through credit limits: went through the $75 billion limit, went through the $200 billion limit, went through the quarter of a trillion dollar limit and are nudging up against the $300 billion. It is the most tawdry financial management that any nation has ever had—

Senator Wong interjecting—

Senator JOYCE: and, Minister Wong, you were the finance minister for it. You caused it. You brought this upon yourself. You are hopeless, and you will be marked by the Australian people.

The PRESIDENT: Senator Joyce, you should address your comments to the chair.

Senator Wong interjecting—

The PRESIDENT: Order, Senator Wong! Senator Joyce, you need to address your comments to the chair and I will ask you to be quiet until we have some silence in the chamber. You will get the call; you know how this place works.

Honourable senators interjecting—

The PRESIDENT: When there is silence! Senator Joyce.

Senator JOYCE: Mr President, what we have heard today from the Labor Party has a very apt name. We hear them all the time; we hear them at solemn occasions. They are called eulogies. We have heard a number of eulogies because it is all over; it is all finished. It is goodbye to the government. It is goodbye to sanity. It will be hello chaos at 4.30.

And why did we do this? Where is Mr Paul Howes now? We better find out. We better go and find out what he wants to do. We better find out from him where he wants to take this nation. We better talk to the Greens about where this nation goes next. We better find out what would make Mr Oakeshott and Mr Windsor happy again. They were happy with chaos and they are obviously getting unhappy that we might fix it up.

What is the next lot of chaos going to be—the NBN? Was it the ceiling insulation, green loans, debt, deficit, carbon tax, mining tax or live cattle trade that brought this nation to its knees under this chaotic and hopeless government? Well, it was the fact that they tried to join together three pieces of an incredible puzzle. How on earth did the Labor Party allow themselves to get hooked up with the Independents, hooked up with the Greens and hooked up with this chaos? How on earth did they let themselves get to a position where they dispensed with their first Prime Minister? How on earth did we get to this position right now? This might be the
last time that I ever speak in this chamber, but it is a disgrace and our nation deserves better than this. Our nation deserves so much better than this, and I hope that, whatever you do at 4.30 pm, you give some dignity back to this nation. *(Time expired)*

Honourable senators interjecting—

**The PRESIDENT:** Order! Senator Wong, I am waiting to put the question. Order, Senator Joyce and Senator Wong! Order on both sides! The question is that the motion moved by Senator Abetz be agreed to.

The Senate divided. [15:20]

(The President—Senator Hogg)

Ayes.........................32
Noes.........................40
Majority...................8

AYES

Abetz, E
Bernardi, C
Boswell, RLD
Bushby, DC
Colbeck, R
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Joyce, B
Macdonald, ID
McKenzie, B
Parry, S
Ronaldson, M
Scullion, NG
Smith, D

NOES

McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Urquhart, AE
Whish-Wilson, PS
Wright, PL

NOES

Milne, C
Polley, H
Rhiannon, L
Singh, LM
Sterle, G
Thorp, LE
Waters, LJ
Wong, P
Xenophon, N

PAIRS

Boyce, SK
Brown, CL
Ruston, A
Carr, RJ

Question negatived

**Senator CONROY** (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (15:23): Mr President, I ask that further questions be placed on the Notice Paper.

**QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS**

**Environment**

**Senator CONROY** (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (15:23): Senator Xenophon asked me questions at question time about funding for water projects in the Riverland. I table additional information in response to the questions and seek leave for the additional information to be incorporated into *Hansard*.

Leave granted.

The answer read as follows—

MINISTER FOR SUSTAINABILITY, ENVIRONMENT, WATER, POPULATION AND COMMUNITIES

Senate Question without Notice
On Wednesday, 20 March 2013 during question time, Senator Xenophon asked me a number of questions as Minister representing the Minister for Sustainability, Environment, Water, Population and Communities concerning the $265 million funding announcement to support irrigators in the Riverland.

QUESTION:
Thank you, Mr President. My question is to Senator Conroy, representing the Minister for Sustainability, Environment, Water, Population and Communities. On 28 October 2012, Minister Burke, in a media release titled 'Gillard government supports the Riverland', announced $265 million in funding for water projects and industry support for the Riverland in South Australia: $180 million for the Water Industry Alliance, and $85 million for research, regional development, and industry redevelopment. During Senate estimates on 12 February this year the first assistant secretary of the department, Mary Harwood, said the South Australian government was 'still developing the business case'. Ms Harwood was referring to the $180 million fund. Can the minister advise when a draft business plan from the South Australian government was submitted, when was feedback provided by the Commonwealth, and when are these desperately needed funds expected to flow to the Riverland?

ANSWER:
The Commonwealth has committed $1.2 million to the South Australian Government to undertake a feasibility study and to develop a business case for the River Murray Improvements Program. In accordance with this agreement, South Australia was required to submit by 21 December 2012 a draft business case that met milestone requirements specified in the business case funding agreement.

On 21 December 2012 the Commonwealth received for discussion purposes part of what was described by South Australian officials as a "preliminary draft" business case for the $180 million River Murray Improvement Program (RMIP), with further material provided by South Australia on 10 and 17 January 2013. Further detail was sought from South Australia. Discussions on requirements continued between SA and Commonwealth officials during January and February 2013. South Australia submitted a partial draft business case to the Commonwealth on 28 February 2013, with other material being provided on 1 March 2013. The Commonwealth provided South Australia with feedback on the draft business case on 14 March 2013, South Australia is continuing to develop the business case. These are significant projects that need a large amount of detail and clear governance arrangements. Negotiation on such projects can take some time.

Once a final business case is submitted for the RMIP, Commonwealth due diligence assessment will be conducted. Following due diligence assessment a recommendation will be provided to the Minister for Sustainability, Environment, Water, Population and Communities, including on any conditions required for the program to proceed, if approved.

If approved, a funding agreement will be put in place with the South Australian Government, including any necessary conditions, governance, implementation, monitoring and reporting arrangements for the final program.

Subsequently, the South Australian program managers will receive and assess applications for funding under the program.

QUESTION:
I ask a supplementary question. The Commonwealth response, in Senate Estimates, seems to imply that the South Australian government has failed to promptly act in relation to the funding. Is it not the case that the draft business plan was provided by the South Australian government over two months ago, and has still not been finalised in conjunction with the Commonwealth?

ANSWER:
See response above.

QUESTION:
I ask a further supplementary question. Will the minister make an unequivocal, urgent undertaking that these funds, namely $265 million, as promised by Minister Burke, will be spent on the Riverland community—and, if so, when?
ANSWER:
The $265 million commitment has two components, the $180 million RMIP and $85 million for a separate SA Industry Futures Program. The scope and content of the latter initiative is still being developed by South Australia. Funding for these programs will flow as and when the programs pass due diligence, are approved for funding and the required funding agreements are put in place.

COMMITTEES
Economics Legislation Committee
Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:24): I move:
That the exposure draft relating to the Australian Jobs Bill 2013 be referred to the Economics Legislation Committee for inquiry and report by 14 May 2013.
Question agreed to.

MOTIONS
Harmony Day
Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:25): At the request of Senator Lundy, I move:
That the Senate notes that:
(a) Harmony Day is celebrated throughout Australia on 21 March and is a significant day for Australians to celebrate the rich and vibrant cultural diversity of Australia;
(b) this day is also the United Nations International Day for the Elimination of Racial Discrimination;
(c) Harmony Day is about community participation, inclusiveness and respect – it is a day to reflect on our success as a multicultural nation, our strong social cohesion and the benefits of cultural diversity;
(d) the central message for Harmony Day is that everyone belongs, reinforcing the importance of inclusiveness to all Australians;
(e) in 2013, the theme for Harmony Day is ‘Many Stories – One Australia’;
(f) since Harmony Day began in 1999, 50 000 events have been celebrated across Australia and in 2013 over 2 000 events have been registered;
(g) orange is the colour of Harmony Day and everyone is encouraged to wear something orange to show their support for multiculturalism and an inclusive Australia.
Question agreed to.

COMMITTEES
Community Affairs References Committee
Senator SIEWERT (Western Australia—Australian Greens Whip) (15:25): I move:
That the time for the presentation of the report of the Community Affairs References Committee on the impacts on health of air quality be extended to 26 June 2013.
Question agreed to.

MOTIONS
Newstart
Senator SIEWERT (Western Australia—Australian Greens Whip) (15:26): I move:
That the Senate acknowledges that the current level of Newstart is too low.
Question agreed to.

Grandparent Carers
Senator SMITH (Western Australia) (15:26): I move:
That the Senate acknowledges:
(a) the valuable contribution that grandparents who take on the primary responsibility for raising their grandchildren make to the Australian community;
(b) that, while these grandparents take on these added responsibilities with great care and
commitment, it can often lead to financial, physical and emotional hardship; and
(c) the announcement by the Western Australian State Government that it will introduce a Grandcarers Support Scheme which will provide financial assistance to those grandparents who care for their grandchildren full-time but do not receive financial support through the Department of Child Protection.

Question agreed to.

World Down Syndrome Day

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:27): At the request of Senators McLucas, Fifield, Boyce and Siewert, I move:

That the Senate—
(a) notes that 21 March 2013, marks the 8th anniversary of World Down Syndrome Day and the second time that day has been acknowledged under the auspices of the United Nations (UN);
(b) recognises that Down syndrome is the most prevalent genetic cause of intellectual disability;
(c) acknowledges that barriers faced by people with Down syndrome can be overcome through the shared vision for an inclusive Australian society that enables people with disability to fulfil their potential as equal citizens (National Disability Strategy 2010-2020);
(d) recognises that, through the Government's Better Start for Children with Disability program, as at the end of February, 1 325 children with Down syndrome have registered to receive up to $12 000 for early intervention;
(e) acknowledges the multi-partisan support for the National Disability Insurance Scheme, with the first stage of the scheme launching in a number of sites from 1 July which will give Australians with Down syndrome and other disabilities the opportunity to live fulfilling lives; and
(f) supports the celebration of UN World Down Syndrome Day by people with Down syndrome, their families, friends and carers, and the wider community.

Question agreed to.

National Close the Gap Day

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:27): I, and also on behalf of Senator Moore, move:

That the Senate—
(a) notes that 21 March is National Close the Gap Day and that at least 900 community events are being held around the country, with an estimated 140 000 Australians expressing their support for continued investment to close the appalling gap in life expectancy between Aboriginal and Torres Strait Islander people and non-Indigenous Australians;
(b) affirms its commitment to the Close the Gap campaign Statement of Intent as the blueprint for action to close the health equality gap; and
(c) calls on the Government to continue:
(i) the funding of the National Partnership Agreement on Indigenous Health and to work with the states and territories to ensure that they commit to ongoing funding and continued transparency and accountability, and
(ii) to work in partnership with Aboriginal and Torres Strait Islander peoples and their representatives to continue to drive the development, implementation and monitoring of the National Aboriginal and Torres Strait Islander Health Plan.

Question agreed to.

Sri Lanka: Human Rights

Senator MADIGAN (Victoria) (15:27): I seek leave to amend general business notice of motion No. 1211 standing in my name by removing the name of Senator Rhiannon and adding the name of Senator Xenophon.

Leave granted.

Senator MADIGAN: I, and also on behalf of Senator Xenophon, move the motion as amended:

That the Senate—
(a) notes that:
(i) the 22nd Session of the United Nations (UN) Human Rights Council will this week vote on a resolution, tabled by the United States of America (US), urging Sri Lanka to fulfil its public commitments, including the devolution of political authority, which is integral to reconciliation and the full enjoyment of human rights by all members of its population,

(ii) the resolution expresses concern at the continuing reports of human rights violations in Sri Lanka, including enforced disappearances, extrajudicial killings, torture, and violations of various rights of freedom, as well as intimidation of, and reprisals against, human rights defenders, and discriminations on the basis of religion or belief,

(iii) the resolution has been co-sponsored by Austria, Canada, Croatia, Belgium, Denmark, Estonia, France, Finland, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Malta, Monaco, Montenegro, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, St Kitts and Nevis, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and the US, and

(iv) the UN High Commissioner for Human Rights has called for an independent and credible international investigation into alleged violations of international human rights law and international humanitarian law in Sri Lanka; and

(b) calls on the Government to:

(i) add Australia to the list of co-sponsors of the resolution, and

(ii) support efforts to secure the US-initiated resolution on Sri Lanka at the 22nd Session of the UN Human Rights Council, through the Australian permanent representative in Geneva.

Question agreed to.

Senator RHIANNON (New South Wales) (15:28): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator RHIANNON: The Greens do not support this motion. Because of the current circumstances, we did not call a division. While I believe this motion has been moved in good faith by Senators Madigan and Xenophon, the Australian Greens cannot congratulate the government in supporting the empty US-initiated resolution on Sri Lanka, tabled at the UN Human Rights Council in Geneva. It is weak because it urges the Sri Lankan government to implement its own investigation into the war crimes that it is accused of committing.

Organ Harvesting

Senator MADIGAN (Victoria) (15:29): I seek leave to amend general business notice of motion No. 1212 standing in my name by omitting subparagraph (b)(ii).

Leave granted.

Senator MADIGAN: I move the motion as amended:

That the Senate—

(a) notes that:

(i) the Special Rapporteur of the United Nations (UN) on torture and other cruel, inhuman or degrading treatment or punishment has issued two reports detailing allegations of organ harvesting in China,

(ii) the UN and the Council of Europe are planning to introduce a new binding international treaty to prevent trafficking in organs, tissues and cells and have already issued protocols containing appropriate measures to combat the trafficking of human beings for organ removal, and

(iii) since the publication of the UN reports, the United States of America (US), from June 2011, has included on its online non-immigrant visa application Form DS-160 the question, 'Have you ever been directly involved in the coercive transplantation of human organs or bodily tissues?'; and

(b) calls on the Government to support the UN and Council of Europe initiatives to oppose the practice of organ harvesting.

Question agreed to.
COMMITTEES
Rural and Regional Affairs and Transport References Committee
Meeting
Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:30): At the request of Senator Heffernan, I move:
That the Rural and Regional Affairs and Transport References Committee be authorised to hold an in camera hearing during the sitting of the Senate on Thursday, 21 March 2013.
Question agreed to.

MOTIONS
Syria
Senator RHIANNON (New South Wales) (15:30): I, and also on behalf of Senator Moore, move:
That the Senate—
(a) notes that:
(i) it is 2 years since violence erupted in Syria, an estimated 70 000 people have been killed and more than 1 million have sought refuge in neighbouring countries, with an estimated 2.5 million people displaced inside Syria and an estimated 4 million people requiring humanitarian assistance,
(ii) Syria's hospitals have been damaged with a third no longer functioning and there is a shortage of medicine,
(iii) food production throughout Syria has been dramatically curtailed and food prices have soared leaving many people unable to feed their families, and
(iv) despite the impeded humanitarian access the United Nations (UN) Office for the Coordination of Humanitarian Affairs has expressed concern that UN agencies expect to receive only half of the funding pledged; and
(b) calls on the South Australian Premier to reverse his Government’s decision and reinstate the funding in the 2013-14 Budget.
Question negatived.

Senator HANSON-YOUNG: I will not call a division, but I would like it noted for the record that the Greens supported this motion and the opposition and the government did not.

Australian Rail Track Corporation
Senator RHIANNON (New South Wales) (15:33): I move:
That the Senate—
(a) notes that:
(i) a spokesperson for the Minister for Infrastructure and Transport was quoted on 16 March 2013 as saying that the level of particulate...
matter emitted by coal trains was not statistically significantly different to passenger trains,

(ii) the Australian Rail Track Corporation (ARTC), a wholly government-owned corporation, commissioned a Rail Corridor Air Quality Monitoring Study, 'Pollution Reduction Program 4 – Particulate Emissions from Coal Trains' released in September 2012, which assessed the levels of particulate pollution on the Hunter rail corridor at Mayfield and Metford and concluded that concentrations coinciding with loaded and unloaded coal train passes are statistically higher for PM10 and PM2.5 than concentrations recorded during passenger train passes,

(iii) the ARTC earmarked $3.525 billion to spend on upgrading the Hunter coal rail network in its 'Hunter Valley Corridor 2012-2021 Capacity Strategy', released June 2012, and

(iv) there is a high level of concern about the health impacts of coal rail dust along frequently-used coal rail lines, such as communities along the Hunter Valley and Brisbane coal rail lines;

(b) acknowledges the inconsistency between the spokesperson's comments that the difference between particulate emissions from coal and passenger trains is not statistically significant and the findings of the ARTC-commissioned particulate emissions study; and

(c) requests that the Minister for Infrastructure and Transport (Mr Albanese) correct the comments or provide evidence to the Senate that proves the difference between particulate emissions from coal and passenger trains is not statistically significant.

Question negatived.

Senator RHIANNON: I have not called a division because of the current circumstances of this chamber. However, I do wish to record that the Greens would have called a division.

The DEPUTY PRESIDENT: Senator Rhiannon, are you seeking leave to make a short statement?

Senator RHIANNON: Yes.

Western Sahara

Senator LUDLAM (Western Australia) (15:34): I move:

That the Senate—

(a) notes that the question of Western Sahara remains unresolved;

(b) expresses its strong support for the right to self-determination of the Sahrawi people, in accordance with the relevant United Nations (UN) resolutions;

(c) expresses its deep concern at the continued violations of human rights in Western Sahara; and

(d) calls on the Government to:

(i) play an active and positive role at the UN Security Council to encourage a speedy and just solution to the issue of Western Sahara, including the release of all Sahrawi political prisoners,

(ii) do all it can to encourage the protection of the fundamental rights of the people of Western Sahara, including freedom of association, freedom of expression and the right to demonstrate, and

(iii) urge the UN to fulfil its responsibility towards the right of the people of Western Sahara to self-determination and include human rights monitoring in the mandate of the United Nations Mission for the Referendum in Western Sahara.

Question negatived.
World Tuberculosis Day

Senator RHIANNON (New South Wales) (15:35): I move:
That the Senate—

(a) notes that:

(i) 24 March is World Tuberculosis Day,
(ii) tuberculosis (TB) is a preventable and treatable disease claiming the lives of up to 1.4 million people every year, mostly in developing countries, and
(iii) the World Health Organization (WHO) estimates most new TB cases in 2011 occurred in the south-east Asia region, which, combined with the Western Pacific region, accounted for 59 per cent of incident cases globally;

(b) recognises that:

(i) investment in research and development funding for TB has stagnated over the past few years,
(ii) in 2011 the WHO Global Plan to Stop TB suffered an estimated 68 per cent shortfall of the targeted $2 billion for TB research and development, equating to a shortfall of US$1.35 billion,
(iii) the Global Fund to Fight AIDS, Tuberculosis and Malaria is a key international partnership providing critical basic services for many developing countries in the fight against TB, with more than two thirds of international financing for TB services provided by the Global Fund, and
(iv) the Australian Government has provided increasing support to the Global Fund since 2004, but has deferred payment of $11 million to the Global Fund in the current financial year;

(c) calls on the Government to:

(i) further expand and monitor results from its TB program in Papua New Guinea, and
(ii) include the deferred payment of $11 million to the Global Fund in the 2013-14 Budget, and work with other donors to ensure the Global Fund receives an increased replenishment for the 2014 to 2016 period.

Question negatived.

Senator RHIANNON: I am not calling a division, but I wish it to be noted that the Greens supported this motion and we would have called a division if there had been time. It is a very important issue.

COMMITTEES

Rural and Regional Affairs and Transport References Committee

Reference

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:35): I move:
That the Rural and Regional Affairs and Transport References Committee take evidence in Tasmania for its inquiry into the Auditor-General's reports nos 26 of 2007-08 and 22 of 2012-13 in relation to the Tasmanian forest industry.

Question negatived.

Senator MILNE: I would like it noted that both the government and the coalition opposed this motion.

NOTICES

Presentation

Senator Collins to move:
That the hours of meeting for Tuesday, 14 May 2013 be from 12.30 pm to 6.30 pm and 8 pm to adjournment, and for Thursday, 16 May 2013 be from 9.30 am to 6 pm and 8 pm to adjournment, and that:
(a) the routine of business from 8 pm on Tuesday, 14 May 2013 shall be:

(i) Budget statement and documents 2013-14, and
(ii) adjournment; and
(b) the routine of business from 8 pm on Thursday, 16 May 2013 shall be:

(i) Budget statement and documents—party leaders and independent senators to make responses to the statement and documents for not more than 30 minutes each, and
(ii) adjournment.

Question negatived.
Senator Hanson-Young to move:

That the Senate calls for all asylum seekers and refugees who are released into the community on a bridging visa to be granted the right to work and support themselves.

Senator Fifield to move:

That the Australian Charities and Not-for-profits Commission Regulation 2013, as contained in Select Legislative Instrument 2013 No. 22 and made under the Australian Charities and Not-for-profits Commission Act 2012, be disallowed. [F2013L00401]

Senator Fifield to move:

That the Australian Charities and Not-for-profits Commission Amendment Regulation 2013 (No. 1), as contained in Select Legislative Instrument 2013 No. 23 and made under the Australian Charities and Not-for-profits Commission Act 2012, be disallowed. [F2013L00402]

COMMITTEES

Selection of Bills Committee

Report

Senator McEWEN (South Australia—Government Whip in the Senate) (15:37): I present the fourth report of 2013 of the Selection of Bills Committee.

Ordered that the report be adopted.

Senator McEWEN: I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 4 OF 2013

1. The committee met in private session on Wednesday, 20 March 2013 at 7.25 pm.

2. The committee resolved to recommend—

That—

(a) contingent upon its introduction in the House of Representatives, the provisions of the Aboriginal Land Rights and Other Legislation Amendment Bill 2013 be referred immediately to the Community Affairs Legislation Committee for inquiry and report 25 June 2013 (see appendix 1 for a statement of reasons for referral);

(b) the provisions of the Asbestos Safety and Eradication Agency Bill 2013 be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 14 May 2013 (see appendix 2 for a statement of reasons for referral);

(c) the provisions of the Australia Council Bill 2013 and the Australia Council (Consequential and Transitional Provisions) Bill 2013 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 9 May 2013 (see appendices 3 and 4 for statements of reasons for referral);

(d) the Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Bill 2013 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 16 May 2013 (see appendix 5 for a statement of reasons for referral);

(e) the provisions Export Finance and Insurance Corporation Amendment (New Mandate and Other Measures) Bill 2013 be referred immediately to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 14 May 2013 (see appendix 6 for a statement of reasons for referral);

(f) contingent upon its introduction in the House of Representatives, the provisions of the Fair Work Amendment Bill 2013 be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 14 May 2013 (see appendix 7 for a statement of reasons for referral);

(g) the Health Insurance Amendment (Medicare Funding for Certain Types of Abortion) Bill 2013 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 25 June 2013 (see appendix 8 for a statement of reasons for referral);

(h) the provisions of the Insurance Contracts Amendment Bill 2013 be referred immediately to the Economics Legislation Committee for inquiry and report by 25 June 2013 (see appendix 9 for a statement of reasons for referral);
(i) the International Organisations (Privileges and Immunities) Amendment Bill 2013 be referred immediately to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 25 June 2013 (see appendix 10 for a statement of reasons for referral);

(j) the provisions of the Marriage Amendment (Celebrant Administration and Fees) Bill 2013 and the Marriage (Celebrant Registration Charge) Bill 2013 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 18 June 2013 (see appendix 11 for a statement of reasons for referral);

(k) contingent upon its introduction in the House of Representatives, the provisions of the Public Interest Disclosure Bill 2013 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 25 June 2013 (see appendix 12 for a statement of reasons for referral);

(l) the Restoring Territory Rights (Voluntary Euthanasia Legislation) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 24 June 2013 (see appendix 13 for a statement of reasons for referral);

(m) contingent upon its introduction in the House of Representatives, the provisions of the Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report 17 June 2013 (see appendix 14 for a statement of reasons for referral);

(n) the provisions of the Student Identifiers Bill 2013 be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 18 June 2013 (see appendix 15 for a statement of reasons for referral);

(o) contingent upon its introduction in the House of Representatives, the provisions of the Telecommunications Legislation Amendment (Consumer Protection) Bill 2013 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 17 June 2013 (see appendix 16 for a statement of reasons for referral);

(p) the Therapeutic Goods Amendment (Pharmaceutical Transparency) Bill 2013 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 17 June 2013 (see appendix 17 for a statement of reasons for referral);

(q) the provisions of the Therapeutic Goods Amendment (2013 Measures No. 1) Bill 2013 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 14 May 2013 (see appendix 18 for a statement of reasons for referral); and

(r) the provisions of the Veterans’ Affairs Legislation Amendment (Military Compensation Review and Other Measures) Bill 2013 be referred immediately to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 17 June 2013 (see appendix 19 for a statement of reasons for referral).

3. The committee resolved to recommend—That the following bills not be referred to committees:

- Aviation Transport Security Amendment (Inbound Cargo Security Enhancement) Bill 2013
- Corporations Amendment (Simple Corporate Bonds and Other Measures) Bill 2013
- Corporations and Financial Sector Legislation Amendment Bill 2013
- Court Security Bill 2013
- Court Security (Consequential Amendments) Bill 2013
- National Measurement Amendment Bill 2013
- Not-for-profit Sector Freedom to Advocate Bill 2013
- Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No. 2) Bill 2013
- Social Security Legislation Amendment (Disaster Recovery Allowance) Bill 2013
Statute Law Revision Bill 2013 and

*The committee recommends accordingly.*

4. The committee deferred consideration of the following bills to its next meeting:
   - Customs Tariff Amendment (Incorporation of Proposals) Bill 2013
   - Customs and AusCheck Legislation Amendment (Organised Crime and Other Measures) Bill 2013
   - Indigenous Education (Targeted Assistance) Amendment Bill 2013
   - Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2013 and
   - Social Security Legislation Amendment (Caring for People on Newstart) Bill 2013.

(Anne McEwen)
Chair
21 March 2013

**BUSINESS**

**Leave of Absence**

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:37): by leave—I move:

That leave of absence be granted to Senator Ruston for 21 March 2013 for parliamentary reasons.

Question agreed to.

**PARLIAMENTARY REPRESENTATION**

**Valedictory**

Senator CHRIS EVANS (Western Australia) (15:38): by leave—As you are aware, I announced when I resigned from the ministry that I would leave the Senate fairly shortly after that. As this will be my last day in the parliament—I will resign in the next few weeks—and this is my last day in the Senate, I thought I might take the opportunity to make a few remarks.

I have never been one for valedictories. I have always called them 'obituaries' and I have often been unable to actually correct myself in public. It is not a practice I have been terribly fond of. I do want to make clear that this is not an obituary. I appreciate the cooperation of the Senate in allowing my request that I should make the only speech. I have always thought that people should judge you on how you have treated people while you are here and what contribution you have made. To get a better reading of someone and their performance, their standards and how they have carried themselves in this place is to actually seek to record the assessments people make of you in private rather than the ones they might make in the chamber on the occasion of your retirement. They are generally more honest.

I have been persuaded into making these remarks mainly in order to allow me to thank a few people. I think I have covered much of this ground in the press conference I gave with the Prime Minister when stepping down from the ministry. The point I made there was that I am very lucky to be in a situation, unlike so many of my colleagues, to retire at a time of my own choosing, to retire in good health and to retire without bitterness. Too few of us get to do that. It is an option open to senators and it is one that I was always determined I would take, even though it took me a bit longer to get there than I thought. I had promised my partner that I would be here for 10 or 12 years. She maintains I reneged on the deal, but I said I wanted to wait until we won. It looked like it might go on for a very, very long time but we got there in the end.

I have to stress that I go out in good health, because since I lost a bit of weight people keep coming up and saying, 'Chris, are you okay?' As I say, if I have got cancer, it is undiagnosed at this stage. It was a resolve of mine to leave in the sort of shape I
came in as a much younger man. But I could not do anything about the colour of my hair.

Senator Kroger: You could, actually.

Senator CHRIS EVANS: Yes, I could have dyed it.

Senator Parry: At least you have some.

The PRESIDENT: That is completely disorderly! Senator Evans, you know the rules—ignore the interjections. This is your speech.

Senator CHRIS EVANS: Or, like some of my colleagues, maybe wear a bit of make-up when they do their interviews. Anyway, I won't go there.

I just wanted to firstly make the very strong point of what an enormous privilege it has been to serve in the Senate, and the tremendous opportunities that have been afforded me as a migrant to this country—as the son of a temporary migrant worker who settled in this country and made his contribution. I have been afforded huge opportunities—ones that Australians take for granted. We do not celebrate enough the fact that we have those opportunities.

During my time as a senator I have had the opportunity to work with Australians from all walks of life, to meet people and engage with them on their issues. Of course, more recently, I have been able to serve as a cabinet minister, as Leader of the Government in the Senate and even to act as Prime Minister for a few days. As I remarked at the time, the country survived that experience. It was, of course, a tremendous honour. I am very grateful for those opportunities but it is the case that I have made my contribution and it is time to let others make theirs. I look forward to another stage of my life.

I did particularly want to thank a few people. I wanted first of all to thank my family. My partner, Miriam, has carried a huge burden when I have been away—and, as you know, we are away a lot. She does refer to herself as a single mother. She has done a fantastic job raising my two beautiful, tall boys. She has allowed and supported them to grow into very fine young men. I thank her for that. It has been a huge price, I know, but I hope they forgive me for that.

I would also like to thank my sister, Sheridan, who lives in Canberra. I said to her when I got here about 19½ years ago, 'Sheridan, is it all right if I stop at your place for the first couple of weeks while I sort myself out?' Needless to say, I am still there. She did move house once, but I found where she had moved to. The good thing about being a younger brother is that the relationship does not change no matter how old you get, so I can still take great liberties and she has to put up with it. So, if there is a cold sausage missing from the fridge or the number of beers in the fridge seems to have gone down a bit, you get away with that sort of thing. It has been great having a family member here in Canberra. As you know, it is a funny lifestyle, and having someone who understands and supports you—as well as my family in Perth—is a great advantage.

She is the one who brought me into politics when I was a young man and so she is always interested in what we have done during the day et cetera. She worked here for a while as a chief of staff to a Labor minister and I have always found that to be the worst side of sharing with her, because she actually wants to catch up on what has happened that day when I do not want to talk about it at all. Anyway, thank you, Sheridan.

Obviously, thank you to the party and the trade unions and all those who have supported me over the years. It has been fantastic to be given such opportunities. I always will value my membership of the Australian Labor Party and its support and I
will remain a member forever. I recognise that I am one of the lucky ones of all those who have worked so hard for the success of Labor over many years as I got the chance to represent them in the parliament.

I particularly also want to thank my staff. I have been very lucky in having great staff. The trick in this game is to have great staff who make you look better. The other trick is to have people who have a skill set that you do not have. Luckily, 14 years ago I picked up a young bloke called Tim Friedrich. He is a good researcher with a great mind; he is good on detail and has a tremendous policy brain. He has all those skills I do not have and I have worked with him for 14 years. He worked for me in opposition and in government and has been a tremendous asset. I must say that the one thing I never took from him was political advice—I got political advice, but I never took it! That is not one of his skills—that is what I brought to the equation.

I would also like to thank my two chiefs of staff, Michael Boyle, the brigadier, and Karen Brown. Michael Boyle gave huge leadership to my office, and advice and support to me during a difficult time in immigration and serving in opposition and government. He is a tremendously talented and principled man and I very much appreciated his support and loyalty. Karen Brown, my chief of staff in recent times, has been fantastic. She has a tremendous but different skill set. Karen is a fantastic person. The beautiful thing was that I managed at the end to keep them both for a while. Both of them stayed with me despite knowing that I was going to leave, and they provided stability during that period.

I have had great staff. I will not try to name them all, other than to say that, without Paula Russell organising my life, it would have been very difficult during the last couple of weeks. I do not know when to get up, when to go to the bathroom—all those things that were always planned out for me within an inch of my life.

I would also like to thank my colleagues, who have been fantastic. I have had huge support as leader of the Senate. I cannot thank them enough for how easy they made that job, and for the teamwork and the unity of purpose and their support. I am very grateful for that. I shall not name too many, but I do want, first of all, to thank John Faulkner for his guidance and assistance in my development. He was a tremendous mentor, as was Robert Ray, who took on the role of trying to mentor some of us into new roles. I would particularly also like to acknowledge my deputy, Steve Conroy, who is now leader, the two managers I had, Joe Ludwig and Jacinta Collins, who are both fantastic, and the two whips, Kerry O’Brien and Anne McEwen, who have also been fantastic. Thank you to all my other colleagues.

I have had an enormously satisfying career and huge opportunities. I was reflecting the other day, thinking about what I was going to miss. It is only the people, quite frankly. I have had enough; I have done my time; it is time to go—but I will miss the people. I was reflecting on the highlights, and people kept asking me about that. I thought, well, I have met three US Presidents. I have had the brass bands and the red carpet and all that when I went to Vietnam. Actually, none of that matters. I had to force myself to remember it.

What I do remember is going out and talking to Indigenous people, sitting on the ground with them when we were bringing in the Native Title Bill, and the tremendously rewarding experience that was. I presented scholarships recently to three young Indigenous people who won Charles Perkins...
scholarships to go and study at Oxford and Cambridge. One of my best moments as a minister—without being political—was opening BER facilities and seeing the changes they were making in schools right around the country.

But generally it has been the contact with the people. At the University of Western Sydney I got to meet with the parents of young people, the first in their family from Western Sydney going to university and getting that opportunity. Meeting with the parents, I was able to see their pride that their child had managed to access a university education. Another memory is representing the Labor Party when we were seeing troops off to Iraq and talking with the troops and their families. Those are the things that really leave an impression. It is working with Australians doing extraordinary things, making extraordinary sacrifices or trying to make the country a better place. That is what I found rewarding. That is what I will value. That is what I will remember.

And, as I say, you get those opportunities, and it is not just about being a minister. You get those opportunities by serving in the Senate, working on the committees. Today’s apology to those who had been forcibly adopted was, again, the consequence of some great work that was done in the Senate by committees pushing issues such as that one. It is a great credit to the Senate and that system.

I do not want to go on too long. There are a couple of other things going on today, apparently, and someone tried to suggest that my valedictory would not lead tonight's news. I know you would be shocked about that because, as you know, what happens in the Senate is always the most dominant political issue of the day. I am sure that today is no different.

But there is just one other quick comment that I want to make. When I was thinking about my colleagues and the changes that have occurred, I looked around the chamber—and it has changed dramatically. It is not all blokes. When I came in, I think there were five female Labor senators, and now there are 15. Without being political, the Liberal Party has not done so well in recent years. After bringing in a great crop of women in the eighties, they have lost the energy behind that. They have no shortage of good women but, looking at the figures, I think the Liberal Party has to lift its game. Of course, the Greens and the Nationals have done very well in recent times.

The Labor Party changed its rules, brought in affirmative action, changed the party, made it more representative and made it a better party, and we are a stronger party for that. There is not enough recognition of that. Reflecting on us, when I left, it was a standout in terms of the changes that have occurred, apart from the personalities. We have this debate about our relationship with the trade union movement and how we need to change. We have shown before that we can change. We moved away from racist attitudes and the White Australia policy. We moved away from excluding women. We can find a better way of managing the changes in the workforce and our relationships with trade unions so that we remain an encompassing party—one that seeks to represent the whole community and welcomes in people to participate and to represent it in a much broader way. I think that is obviously a debate we are going to have, and I think it is an important debate for the future of the Labor Party.

I thank people for coming in—I did not expect that. As I said, I am not a great fan of these things. If you have not said it in the last 20 years, you are probably not going to come up with anything that is terribly fresh or
valuable. I do appreciate the camaraderie and the personal relations. Apart from a couple of notable exceptions, I have got on pretty well with most people around the place and tried to retain respectful and proper relations. I think we all do that. It is a shame people only ever focus on the times of conflict—the theatre, which I think is an important part to the democratic process. It is better that we shout in this room than seek the alternative remedies that occur in so many other countries. If a bit of unruly behaviour occasionally or an hour a day in the parliament is the worst thing going on in a democracy, it is not a bad thing even though it is not very edifying or necessarily informative.

Mr President, thank you for your assistance. Thank you, everybody, for your support and friendship. If I do miss the place at all or if I do suffer from relevance deprivation in any way, I know there is a role for me, like so many others, on 24-hour TV providing expert advice, explaining why I was always right when I was in politics and explaining what you are all doing wrong. Promise to shoot me if I get like that. With all due respect to them all, thanks very much. I hope you are all healthy and continue to make a contribution to our democracy, which is, of course, one of this country's great strengths.

COMMITTEES
Rural and Regional Affairs and Transport References Committee

The PRESIDENT (15:55): I have received a letter from a party leader seeking variations to the membership of a committee.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:56): by leave—I move:

That Senator Fawcett replace Senator Nash on the Rural and Regional Affairs and Transport References Committee for the committee's inquiry into aviation accident investigation on 21 March 2013, and Senator Nash be appointed as a participating member of the committee.

Question agreed to.

DOCUMENTS
Tabling

The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red.

Details of the documents also appear at the end of today's Hansard.

COMMITTEES
Environment and Communications References Committee

Reference

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:56): by leave—I move:

That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 1 June 2013:

The effectiveness of current regulatory arrangements (under the Broadcasting Services Act 1992 and the Copyright Act 1968) in dealing with the simultaneous transmission of radio programs using the broadcasting services bands and the internet ('simulcast'), including:

(a) the impact of current regulation on stakeholders including broadcasters, copyright holders, including both publishing and performance rights holders, and the audience;

(b) the operation of licensing arrangement schemes in international jurisdictions; and

(c) any related matter.
Question agreed to.

ADJOURNMENT

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:56): I move:

That the Senate do now adjourn.

Vyhnalek, Mr Milan

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (15:57): I rise this evening to pay tribute to a prominent Tasmanian who sadly passed away recently: Mr Milan Vyhnalek. I had the opportunity to meet Mr Vyhnalek in the early 1990s when I was a young lawyer. Mr Vyhnalek approached our law firm and I worked on some of his legal affairs at the time. At the time, I took the opportunity to get to know a little bit about him and what he had achieved. As a migrant to Australia, he really was an impressive man and delivered a lot of benefits to the people of Tasmania, particularly the north-west of Tasmania. He was a true entrepreneurial pioneer of the dairy industry on the north-west coast of Tasmania. As I mentioned, he sadly passed away earlier this month at the age of 87.

Mr Vyhnalek migrated to Australia in 1950 after fleeing communist Czechoslovakia. Although he was a dairy technologist by trade and training, like many European immigrants of the time he ended up first working on the Snowy Mountains Hydroelectric Scheme before moving to Tasmania to take advantage of opportunities he saw in the dairy industry. He first attempted to begin cheese making at Marrawah in the far north-west of Tasmania in the early 1950s, but due to opposition from the local and then existing butter factories that venture failed to proceed. This is an example how the protectionism of the time actually did hold back enterprise, wealth and job creation.

Mr Vyhnalek then went on to establish the Lactos Cheese Factory in 1955 on the site adjacent to Betta Milk on Old Surrey Road in Burnie. As I understand it, the idea at the time was that he would use the excess milk from the Betta Milk production to make the cheese and rented some of the land at the Betta Milk factory site in order to make that possible. So it was presented as a win-win for the milk factory and for him.

Back in 1955, Tasmanians were basically used to cheddar cheese in blue cardboard packets, but Mr Vyhnalek’s focus was on specialty soft cheeses, such as white mould cheese like brie and camembert, for which Australia’s new migrant population provided a ready new market.

In focusing on these types of cheeses and developing the factory that he developed, Mr Vyhnalek put the north-west coast of Tasmania on the map for being home to some of the finest quality specialty cheeses in the world. Mr Vyhnalek sold Lactos in the early 1980s and went on to establish the Lacrum factory at Mella on the far north-west coast of Tasmania near Smithton. Lacrum was significant in size and the first of its kind for the state with leading edge technology such as a 60-cow rotary milking system and silos with capacity for up to 16,000 litres of milk, such was the production capability of this farm.

Mr Vyhnalek also had the foresight to develop Lacrum into a tourist venture, providing a viewing platform for tourists to observe milking. Busloads of people used to come and take advantage of what he was offering. The tourist attraction was included on the itinerary of many touring companies at the time and it actually became a key attraction of the Circular Head region.
Mr Vyhnalek was a true pioneer of the dairy manufacturing industry in Tasmania and indeed in Australia. Through skill in cheese making and the clever marketing he applied as he built Lactos, he turned Lactos into the largest manufacturer of specialty cheese in Australia and also a considerable exporter. Although Lactos is no longer Tasmanian owned, it both directly and indirectly continues to be a major employer on the north-west coast region through its support of local farmers and suppliers.

Milan Vyhnalek contributed significantly to the north-west coast community and indeed to the broader Tasmanian community. He leaves a legacy that the community continues to benefit from around 60 years since he opened his first factory. The people of Tasmania and of the north-west coast in particular are very fortunate to have had a pioneer of such vision, dedication and skill as Milan Vyhnalek.

Senate

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (16:01): I know it sounds a little peculiar but there are some things I should say. This is a time of turmoil on the other side of the House. Soon we may well get ourselves another Prime Minister and I would not be surprised in the least if this is the last day before we go to an election. Of course, if it is the last day and I am the last adjournment speaker, this could be the last time I speak in this chamber because I will be standing for preselection in Tamworth for the seat of New England. If I win, I will not come back in here and, if I lose, that is it. So it is important to try and get a few things on the record just in case.

The first thing I would like to do is thank my wife for helping me in my career. I would like to thank my children for putting up with the fact that I was never there. I would like to thank the staff who have been so patient in all this time. I would like to thank the National Party, for which I have worked for 20 years—and also with the LNP. I think that this chamber can do so much. It is a great protector of democracy. As Senator Evans said, there are a lot of theatrics that go on in here, but we know the difference between the football paddock which this place is and the civility which is the corridors or the waiting lounge at an airport.

I hope the Australian people recognise that we do not carry on outside this chamber as we carry on inside it. There is an incredible well of decent people in here trying to do the right thing for their nation, regardless of what side they are on the political fence. They work extremely hard and are philosophically driven. If I had a belief for this chamber when I first came, it was that it would be more of the states' house, as it was supposed to be. I have to say I think the biggest problem with this chamber is that it has become a representation of political parties. I think we fool ourselves. We say, 'The Senate is the states' house.' I have never ever seen a vote in this place based along state lines and that is a shame. Maybe if people sat in blocks in their state they would be less inclined to yell at one another and maybe you would have a more civil debate and we would remove ourselves from some of the unedifying spectacles that we get in here so often. That is never going to happen, of course. So we end up with this being like a quasi-political blockhouse.

It would also have been better if we were not so reticent about people having a difference as to whether they cross the floor. In my time in this chamber I think I have done it 28 times. It has not destroyed my political career. I hope I was never self-indulgent or selfish in that. I hope it gave the Australian people at times a sense that there
is independence of thought, you can express it and, if the issue is correct, you should do it. It is obligatory for you to do it.

I have seen times, such as now, where people are able to rise above the issues of politics into the issues of what is right. That is on our side. I know the other side differ. On the ETS debate we realised that philosophically we just could not support it. It was completely against our ethos. We believe in small taxes, small government, the rights of small business and trying to keep costs down, and we had a tax that was going to bring about big bureaucracy, big government and belief that other people knew better what to do with our money than we did on the premise that it would somehow affect something that we knew it was never going to affect, the climate. That was a debate that started with very little support, except from this gentleman sitting beside me, Senator Ron Boswell. No-one gave us a hope; no-one gave us a chance. The world was basically ridiculing us as peculiar. Ultimately it changed the whole scope of where the nation went on that key policy.

Without self-deification, what that does show is that, if you have the right motivation and you really believe in something, then from this chamber you can change the direction of this nation. You certainly can. It is a great vessel for a higher form of debate. The committee system is an extremely good system and what the Senate offers when you come in the door, if you get involved in the committee work where you believe your role is appropriate and you best fit, is that then you can straightaway go into a period of effect. I have a suspicion that in the other place you can get lost in the bowels of the backbench and never be seen again. The Senate allows you a greater capacity to have a role right from your initiation.

The next few weeks will be an interesting time for me and for my family. I do not for one second presume that this will be a walk in the park; it will be an extremely torrid fight—Mr Windsor is a wily character. I might differ in the extreme with his political philosophy and process, but I do not deny his attributes as a politician. This will be an interesting observation for many people who watch this, but the process that Mr Windsor has followed in New England, to be honest, has defrauded so many people of their rights and how they see things.

It was the area that I grew up in. I grew up not in a town but in a location—in a place called Danglemah. There is not much there.

Senator Cameron: I've been there!

Senator Joyce: I went to Woolbrook Public School. Senator Cameron went and saw the school that I was school captain of—the only other honour, apart from this one, I have ever had! It was peculiar: at Woolbrook Public School our biggest rival was the Catholic school. We could not stand the Catholics. The problem I had was I was Catholic, which was always an issue. I do not know how I ended up at the state school, but I did. If I am successful, it will be an interesting time for me to go back to a place that I left for work some time ago. I had to move to Queensland for economic reasons. There was not much work where I was in New South Wales. Anyway, one thing led to another and here I am.

I have a strong suspicion that this will be the last time I speak in this chamber. I would like to say that I have friends on both sides of the political fence, and the good thing about that is we respect each other's confidences and I think the Australian people should know that. I want to thank the Australian people for being so patient with me over this time. I would like to thank my party. The greatest honour I had was to lead
the National Party. The National Party is so important. We get ridiculed for being hayseeds and this and that, but it is so important to try to bring to the debate the perspective of the poorest people in Australia. That is the thing I always kept closest to my heart—that is, we are the party that represents the poorest. We are the party that represents those people on the margins. And when we get ridiculed for being hayseeds, I always bear in mind that our people are ridiculed, with derogatory terms cast at the little towns and villages of the people we represent. Whether they are the fishermen or the farmers, they are generally the people who live in the weatherboards and irons out in the sticks; they are the people I came in here to represent and hopefully I will continue to do it.

If this is the last time, I wish my party all the best. They have been so kind to me. I hope I have been a good leader for them for the time I have been here. To everybody in this chamber and to my party, all the best and God bless.

COMMITTEES
Finance and Public Administration Legislation Committee
Report
The DEPUTY PRESIDENT (16:11): I present the President’s response to the report of the Senate Finance and Public Administration Legislation Committee on the committee’s inquiry into the performance of the Department of Parliamentary Services.

Senate adjourned at 16:11

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.]

Australian Communications and Media Authority Act—Australian Communications and Media Authority (Spectrum Licence Allocation – Combinatorial Clock Auction – Eligibility Deadline and Payment Terms) Direction 2013 [F2013L00499].
Australian Research Council Act—Linkage Infrastructure, Equipment and Facilities Funding Rules for funding commencing in 2014 [F2013L00514].
Broken Hill Radio – No. 1 of 2013 [F2013L00489].
Ipswich Radio – No. 1 of 2013 [F2013L00509].
Wagga Wagga Radio – No. 1 of 2013 [F2013L00506].
Civil Aviation Act—Civil Aviation Regulations—Instruments Nos CASA—31/13—Instructions – RNP as primary means of navigation for NDB, VOR or DME overlay approaches (Skytraders A319 aircraft) [F2013L00518].
33/13—Authorisation of persons to carry out maintenance on certain amateur-built, kit-built and light sport aircraft with a special certificate of airworthiness; Appointment of authorised persons to issue maintenance releases for certain amateur-built, kit-built and light sport aircraft with a special certificate of airworthiness [F2013L00495].
Customs Act—Customs By-Law Amendment Notice (No. 1) 2013—Customs By-Law No. 1304168 [F2013L00504].

Environment Protection and Biodiversity Conservation Act—Amendments of lists of exempt native specimens—

EPBC303DC/SFS/2013/15 [F2013L00491].
EPBC303DC/SFS/2013/16 [F2013L00492].
EPBC303DC/SFS/2013/18 [F2013L00493].
EPBC303DC/SFS/2013/19 [F2013L00494].

Export Control Act—Export Control (Orders) Regulations—

Export Control (Poultry Meat and Poultry Meat Products) Amendment Order 2013 (No. 1) [F2013L00502].

Export Control (Wild Game Meat and Wild Game Meat Products) Amendment Order 2013 (No. 1) [F2013L00501].


Higher Education Support Act—VET Provider Approval No. 10 of 2013—Australian Vocational Learning Institute Pty. Ltd. [F2013L00515].

Income Tax Assessment Act 1997—

Location Offset Rules 2008 (Amendment No. 1 of 2012) [F2013L00510].

PDV Offset Rules 2008 (Amendment No. 1 of 2012) [F2013L00516].

Maternity Leave (Commonwealth Employees) Act—Select Legislative Instrument 2013 No. 34—Maternity Leave (Commonwealth Employees) Amendment Regulation 2013 (No. 1) [F2013L00500].

Migration Act—

Instrument IMMI 13/001—Post office box, courier address and facsimile number [F2013L00503].

Migration Regulations—Instruments IMMI—

13/002—Specification of addresses [F2013L00505].
13/004—Class of persons [F2013L00512].
13/008—Visitor visa applications from citizens of the People’s Republic of China [F2013L00513].

13/007—Travel agents for PRC citizens applying for visitor visas [F2013L00511].
13/010—Class of persons [F2013L00508].
13/035—Instrument of revocation [F2013L00507].

Select Legislative Instrument 2013 No. 33—
Migration Legislation Amendment Regulation 2013 (No. 1) [F2013L00490].

Private Health Insurance Act—

Private Health Insurance (Benefit Requirements) Amendment Rules 2013 (No. 1) [F2013L00497].

Private Health Insurance (Complying Product) Amendment Rules 2013 (No. 1) [F2013L00496].

Telecommunications (Carrier Licence Charges) Act—Determination under paragraph 15(1)(d) No. 1 of 2013 [F2013L00517].

Indexed Lists of Files

Tabling

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2012—Statement of compliance—Climate Change and Energy Efficiency portfolio.

Answers to Senate Questions on Notice will no longer be published in the Senate Hansard. The full text of Questions on Notice and their answers are available online at www.aph.gov.au/SenateQON